In order to properly implement the significant federal interest in vigorous private enforcement of the antitrust laws, your Movants respectfully submit that this Honorable Court should refuse to approve the Consent Decree proposed in this case and order the United States to proceed to trial, since such decree as presently formulated (a) would not be entitled to collateral estoppel effect under Section 5(a) of the Clayton Act, and (b) would prevent access by potential private and public treble-damage Plaintiffs to the extensive evidence thus far gathered by the United States in the two years it has spent on the present case.

In the alternative, if the Consent Decree is approved, your Movants respectfully submit that this Honorable Court should either order that all evidence gathered by the United States be made available to any private or public treble-damage litigant, once such litigant has withstood a Motion to Dismiss its Complaint on the merits, and has established a class, thus demonstrating its intent to vindicate the rights of the public in this vital litigation, or incorporate in the Consent Decree a provision declaring that Defendants have unlawfully conspired for 15 years to retard the development of effective air pollution controls for automobiles, and making such adjudication *prima facie* evidence of an antitrust violation for any subsequent treble-damage suits. See, *e.g., United States v. Lake Asphalt & Petroleum Co.*, 1960 Trade Cases ¶69,835 (D. Mass. 1960); *United States v. Bituminous Concrete Ass'n, Inc.*, 1960 Trade Cases ¶69,878 (D. Mass. 1960); *United States v. Allied Chemical Corp.*, 1961 Trade Cases ¶69,923 (D. Mass. 1960).

Respectfully submitted,

JOHN M. ELLIOTT,
EDWARD F. MANNINO,
Attorneys for Movants, Thomas J. Monaghan, Mayor of Lancaster, Pa., and Louis J. Tullio, Mayor of Erie, Pa.

AFFIDAVIT OF SERVICE BY MAIL

I hereby certify; under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Philadelphia, Commonwealth of Pennsylvania, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 2600 The Fidelity Building, City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania:

That on the 9th day of October, 1969, I served the attached Motion for Leave to File Comments and Comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania, upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Philadelphia, Pennsylvania, addressed as follows:

Raymond W. Phillips, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012. (Attorneys for Plaintiff, United States of America).

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. (Attorneys for Defendant, Automobile Manufacturers Association, Inc.).

Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 (Attorneys for Defendant, Ford Motor Company).

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 W. Olympic Blvd., Suite 80, Los Angeles, Calif. 90015 (Attorneys for Defendant, General Motors Corporation).

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 (Attorneys for Defendant, Chrysler Corporation).

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 (Attorneys for Defendant, American Motors Corporation).

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: October 9, 1969.

JOHN M. ELLIOTT.

Sworn to and subscribed before me this 9th day of October, 1969.

CLAIRE BOWRON,
Notary Public.

My Commission expires: March 22, 1973.

SENATE—*Tuesday, October 28, 1969*

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

The Reverend Horace B. Lilley, associate rector, All Saints Episcopal Church, Chevy Chase, Md., offered the following prayer:

Almighty God, as we now invoke Thy blessing since by Thy grace we come to a new day, we give Thee humble thanks for past guidance to the Members of this responsible branch of our Government. Where it has been right, establish it, where in error, redirect it. Give us faith, courage, and strength to find the right solution to so many difficult problems.

Grant that in seeking to head our country in a turbulent and troubled world, in which many of our old securities have been shattered, our own hearts and minds may be tempered with steadfast spirit which finds its strength in Thee.

Show us how we may make the ideals of democracy a stronger force in our own land, and thereby in the places of the earth where men struggle for freedom and justice.

Give us the wisdom, strength, and courage to keep alive among our citizens, their children and their children's children the spirit of reform, where needed, and give us the insight for an effective purpose, based on intelligence, and the right responsibility.

All of which we ask in the name of Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 27, 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.

REPORTS OF SECRETARY OF DEFENSE AND SECRETARY OF TRANSPORTATION, RELATING TO AWARDS FOR SUGGESTIONS, INVENTIONS, AND SCIENTIFIC ACHIEVEMENTS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Armed Services:

To the Congress of the United States:

Forwarded herewith in accordance with the provisions of 10 U.S.C. 1124 are reports of the Secretary of Defense and the Secretary of Transportation on awards made during the first six months of 1969 to members of the Armed Forces for suggestions, inventions, and scientific achievements.

The last previous report on the military awards program covered the calendar year 1968. Following the present six-month report, future annual reports will be submitted on a fiscal year basis. This will increase efficiency by facilitating the compilation of the report in conjunction with the Incentive Awards Program report which departments and agencies submit annually to the Civil Service Commission.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. The success of the program in motivating military personnel to seek and suggest ways of reducing costs and improving efficiency is shown by the steadily increasing participation and the notable growth in measurable first-year benefits from adopted suggestions.

Tangible benefits from suggestions submitted by Department of Defense and Coast Guard military personnel that were adopted during the period from January 1 through June 30, 1969 totaled over $57,000,000. This figure, if projected for the entire year, would substantially exceed the total for calendar year 1968. Tangible first-year benefits derived from the suggestions of military personnel in the relatively short period since the program went into effect have now reached a total of more than $272,000,000.

130,861 suggestions were submitted by military personnel during the reporting period, and 20,757 were adopted. Cash awards totalling $924,742 were paid for these adopted suggestions, based not only on the tangible benefits cited above but also on many additional benefits and improvements of an intangible nature.

A substantial majority of the cash awards paid went to enlisted personnel at Grade E–6 and below. The size of the cash awards varied from the minimum of $15 to several awards in excess of $1,000.

Brief descriptions of some of the more noteworthy contributions made by military personnel through the suggestion

program during the first six months of 1969 are contained in the attached reports of the Secretary of Defense and the Secretary of Transportation.

RICHARD NIXON.

THE WHITE HOUSE, *October 28, 1969.*

REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIENT (H. DOC. NO. 91-186)

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

To the Congress of the United States:

In recent months many American communities were ravaged by storms that were among the most violent and destructive in our history. Although our civilization has been able to perform the incredible feat of placing a man upon the moon and returning him to earth, we have only a very incomplete understanding of the forces which shape our weather and almost no power to control or change them. That is why this Tenth Annual Report on Weather Modification, as submitted by the National Science Foundation for Fiscal Year 1968, is of special interest.

This report tells of the important progress that is taking place in the field of weather modification—on projects ranging from augmenting precipitation and dissipating fog to simulating the life cycle of hurricanes. Such advances may someday permit us to manipulate our weather in ways which protect us from natural disasters and substantially improve the quality of our environment.

I congratulate those Americans who, in cooperation with scientists of other nations, are doing so much to achieve these goals.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. ASHLEY, Mr. WIDNALL, Mrs. DWYER, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. WIDNALL, Mr. MIZE, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9257. An act to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage of motor vehicles;

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 13837. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 5968. An act 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;

H.R. 9857. An act to amend provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; and

H.R. 11609. An act 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.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 9257. An act to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage or motor vehicles;

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 13837. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes.

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.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for a period of approximately 30 minutes, beginning about 12:30 p.m. today.

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.

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.

U.S. ARMY

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

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.

NATIONAL COMMISSION ON MATERIALS POLICY

Mr. BOGGS. Mr. President, several weeks ago, I introduced an amendment to S. 2005, which is currently under consideration by the Public Works Committee. The amendment, cosponsored by 11 other Senators including eight members of the Subcommittee on Air and Water Pollution, would establish a National Commission on Materials Policy.

The Commission would be charged with examining the use and reuse of materials in our environment and with suggesting ways for the United States to use more effectively its resources and technology.

The concept would give our Nation a fresh look, from the outside, at the full scope of the materials-environmental relationship, not limiting our perspective to a closeup of rusty cans and dirty water. Such preventatives to the pollution of materials left in our environment, I believe, would enable our Nation to develop a more effective and rational process toward environmental enhancement.

While the Commission would have a limited life, its design would be to leave a legacy of planning for all Government. The study from which the Commission idea came, "Toward a National Materials Policy," declares:

> A commission appears to give the most reasonable chance for rapidly bringing into focus issues in materials policy on a timely basis which could then be given consideration by some more permanent institution of Government.

I was pleased that in recent hearings before the Subcommittee of Air and Water Pollution, Government witnesses testified of the need for such a policy. Since those hearings, I have sent copies of amendment 153, plus copies of "Toward a National Materials Policy," to a number of environmental and materials experts for their evaluation and thoughts. I am gratified, as I know the cosponsors of the amendment must be, with the enthusiastic response it has received.

Mr. President, in order to give the Senate some idea of the opinions and reception for this amendment, I ask unanimous consent that these letters, together with a copy of my questions, be printed at this point in the RECORD.

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

NATIONAL COMMISSION ON MATERIALS POLICY

There are several questions on which your comments would prove most helpful in a consideration of legislation to create a National Commission on Materials policy.

1. On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?

2. Should a commission, as proposed in this amendment, investigate the availability and use of materials? What limitations and restrictions, if any, should be placed on the consideration of the availability and use of materials by such a commission?

3. Do you believe that the directives in the amendment to such a commission are adequate? How might they be strengthened?

4. Do you believe that a 1½-year life and a $2,000,000 authorization is sufficient for an optimum contribution by such a commission?

5. Can you suggest other knowledgeable individuals whom the committee might profitably contact to gain a broader analysis of this amendment?

6. Do you believe the establishment of this Commission would serve a useful purpose?

7. Have you any suggestions for improvements to the amendment?

Any additional comments or thoughts you might wish to make would be greatly appreciated.

VIRGINIA POLYTECHNIC INSTITUTE,
October 3, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for your letter of October 1 regarding an amendment to S. 2005.

I was particularly impressed with Item 3 on page 3 of the amendment, which mentions recycling. Not enough attention has been given to this aspect of environmental quality control. We should direct our attention not only to the production and consumption of various items, but also to the restoration of used materials to some beneficial form. Virtually all of our technological efforts have been directed toward production, a luxury only permissible in frontier societies, if then. We should make every possible effort to redirecting technological development toward the problems of recycling various wastes.

Although I have not had the opportunity to read the report of the Materials Policy study group, I suspect that not enough attention has been paid to the sociological and educational problems of re-orientating an entire society from a use-discard way of life to a use-recycle way of life.

The problems of air pollution, water pollution, and solid waste disposal are so interrelated that I would hope the solid wastes problems would not be resolved in ways that would cause further environmental deterioration. The intent of the amendment to protect environmental quality in the larger sense is quite clear, but the ways in which the National Commission on Materials Policy activities would relate to those of other organizations charged with protecting the environment should probably be spelled out more clearly. Developing a workable system for general environmental protection will not be an easy task and yet, effective environmental quality control will probably not be workable if the various problems are considered in isolation.

In general, I feel that solid waste disposal legislation is desperately needed because we are destroying irreplaceable natural resources in the effort to avoid being buried in our own wastes. Reaching a harmonious relationship with our environment will probably require major changes in our way of life. Legislation that will enable us to make this transition with the least economic and social disruption is badly needed.

I am encouraged by your efforts and those of your colleagues toward the development of environmental quality control legislation that will enable us to enjoy the benefits of an industrial society without losing the privilege of communing with nature.

Sincerely yours,

JOHN CAIRNS, Jr.,
Research Professor, Department of Biology.

MISSOURI BOTANICAL GARDEN,
October 6, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I wholeheartedly support the legislation you propose in the amendment for S. 2005. It is my conviction that the nation must have a careful assessment of its material resources and what it means to exploit them. How long will they last? How costly will they be? How much pollution will result from exploitation? How does the use of our resources relate to supply and demand elsewhere?

The one and a half year life sounds too short for such a commission. I believe two and a half or three years more realistic in order to accomplish a difficult job.

I am convinced that our present standard of living cannot be sustained for very many generations or if it is that the problems of wastes and pollutants will become impossible. There is a very important question to be answered which relates to: How much, for how many, for how long? An assessment of the answers to this question must be obtained.

The members of the Commission should receive compensation. I do not see consultants and others being paid and members of the Commission not paid, even though it is small.

Eventually we need to achieve a continuing study of the type proposed in your amendment. This can be judged better after this Commission has done its job.

Sincerely yours,

DAVID M. GATES,
Director.

CORNELL UNIVERSITY,
October 6, 1969.

Senator J. CALEB BOGGS,
Senate Office Building.

DEAR SENATOR BOGGS: Thank you for your good letter of October 1, inviting my comments on the Amendment to S. 2005. This calls for enhancing environmental quality and conserving materials, and I will offer a few general comments. As an ecologist I see our long term needs as going far beyond the provisions of this bill and, indeed, probably far beyond what it is reasonable to expect Congress to do very rapidly.

We are now being extremely wasteful of our natural resources and at the same time, accelerating deterioration of the environment. Without exception the situation could be greatly improved by legislation.

In the case of fuels, if we are looking to our long term needs, we should encourage imports and the development of more efficient means of utilization. This means, among other things, continual careful scrutiny of the entire transportation picture—internal combustion engines, mass transportation, etc. As regards power generation, engineers are confident that advanced systems, especially the magnetohydrodynamic generator (MHD) can greatly improve efficiency and reduce pollution. Proper incentives could hasten its development. Nuclear reactors of the present generation waste more than 99 percent of the energy in uranium and release frightening pollutants. Nuclear energy doesn't seem to have much future unless breeder reactors come along quickly. I regard the proposed fast breeders as exceedingly dangerous, but at Oak Ridge they have a prototype of a molten salt breeder reactor (MSBR) which will avoid both the main hazards and the contamination, and which will conserve our uranium and thorium. If it were my decision I would push development of the MSBR (and any equally promising systems I may not know of) and hold back on present day reactors.

As regards metals, present depletion allowances encourage mining with all its environmental effects. If it were made as expensive to mine and refine new ores as to reclaim used metal, the auto graveyards would disappear. Reuse should be encouraged—perhaps requiring deposits on aluminum cans would help.

The no deposit, no return glass bottle should be prohibited. Statistics show that deposit bottles make an average of 20 round trips so the present "one way" bottle will increase the waste disposal problem for glass

twenty fold. In fact attention should be given to eliminating glass bottles almost entirely. However, very intense studies of alternatives is needed. In Europe, especially West Germany, there are some very advanced incineration systems that burn trash and garbage with minimal environmental pollution, and generate electricity in the process! However, they find some types of plastics damaging to the grates. Such side effects should be taken into account in seeking substitutes for glass bottles. But if man is to have a long time future it will be absolutely necessary to find ways of recycling all of our wastes. Current practices are, as usual, determined by very short term (and in my view short sighted) economic considerations. During World War II even tin cans and toothpaste tubes had salvage value.

So I think the type of Commission you propose would find plenty of things to look into and, if properly constituted and staffed, could produce an invaluable report to guide future policy. However, I personally doubt that the job can be done adequately in 18 months or two years by busy people devoting part time without compensation.

Respectfully,

LAMONT C. COLE,
Professor of Ecology.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
October 7, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I respond herewith to your letter of 1 October 1969 concerning your amendment to create a National Commission on Materials Policy. Overall, in my view, it is a good amendment, and I endorse it. I offer herewith the following substantive comments.

The bill itself is concerned with solid waste disposal. It is an Act concerning this matter. It is important, I think, that the bill as a whole, including its amendments, concern itself mainly with matters pertaining to solid waste. Items 204: 1, 4 and 7, while perhaps desirable in themselves, are not directly to the point of solid waste disposal.

Item 204: 2 is a really great and good innovation. We have not, in our nation, heretofore concerned ourselves greatly with population matters. Increasing population will of course sink our whole nation in solid waste, as well as in other undesirable by-products of civilization. Why should we not establish the Commission which you propose, to determine what is an optimum population size for the U.S., and methods for attaining and sustaining this optimum population? I do think that the proposed Commission could consider this matter, and that their findings would be really helpful to our country.

Responsive to your questions under the heading "There are several questions on which your comments would prove most helpful"—I offer my comments.

Question 1. "On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?"

I do indeed, particularly if we consider waste disposal. It is important, of course, that materials which can be recycled through our economic system be recycled. This is already considered in the bill as proposed, and in the amendment, as a suitable topic for discussion by the Commission. Even so, there is a certain irreducible minimum of waste which must be disposed of in some way. It is the opinion of many ecologists, and particularly of my colleague, Professor Norman Brooks, Civil Engineer of Caltech, that the best way to dispose of such irreducibly minimum wastes is at the bottom of the ocean. The bottom of the ocean is where nature has disposed of things for eons past. Let us continue this practice. Cut and fill is of limited good. Things leach out of cut and fill by rainfall, and pollute surrounding terrain. So let us dispose of the otherwise undisposable in the bottom of the ocean. Professor Brooks proposes to build a sewage canal from Chicago far out into the Gulf of Mexico, and drain the waste of the entire middle west through such a system. It is my estimate that this is a worthy enterprise to consider, and perhaps a solution in the long run to the problems of solid waste disposal in the middle west. I think that no one is seriously discussing this point, and that it should be discussed.

Question 2. You ask, "Should a commission, as proposed in this amendment, investigate the availability and use of materials?"

Yes, indeed they should. They should discuss in greatest detail the possible use of materials which are bio-degradable, or otherwise become unfit for use with age and easily disposable, preferably as sewage transported to the ocean, as noted above. Perhaps we should build our houses, not of brick, but of polyethylene, or so far as I know, of some more readily degradable material, so that houses as they become obsolete may be destroyed and degraded and transmuted into sewage. Perhaps sanctions should be imposed against the manufacture of aluminum foil, which, when transported into our out-of-doors, appears to last forever. Many such examples might be cited. The principle is, however, that the Commission, if proposed, and I think it should be, should consider and investigate.

Finally, you have outlined the directives in your amendment to the Commission on Materials Policy. I do think that the directives are sufficient. They are broad and all-inclusive. Successful operation of the Commission will depend mainly upon its personnel, upon the breadth with which they perceive their mandate. I do think the Commission can serve an enormously useful purpose. I have outlined several reasons for my belief above. Improvements for the amendment, so far as I can envisage them, would consist only in recommendations concerning the required high caliber of its personnel, and such recommendations, I realize, are politically infeasible. I hereby vote for your amendment. I think the Commission can perform a useful duty far over and above the direct purposes of its assignment.

Sincerely,

JAMES BONNER,
Professor of Biology.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
October 7, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.
Washington, D.C.

DEAR SENATOR BOGGS: I have reviewed the S. 2005 and the questions raised in your letter of October 1 on the proposed National Commission on Materials Policy, as well as the report of the materials policy study group and their recommendations.

Although I agree with the objectives of S. 2005 I am not enthusiastic about the Commission approach proposed in this amendment. The subject of materials management is part of the much broader spectrum of environmental and resource studies which historically are undertaken by many agencies of the government in a "shot gun" fashion. The proposed objective for the Commission of developing a coordinated national policy for materials management would certainly be a constructive contributioin. However, because of the complexity of the detailed problems involved in implementing any action in this area, there will probably be a need for a continuous examination, refinement, and modification of policy. For this reason the suggested 1½ year lifetime for the Commission appears to me to be inadequate. Further, the implementation of policy recommendations requires the continuous attention of an overview group after broad policies are agreed upon.

I do not believe that a short-term commission can perform these functions. In Appendix K, of the April 1969 study group report to you, the performance of several past special commissions is summarized. In particular, I call attention to the criticism of the Paley Commission on page 75. This commission did a monumental job and certainly produced valuable insight to our national materials problem. However, it resulted in "no significant legislative enactments" and "no action on its main recommendation of a continuing central coordinating agency." The criticisms of the other committees reviewed in the appendix also deserve consideration as possible difficulties with the proposed Materials Commission.

If the objective of the Commission is to bring national prominence to the issue, then the suggested activity at the presidential level will, of course, be most effective. If, however, the purpose is to develop coordinated national policy, I do not believe this would be a productive approach. For this latter objective, one could utilize the overview capabilities of non-governmental bodies such as Resources for the Future or the National Academy of Engineering for bringing together the pertinent variety of individual expertise, and for coordinating specialized studies into a composite analysis of the national problem. The suggested sum of $2,000,000 could probably finance an in-depth program of this sort for a period of about five years in the National Academy of Engineering. The Academy could utilize its volunteer on-goings committees and sub-committees with some modification for handling this task. While the same type of operation can be conducted by a permanent Commission, it would have to establish the administrative mechanism and professional contacts that now exist within the Academy.

I hope these comments are useful to you.

Sincerely yours,

CHAUNCEY STARR,
Dean, School of Engineering and Applied Science.

UNIVERSITY OF MINNESOTA,
October 7, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SIR: I was pleased and honored to receive your letter of October 1 asking for an evaluation of the amendment you and your colleagues are proposing relating to the development of a "National Materials Policy." It is most urgent that our nation take meaningful steps to improve and conserve the quality of our environment. Inaction at this time will only result in a worsening state with the assurance that future generations will have occasion to deprecate the wisdom of their ancestors. I believe the following specific points should be made in relation to the questions you asked.

First, probably the most important single issue confronting the Nation in respect to a quality environment is the need to develop the technological know-how and economic feasibility to permit the degradation of fabricated materials so that their constituents can be used as elemental components in new manufacturing processes. I am sure you are aware that the most obvious scars on our landscape are a consequence of the fact that heretofore industry has had a relatively free hand (often with the concurrence of the citizenry) in the exploitation of the Nation's natural resources. This is a natural consequence of a free enterprise system. The challenge that now confronts us is to maintain this system in a minimally restricted fashion. I have long espoused the philosophy that what is really needed is a "compact" involv-

ing industry, government and the members of the scientific community, the philosophy of the compact being that it is in everyone's best interests to arrive at meaningful solutions in seeking a quality environment. Unfortunately, this procedure may require imbuing the populace with an "ecological ethic" and I'm afraid that such an educational process would require more time than we can afford.

Second, I believe the commission you have proposed should be established and that it should be guaranteed free access to materials from all government agencies and should not suffer restrictions associated with the classification of "sensitive" material. This remark is intended to apply specifically to the atomic energy industry (which is needlessly maligned because of its history) which will surely play a major role as an energy source for the future. Obviously, such a commission would have to be composed of responsible citizens whose sole purpose is to serve the best interests of the Nation.

Third, the principal way in which the directives to the commission might be strengthened would be to mandate rather than request the cooperation and assistance of other federal departments.

Fourth, if the commission were composed of individuals who were sincere of purpose, objective in their deliberations, and were duly sensitive to issues of national concern, I believe they would receive the necessary support of both industry and government and, therefore, could do an effective job in one and one-half years with a two million dollar authorization.

Fifth, the Nation includes a tremendous number of individuals who would be pleased to assist in analyzing the amendment. I believe that I will defer to Mr. Potter of the Environmental Clearinghouse and suggest that you request additional names from him. In so doing, I would like to make one point, however, and that is that, when the commission is established, it should include one or a few very prominent industrialists such as Henry Ford, Lawrence Rockefeller, etc., in addition to members of the scientific community and government.

Sixth, I wholeheartedly support the establishment of the commission and commend you and your colleagues for your action.

Seventh, the only suggestion I have for improving the amendment would be to emphasize the need for the commission having the broadest possible support from both the executive and legislative branches of government. It would be particularly significant if it could be specifically endorsed by the President so that there would be assurance of the cooperation of the government agencies with whom the commission would have to work.

I trust that these comments will be of use to you. Thank you for giving me the opportunity to respond.

Sincerely yours,

RICHARD S. CALDECOTT,
Dean, College of Biological Sciences.

INSTITUTE OF ECOLOGY,
UNIVERSITY OF GEORGIA,
October 7, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: Ed Deevey, formerly of NSF, said that pollution was unused production. While this is an oversimplified statement of the case, it is essential that we learn to recycle materials more efficiently. In a mature, stable economy we will have to maximize recycling and reuse of resources and reduce flow-through of the environment to a minimum. This policy is true not only because pollution of the environment is inimical to our welfare, but also because resources are limited and we cannot afford the cost of reconcentrating widely spread used resources. I can see the day coming when sewage and trash for each dwelling passes through commercial or government reconcentration centers where the materials are repackaged for use in manufacturing, agriculture, construction, etc.

Clearly, a National Materials Policy is essential for economic as well as for ecological reasons. I would suggest that the proposed commission not restrict its attention to specific material or resources since the problem is very wide and complicated and concerns all aspects of our ecology.

The amendment as written seems to cover all of these areas. I suspect that we do not have the knowledge available to devise feasible methods of recycling materials. Further stress might be placed on the economic value of reusing materials and therefore, increasing independence from difficult sources of supply of essential resources. This is an area where tremendous advances are going to be made and your amendment is clearly on the right track.

Sincerely,

FRANK B. GOLLEY,
Executive Director.

WOODS HOLE OCEANOGRAPHIC
INSTITUTION,
October 8, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: Thank you for sending me the copy of your proposed amendment, S. 2005, which would create a National Commission on Materials Policy. The problems of disposing of solid waste is a serious one, and one which will certainly become more acute as our population increases and concentrates more and more densely in urban areas. It is equally obvious that we are rapidly running out of space where solid waste can be accumulated without creating an unsightly mess, so that your amendment to provide a broad overview of the entire problem is timely.

There are increasing pressures to use the oceans as the ultimate repository for solid wastes. There have been some studies on the effects of artificial reefs on the marine biota, and it appears to be true that many solid waste materials can be used to concentrate fish, primarily sport fish, in the area of the reef. Whether this is an actual increase in the production of these fish or merely an attraction of them to one locality is still unknown. Commonly these reefs, which ordinarily consist of old car bodies or building rubble, are detrimental to the commercial fisheries since they tend to tear up the nets unless the fishermen know their locations and stay away from them. The disposal of sewage sludges off Long Island, New York, produced a sizable area in which the oxygen content of the water is reduced to zero, and all of the bottom populations have been eliminated. In general, therefore, the disposal of solid waste at sea has been done without regard to the consequences and should be considered a temporary expedient the justification for which is largely "out of sight, out of mind."

As an ecologist, I am firmly convinced that our civilization must completely re-orient its thinking towards the reuse and recycling of all waste materials. I am pleased to see this included among your list of duties of the Commission. For every waste material there will certainly be some residue which cannot be recycled or reused, but we must recognize the fact that the resources of this planet are not unlimited, and the recycling of as much as possible of our waste material is the only approach which offers hope for the ultimate solution to this general problem.

In response to your specific questions, I would like to offer the following comments:

1. Considerable attention is being given to various waste disposal problems, including solid wastes by federal and state agencies. It is not the quantity but the quality of attention that I find lacking. Many problems are considered by several agencies, each with its own viewpoint and with its own objectives. This inevitably produces conflicting interests, and such conflicts may even occur within a single Department. A Commission, such as your amendment proposes, could take a broad overview and recommend actions which would eliminate some of the conflicts. The main deficiencies of most of these governmental considerations, however, result because there is a strong tendency to use the technology of the last century in an effort to solve current problems and those of the next century. As mentioned above, in regard to all matters of waste disposal, I believe that this point of view must be drastically altered.

2. A Commission, as proposed in your amendment, must certainly investigate the availability and use of materials. This would be a necessary first step in order to approach an evaluation of the problem. I would not presume to suggest any limitations or restrictions on this part of the activities of the commission.

3. The duties of the Commission as outlined in the amendment appear to me to be adequate, and to permit sufficient scope so that the Commission could conduct an effective analysis of the problem.

4. I suspect that a life of 1½ years with the Commission is probably not sufficient time to permit a detailed evaluation of this problem. I find it difficult to evaluate whether the sum of $2,000,000.00 would be adequate, since this would depend on the composition of the Commission, upon whether they can obtain support and assistance from their agency (if they are government employees), and upon how much of a staff would be necessary to accumulate the necessary facts and information.

5. It is clear from your letter that you know the members of the Board of Advisors to the Ad Hoc Committee on the Environment of the Congress, and I presume that you have sent each of them a copy of this amendment for comment. I assume that you have also sent it to the appropriate personnel in the various agencies who would be directly involved, and I hope that you have also sent it to the Naval Academy of Sciences and the National Academy of Engineering for their comments. It might also be desirable to send this to the presidents or secretaries of the various scientific and engineering societies which might have an interest in the subject.

6. Such a Commission might well serve a useful purpose if its recommendations led to a consolidation of our national efforts in the approach to this problem, and especially, as emphasized above, if it brought to the attention of the appropriate federal and state agencies and the general public, the need for a reorientation of our thinking concerning the entire waste disposal problem.

7. I have no further suggestions for the improvement to the amendment.

Thank you again for sending me this amendment for comment. I hope that the above statements will be of use to you.

Sincerely yours,

BOSTWICK H. KETCHUM,
Associate Director.

YALE UNIVERSITY,
October 8, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for your letter of October 1 regarding your proposed amendment S. 2005 to the Solid Waste Disposal Act. Following are my comments to the specific questions accompanying your letter:

1. What is needed, but may be outside the terms of reference of the proposed commission, is a meaningful National Materials Policy that evaluates all of the following components: (a) population growth, (b) changes in rate of per capita consumption of different materials, (c) efficiency of utilization of materials, and (d) national and world material resources. There seems to me to be inadequate recognition of the implications of national and world population growth, that the total supply of both non-renewable and renewable resources is essentially finite, and inadequate study of ways to control the variables a–c to maximize long-term benefits.

2. Yes. No limit, aside from time and funds.

3. The directive should stress the need for long-range goals in terms of an ecological balance of population and resources.

4. The task of this commission is too great to accomplish its objectives in 1½ years. In that period of time and with the proposed allocation of two million, they should, however, succeed in defining the problem and building a model which could lead to an effective National Materials Policy.

5. Former Secretary of the Interior, Stewart L. Udall, would have a good deal to contribute by way of more recent perspectives on a bill which he was partly responsible for.

6. The establishment of such a commission is not only useful, it is essential to our urgent needs in this area.

7. None at the present time, although I would hope that it would lead to a permanent review and study and further legislation, where needed, regarding our use and waste of materials.

Sincerely,

RICHARD S. MILLER,
Oastler Professor of Wildlife Ecology.

UNIVERSITY OF WASHINGTON,
October 9, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

MY DEAR SIR: I have your communication of 1 October concerning S. 2005. I am pleased to comment on this amendment but hasten to point out that it concerns an area that is somewhat peripheral to my own competence.

In reply specifically to your questions:

1. An area that may not, although I am not certain, be receiving adequate attention is that of the disposal of plastic materials which, in general, decompose extremely slowly under natural environmental conditions. The rapid increase in the use of such materials, in my opinion, will make this soon a pressing problem.

2. I am not competent to comment.

3. Under Sec. 204(b) should there be a mechanism to facilitate the procurement of essential information from industry?

4. One and one-half years appears to be a bit too limited. I would suggest two years.

5. I would suggest that you consult the Environmental Studies Board of the National Academy of Sciences. The chairman is Doctor Harold Gershinowitz.

6. Yes, especially if it establishes adequate liaison with governmental components and non-governmental organizations concerned with the quality of environment.

7. None other than the suggestion in 3. Beyond this, Sir, I would make only one general comment. There is rightfully a growing concern about conservation and the quality of environment—within the Government and in the private sector. I find myself increasingly concerned with the patchiness and lack of integration of these well-intentioned efforts. It seems to me that it is now imperative that attention be given to some type of integrating scheme within the federal government.

If I can be of further assistance, please do not hesitate to inform me.

Sincerely yours,

DONALD S. FARNER,
Professor of Zoophysiology and Chairman, Department of Zoology.

COMMONWEALTH OF PENNSYLVANIA,
October 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I am pleased to reply to your letter of October 1, 1969, concerning your amendment to pending solid waste legislation, S. 2005, which would create a National Commission on Materials Policy. I am sure that you will understand that I am not a materials expert but rather an administrator in the field of environmental protection, and my comments reflect that viewpoint.

It is obvious, of course, that the questions involved in a study of materials policy are considerably broader than the environmental-ecological aspects. But the concept embodied in Title II of S. 2005, in effect, would provide a new "window" through which to look at national materials policy—that is, it would add the environmental viewpoint to the many others which must be taken into consideration. In my opinion, this addition is not only important, it is essential and perhaps might be considered a matter of survival.

From my point of view, there is also an inherent hazard in this approach. The hazard is that the environmental ecological aspects might be considered in such a minor way as to get lost in the many complex and difficult aspects of national materials policy.

The average citizen hardly needs an additional committee or commission to tell him that the volumes of polluting wastes emanating from man's activities due to growing affluence, higher standards of living, exploitation of natural resources, increasing industrialization and technology are resulting in wholesale and sometimes irreversible degradation of our environment. But he would be benefitted by the exploration and generation of new approaches and policies which would reduce or stem this tide through better methods leading to reductions in materials use or increased re-cycling and re-use of otherwise waste materials. Unquestionably, there needs to be spelled out the ways in which public intervention and public investment need to be activated for the common good, that is, environmental protection.

The achievement of environmental quality unquestionably requires utilization of a great many different kinds of leverages. The proposed study by a National Commission on Materials Policy could add to the armamentarium for environmental protection if adequate emphasis is given to this aspect.

Sincerely yours,

WESLEY E. GILBERTSON, P.E.,
Deputy Secretary for Environmental Protection.

GEORGIA FOREST RESEARCH COUNCIL,
October 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: Reference was made to your letter of October 3, 1969 to the Board of Advisors posing seven questions from which you would like to have the reaction of the advisors. I shall attempt to answer your questions in the order in which they were presented:

1. No.

2. Yes, as this commission is an investigative and study commission I suggest that they not be bound by tight limitations and restrictions.

3. Yes, I believe that the directives are adequate.

4. Yes.

5. None.

6. Yes, definitely.

7. No.

Comments: I endorse the establishment of a Commission on National Materials Policy. If I had any suggestion it would be that S. 2005 should be passed by the Senate and that the Commission should be created at the earliest possible date so that they may begin their investigation and study without delay.

Sincerely,

H. E. RUARK,
Director.

THE UNIVERSITY OF MICHIGAN,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: The report, "Toward a National Materials Policy." which I should have received some days ago, reached me only shortly before my departure for two weeks as Adviser to the World Health Organization. Thus, I have time for only the briefest comments now. On my return, I hope to examine the report more closely, and I shall probably have more detailed comments at that time. Rather hurried answers to some of your questions are:

1. I believe that there is inadequate policy and governmental machinery for the disposal, redistribution, or whatever term is to be used, of materials after they have been used. Our culture is well equipped to *assemble* materials of many kinds into the areas of greatest concentration of people. We are very poor, however, at redistributing used materials over the earth. This redistribution will be an essential feature of any environmental improvement method.

2. I should have thought that the commission would have needed to investigate the availability and use of materials, in order to carry out the duties listed in the amendment. I am therefore not sure that I understand the full meaning of the question.

3. Yes.

4. The sum seems large and the time short, but I am by no means qualified to give an informed answer to this question.

5. All such individuals whom I know would already be members of the Board of Congressional Advisors.

6. Only if a need is felt within the administrative departments for the advice and recommendations of the proposed commission.

7. Only the general suggestion raised in answer to No. 1, above.

Yours sincerely,

NELSON G. HAIRSTON,
Director, Museum of Zoology.

INDIANA UNIVERSITY,
October 13, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

MY DEAR SENATOR: In response to your letter of October 1, 1969, may I offer the following reactions to Senate Bill 2005, The National Materials Policy Act of 1969. In attempting to be of some assistance on this matter, I will follow the list of questions mentioned with your letter.

1. The whole question of wasted materials and lack of provision for recycling of reusable materials has certainly received insufficient attention. It seems obvious that the enormous problem of waste being created by the manufacture of no return, no reuse containers, and by the manufacture of equipment which can not be repaired and can only be discarded when worn out or broken. I am convinced that material recycling will shortly become a national policy if not for reasons of material shortage, certainly then as a measure to relieve the ever mounting problem of waste disposal. I would hope that this aspect of materials policy would receive much greater emphasis in the future than it has received until now.

2. Should a commission be created as proposed in the bill I would not think it desirable to limit it's consideration of the availability of use of materials.

3. The directives in the proposed amendment to the bill seem adequate to me, although they perhaps could be strengthened by more emphasis on the relationship of a

materials policy to systems of waste management and disposal. It may be that the main body of the bill makes ample provision for this. I would be inclined to add to Paragraph 6, Section 204, a similar affirmation to effect coordination cooperation among non-governmental agencies engaged in the production, distribution and use of materials.

4. It would seem to me that the provisions of the amendment to the bill are sufficient with respect to its life and fund authorization.

5. I am not able to suggest at the moment persons other than those that would readily come to the attention of your committee who might be used in connection with the analysis of the amendment. You have no doubt been in touch with Mr. Richard Carpenter who is heading the new Environmental Policy Section in the Legislative Reference Service in the Library of Congress. I am confident that he could be very useful in this connection.

6. I believe the establishment of the commission would serve a useful purpose. There is no question but that the problems to which it would address its attention are of major and growing importance in our national economy and are major factors in the difficulties that we are now having with the management of environmental quality.

7. I do not have specific suggestions for the improvement of the amendment but it seems to me to be a desirable and constructive piece of legislation. As you know, I am hopeful that this session of the 91st Congress, or in any event, the second session can enact legislation establishing a national policy for the environment. I have followed with much interest the legislation enacted in both houses of Congress during the past several months. If the features of the several bills that have been front runners for consideration were combined in an appropriate manner I think we could have a very strong and effective piece of legislation that would be very well received throughout the country. It would seem to me that your proposed amendment to the Solid Waste Disposal Act would be a contribution to national environmental policy.

With all good wishes.

Very sincerely,

LYNTON K. CALDWELL,
Studies in Science, Technology & Public Policy.

THE UNIVERSITY OF TEXAS AT AUSTIN,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR MR. BOGGS: I am indeed quite glad to respond to your request of October 1 for comments on the amendment which you and various of your colleagues are proposing to S. 2005. I am very much in sympathy with the objectives of your group. I will try to answer to the best of my ability some of the questions which you have posed.

With respect to question 1, I feel that we have an inadequate national policy with respect to materials today, if indeed one can say that we do have a general policy. It seems to me that the present need is one for a policy toward the total resources of the earth and toward these resources as viewed with respect to the size of the human population. As an ecologist, I am aware that there are limits to the potential growth of any population, including that of man. This means that the earth has a carrying capacity for man that is determined by the availability of the necessities which man requires. Therefore, I feel that any consideration of materials should also carry a consideration of the desirable limits to be put on the human population. The U.S. policy toward materials should be one that takes into account the totality of resources of the planet not just those available nationally.

In answer to question 2, I feel that a commission such as proposed in your amendment should have great freedom of action in investigating the availability and potential use of materials. As stated above, I feel that the commission should take an international view rather than a purely nationalistic one.

In answer to question 3, I believe that the directives to the proposed commission are quite broad, and I can make no useful suggestion for broadening of these directives. I am particularly enthusiastic about Item 7 regarding the feasibility and desirability of establishing computer inventories of national and international material requirement supplies and alternatives. I would only add that I would hope that again the question of human population size with relation to availability might also be fed into the computer. What I am saying is that the time has come and is actually past due when the world must look at population with respect to the ability of the earth's resources to support that population. Only by computer modeling and by the use of the modern technologies provided by the computer can the complex interaction of population and resources on a world-wide basis be gainfully analyzed.

With respect to question 4, I am rather dubious that a life of 1½ years would be adequate to see the job completed as I see the job ahead.

I hope these comments have been of use to you.

Sincerely yours,

W. FRANK BLAIR,
Professor of Zoology.

TENNECO, INC.,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Your letter of October 1, 1969, in reference to S. 2005 was misdirected and has just now been received. I, therefore, regret the delay in my response.

For convenience, I will reply using the format of your attachment and my comments will relate to the number of the questions listed.

1. I am of the opinion that the Ad Hoc Committee Originated By The Legislative Reference Service Library of Congress has adequately defined the problem by stating it is the availability, use, and disposal of materials which should receive the attention of a National Commission to be established through legislation. It is my candid opinion that none of these areas are receiving adequate attention.

With reference to the availability of materials, I would call to your attention the impact which may result from success in the recovery of manganese nodules from the ocean floor. This is relevant to me at this point in time because Tenneco Inc., through their subsidiary Deepsea Ventures, Inc., is the first privately financed organization with a mission to economically recover manganese nodules from the deep ocean floor, i.e., 10,000 to 15,000 feet, and to process those nodules in order to extract the metals contained therein. This is just one technological activity currently under way which may have a substantial effect on the availability of certain metals currently in short supply.

Intuitively, I suspect that the United States, its Government, industry, and people are not wisely using those materials which are available and that waste may well result in material shortages which, if continued, may be strategically and economically intolerable. My point is that if such waste exists, then we as a country must recognize it and seek workable solutions which will result in the avoidance of such waste.

With reference to disposal, we have a paradox currently in existence where we have solid waste materials choking our very existence with an important percentage of this solid waste being useable fibre. While at the same time, the paper manufacturers of the United States are suffering from a lack of raw resources which could be offset by reclaiming waste fiber.

The point of these three examples is to stress the fact that all three elements of the materials problem, i.e., availability, use, and disposal, have not had the proper attention and may very well result in serious economic consequence to our country.

2. Yes, in my judgment the Commission should investigate not only the availability and use of materials but also their disposal. I have interpreted the amendment sponsored by you and your colleagues to result in the creation of a group of specialists who would, on a very broad basis, investigate the availability, use, and disposal of materials for the purpose of recommending a course of action for our Government to follow to assure a sound National materials policy. It would be my reaction that such a Commission be restricted to that function. The Commission should not be made permanent and neither should it have authority to create and/or implement National policy. I believe that each element of our material problem is inordinately complex and of a magnitude beyond the understanding of most individuals. It would seem, therefore, that in some point in time the Congress may find it necessary to establish a permanent organization which would be responsible for the development of plans and policies that would assure an intelligent National program in the materials field. I envision an organization something like the former N.A.C.A. This was an organization that contributed greatly to progress of aviation in the United States. It sponsored research internally and externally. It served as a repository for a vast array of technical information in the aeronautical sciences. It was objective, effective, and trusted by Government and industry alike. During its long history, it seemed to avoid politics in the conduct of its affairs. I see a similar organization required for material technology. There is a need to know what is being done in research, development, and standard practice; and similarly, what can be done. The former might be accomplished by the establishment of a central information repository which would include pertinent statistics, technical state of the art, procedures, technique, policy and laws. The latter may result from sponsored research and development programs within the Government organization as well as industry. On the disposal end of the material problem, we have activities fraught with politics from the township level right on through to the Federal Government. Not long past, the results of an important mayoralty race was strongly influenced by an emotional appeal related to whether or not a housewife should separate her garbage. I, therefore, believe in some way we must remove these problems from politics. We must permit science and economics to determine the proper course of action.

3. Yes, I find the directives in the amendment to be adequate. The Commission is authorized to investigate in a very broad area and I believe it should be confined to investigation and concomitant recommendations.

4. Yes, I believe the 1½ year life is adequate for an optimum contribution by a Commission. I do not, however, feel that $2,000,000 authorized for that period of time is adequate. I believe that five times that amount would be required for the Commission to do what I think is required. I can envision their using Government and private industry research and development organizations for comprehensive analyses related to systems, engineering, economics, behavior patterns and other obvious areas which relate to this problem. To do this adequately, they are going to require money.

5. Yes, Mr. George Diesk, Senior Vice President, Packaging Corporation of America, 1632 Chicago Avenue, Evanston, Illinois 60204; Mr. Steven Brown, Environmental Science Coordinator, Tenneco Chemicals, Inc., 280 Park Avenue, New York, New York 10017.

6. Yes, the Commission can serve a useful purpose.

7. None, other than increase the amount of money authorized for the Commission.

I am concerned primarily with the disposal part of the materials problem. In my investigations to date, I find little or no imagination, innovation, or aggressiveness being used in the approch to a solution of this universal problem. In reviewing extracts on the grants which have been made by the Solid Waste Division of H.E.W., I find large sums of money being spent for the construction of *new* incinerators and the development of *new* land fills. I have not seen a grant which is in support of research or development directed to new ways of disposing of such material. I would expect to find some place in the Government a research grant in support of the development of biodegradable materials. It may, for instance, be possible to rearrange the molecular structure of polyvinyl chloride (PVC) to permit degradation at a given point in time or by the introduction of a catalyst. My point here is that in my judgment, the United States, its Government, and its people are not using imagination, resourcefulness, and inventiveness to solve this serious problem that confronts the world. Without question, we have the technical capability but we seem to lack the desire to confront and resolve this problem. The Commission that you and your colleagues envision may very well serve as the catalyst in our country to develop a constructive course of action in this vital area of National interest.

Sincerely yours,

ROBERT R. LENT,
Director, Corporate Research and Development and Marketing Services.

ECOLOGICAL SCIENCE CORP.,
Miami, Fla., October 14, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SIR: Thank you for your nice letter of October 1st and the material on proposed amendments to S. 2005, a bill to amend the Solid Waste Disposal Act.

I compliment you and your Committee on Public Works on an excellent presentation. I support your proposal enthusiastically.

I am concerned about the lack of encouragement that our present administration is providing for creative technical talent to pioneer radically new concepts that can solve our material disposal problem economically. The challenge is upon us to find a way to dispose of our exploding volume of wet and dry garbage, solid refuse and miscellaneous liquid wastes. Present methods not only are uneconomic but are imperiling survival of human beings on this earth by drastically upsetting the ecological balance that nature for so many years has provided to sustain human life. We must move with haste to encourage the greatest natural resources that we have—creative technical talent—likely found in an embryo company such as Ecological Science Corporation—to apply advanced technology to dispose of such refuse in a manner that cycles the effluents back into the rhythmic pattern that nature's ecological system can handle.

Concerning the specific questions you raised:

I don't believe the Commission should investigate the availability and use of materials. Rather, the emphasis should be on the manner materials are integrated in terms of the ultimate disposal requirement. This is the area that has been completely neglected in our society.

I believe the directives in the amendment to the Commission on materials policy are adequate. I would suggest that it specifically be understood that the Chairman of such Commission would be an individual other than the President's Science Advisor.

I think the initial appropriation of $2 million for the first 18 months is an adequate start. I believe the purpose of the Commission should be primarily of a catalytic nature—one that deals in concepts and establishes ground rules that stimulate proper application of advanced technology to the various problems at hand.

Without question, the establishment of the Commission would serve a most needed and urgent purpose.

I would be happy to appear before your Committee, Senator Boggs, to testify my enthusiastic support of what you are proposing.

If I can be of any further help, please advise.

Cordially,

HAROLD P. KOENIG,
President.

AMERICAN GEOGRAPHICAL SOCIETY,
October 14, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Replying to your letter of October 3rd, I have read the proposed amendment to your bill on environmental quality, and find it to be excellent.

Replying to the specific questions on materials policy, I have always felt that we should know more about the available inventory of materials before we considered programs, such as we have often considered, for distributing particular things to certain groups of persons. In some cases, we are quite clearly promising to distribute more than exists in all the world. This is particularly true about programs in under-developed countries.

In another one of the specific questions, I note that the proposed authorization is for a 1½ year life for the commission. Knowing of the many delays which beset any program, I wonder whether the 1½ year figure may not be too short. I also wonder whether the $2,000,000 figure is not perhaps a little too generous. I am not familiar with the details of the staffing of such a commission or its expenses, but I would hope that these could be held to a lower figure.

With best wishes,

Very sincerely yours,

SERGE A. KORFF,
President.

ILLINOIS NATURAL HISTORY SURVEY,
Urbana, Ill., October 14, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: I have read and reread the Amendment, the report of the Committee on a Proposed Commission on National Materials Policy, and the list of questions on the same subject. While I wish I could be of some help to you, it would be presumptuous of me to even suggest that my knowledge includes the area of materials and our National requirements in that regard. One does not have to be an authority, of course, to recognize the necessity for intelligent use of our natural resources, and for maximum reduction in waste and wastes from such use. Where wastes cannot be eliminated, some means for disposal must be found which create minimum further deterioration of our environment. Thus, insofar as these matters are to be investigated by the proposed National Commission, even I can agree with some assurance to the desirability of the Commission being formed. Despite the goodness of your intentions, however, I suspect the findings of the Commission will not result in a lasting solution to these problems because of the lack of a vehicle for assuring the implementation of the Commission's recommendations.

Perhaps I have become a bit discouraged with this sort of thing in our State and National governments. If the Commission does its job properly and conducts a genuine in-depth evaluation of materials-use as it concerns the ultimate and total welfare of mankind, the Commission's report will step on the toes of some pretty powerful organizations who, thus far, hold immediate economic profit to be more important than anything else. History does not suggest that either the Executive or the Legislative branches of our government will do anything with the report that is contrary to good practical politics. A few farsighted and genuinely conscientious individuals in the Congress will continue to try for something better, however, and I suspect that is why persons such as yourself keep pecking away at the problem in the hope that significant results will ultimately materialize.

It seems to some of us in the boondocks that the attitudes of Congress are gradually changing toward a greater realization of the consequences of mankind fouling its own nest. Now that the maintenance of environmental quality has begun to take on the aspects of a national fever, however, it is quite disheartening to note that really progressive legislation to this end is being stymied by the evident search for personal political gain by those very persons in whom we had begun to have confidence.

I apologize, Senator, for straying off on a tangent that doesn't really have considerable relationship to the questions you have asked of me. My impatience appears to be showing, perhaps, because the problem of environmental quality is becoming even more desperate while we maneuver and manipulate to satisfy other interests which, though now formidable in appearance, will prove ultimately to be of such little overall importance as to escape mention in the history of mankind.

Maybe we are attacking the environment and materials problems from the wrong direction. In my naive judgment, we might achieve greater and quicker success if, through some mechanism utilizing better perspective, a package of finite national goals could be developed—a sort of 10 Commandments which would determine the orientation of all the activities of our nation. But I would counsel that criteria for determining these goals must be—*not* the needs and pressures of national prestige whether economic development or military stature but rather—the needs revealed by a realistic and objective evaluation of the basic requirements of the physical and mental health and well-being of all mankind. Once such national goals or objectives are established and made inviolable by legislative action, we might be more effective in our search for means to achieve the goals.

Yes, I know the development of such hard and fast regulations of our national behavior is probably politically unrealistic at this time. However, if such were in force and if the improvement of environment quality was one of the highest priority national objectives, I suspect the membership of the *ad hoc* Committee on National Materials Goals and Objectives would have contained at least one individual whose basic training and experience was concerned with the components of environmental quality and that more than four lines of the proposed amendment to S. 2005 would have been devoted to treatment of this subject.

While I'm afraid I haven't been of much real help to you in this instance, please feel free to call upon me for assistance in matters where my competence may be greater.

Respectfully yours,

GEORGE SPRUGEL, Jr.,
Chief.

OCTOBER 15, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: The fact that S. 2005 (with proposed Amendments) should have been introduced a generation ago does not alter its importance today. There is a bare chance yet that we may rescue our environment; S. 2005 could be one of the lifesaving instruments.

A national policy on materials is needed. Perhaps your Commission is the way to go about it. I would want some assurance that everything else in this area (and perhaps comprehended by other sections of S. 2005) will not come to a halt or be delayed while a Commission picks its way through this bristling minefield of interests. Specifically I hope that the research needed on recycling and such technical questions would not be frustrated or put off, since they are of essence. Prayer will do no good in this situation, only brains and perseverance.

Dr. Irving Bengelsdorf said in this morning's Los Angeles Times, "We must stop treating our planetary home as if we had a spare in the trunk. There not only is no spare, there is no trunk." Why not have this nice collection of words embossed on the membership certificates of your Commission?

I conclude this letter with brief comments on the seven questions attached to your letter of October 1:

1. No issue is yet receiving sufficient attention; that is why S. 2005 and the proposed amendment make so much sense.

2. No, in answer to first query. This would be diversionary. There are mountains of data that the Commission ought to be required to assimilate. In answer to the second query, the Commission ought not to be restricted in any way. It is being asked to provide guidance in a National Emergency, and should not be hobbled.

3. The language of the proposed Amendment is too placid for my taste. How to impart a sense of urgency? I don't like Sec. 203(a) ". . . demonstrated competence with regard to matters of materials policy . . ." This provision builds in back-scratching as a Commission principle. For once I'd like to see with a lively sense of the general welfare. The political process has not been enhanced in the minds of Santa Barbarans by the activities of those in and out of government with respect to the great Channel Oil spill. These are uniformly men of ". . . demonstrated competence, etc." but their competence is inevitably attached to the interests of the oil industry.

4. Yes. It will keep the Commission from horsing around.

5. Wallace Pratt (former oil geologist for Standard Oil Company (N.J.) now retired), 2820 North Torino Ave., Tuscon, Ariz. 85716; Prof. Norman Sanders, 130 Arroqui Road, Montecito, Calif. 93103.

6. Yes, as indicated above.

7. See comment on Question 3 above.

I am grateful to you for inviting my comments and wish you well.

W. H. FERRY.

SANTA BARBARA, CALIF.

WARNER BURNS TOAN LUNDE,
October 15, 1969.

Re amendment to S. 2005.
Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for your letter of October 1st.

I do not feel competent to answer some of the questions you have posed but in respect to the directive to the Commission, I would surely hope that the relationship of materials policy to land use would be a paramount policy question. It should clearly be the aim of national materials policy that the operations of all materials-extractive industries, *particularly terminal operations,* be conducted in a much more respectful attitude toward the land, water courses and water bodies. A positive policy toward encouraging innovation in land reclamation of such disturbed land should accompany regulatory legislation enforcing compliance with the overall requirement that the extractive industry render the land *usable* when extractive work ceases, rather than abandon the land in dereliction.

To that end may I suggest under Sec. 204 (a)(2), the insertion of a sub-para (c) as follows, "and (c) national land use policy", or some similar way of charging the Commission with the inclusion of land considerations in its social accounting approach toward materials policy.

I trust I have conveyed the significance of this point of view and, if not, please do not hesitate to contact me.

Sincerely,

FRITHJOF M. LUNDE.

THE JOHNS HOPKINS UNIVERSITY,
October 15, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: It is a pleasure to comment on your letter of 1 October and S. 2005. The lateness of this reply is due to my hospitalization with hepatitis, for which I apologize (both to you and to myself).

I believe S. 2005 hits at the heart of an extremely serious problem. Our "throw-away" economy particularly offends an ecologist, such as myself, whose training revolves around the necessity of recycling materials in order that the viability of the ecosystem upon which we depend be maintained. Even more offensive is our poisoning (with pollution) of ecosystems which is surely leading to the collapse of mechanisms which make recycling possible? Needless to say, I would hate to see the collapse of our nation as a result of ecological collapse—such as probably happened to the Maya, and to the Mediterranean nations of the Middle Ages, etc. We are not so far removed from these as we sometimes think!

Your summary questions are answered briefly, in order. (1) Disposal of nuclear waste is an unresolved matter and one which causes many of us to feel that the nuclear power industry is jumping the gun on public and environmental health. The highly-secret boats of all kinds need a thorough going-over here too. In fact, the military is a major pollutor and should be brought to task most severely. Garbage and cars are the major civilian concern; the packaging (throw-away bottle and plastic carton) industry can only be afforded by such nations as the U.S. and the result is a frightful mess and heavy financial disposal burden.

(2) Yes, a commission should be appointed. It should be broad, not limited. It should be based upon *recycling of materials* and in close cooperation with any Environmental Quality group(s) set up or perhaps under the direction of one such group. It should cooperate with the USPHS and the USDI and not be subject to DOD, AEC, or other restrictions.

(3) The directives appear good, but then I am no legislator! From the point of view of the ecologist, I would emphasize the inclusion of environmental scientists (p. 2, line 10) and recycling (p. 3, paragraph 3).

(4) One and a half years and $2 million *must* be adequate. This is a problem as critical as violence, though more technical. What were the time/costs there?

(5) I am passing copies of your letter, my answer, and S2005 to the following colleagues here at Hopkins:

Dr. E. P. Radford, Department of Environmental Medicine.

Dr. R. M. Herriott, Department of Biochemistry.

Dr. C. W. Krusé, Department of Environmental Health.

Dr. Radford's expertise is in environmental health; Dr. Herriott's is in biochemistry, genetics, and their relation to public health; and Dr. Krusé is our school's leading authority on waste disposal. All are quite cognizant with "advise and consent" within government.

(6) Yes—implied in the above—provided close ties are maintained with other Environmental Quality group(s).

(7) Answer is given in (3) above.

In conclusion, you see that I take the holistic, environmental view of the latter-day ecosystem ecologist. The surest route to disaster is to consider pollution, waste, and resource use piecemeal, plant by plant or resource by resource. Water, land, and people work and live together and the best legislation will recognize the need to use and regulate ecosystems rather than resources and waste products one at a time. In this regard, the Federal structure is weak, for it is set up to regulate piecemeal (health, wildlife, power, oil, etc.) which is proving to be folly in our crowded world.

My sincere good wishes.

Sincerely,

CARLTON RAY,
Associate Professor,
Department of Pathobiology.

NATIONAL WILDLIFE FEDERATION,
October 16, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for inviting me to comment upon your proposal for a National Commission on Materials Policy as an amendment to pending legislation on solid waste disposal.

The establishment of this Commission and a National Policy on Materials will, in my view, have much merit, if its objectives are not going to be accomplished by the President's Environmental Council or with the framework of other proposals for over-all national policy on the environment which are being considered.

If a national policy relating to solid waste disposal is to be established, I would suggest it might be well to pattern it after the programs which have been set up for air and water pollution abatement. Responding specifically to the questions asked in the attachment to your October 1 letter, I would suggest the following:

1. Problem areas which merit special consideration are the location of city dumps in places where they disturb ecological areas, such as marshes and swamps, or pollute water; and the filling of fish spawning grounds. In short, any waste disposal proposals should receive full ecological consideration.

2. Research on self-destructing packaging to replace bottles, aluminum cans, etc., is strongly recommended and we believe this is provided for in Section 204(a)(3) of your proposal.

3. and 4. Yes to both questions.

5. If you have not already done so, we recommend you contact Mr. Allen H. Seed, Executive Vice President of Keep America Beautiful, 99 Park Avenue, New York, New York 10016.

6. We believe the establishment of this Commission would serve a most useful purpose, unless another group is already planning to do the same thing.

With all good wishes.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

UNIVERSITY OF RHODE ISLAND,
October 16, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you very much for your letter of October 1.

I am sorry to be late in replying, but I have been away for the past ten days, so I am behind in my correspondence.

I did have the pleasure of being in your state of Delaware on that trip.

With reference to your suggested amendment to document S. 2005, I heartily agree with its purpose, and look forward to its approval by the Congress. The only question I raise—and perhaps it's not proper to do so in the amendment—is that it may place primary emphasis upon technology rather than upon public policy. Section 4, page 3, does ask that opportunities and incentives be considered. The great difficulty in waste material management, is to get the individuals to accept the price of salvage or reclamation in the cost of the new product. If somehow conservation legislation could be enacted that would oblige producers to include disposal-salvage costs in the original price of their product, then funds for disposal and/or salvage would be collected automatically. To my mind the management of waste products—their disposal and/or conservation is more of a psychological problem than technological.

It is very encouraging to note the efforts that you and your good colleagues in the Senate are making to provide America with a more liveable environment.

Sincerely yours,

EDWARD HIGBEE,
Professor of Geography.

CONNECTICUT COLLEGE,
October 17, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: I very much favor your proposed Amendments S. 2005 in reference to the Solid Waste Disposal Act. Any Commission that can be concerned with the holistic view in resource use will aid immeasurably. Unless we begin to look at our entire ecological base holistically we shall find ourselves in a trap waiting to be sprung. For example, California produces over 40% of the vegetables for our nation yet its first and second class agricultural lands are disappearing at a fantastic rate. Unless this trend is arrested people in New York or Florida will be seriously affected by food shortages, if the population continues to increase.

Who is seriously looking at this problem besides Dr. Watt at the University of California, a systems ecologist? Currently he is restricting his efforts to one county with a proposal to study California as a whole. We should be looking at all the States since they are interdependent. I merely mention this as representing one of many problems not receiving adequate attention on a national scale. The need for a Council of Ecological Advsisors and a National Institute of Ecology is absolutely essential.

With best regards,

Sincerely,

WILLIAM A. NIERING,
Professor of Botany.

BATTELLE MEMORIAL INSTITUTE,
October 20, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I have examined your proposed amendment (S. 2005) to the Solid Waste Disposal Act and the report on a Proposed Commission on National Materials Policy which you so kindly sent to me. As a member of the Board of Advisors to the Ad Hoc Committee on the Environment, I am pleased to have the opportunity to comment on these matters and on the specific questions raised in the memorandum attached to your letter of October 1.

The ideas I have expressed in this letter are my personal opinions and do not necessarily reflect the position of Battelle or of any of its other staff members. As an ecologist, I have no special qualifications concerning the economic or technological aspects of materials production or utilization, but I am very much concerned by the ever increasing consumption of materials and the ever increasing need to develop methods of waste product disposal which will not lead to further environmental degradation. It seems ironic to me that we might so mismanage our natural resources that the short-term social benefits of technological advances could very well be canceled in the long run by increased environmental pollution and degradation.

In many cases, we already possess the technological know-how to avoid the undesirable, long-term consequences of waste product disposal. What seems to be needed now is a means of stimulating public interest, on both the local and the national level, in the application of existing technology to present problems and the development of even more effective methods of dealing with future problems of the same kind.

I agree wholeheartedly with the statement on page 2 of the above-mentioned report to the effect that: "There must be, somewhere, a mechanism for looking at the problem as a whole, for keeping track of changing situations and the interrelation of policies and programs." I personally am convinced that a comprehensive understanding of the entire process of materials production, utilization, and disposal, and the general diffusion of this understanding, are prerequisites for the development of a National Materials Policy. Establishment of a Commission such as the one described in your amendment should contribute substantially to the development of such an understanding. It would, in my opinion, be a significant step in the direction of developing a general understanding of our entire society as a system of interacting components and processes operating on a variety of time scales; and this approach, I believe to be the only feasible approach available to us if we hope to achieve the kind of stability required for long endurance of any kind of system.

The following comments are directed to the specific questions raised in the memorandum attached to your letter of October 1.

1. I don't know of any important issue under the general heading of National Materials Policy that *is* receiving sufficient attention today. This rather extreme statement results from my understanding (or misunderstanding) of what is meant by "sufficient attention". If "sufficient attention" means a continuing program of studies to insure an adequate supply of critical materials for present and future needs, an understanding of all stages of production, utilization, and waste product disposal, and an effective program of regulations and controls to minimize the undesirable effects of these processes on man and his environment, the statement stands. The only possible exception I can think of at the moment is the management of the production, use, and disposal of nuclear fuels by the United States Atomic Energy Commission. Since the nuclear industry is virtually a government monopoly, it may not be an entirely appropriate example in this particular case; but the methodology and procedures developed over the years by the AEC should provide a great deal of useful data for consideration by a National Commission on Materials Policy.

2. As already indicated, I believe a National Commission on Materials Policy, could perform an invaluable service to the Government but I feel it would be a mistake to impose any limitations or restrictions on such a Commission other than those specified in Sec. 204. I believe such a Commission would be most effective if it is free to establish its own goals and priorities. At the same time, it would probably be unrealistic to expect a two-year program to develop the "comprehensive understanding" I referred to earlier.

3. In my opinion, the directives in the amendment would be strengthened by the following revision:

Page 3, line 1: Delete "and".

Page 3, line 2: Change ";" to "," and add the following: "and (c) such other matters as they [the Commission] may determine to be important."

Also it seems important to me that an effort should be made to develop a set of criteria, quantitative criteria if possible, which would be useful in judging the merits of proposed policies with respect to specified objectives and current knowledge of the processes involved. Since the development of such criteria may prove to be so difficult that it could not be accomplished by a short-lived Commission, it would probably be unwise to include it as a directive; but the revision suggested above would at least permit such an objective to be included in the Commission's study.

4. The Commission is being asked to "make a full and complete investigation and study" of an extremely broad subject. On the basis of my own experience in attempting such studies I would guess that $2,000,000 should be an adequate level of funding, but at least two years would be required to do a thorough job of assimilating and interpreting even a fraction of the available information. For this reason, I suggest that line 16 on page 4 be revised by changing "June 30, 1971" to "December 31, 1971".

5. Since I have no special qualifications to comment on implications of the amendment other than ecological, I would suggest that you contact socioeconomists, business types, etc. to determine if they are willing to express additional points of view.

6. In my opinion, a National Commission on Materials Policy, as described in your amendment, could make a significant contribution to the development of a comprehensive understanding of the various processes involved in materials production, utilization, and disposal; and such an understanding is prerequisite to the development of national policies and management procedures which are needed (a) to optimize the economic and other benefits of these processes, and (b) to minimize their adverse effects on man's environment.

7. My suggestions for improving the amendment are given in paragraph 2, 3, and 4 above.

Since many of the matters to be investigated by the Commission [especially items (2), (3), and (5) under Sec. 204(a)] have to do with environmental quality and ecological processes related to waste disposal, I would strongly recommend that one or two members of the Commission should be chosen "for their outstanding qualifications and demonstrated competence" in the field of ecology. Many ecologists who would be eminently qualified to serve on such a Commission are members of the Board of Advisors to the Ad Hoc Committee on the Environment. I am sure that Dr. David Gates, Chairman of that Board of Advisors, or Dr. Herbert F. Bormann, President-Elect of the Ecological Society of America and also a member of the Board of Advisors, would be happy to suggest a number of possible candidates for such an appointment.

I hope you will find at least a few of these comments—I see they've grown rather voluminous—to be helpful in promoting your commendable amendment. If I can be of any further assistance in this or any related matter, please let me know.

Sincerely yours,

WILLIAM E. MARTIN,
Associate Fellow.

PETER HUNT ASSOCIATES,
October 20, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I am gratified by your request for my review and comments on S. 2005. The subject is, without question, worthy of congressional attention and to your credit that its importance is being recognized and new approaches being sought.

Evidence of the need for a centralized group to anticipate and review problems,

generate policy, and manage the nation's interest in physical materials appears in Appendix L of your Ad Hoc Committee's Report. There are 252 dots on that chart, each representing a specific organization and function related to material resource management. Even at this, the chart is incomplete. One can only wonder at the number of federal personnel engaged in some aspect of the problem, and speculate at the annual cost of maintaining these organizations. The potential duplication of effort and conflict in behavior of such a shotgun organization of managerial responsibility, demands a higher degree of centralized planning and policy formulation.

My response to your specific questions and additional considerations are attached. I hope they will be of some value to you in furthering the needed legislation.

In answer to your specific questions:

No. 6. Would the establishment of this Commission serve a useful purpose?

The very establishment of such an organization would serve to focus national attention on the subject which would be a useful purpose. Our material resources are finite and at our accelerating rate of nonrecoverable consumption, we are imposing severe limits on our future. The greatest benefit, however, would hopefully be realized once the Commission started identifying specific problems and stimulating corrective action.

No. 1. Related issues that are today receiving insufficient attention?

I am encouraged to see that you recognize the close inter-relationship between the quality problems of the physical environment and the management of materials. True, there are environmental problems that lie outside the field of materials such as the waste heat of atomic power plants, sonic booms, etc., but many like air and water pollution are directly related to the waste disposal aspect of material management. As far as disciplines or related technologies that have not had sufficient attention, I would like to see a greater emphasis on systems analysis and the decision making techniques of Cost Benefit analysis. I confess the bias of having these as my area of specialization but unless we expand our view of the problems and take into account what the classical economists call *external diseconomies*, few significant changes can be anticipated.

No. 2. Should the Commission investigate availability and use of materials? If so, what restrictions or limitations should be placed on these investigations?

The questions of supply and demand projections coupled with impact and alternative analyses are fundamental to the mission of the Commission. Without supply/demand information, the Commission would not have the data on which to formulate policy or make substantial recommendations. Most of the data currently available is out of date or of questionable accuracy so the organization will have to develop it themselves.

As far as any restrictions, I am sure that there are economic sectors that have a vested interest in the status quo and feel that they should be excluded, the oil, chemical and extractive industries, for example, but because of our technical capacity to generate inter-industry substitutes plus the current recognition of undesirable substitutes nothing should be insulated from scrutiny. In short, no restrictions or limitations seem warranted.

No. 3. How should the directives be strengthened?

There are several ways in which the Commission might be strengthened that occur to me:

(1) Although you have touched on the subject, extra emphasis might well be placed on finding secondary uses for what is now considered waste material from industrial systems. Any gains in this area have a double payoff in that you reduce the absolute requirements that we take from the natural supply and second, you reduce the cost of disposal. I suggest the development of a national inventory and clearinghouse function for these waste products.

(2) The Commission should be authorized to hold open hearings on subjects they choose to examine. In addition, monies should be provided to pay the cost of interested private citizens so that the general public will enjoy the same opportunity to testify as the financially interested industrial sector of the economy.

(3) The Commission should be encouraged to submit interim status reports and recommendations to the Congress and the President and not withhold actionable thoughts until their final report.

(4) Broaden the qualifications for Commission membership. To rely on government service or direct experience in the materials field is a mistake. Such backgrounds could well prove to be a liability to new approaches since intensive experience tends to limit rather than broaden, and what is needed is a wide perspective of the implications. Specific expertise is always available through the channel of consultants to the Commission for specific tasks. In essence, I feel that a Commission composed of generalists who have a deep concern for the subject and are capable of seeing the full-range economic, social and military complications of the policies would serve the purposes of the legislation best.

(5) I would eliminate the computer based data bank feasibility study from the activities. For an information system of this sort, it is of really questionable value and, if it belongs anywhere, should be something for consideration by a continuing on-going organization.

No. 4. Is $2 million and 18 months adequate for an optimum contribution?

I don't think so with such an open ended job ahead of them. After all the money will only cover about 40 professionals for this period of time, and the dimensions of the task in terms of research, are large. You might ask Resources for the Future how much they spent on their 1962 study which was weak, slow and narrow in terms of what you are asking for and done for far less expensive dollars. The time period is again too short when you consider it will take about six months to get staffed up with good people.

As a way out of this box of time and dollars, I would suggest that you phase the job into three sequential pieces with interim reports at 6, 18 and 30 months, and a new budget at the mid-point.

No. 5. Other knowledgeable people:

Bruce Wilburn, Principal, Peat Marwick & Mitchell, 2000 Tower Building, Prudential Center, Boston, Massachusetts. 02199

Area: *Systems Analysis.*

Thomas Lawler, Legislative Assistant, Senator Quentin Burdick area: *Solid Waste Management.*

Norman Wilder, Director, Delaware Game and Fish Commission, Dover, Delaware 19901, area: *Land Management.*

No. 7. Suggested improvements to the Amendment?

(1) Pay the seven commission members an adequate salary to have them work full-time on the problem. You do not want them as occasional overseers of the staff's work but as total participants and leaders of the effort. The job is of sufficient importance to deserve strong, continued management.

(2) Under the assumption that the Council on Environmental Quality Bill is passed (Dingell, Muskie, Jackson version) set up a Joint Committee to manage the council and have the Materials Policy Commission report to the same congressional body since their aims and scope are similar.

(3) Give serious consideration at the outset to making this commission and its job a continuing one. This could result in significant savings in federal expenditures by reducing the materials work now being done in many departments of government (see final chart in the report), and would result in a continually updated view of material availability and technology. The group could report annually to the Congress and to the President, and act as a central clearinghouse for materials data to the remainder of the nation. Making clear this intent at the beginning, would also relieve the onus of the Commission having to recommend this themselves.

(4) Define the term of office for commission members to increase its independence.

(5) Raise the rate of pay for the consultants. You cannot attract the best people for $100/day any more.

PETER S. HUNT.

OCTOBER 20, 1969.

HON. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Although to the best of my knowledge I am not a member of the Board of Advisors to the Ad Hoc Committee on the Environment, I am very pleased to respond to your letter of October 1 concerning the proposal to establish a National Commission on Materials Policy.

Certainly a Commission on Materials Policy could increase public interest and awareness of some important problems in this area. We are, of course, getting into a great deal of this over the past few years as a result of dramatically changing demands for resources—recreation and environmental demands and those for preservation of wild areas are examples of continuing changes that will likely typify the future.

There is a danger with the establishment of a Commission that it could in fact slow down the adjustment to the changing demands, by centering attention almost exclusively upon long range projection of need. The focus of such efforts has often been on coming up with long range projections to the serious detriment of examining the policy and planning variables that make these numbers of extremely marginal worth. The real problem of course is to recognize that there may be competing demands for materials and to determine ways to reconcile these in the most efficient and equitable manner.

I would suggest that the emphasis should not be as strong on determining future requirements, but instead should be on the best means to accommodate the range of values important in materials policy. All too often studies of this nature concentrate on a determination of what are thought to be certain requirements and thereby rule out the consideration of precisely many of those things that we want to vary.

It seems to me the need is to make the allocative mechanisms, principally the market forces, more effective in providing for materials. At present these forces often do not provide what are thought to be proper allocations because of serious technical deficiencies in the incentives and restraints provided by the market. We need, for example, to look at the effect of taxes, the pervasive existence of externalities or spillover effects in providing for many materials, non-market considerations that preclude many values from being considered, and some serious problems of irreversability and discounting of future gains an losses. The total effect of all of these difficulties is that the social returns from current policies may often fall far short of what they could be with better recognition of the total range of values involved. We have cetainly seen evidence of these kinds of difficulties in the current efforts to deal with problems of waste disposal and pollution. Here non-market demands and the spillover effects are of paramount

importance and we have now begun to design programs and policies to take them into account.

I feel that the role of the Commission, if one should be appointed, should be far more in the area of determining better ways of handling current demands than on endless projections of future requirements. I would also certainly agree with Professor Garnsey in calling for less of what he terms a commodity approach; that is, studies of any number of separate material commodities. The important problems are very much common to all and a focus on these will more likely lead to ways for making improvements.

I am very pleased to have had the opportunity to examine the proposal and to make these comments. If I can offer any further views, please do not hesitate to call on me.

Sincerely,

JACK L. KNETSCH,
Director and Professor of Economics, Natural Resources Policy Center, The George Washington University.

THE CINCINNATI MILLING MACHINE CO.,
October 21, 1969.

DEAR SENATOR BOGGS: Your letter and the enclosures dealing with your proposed amendment to S. 2005 arrived while I was out of the city and this has delayed my reply.

I cannot qualify as a specialist in the field of materials but rather as a generalist accustomed to handling the broader technical economic and planning aspects of problems. Many of these have involved plastics, metals, some ceramic materials, and more recently water management. However, one does not have to be an expert to see signs in many places of a rapidly growing problem in the effective management of our materials resources.

Thus your amendment proposing a commission for studying this whole area and recommending the elements to be included in the development of a national materials policy is very timely, particularly since the formulation and implementation of any such policy generally moves rather deliberately. The time for a beginning is now, especially since this particular task in the case of materials is a monumental one. The rapid advances in the technologies related to this very complex problem are in themselves sufficient to justify immediate and continuous action toward solutions which will be of maximum benefit to the public interest. Population growth is another factor which indicates urgency in getting under way.

To be effective the commission must learn to define and understand the many facets of the problem. Then the objectives need to be set up, clarified and defined. After that the tasks required in the technical, political, social and economic areas can be set up. The charge to the commission appears adequate for a beginning. As it becomes immersed in its task, the needs and priorities will become more sharply defined.

The remarkable advances which have been made in materials and the keen competition between some of them like plastics, metals and wood which result from the requirements of the market place, including better performance at lower cost, should be encouraged.

I wonder whether this tremendous job can be done in 1½ years. It will take time to gather the basic information which will be needed to begin the formulation of policy. A time of 2 years might be more realistic. This would raise the cost above $2,000,000.

The proposal of a commission of several members to be chosen from Government and the private sector is a good one. The members from the private sector could come both from universities and from industry. It is important to include men from industry who are accustomed to applying the latest techniques and technologies to multifaceted problems and who have an appreciation of economics and time in addition to technology. Men should also be chosen who can devote some real time to the study and are not subject to overfilled schedules in addition.

The provision for and the selection of an excellent staff are essential to the success of such a study. There is no substitute for competence here. It will also be necessary to call in consultants as is provided in the bill.

A serious defect in the effective use of commissions is that they have no authority. They make their investigations and write reports which are sometimes used but are more often filed and ignored. There are in the water field alone many excellent recommentations in government reports which have never been implemented. What is needed in the field of materials is a continuing effort which can keep abreast of technological and other changes. Otherwise, the program becomes crippled and out-of-date. There is no point in setting in motion the time and effort of a commission if there is little done later to act on its recommendations.

The implementation and refinement of a national policy will involve a huge effort in gathering, classifying, storing and interpreting the data which are already available.

Fortunately with the tremendous advances in computer technology and information handling during the last decade, the tools are at hand both for storing and processing the vast quantities of data required and in setting up computer simulations of the materials systems which will eventually furnish the basic information for decisions on the management of material resources.

A systems approach of this kind is essential in making sound headway on complex problems. It permits looking at such problems in totality rather than piecemeal and indicates the consequences of various alternatives.

The Subcommittee on Water Resources Research of the National Association of Manufacturers of which I am the chairman has recommended this approach for a demonstration project on a large river basin. It would indicate the effectiveness and the cost of the various alternatives which are available in water and waste treatment on the quality of the water at all points in the river and thus generate information for making decisions in water management. Similarly, mathematical models of the supply, processing, use and disposal of materials would indicate the alternatives available and the effects which can be expected on the environment, on the economy, on national defense, and other social and political areas.

I believe your amendment is a good one and wish you success in its adoption.

Sincerely,

P. WILLARD CRANE,
Consultant.

PRESIDENT NIXON SHOULD ACCELERATE THE WITHDRAWAL OF OUR GI'S FROM VIETNAM

Mr. YOUNG of Ohio. Mr. President, it has been reported in the public press that President Nixon has privately stated, "I am not about to be the first President of the United States to lose a war." Any student of American history knows that Richard Nixon could not possibly be the first President of the United States to lose a war. Could anyone claim that we Americans were not the losers when President Eisenhower, following his campaign statement that he would go to Korea, ended that war soon after taking office, on terms rejected by President Harry S. Truman? That war was ended on terms which were not a credit to the United States or to the United Nations, under whose flag the Korean conflict was fought. Of course, that was a war we Americans did not win.

In the War of 1812 against Great Britain, Gen. William Hull, at the outset of that war, surrendered the frontier post of Detroit without firing a gun; and his force of more than 1,000 American soldiers surrendered to 300 English and Canadians, with perhaps a couple of hundred Canadian Indian allies. Then, throughout that war, American forces sustained one defeat after another. There was cause for rejoicing when on September 10, 1813, Commodore Perry won the battle of Lake Erie. Except for heroic naval exploits in destroying and capturing English frigates, the War of 1812 was a most discouraging war from the standpoint of military victories. In the Battle of New Orleans, on January 8, 1815, one of the great victorious land battles in the history of the United States, the English forces lost 2,600 men, including their commanding officer, Sir Edward Packenham, a brother-in-law of the Duke of Wellington. Only 13 Americans were killed. That was a great victory for Americans, but it was fought and won after the treaty of peace had been signed with England, but before knowledge of that fact had reached the United States.

The truth is that our involvement in Vietnam in support of a militarist Saigon regime cannot be won by military victory if such victory means the abject surrender of the forces of the National Liberation Front, or VC. Even President Nixon acknowledged that in a speech last May when he stated that the United States does not seek a military victory in South Vietnam.

During the presidential campaign, Richard Nixon stated repeatedly that he had a secret plan to end the war in Vietnam. The simple truth is that his plan for ending that immoral, undeclared war, if indeed there was or is such a plan, is not working. At the present rate of troop withdrawal, it will take at least 10 years before all of our forces are brought home. There is little hope of accelerating that rate of withdrawal so long as the administration continues its policy of supporting the militarist regime in Saigon, which lacks any popular base whatever. At most, only 20 percent of the people of South Vietnam support the military clique now in power.

The Secretary of Defense repeatedly speaks of "Vietnamization" of the war; that is, turning the war over to the so-called friendly forces of Vietnam—too friendly to fight. Week after week more young Americans have been killed and wounded in combat than South Vietnamese soldiers. The ARVN forces, for the most part, cling to coastal areas safe from VC attacks. Successive regimes in Saigon have had one opportunity after another to "Vietnamize" the war. The fact is that after 8 years we have only succeeded in more thoroughly Americanizing it each year.

The very best that can be expected from the present administration policy is a slow and halting withdrawal of American combat forces, followed by permanent occupation of South Vietnam

by 250,000 to 350,000 American troops and airmen and a permanent drain on our resources badly needed at home. Reducing the troop level in Vietnam from 535,000 men to a permanent garrison of 250,000 or 350,000 men is not what Americans had in mind when they elected Richard Nixon to end the war.

Defense Secretary Laird himself discussed as a "fallback" position the possibility of maintaining a 200,000-man garrison in South Vietnam indefinitely. Unfortunately, it appears that this is what the Joint Chiefs of Staff have in mind and are really talking about when their spokesmen renew their old, stale propaganda of the war being almost won or their promises that it will slowly fade away, or that they can see the light at the end of the tunnel.

Mr. President, is it the policy of this administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitments to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected. The President needs a new policy aggressively directed to a realistic political settlement. The present administration policy is totally inadequate. It rests upon the concept of an election to be conducted and essentially controlled by the Saigon militarist regime while huge numbers of American troops remain in South Vietnam. The VC and the Hanoi Government quite obviously will not accept a rigged election of that sort. Indeed, they may not accept any settlement to which the present Thieu-Ky militarist regime is a party.

The President has never really faced up to this issue. His statements about not "imposing" a government in South Vietnam miss the point entirely. In fact, the administration is imposing the Thieu-Ky militarist regime on South Vietnam every day of the year. Were we to withdraw only our financial support from that dictatorship and the huge subsidy to meet the payroll of its troops, the Saigon Government would fall within a month. Thieu and Ky would then be forced to flee and rendezvous with their unlisted bank accounts in Hong Kong and Switzerland.

The fact is that while professing a desire for peace, the administration has failed to create political conditions in Vietnam under which peace is possible. The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "What is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

President Nixon and all responsible Americans want to get out of Vietnam as soon as possible. Walter Lippmann has stated that we are fighting a major war in South Vietnam in order to save face. It is true just as the Chinese sage Confucius said many centuries ago:

A man who makes a mistake and does not correct it, makes another mistake.

The same is certainly true regarding nations.

It is now evident to practically all Americans that we do not have any mandate from Almighty God to police the world. There is a general realization that we never should have supported the French from 1946 to their defeat at Dienbienphu in 1954 in their attempt to reestablish their lush Indochinese colonial empire.

Then, it was a tragic mistake that we went into Vietnam with our Armed Forces and our tremendous air power and napalm bombed so many cities, villages, and hamlets in South Vietnam to "save them." We are compounding that mistake the longer our Armed Forces remain there.

Moratorium day, October 15, was the greatest peaceful mass demonstration in the history of our Republic. Americans paraded with dignity or remained away from work to show to administration leaders that Americans want the war to end without delay—that Americans demand a halt to the loss of priceless lives of recent high school graduates and the flower of the young manhood of America in a faraway little country of no importance to the defense of the United States.

Very definitely, we should bring home as quickly as possible by ship and plane, in the same manner our Armed Forces were sent, the more than 500,000 Americans in our Armed Forces now in South Vietnam. At the same time we should call on the North Vietnamese to withdraw without delay all of their forces now in South Vietnam. This total according to former Ambassador Averell Harriman, a truly great American and our most skilled and experienced negotiator, is estimated to number not more than 40,000.

I am hopeful that President Nixon will accelerate the withdrawal of American troops from South Vietnam. He should respond to the overwhelming will of the majority of Americans and immediately withdraw all of our Armed Forces from Vietnam.

The PRESIDING OFFICER. Is there further morning business?

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

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

ANNIVERSARY OF THE ENTRY OF GREECE INTO WORLD WAR II

Mr. PELL. Mr. President, today, October 28, marks the 29th anniversary of the entry of Greece into World War II. It is an important holiday in Greece for it marks the turning point in that countyr's struggle for liberty and freedom.

On October 28, 1940, the Greek people began a decade of fighting and sacrifice, marked by both triumph and tragedy, which encompassed some of Greece's most desperate moments and some of its finest hours. Those of us who care about the ideals for which the Greeks fought, and who care about the courageous people of that country, find it difficult to celebrate today, because of the fact that Greece is in the hands of a military regime which has made a mockery of the victories won by Greece during that turbulent 10-year period.

I have spoken many times on the floor of the Senate in recent months on this subject. I do not intend to repeat or recapitulate these comments today. Suffice it to say that the regime continues to be repressive. The Greek people do not enjoy the civil liberties which are the fundamental characteristic of a democracy. Reports of torture by reliable observers continue, despite official denials. In fact, the regime has been censored by the Consultative Assembly of the Council of Europe for violating the European Convention on Human Rights and a subcommission on human rights of the Council will present a report on this subject in December. Finally, there are persistent reports of a growing anti-American sentiment in the country based on the feeling that the United States is supporting the present regime.

The people of Greece should know that there are many in this Chamber, many in the House of Representatives, and millions of Americans who deplore the present situation in Greece. We are not only saddened by the apparent unwillingness of the Government to move toward the restoration of democracy, in the land in which democracy was born, but outraged by the violent methods being used by the regime toward those who question its principles and practices.

There is, of course, little that we can do to help the Greek people, for the character of their regime is, in the final analysis, their own internal affair. But there is something that we can do not to help the military dictatorship. To this end, I have proposed an amendment to the foreign aid bill which would curtail military aid to Greece by insuring that no additional aid is programed until the Congress so approves. I shall do all that I can and have that proposed amendment enacted into law.

The PRESIDING OFFICER. Is there further morning business?

NOMINATION OF CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BELLMON. Mr. President, since the nomination of Clement F. Haynsworth, Jr., for the position of Associate Justice of the Supreme Court on the 18th of August of this year, every Member of this body and particularly those Members who serve on the Committee on the Judiciary have been flooded with comments from their constituents, special interest groups, labor organizations, and from many of their colleagues, concerning this appointment.

Mr. President, every Member of this

body has heard of the "Darlington case" and the "Brunswick case." The facts of those cases and the judge's role in them have been repeated many times here on the floor of the Senate and any objective study of them can, in my opinion, only lead to the conclusion that the charges made are in fact not substantiated by any evidence before the committee or the Members of this body.

From my examination of the testimony presented at the hearings on Judge Haynsworth's confirmation, the committee was primarily interested in determining whether three basic criteria had been met by this nominee. First, is Judge Haynsworth a person of great integrity; second, has Judge Haynsworth demonstrated judicial temperament; and third, does Judge Haynsworth possess a high level of professional ability.

Using these basic criteria as guidelines upon which one should base his opinion in considering the nomination, I have found ample evidence that the nominee qualifies with flying colors.

Judge Haynsworth has made disclosures of his financial holdings in more detail than is required by any Member of this body and in much greater detail than most members of the judiciary who have previously been confirmed by the Senate.

Many members of the legal profession who have conducted cases before Judge Haynsworth as well as the organized bar, in the form of the American Bar Association, have expressed confidence in his ability as a judge to render a fair and just decision in any case appearing before him.

I would also like to point out that many of those expressing that view had, in fact, lost cases in the judge's court. However, it appears that they still hold to the opinion that the decisions were rendered fairly, using the cases decided in the past and the evidence which had been presented.

Mr. President, there is need for serious concern over the impact of this controversy on the Supreme Court.

I can find no reason to oppose a person solely because his philosophy is contrary to my own. I can find nothing which indicates that the judge has committed an unethical practice. Judge Haynsworth has been a distinguished circuit judge, and I believe he will be an outstanding addition to the U.S. Supreme Court.

Mr. President, a major confrontation over the nomination of Judge Haynsworth to the Supreme Court is coming up on the Senate floor in the near future. The public's interest in the Court, and the intense press coverage of the nomination hearings, and attacks against the nominee insure that the Nation will be watching closely as the Senate votes on this nomination.

The President has made it clear that he stands behind Judge Haynsworth's nomination. After reviewing all of the attacks made against the nominee on his civil rights record, his labor record, and on his integrity, the President reaffirmed his confidence in Judge Haynsworth. His letter of October 3, 1969, to the minority leader states:

In order that there be no misunderstanding on the part of anyone, I send this letter to confirm that I steadfastly support this nomination and earnestly hope and trust that the Senate Judiciary Committee and the Senate will proceed with dispatch to approve the nomination.

It is equally clear that those who oppose the nomination are not ready to relent. The machinery to block confirmation has been set in motion and it is questionable if the attack could be stopped now even by those who started it.

Thus, notwithstanding the fact that a great deal of balance has been added to the whole discussion in the Senate by the efforts of the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from Kentucky (Mr. COOK), thousands of labor union and union members and thousands of supporters of civil rights are writing and telegraphing their opposition to their Senators. Most of these communications reflect an understanding of, or exposure to, only one side of the issue. They represent the product of the massive effort that was begun several weeks ago when the entire story had not been presented. We are confronted, now, by thousands of people and organizations who have publicly committed themselves to fight the Haynsworth nomination, right or wrong.

There is another dimension to the "stop Haynsworth" effort: The outright lobbying of Senators by private interest groups. Lobbying is neither illegal or immoral. Private groups are entitled to their opinions on Supreme Court nominees as they are on any other subject. But, in the case of Court nominees, the Senate has a duty, under the Constitution, to consider their integrity, capability, and experience, and if they approve the nominee on this basis, to advise and consent to the nomination. I question what new insight into these issues will be provided by a powerful lobbying effort.

Mr. President, this lobbying effort is discussed in some detail in a Washington Post article of October 16, 1969, and 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:

AFL–CIO RATES HAYNSWORTH FOR "SPECIAL" FIGHT

(By Murray Seeger)

Sen. Thomas J. Dodd (D-Conn.) received a telephone call a few days ago from an old friend, Jay Lovestone, director of international affairs for the AFL–CIO.

The two men usually discuss their common interest in fighting communism, but this recent conversation was different. Lovestone was trying to get a commitment from Dodd that he would vote against confirming Clement F. Haynsworth Jr. as an associate justice of the U.S. Supreme Court.

"We don't usually use Jay on something like this," an AFL–CIO staff man said this week. "But the Haynsworth case is special."

The special nature of the Haynsworth case that it represents the first occasion since 1930 that the labor federation has actively opposed a Supreme Court nomination.

That nominee was John J. Parker of North Carolina, the last court appointee to lose a Senate confirmation vote.

As one of the 10 Democrats on the majority side of the Senate Judiciary Committee, Dodd warranted special attention in the view of the AFL–CIO. He voted to send the Haynsworth nomination to the Senate floor, but may vote against confirmation.

Another Democratic member of the committee, Sen. Joseph D. Tydings of Maryland, had an unusual visit from Al Barkan, director of the AFL–CIO Committee on Political Education before voting "no" on the nomination.

Sen Hugh D. Scott of Pennsylvania, the minority leader of the Senate who is still uncommitted on the nomination, has been pressured to vote "no" by the only Republican in the AFL–CIO hierarchy, Lee W. Minton, of Philadelphia, president of the Glass Bottle Blowers' Association, and the United Steelworkers, biggest union in his state.

Haynsworth has become the biggest single issue for the AFL–CIO in this session of Congress and represents the first serious break between the federation and the nine-months-old Nixon administration.

The campaign against Haynsworth has also renewed the alliance between the AFL–CIO and major civil right organizations at a time when local unions and minority groups are battling in several cities.

"This has already become part of the 1970 congressional elections," one union source said.

When Haynsworth's name first came through the Washington rumor mill, Tom Harris, the AFL–CIO associate general counsel, and Andrew J. Biemiller, legislative director, met with Joseph L. Rauh Jr., well-known Washington lawyer representing several civil rights groups.

They alerted George Meany, president of the AFL–CIO, and Clarence Mitchell of Baltimore, top lobbyist for the NAACP and other civil rights organizations.

The AFL–CIO had a file on Haynsworth because of his involvement in the long, tangled legal case involving the Darlington Manufacturing Co. and Textile Workers Union, his participation in Carolina Vend-a-Matic Co. and his civil rights record as a judge on the Federal Court of Appeals.

Harris telephoned Daniel J. Moynihan, urban affairs specialist on the White House staff who was with the President in California, and Jerris Leonard, Assistant Attorney General, on Aug. 15 and warned them of what the AFL–CIO, considered Haynsworth's anti-labor and anti-civil rights record as well as issues involving his ethical conduct while on the bench.

In addition, Meany sent a telegram directly to the President raising the same issues.

"The President didn't reply, he didn't reply at all," Meany said recently. "His reply came a few days later when he announced the appointment of Judge Haynsworth."

Mr. BELLMON. Mr. President, it is clear, in view of the President's position and the organized opposition, that there will be a major confrontation on the Senate floor over the nomination of Judge Haynsworth.

The question has been raised from several sources that profess only an abiding concern for the well-being of the Supreme Court: "Why does not the President withdraw the nomination and avoid the bloody confirmation fight?"

Mr. President, there is need for serious concern over the impact of this fight on the Supreme Court. The image of the Court has been tarnished recently by the resignation, under fire, of the Associate Justice whom Judge Haynsworth is supposed to replace. We need to be greatly concerned by the public's loss of confidence in the impartiality of this Court.

Concern for the Court, however, does not dictate the withdrawal of Judge Haynsworth's name by the President. Instead, it counsels those who attack Judge Haynsworth recklessly to consider and decide whether their pique over the

choice of a man of his philosophy is sufficient to justify the lasting damage they may inflict on the Court.

The demands for withdrawal of Judge Haynsworth's name seem to rest on an argument that goes like this: While Judge Haynsworth has not done anything wrong, or anything that would disqualify him, he is an undistinguished choice and it would be better for the Court if another man were nominated.

Mr. President, the only part of that argument with which I can agree is that he has done nothing wrong, nothing that would disqualify him. Thereafter, my disagreement with those who make the argument is complete.

Judge Haynsworth has been a distinguished circuit court judge and it has been predicted that he will be an outstanding addition to the U.S. Supreme Court.

The public has shown little understanding of the qualities which fit Judge Haynsworth for his position. I think these qualities should be reviewed, because too many people are operating under serious misapprehension.

The nomination by President Nixon of Judge Clement Haynsworth, Jr., does not result in the Senate considering "just another Federal judge"; but rather an outstanding jurist who possesses in great measure the attributes needed for service on the Nation's Supreme Court: the intelligence, experience, character, intellectual and personal integrity, judiciousness, and proper temperament.

These qualities make for a professional qualification much needed and highly desirable in the highest court of the land.

These are the qualities which together with his personal characteristics will serve to make him an outstanding Justice. The hearings included testimony of many highly qualified witnesses in regard to the record and activities of the nominee. They studied, analyzed and considered, in detail, all aspects of this man's career, his works and his activities. They speak authoritatively on basis of fair, evenhanded appraisal.

President Nixon showed his judgment of Judge Haynsworth and confidence in him by reason of the nomination as originally made. He reaffirmed both on October 2, after the hearings were completed in a letter urging the Judiciary Committee, and the Senate to approve the nomination. The letter further read in part:

> I am conversant with the various allegations that have attended this nomination. I have most carefully examined the record. There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is not proper faulting of his posture vis-a-vis Civil Rights or Labor.
>
> It would be very wrong to allow unfounded allegations to deny this country of the distinguished service of Judge Haynsworth on the Supreme Court. I intend to do all that I can to secure his confirmation.

The American Bar Association Committee on Federal Judiciary, Lawrence Walsh, chairman—former Deputy U.S. Attorney General, former Federal district judge—reported that Judge Haynsworth was "highly acceptable from the viewpoint of professional qualification." It recited that it sought candid reports from a representative sample of the bar and bench of the fourth circuit. The report reads:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability. A few regretted the appointment because of difference with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.

Mr. Norman Ramsey, of the Maryland and Baltimore bar, a member of the ABA Committee, testified that:

> In the opinion of the Board of Governors of the Maryland State Bar Association, he (Judge Haynsworth) is eminently well qualified to be a member of the Suprem Court. . . .

He explained that it was unvaryingly the opinion of the board that the overwhelming opinion of the lawyers of Maryland who have had any contact, direct or indirect, with Judge Haynsworth would be that he, regardless of his political philosophy or political allegiance or political registration, is competent and qualified to be a Justice of the Supreme Court.

Charles Alan Wright, professor of law at the University of Texas, specialist in Federal courts and in constitutional law, author of renown—a seven-volume revision of the Barron and Holtzoff; Treatise on Federal Practice and Procedure; one on civil litigation, "Wright on Federal Courts"; and other writings—since 1964, a member of the standing committee on "Rules of Practice and Procedure" of the Judicial Conference of the United States; American Law Institute Reporter for the "Study of Division of Jurisdiction Between State and Federal Courts"; in his statement to the committee, Professor Wright said:

> With his professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in *Federal Reporter*.

Professor Wright's original statement concludes as follows:

> History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court.
>
> All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in twelve years on the circuit court bench that he possesses all of these qualities in great measure. I hope that he will be quickly confirmed.

Later Professor Wright send a supplemental statement which consists of a thorough and scholarly analysis and comment of the cases in which Judge Haynsworth has participated, centering on the areas of criminal procedure and freedom of expression. The concluding paragraph of this supplement reads:

> I end as I began. I cannot predict the votes of Justice Haynsworth. . . . But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

Prof. G. W. Foster, Law School of University of Wisconsin since 1952, one-time administrative aide to Secretary of State Dean Acheson, and legislative assistant to U.S. Senator Francis J. Myers, Democrat, of Pennsylvania, at that time whip of the U.S. Senate, served from 1964 to 1967 as a consultant on problems of school segregation to the U.S. Office of Education. At one point in his statement he testified:

> In the area of racially sensitive cases I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I probably would have decided another way. I am not aware, however, of a single opinion associated with Judge Haynsworth that could not be sustained by a reasonable man.

By way of conclusion, Professor Foster used these words:

> To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running federal judges, who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire.
>
> Thus the question for me is not whether I would have made another nomination for the Supreme Court. It is rather the question whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My view is that he will make a first-rate Associate Justice.

It is clear, then, that we are dealing with demands to withdraw the name of a distinguished jurist who will be an outstanding Associate Justice. It is no trifling matter to turn such a man aside.

The attacks on Judge Haynsworth, as they have been presented to date, are ill conceived and founded more on fancy than on fact. I will not attempt to go into detail on these matters at this time. Memorandums have been distributed to all Senators discussing Judge Haynsworth's record as a judge. It is clear to me that at no time has he exhibited a bias toward any party that deprived that party of justice or that disqualified the judge from sitting in the case. His ethical conduct has been reviewed carefully and no violations of statute or canon have been substantiated. Throughout it all, Judge Haynsworth has been as cooperative and as candid and as patient as you could expect any man to be.

For the Senate to fail to confirm him now, despite the lack of substance in the

attacks made upon him, would be to yield to coercive political pressure.

To look to expediency as the justification for defeating this nomination, in my opinion, would be to sacrifice Judge Haynsworth and ultimately the well-being of the Supreme Court.

The independence of the judiciary as a whole and the Supreme Court in particular is a vital element in our system of self-government. Judges are appointed to the bench for life and serve to interpret the law without depending upon a constituency that they must please. They are not expected to make "popular" decisions, they are charged with the duty of applying the law, as they see it, in as fair and careful a manner as humanly possible.

What happens to the independence of the Supreme Court if a nominee can be forced into defeat by powerful opponents not because he is unqualified, but because they oppose his philosophy?

What prospective nominee, who values his independence, will submit himself to a political litmus test controlled by special interest groups. The lessons of the Haynsworth nomination are apparent. If he fails the test, will another worthy nominee willingly submit their integrity and honor to attack? The importance of this case goes far beyond this single instance.

The defeat of Judge Haynsworth would have deep meaning to the public. It will be obvious that only nominees with particular views will be entitled to sit on the Court. The reason for the public to have confidence in the Court's independence will be sadly diminished.

Just as the Supreme Court cannot decide constitutional questions on the basis of expediency, Mr. President, the Senate cannot afford to select Justices on the basis of expediency.

Judge Haynsworth is a highly qualified and truly honorable man who will grace the Court.

I commend the President for his support of the nominee and urge the Senate to advise and consent to the nomination. I intend to give him my full and unqualified support.

Mr. HRUSKA. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. HRUSKA. I commend the Senator from Oklahoma for the statement he has made on the subject he just discussed. It is apparent that the Senator has done a commendable thing; namely, he has gone into the record and determined for himself the facts upon the points he has canvassed in his remarks. This we all should do.

Mr. President, I speak as one who has been present at the bulk of the Haynsworth hearings and who has familiarized himself with all of the record. I believe that the points stressed and emphasized by the Senator from Oklahoma today should be taken to heart, not only for the instant case, but also because of the impact the decision in the matter of confirmation of Judge Haynsworth will have upon similar situations in the future. This is certainly something which will be of great influence, not only in the Supreme Court, but also in the inferior courts as well.

Again I want to say it is well that the Senator from Oklahoma has spoken as he has after the careful and studious attention he has given to the record.

Mr. BELLMON. Mr. President, I thank the Senator from Nebraska for his remarks.

Mr. STEVENS. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. STEVENS. I have just arrived in the Chamber and assume that the Senator from Oklahoma has stated his position on Judge Haynsworth. We discussed this matter yesterday, and I want to congratulate him on reaching his decision.

Let me say that I have not yet reached mine but that the comments the Senator has made today, which we discussed yesterday, will have a great deal of impact, I think, on those of us who share freshman status with him.

I thank the Senator from Oklahoma very much.

Mr. BELLMON. I thank the Senator from Alaska.

ORDER OF BUSINESS

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

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

U.S. INTERVENTION IN SOUTHEAST ASIA

Mr. COOK. Mr. President, I have probably received more mail on the Vietnam conflict than upon any other subject of national concern during my first year in the Senate. Of all the many hundreds, even thousands, of communications, two stand out in my memory. They came from men involved in the war as members of the U.S. Army.

Now, I have not broken with the administration in its conduct of the war because I sincerely believe that no one seeks a more rapid termination of the conflict than does the President. However, I have always believed our involvement in any land war in Southeast Asia is ill advised. This feeling applies not only to our initial decision to become involved in Vietnam, but also to any possible intervention in the future in Laos, Thailand, or other Southeast Asian countries.

The frustrations and heartbreak which would result from such interventions in the future can be anticipated by benefiting from the lessons of the past. These lessons can best be taught by those with the greatest experience; those who are called upon to fight and die for causes which they do not comprehend—the young American fighting men.

The greatest lesson any Senator can learn about the futility of any more Vietnams can be acquired by reading the following letters from two of my constituents. Mr. President, I ask unanimous consent that the letters I received this year from Sp4c. Raymond Clooney and Pfc. Ronald E. Bogle appear in the RECORD at this point.

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

DEAR SENATOR COOKE: I have been asked by my husband to forward this letter to you. It reads as follows:

It's hard to begin because where did Vietnam begin, (or I should say this war in Vietnam)? Why did this war begin and when will it end? These are questions that so far have not been answered by our State Department. I don't really propose to attempt to answer these questions—that would be foolish. I simply wish to give a few of my impressions of this war from where I am right now. And right now I'm sitting damn close to a "foxhole" about five miles from the Cambodian border in what is called III Corps.

For six months now, I have been involved in search and destroy and night ambush missions. My unit searches for enemy bunker complexes during the day and sets ambushes on jungle trails by night. The ultimate mission is to kill the enemy. And we do. They also kill us. Boris Pasternak refers to this as a product of man's insane logic. In his novel, Doctor Zhivago, Pasternak refers to war as "mutual extermination." Most people sit back and say, "Yes, how true"—and yet are insulated from the torn flesh, screams and cries of the dying, and the eternal anxiety of those still alive who must carry this war to the next day.

The horrors of this war are as real as those of our past wars and it continues year after year without abate.

The people closest to the war are the "grunts." These are the young people drafted into the army and forced with the threat of imprisonment if they don't fight and kill. These are the same people who hate this war the most. These are the people who know their lives are at stake.

Right now I am tempted to quit writing this letter, it seems so useless. But the death of a friend several hours ago forces me to continue. His death was in vain, and perhaps, this will be too.

Maybe all this will be is a plea in the distance for the people here to come and say a sad prayer for those who have already died. This is a plea for you at home to put pressure on the elected representatives to fight for total disengagement from this battlefield.

It is time for the people of South Vietnam to take up this battle. They have the people, they would have our continued financial support, and have had a ten year period to organize an effective army. They should be able to take this battle from our shoulders, if they want to. If they don't want to take up the battle, how much longer can we sustain them in this present quasi military government? There's a crude saying in reference to a hesistant bowel movement that applies here.

I must end this letter now, dark is here. I hope the young people will read this letter (it has been sent to various newspapers) it's their lives as stake. As for the older people, your son's lives. Those of us over here have faith in our government at home and I hope we are not let down.

Do not accept Plato's philosophy that, "Only the dead have seen the end of war." Many people already are asking "Where have all the young men gone?"

Hope to see Kentucky again.

Sincerely,

Sp4c. RAYMOND CLOONEY,
1st Air Cavalry Division.
APO SAN FRANCISCO.

DEPARTMENT OF THE ARMY,
APO San Francisco, July 7, 1969.

Senator MARLOW COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I hope you will excuse the informality of this letter, but I am writing this letter more on a personal basis. At the present time I am serving with the Armed Forces in the Republic of Vietnam. I am a Georgetown College graduate, and hopefully a future member of the Louisville and Kentucky State Bar Association. I am a staunch Republican and have worked faithfully for the Republican party, and you in particular. I have always been, and always will be, a loyal American. I have earnestly tried to support our President and our government in all matters, and that is the reason for my writing this letter. In particular I am referring to the war in Vietnam.

The time has come when I can no longer support the policies of our government in relation to Vietnam. I do not stand alone in this respect. The general feeling, from what I am able to gather, is one of great dissatisfaction. Perhaps that is the wrong word, but at the same time it is very appropriate. I can not speak for all of the men in Vietnam so I will limit the questions and opinions to those of my own.

At the present time both sides seem to be making some moves toward de-escalation. However, those of North Vietnam have not been fully interpreted. Secretary Rogers has admitted that infiltration and enemy action has greatly slowed down and this could affect decisions on troop withdrawals. Yet, he also states that a cease-fire does not appear PRACTICAL. How do you justify practicality to dead men and their grieving families. He further states that, "we're certainly willing to take some risks to end the war." What risks have been taken or will be taken other than by the men serving in Vietnam. Most leaders will readily admit this war should have ended long ago yet the war continues. It seems that our leaders, with the exception of a small minority, are content to keep quiet. Thank God for those who have the intestinal fortitude to say I am concerned about our American men in Vietnam, and I want them home. Unfortunately, these people seem to be a small minority.

How much longer are we going to allow President Thieu to dictate the course of action to be followed. You know as well as I do that this war could end very quickly if it were not for Thieu and his unwillingness to compromise. Don't misinterpret my statements and feelings. I am not willing to give up Vietnam at any cost, because then the many thousands of lives lost would have been in vain, but before many more thousands are lost this war must be ended.

While the diplomatic and political rhetoric continues men are dying because it's leaders remain silent. Because it's leaders refuse to make a firm decision. I would not be so ignorant as to label it unconcern or indifference. Everyone talks about 't, ' ut no one does anything about it. I make this appeal to you Senator Cook, not for myself but for the men of Vietnam, to exert what force you have to bring this war to an end. As long as our leaders remain silent the war will continue.

There are many suggestions being made to end the war. Many seem to be the answer to the war, but they remain only suggestions. It is up to people like yourself, our elected leaders, to bring forces to bear.

Perhaps I have not made myself entirely clear, but I wanted my voice and feelings to be heard and counted.

The irony of all of this seems to me that we are fighting the wrong war anyway. It seems to me that as long as we are in Vietnam that our purpose should be to improve the plight of the Vietnamese people. The vast majority are peasants. Will they be any different when this war is over and we have gone home. That should be our war—a war to improve the plight of these people. I pose this question in regard to the people—how much worse off would these people be under Communism than they are now? They do not have a democraic government now. How much does Thieu's government actually differ from forms of Communism. Why should our nation spend billions and billions to kill and be killed? We are supposedly here to save the people of South Vietnam—Why aren't we doing that. I don't mean militarily but economically and educationally. Otherwise, our years and lives have been in vain. That is my reason Senator Cook for writing this letter. If we are to save South Vietnam we must do it now. I beseech you and others to seek a rapid end to this war, and get down to the work at hand if saving the South Vietnamese is our main concern.

I hope you will take the time to to read this letter and perhaps answer some of these questions for me. If not I remain

Respectfully yours,

RONALD E. BOGLE.

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

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

NORTH VIETNAM IS RESPONSIVE TO WORLD OPINION

Mr. DOLE. Mr. President, I was gratified to see in the newspaper today that the North Vietnamese are responding to the longstanding pleas of Americans for information about our prisoners of war. The delay in making this information available is completely inexcusable, but the fact that the North Vietnamese are taking this step shows that the North Vietnamese are subject to the weight of world public opinion.

It is important to recognize and emphasize this fact. In debate on the floor last week, I urged that public criticism be directed at the North Vietnamese for failing to show a positive attitude at the Paris peace talks. I was answered that such crisicism did not have any effect and that all our criticism should be leveled at our Government and the South Vietnamese. Of course, the Communists are not going to admit that they are acting in response to world opinion, but in fact they do respond to it. This opinion needs to be stimulated and focused upon the North Vietnamese and Vietcong.

If sufficient attention is directed to their intransigence at Paris, they cannot afford to maintain their uncooperative attitude. If those who call for changed American policy and decry the errors and shortcomings of the Saigon government would devote some of their energies to pointing out the faults of the North Vietnamese who are our enemies, and who are killing Americans, the North Vietnamese would have to negotiate in earnest.

Mr. President, I would hope that everyone will see the underlying significance in the reelase of this information on American prisoners of war, and will seek to employ this political reality to reach an end to the conflict in Vietnam.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

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

REPORT ON PROPOSED CLOSURE OF CERTAIN MILITARY INSTALLATIONS

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a full report of the facts, and the justification for the proposed closure of certain military installations in the United States (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting a report to the Committee on Finance, U.S. Senate, on the results of a review of medicare payments for services of supervisory and teaching physicians at Cook County Hospital, Chicago, Ill., Social Security Administration, Department of Health, Education, and Welfare, dated September 3, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION DESIGNED TO FACILITATE TRAVEL TO THE UNITED STATES BY FOREIGN TOURISTS AND BUSINESS VISITORS

A letter from the Secretary of State, transmitting a draft of proposed legislation designed to facilitate travel to the United States by foreign tourists and business visitors (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON THE FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Federal Metal and Nonmetallic Mine Safety Act for the period January 1 through December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the County of Gogebic, Bessemer, Mich., praying for the enactment of legislation relating to the inclusion of county governments within the definition of "local governments," so as to participate in the Federal system; to the Committee on Finance.

A resolution adopted by Iron County, Crystal Falls, Mich., relating to the inclusion of counties within the definition of "local governments," so as to participate in the Federal system; to the Committee on Finance.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 3075. A bill to convey the interest of

the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.; to the Committee on Interior and Insular Affairs.

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

By Mr. KENNEDY:

S. 3076. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guaranties in Latin American countries to encourage local participation in agricultural credit and self-help community development projects, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. RIBICOFF (for himself, Mr. BAKER, Mr. BOGGS, Mr. CANNON, Mr. CURTIS, Mr. DODD, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. MAGNUSON, Mr. MCGOVERN, Mr. NELSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, and Mr. THURMOND):

S. 3077. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

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

By Mr. ANDERSON:

S. 3078. A bill to provide for the issuance of a special series of postage stamps in commemoration of Ernest "Ernie" Pyle; to the Committee on Post Office and Civil Service.

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

By Mr. BYRD of West Virginia:

S. 3079. A bill for the relief of Elizabeth Currado; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3080. A bill to improve and clarify certain laws affecting the Coast Guard Reserve; and

S. 3081. A bill to improve and clarify certain laws affecting the Coast Guard; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bills appear in the RECORD under separate headings.)

By Mr. BROOKE:

S. 3082. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

S. 3083. A bill to authorize the disposal of corundum from the national stockpile;

S. 3084. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

S. 3085. A bill to authorize the disposal of shellac from the national stockpile;

S. 3086. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 3087. A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

S. 3088. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; and

S. 3089. A bill to authorize the disposal of castor oil from the national stockpile; to the Committee on Armed Services.

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

By Mr. KENNEDY:

S. 3090. A bill to amend the act of September 21, 1959 (73 Stat. 590) to increase the authorization for the Minute Man National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MONTOYA (for himself, Mr. PELL, Mr. RANDOLPH, Mr. JAVITS, Mr. BAYH, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SPONG, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. ALLEN, Mr. DODD, and Mr. TOWER):

S.J. Res. 163. A joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

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

S. 3075—INTRODUCTION OF A BILL CONVEYING THE INTEREST OF THE UNITED STATES IN CERTAIN PROPERTY IN FAIRBANKS, ALASKA, TO HILLCREST, INC.

Mr. STEVENS. Mr. President, for myself and my colleague, Mr. GRAVEL, I introduce, for appropriate reference, a bill which would authorize conveyance of all right, title, and interest of the United States reserved or retained in certain lands, in Fairbanks, Alaska, which were conveyed to the Hillcrest Home for Boys under the Recreation and Public Purposes Act of January 24, 1961.

Hillcrest Home for Boys was first organized at a meeting at the Eagle's Hall on September 11, 1958. Hillcrest, a home for boys without a home, is a community project and will accept all boys without regard to race, creed, or color. It is not a detention home nor a correctional institution. Rather, it is a home to live in during their 4 years of high school. Hillcrest will provide housing, school guidance, counseling, part-time opportunities for work, and the interest and care of a director who presides at Hillcrest.

Surveys have made apparent the need for Hillcrest, and Hillcrest has the support of both public and private agencies and service groups. Hillcrest plans to cooperate to the fullest degree possible with others in the field including Federal, State, and private organizations.

Hillcrest currently accommodates nine boys, and all available funds are needed to maintain the operation as is. Hillcrest wants to expand their facilities to accommodate up to 20 boys, a situation which is financially impossible now. If title were granted to Hillcrest for the land, a portion of the land could be sold to finance the desired expansion of their facilities. Currently, boys waiting to get into Hillcrest are housed in the State jail—a situation which is certainly not desirable. The entire concept of Hillcrest rests on taking disadvantaged youngsters and giving them the best possible environment and hope for the future.

Hillcrest is the only private institution in the State of Alaska which handles boys of this age group. These young men represent an important resource for Alaska and the Nation, and we should do our best to see that they are properly taken care of through the high school years.

The land in question, acquired under the Recreation and Public Purposes Act, can be used as income property if the bill I introduced today is favorably considered.

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

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

The bill (S. 3075) to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc., introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is authorized and directed to convey to Hillcrest, Incorporated, without consideration, all of the right, title, and interest of the United States in and to the tract of land (together with any buildings or other improvements thereon) described as the southeast quarter, section 26, township 1 north, range 2 west, Fairbanks meridian, such tract being the tract conditionally patented to Hillcrest Incorporated, by patent numbered 1216565 under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869), for use as a home for juvenile boys.

S. 3076—INTRODUCTION OF A BILL AMENDING THE FOREIGN ASSISTANCE ACT OF 1961 TO PROVIDE FOR GUARANTEED COMMUNITY SELF-DEVELOPMENT LOANS FOR LATIN AMERICA

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to establish a new program of guaranties for community self-development loans for Latin America. Similar legislation was introduced in the House of Representatives last May by Congressman JOHN E. MOSS of California.

The primary purpose of the proposed legislation is to fund a $25 million program under which the United States would guarantee loans by private Latin American banks and other financial institutions to low income groups who have no other reasonable source of credit to finance community self-development projects. Under the bill, guaranties of up to 25 percent would be available to encourage loans for a variety of urban and rural community development projects in Latin America. As illustrations of the types of projects that are intended to be encompassed by the program, the bill

lists the following: Wells, pumps, farm machinery, small schoolhouses, short access roads, improved seed, fertilizer, pesticides, vocational training, improved breeding stock for farm animals, grain warehouses, sanitation facilities, looms, and other handicraft aids. These examples, however, are only a small part of the immense variety of community development projects for which assistance might be available under the bill.

As President Kennedy said in his address at the state dinner in the San Carlos Palace in Bogota in 1961:

My real message is for millions of people in a thousand cities and villages throughout the mountains and plains of this majestic land. To you—to the workers, to the compesinos on the farms, to the women who toil wearily each day for the survival of their children—to you I bring a message of hope. Every day, every hour in far-off Washington and in the capital of your own country, dedicated men are struggling to bring nearer the day when you will have more to eat and a decent roof over your head and schools for your children—when you will have a better and more abundant life to accompany that great human dignity and love of freedom from which all of us have much to learn. And . . . I pledge to you that, with your help, that day will come.

The key feature of the bill is its emphasis on Latin American financing for Latin American development. By encouraging private Latin American institutions to lend funds for community development projects in their own nations, the bill is designed to promote a system of joint participation by both the rich and the poor in Latin American development.

In recent years, we have witnessed the birth of a remarkable precedent for the program proposed in the bill. Since 1966, the Pan American Development Foundation—PADF—has sponsored a similar type of program in a number of Latin American countries. The PADF, a private development foundation, was established in 1963 upon the recommendation of the Organization of American States. I am privileged to serve as a member of the board of trustees of PADF, along with some 30 other distinguished public officials and private citizens representing Latin America and the United States.

One of the primary goals of the PADF has been to encourage the private sector in Latin America to play a greater role in Latin American community development. To achieve this goal, the PADF has sponsored the establishment of local Latin American institutions known as "national development foundations—NDF." These local foundations are entirely autonomous. They serve to mobilize the personal energies and financial resources of all social and economic levels in Latin America in order to foster more extensive involvement in a broad spectrum of community self-help development projects. By stimulating the use of private nongovernmental resources, the foundations supplement official government efforts and accelerate the rate of local development.

The NDF program was a major new idea in Latin American economic development. The essence of the program—which is carried forward in the bill I am introducing today—is to provide credit in the form of small loans on reasonable terms to finance community projects in cases where conventional forms of bank credit are not available. Unlike the traditional U.S. foreign aid program, which provides grants to governments and loans and loan guaranties to wealthy developers, the NDF program reaches out directly to all the people. It thereby helps low-income groups in Latin America to become partners in the development process, rather than merely waiting for the benefits of capital development to "trickle down" to the lowest social level. For this reason, the NDF program has been widely acclaimed as the best new idea in foreign aid since the Marshall plan.

The NDF program has been a pioneering approach to development by the private sector in Latin America. Each National Development Foundation draws its board of directors and staff from within the country in which it is established, and determines its own policies and procedures. By relying on persons already active in each country to stimulate loan requests, such as agricultural extension agents, village priests, teachers, community development workers, Peace Corps volunteers, or government health workers, it has been possible for the foundations to function effectively on extremely low administrative budgets.

The first National Development Foundation was established in the Dominican Republic in July 1966. Since that time, similar foundations have been established in four other Latin American nations—Chile, Colombia, Ecuador, and Guatemala. In addition, National Development Foundations are now being organized in eight other nations—Argentina, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay, and Venezuela.

In the 3 years since the program was instituted, the existing National Development Foundations have extended over $1 million in loans to approximately 1,000 community groups in Latin America. Perhaps the most remarkable aspect of the program is that repayment of the loans is averaging better than 95 percent—in spite of the fact that the loans are largely unsecured in the traditional sense and are made to the most marginal sectors of the economy. Obvously, as the extraordinary high rate of repayment demonstrates, the loans have a higher security—the sense of new responsibility, pride, and integrity engendered in citizens who have become partners in development.

The flexibility of the NDF program has enabled it to operate at a level which neither commercial nor Government banks can presently reach. For example, loans have been made to finance projects such as a water pump, irrigation pipe, seed, fertilizer, and insecticide for a small agricultural cooperative; a truck or boat for moving farm produce; a diesel generator for village electricity or a pump for village water; oxen to replace hand labor, and tractors to replace oxen; rural health clinics to bring doctors and new medical techniques to isolated areas.

At the beginning of this month, 45 representatives of the 13 National Development Foundations already in existence or in the process of being organized held a series of seminars in Racine, Chicago, and the District of Columbia to document their past experience and plan for the future. It was my privilege to meet with these representatives during their seminar in Washington and to learn first hand of the remarkable success they have had.

As was frequently emphasized during the seminar, the history of the National Development Foundations is far more than the mere history of loans to the poor to take the first steps toward realizing their expectations for a better life. It is also the history of changing attitudes and motivations among both the rich and the poor of Latin America. It is a recognition of the emerging truth that effective development programs are not the special prerogative of a particular economic or social class, but must be carried out with the shared participation of all citizens.

It is time for us to begin to build on the experience of these National Development Foundations, and to foster the creation of similar programs wherever the need exists in Latin America. The legislation I am introducing today seeks to achieve this goal, and I am hopeful that it will receive early enactment.

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

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

The bill (S. 3076) to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guarantees in Latin American countries to encourage local participation in agricultural credit and self-help community development projects, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of part I of the Foreign Assistance Act of 1961, which relates to investment guaranties, is amended by adding at the end thereof the following new section:

"SEC. 225. Agricultural Credit and Self-help Community Development Projects—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector of Latin American countries in the economic development of such countries, the authority conferred by this section should be used to establish a program to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance from other sources on reasonable terms. Agricultural credit and self-help community development projects include, but are not limited to, material and such projects as wells, pumps, farm machinery, small schoolhouses, short access roads, improved seed, fertilizer, pesticides, vocational training, improved breeding stock for farm animals, grain ware-

houses, sanitation facilities, and looms and other handicraft aids.

"(b) To carry out the purpose of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance from other sources on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

"(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $25,000,000.

"(d) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this section. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

"(e) The President shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the program established under this section, together with such recommendations as he may deem appropriate.

"(f) The authority granted under this section shall terminate on June 30, 1972."

S. 3077—INTRODUCTION OF A BILL ALLOWING TAX CREDITS FOR HIGHER EDUCATION

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill creating a Federal income tax credit to offset the expenses of higher education tuition and fees.

Six years ago, I proposed legislation on the floor of the Senate which offered substantial tax relief to ease the growing financial burden of providing undergraduate and graduate education. Since 1963, the concept of a tuition tax credit has continued to gain support, and in 1967 the Senate approved this legislation in an amendment to the bill reinstating the investment tax credit. Regrettably, the amendment did not survive the conference with Members of the House of Representatives.

Today, the need for a tax credit is greater than ever before. Tuition costs have continued to climb. Federal, State, and local taxes have combined to squeeze the lower- and middle-income classes unmercifully. The opportunity to send a child to college without substantial scholarship assistance is rapidly disappearing.

About 7 million students are now working toward undergraduate or graduate degrees. While this is three times the number of students in 1955, we can look forward to another 2 million students by 1975.

Increasing enrollment has pushed tuition costs upward as colleges and universities seek to expand their crowded facilities and maintain a high standard of education.

The advancing frontiers of knowledge and technology have forced educational institutions to develop new teaching concepts and tools. Very simply, the cost of a good education is inflating.

In 1965, the average required tuition and fees at public and private universities were $200 and $812, respectively. At public institutions the average annual cost has risen by 50 percent to just under $300 in only 4 years. In the same period, at private universities, tuition fees and book costs have soared by 70 percent to $1,380.

This year the average minimum cost of 1 year of undergraduate education at a public university, including no other living expenses but room and board, will be $1,092. At a private university or college this basic minimum expense is $2,328. Thus, an American family with a son or daughter approaching college age, can look forward to a total expenditure of about $10,000 or more before graduation.

This inflationary spiral spells financial disaster for many Americans. The costs of education have become nearly unbearable.

For some families, of course, relief is available in the form of scholarships or educational loans. For many, however, especially in the middle-income brackets, financial assistance is nonexistent.

Our children's education is an investment in the future. We have made similar investments in the past, such as the GI bill, and the results have surpassed even our best expectations. We would do well to learn from these lessons.

As we face the necessity of finding solutions to the difficult and complex social problems facing this Nation we must recognize the essential role that education plays in our society. A better educated population is the primary tool for the continued growth and development of our Nation.

This bill proposes a maximum tax credit of $325 per student. The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition, fees, and books; 25 percent of the next $300, and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The resulting credit would be allowed against the tax of any person who paid the expenses of education for himself or another person at a qualified educational institution. A qualified institution includes recognized colleges, universities, graduate schools, vocational, and business schools.

Mr. President, the bill is drafted to relieve the heavy burden of educational costs now borne by the average American citizen. It would not benefit, or provide a loophole, for wealthy individuals who can easily afford these costs.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. One full credit would be phased out at each $10,000 level above $15,000. A family paying the expenses of one college-age child would be entitled to some tax credit up to an income level of $25,000. Similarly, only a taxpayer supporting two or more students would be entitled to a credit if his income was above $25,000. Similarly, only a taxpayer supporting three students could obtain a credit if his income was above $35,000. Thus, the effect of the credit is spread upward only in relation to true economic circumstances of the taxpayer.

This tax credit legislation will have a marked beneficial effect on the rapidly deteriorating ability of private individuals to finance the college education of a son or daughter. At the University of Connecticut, for instance, the cost of required tuition and books is $390. For the Connecticult resident who paid these fees and whose income was less than $15,000, the available credit would mean that his actual outlay would be reduced by $247.50, or two-thirds.

At a private institution where tuition alone may exceed $1,500 the full credit of $325 would be available to the same taxpayer, thus reducing the expenditures by more than 20 percent.

Mr. President, legislation of this type has received strong support from all segments of our society. Our ability to meet the problems and challenges of the future rests squarely on the strength of our educational institutions and the quality of education we are able to give all our citizens. This bill will substantially assist millions of Americans to meet the rising costs of providng qualty education. I urge that the Senate again give this legislation favorable consideration.

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

The bill (S. 3077) to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. RIBICOFF, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Finance.

S. 3078—INTRODUCTION OF A BILL TO PROVIDE FOR THE ISSUANCE OF A SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF ERNEST "ERNIE" PYLE

Mr. ANDERSON. Mr. President, on August 3, 1900, in an inconspicuous corner of the Midwest, a son was born to a plain-spoken, hard-working farm family. Neither of his parents got past the 8th grade. Their life was one of cutting broom corn, husking field corn, and jouncing along by buggy to church meetings and square dances. No one could have suspected that that son would grow up to become one of the most widely known figures, perhaps the most sensitive and thoughtful journalist, of his day. And yet that is what happened.

That son was named Ernest Taylor Pyle, later to be known by millions under the byline, "Ernie Pyle."

Mr. President, I am today introducing

legislation calling for the issuance of an Ernie Pyle memorial postage stamp, a fitting tribute to an honorable man and a respected journalist.

We in New Mexico have long held Ernie Pyle in high regard, and I am pleased to say that he felt the same about his adopted State. He was a resident of my own city of Albuquerque when, on April 18, 1945, on a tiny South Pacific island, he was killed by a Japanese bullet.

To this day, most people seem to remember Ernie Pyle as a war correspondent, but he was a great reporter and writer before the war came. It was his love of peace, of this land of ours, that caused him to be revered by all of us, caused him to write with such simple eloquence.

This is not my view alone, Mr. President. Let me quote from Ed Ainsworth, who wrote in the preface of one of Ernie Pyle's books:

> Many still think of Ernie almost entirely as the war correspondent who, through his courage and his understanding words, became the favorite not only of the public at home in the United States but also of the fighting men everywhere on far-flung battlefronts. Yet Ernie was world-famous for human, down-to-earth, sensitive columns about men, women, children and places long before World War II. And his love for the solitary places of the Southwest was part of his nature.

Or, perhaps best, let me turn to the great journalist himself, who, back in 1935 before we went to war, wrote this:

> From the Pecos to the Colorado, what a country! Its ancient history—Santa Fe was a thriving village long before the Pilgrims ever heard of Plymouth Rock; its modern history—the wild days of mining and cattle raising are an epic probably not duplicated anywhere in the world; its surface—the diverse and luxurious desert plants, beautiful in bloom, solemn and mysterious when bare; the land itself—spaceless, free, a land of humility and good taste. I love the Southwest.

Mr. President, there are volumes which testify to Ernie Pyle's humanity and eloquence, so I will not dwell on that.

I will simply note again his love for peace and for the land, the high esteem which we all held for him, and his affection for the Southwest and New Mexico. I think the issuance of a memorial postage stamp in his honor is fitting and necessary.

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

The bill (S. 3078) to provide for the issuance of a special series of postage stamps in commemoration of Ernest "Ernie" Pyle, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3080—INTRODUCTION OF A BILL IMPROVING AND CLARIFYING CERTAIN LAWS AFFECTING THE COAST GUARD RESERVE

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to improve and clarify certain laws affecting the Coast Guard Reserve. I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Transportation, together with a sectional analysis of the bill.

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

The bill (S. 3080) to improve and clarify certain laws affecting the Coast Guard Reserve, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Commitee on Commerce.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 2, 1969.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposal bill, "To improve and clarify certain laws affecting the Coast Guard Reserve."

The proposed bill would make changes to title 14, United States Code. Some of the changes clarify existing language or deal with minor areas where the existing statutory language does not completely cover a situation. These do not involve significant changes in substantive law.

The remainder of the changes would alter or add to substantive provisions in several areas. One major change in the proposal is that which would change the promotion system affecting Reserve officers to have it conform more closely with the promotion system applicable to Regular officers while providing for equality of treatment of officers of the Women's Reserve. In 1963, there was a comprehensive revamping of the system used to select for promotion, officers of the Regular Coast Guard. The fundamental change embodied in the new system required selection on a best-qualified basis for promotion to grades above lieutenant (junior grade) rather than on the basis of a modified seniority system under which all qualified officers were promoted.

The major purpose of the amendments to chapter 21 of title 14, is to adopt the best-qualified system for the promotion of Reserve officers. Such a system will not only permit the same standards to be maintained for the Reserve as are maintained for the Regular service, but will also aid in eliminating a severe stagnation problem in the grades of captain, commander, and lieutenant commander.

This stagnation results from the fact that upon the establishment of the Coast Guard Reserve in 1941, an extremely large number of Reserve officers entered the Reserve. The movement of these officers into the grades of captain, commander, and lieutenant commander has severely retarded the promotion of junior officers. The stagnation has been somewhat aggravated also by reason of the fact that more Reserve officers have become eligible for promotion as a result of the acceleration of promotion of Regular officers under best-qualified standards and the operation of the running-mate system. While Regular officers may expect to be promoted to captain, commander, and lieutenant commander in 22, 14, and 8 years, respectively, Reservists are 14, 4, and 2 years behind their running mates and the time lag is rapidly widening. This slowdown in promotion will have serious adverse effects upon the quality of leadership, morale, and interest of Coast Guard Reserve officers. It will also increase the difficulties of attracting and retaining high quality Reserve officers.

The proposed legislation is necessary to alleviate the present stagnation in the grades of captain, commander, and lieutenant commander and to prevent it from spreading to the lower grades. While this is the immediate need for this legislation, the more important and long range objective is to enhance the quality of the Coast Guard Reserve by increasing the quality of its officer corps. A best-qualified system will help to assure that those officers possessing the requisite degree of knowledge, judgment, and leadership ability to perform their duties efficiently in the light of an increasing emphasis on science, technology, and management will be selected. Adoption of the system will provide the means to control the flow of promotion, eliminate disparities, utilize manpower efficiently, and attract and retain officers of high capability.

Related to this major change are other provisions which would modify the Reserve officer structure by removing certain restrictions affecting officers of the Women's Reserve; by providing a modified, best-qualified promotion system for officers of the Women's Reserve; by eliminating the existing dual promotion system for officers serving on extended active duty, thus permitting actions taken in active duty status to be effective for Reserve status purposes; by providing for the elimination from an active status of those officers who have failed of selection for promotion to the next higher grade; by providing that a promotion appointment will be deemed accepted unless delivery cannot be effected; by modifying the running mate system; by stabilizing the precedence of officers; and by limiting the time in grade as a Reserve rear admiral.

Certain restrictions have been removed relative to officers of the Women's Reserve to incorporate some of the provisions applicable to women of the other Armed Services under Public Law 90–130. Because of extremely small numbers and maldistribution within year groups, it is impossible to provide for a best-qualified system of promotion with competition among themselves only, and still provide opportunity of promotion equal to that of male Reserve officers. For this reason, it is proposed to retain the fully qualified method of selection for officers of the Women's Reserve through the grade of lieutenant commander and to establish a best-qualified system for higher grades.

The dual system of promotion presently in effect for Reserve officers serving on active duty has resulted in duplication of effort and administrative delays. With the adoption of a best-qualified system of promotion for Reserve officers serving on inactive duty which parallels that presently employed for officers serving on active duty, the need for dual consideration would no longer exist. The proposal includes carry-over provisions to protect officers who have been selected for promotion while on active duty but could not be promoted before release to inactive duty, and vice versa.

The proposal to eliminate officers who have twice failed of selection to a higher grade and who had a full career is necessary to prevent officers who are no longer eligible for selection to a higher grade from filling billets which would impede the flow of promotion. It recognizes that the officers who are needed in an active status are those found to be best-qualified. At the same time there are provisions which protect the investment made in a Reserve career by those who are to be eliminated, and provide flexibility if it is necessary to retain individuals to meet mobilization requirements.

The proposal to assign an officer on the active duty promotion list, whether he is a Regular or Reserve officer, as the running mate of Reservists not on the active duty promotion list will effect an administrative improvement, by doing away with the necessity of assigning Regular officers to newly

commissioned ensigns commencing their three-year tour of active duty, and will eliminate a superfluous action since active duty promotions are governed by provisions of law in chapter 11 of title 14.

Recently, some discrepancies in precedence were noted where because of operation of law, an officer either gained or lost precedence without cause. The legislative proposal would prevent such occurrences in the future and provide authority to rectify present injustices.

At present, there are no time in grade limitations concerning the retention in an active status of Reserve rear admirals except those pertaining to mandatory retirement for age. Although the lack of such limitations has not proved troublesome in the past, it is considered that with the advent of a best-qualified promotion system and an increased use of other methods of attrition, a definite time in grade limitation should be provided for to increase the opportunity for promotion of captains to flag rank. The proposal to limit service in an active status of Reserve rear admirals to five years is considered to be reasonable and, at the same time, adequate for the officers to gain the desired level of experience in the grade.

It is anticipated that the enactment of this legislation would involve little, if any, additional expenditure of funds for retired pay.

It would be appreciated if you would lay this proposal before the Senate. A similar bill has been submitted to the Speaker of the House of Representatives.

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

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

SECTIONAL ANALYSIS

The bill is divided into 2 sections. Section 1, comprising the major portion of the bill, contains extensive amendments to title 14, U.S. Code. These amendments (1) establish an entirely new system for the promotion of male Reserve officers above the rank of ensign and for officers of the Women's Reserve above the rank of lieutenant commander; (2) revise provisions relating to retention and elimination of Reserve officers; (3) revise the running mate system to conform more closely to that of the Naval Reserve; (4) amend the provisions relating to precedence of officers to stabilize their lineal position and (5) make other changes to adapt chapter 21 of title 14 to the provisions of the bill. Section 2 contains saving provisions to provide equitable transition from existing law to this new law.

Clause (1) amends subsection (b) of section 762 by removing the restriction on rank of women officers by deleting the words "but not above the grade of captain."

Clause (2) amends 770 by technical changes only to provide that the subchapter comprise sections 770 to 798, and that the active duty promotion list refers to that defined in section 41a of title 14.

Clause (3) amends section 772 by a technical change to provide for an excess of officer personnel above the authorized total or the authorized percentages in any grades due to operation of mandatory provisions of law.

Clause (4) amends section 774 by a technical change referencing provisions of section 787.

Clause (5) amends section 775 to add a provision that whenever women officers are being considered for promotion, there will be women officers appointed as members of the selection board.

Clause (6) amends subsections (c) and (d) of section 780 and adds subsection (i), to establish an entirely new promotion system for male officers in the grade of lieutenant (junior grade) and above, and officers of the Women's Reserve in the grade of lieutenant commander and above, not serving on active duty. It is designed to parallel as closely as possible the promotion system of the Regular Coast Guard established in 1963, and that under which the Naval Reserve has been operating for several years. The existing system of promoting all Coast Guard Reserve officers on inactive duty by seniority on a "fully qualified" basis is replaced by a system whereby male officers above the grade of ensign and officers of the Women's Reserve above the grade of lieutenant would be promoted on a "best qualified" basis. A "fully qualified" system for promotion to the next highest grade would be retained for all ensigns and officers of the Women's Reserve through the grade of lieutenant. Promotions of male and female officers differ slightly under Clause (6) because the wide disparity in year groups, sometimes involving only a single officer, make competition on a best qualified basis not feasible. Junior women officers are all direct commissioned, having no officer candidate school background nor active duty except for annual two week periods. If they were required to compete with male graduates of OCS, averaging three years active duty, they would virtually be denied promotion beyond lieutenant (junior grade). These provisions would deal more fairly with junior women officers and incorporate the spirit of P.L. 90–130 relating to the removal of career restrictions on women officers of the other Armed Services. The subsections are described in detail as follows:

Subsection (c) provides that a selection board shall recommend for promotion, from among the officers whose names are submitted to it, (1) those male officers above the grade of ensign whom it considers to be best qualified; (2) those officers of the Women's Reserve above the grade of lieutenant it considers to be best qualified; (3) those male ensigns whom it considers to be fully qualified; and (4) those officers of the Women's Reserve in the grades of ensign, lieutenant (junior grade), and lieutenant it considers to be fully qualified.

Subsection (d) requires the Secretary, before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade), to determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action under section 772(c) of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers previously selected for that grade but not yet promoted. Subsection (c) of section 772 referred to above allows the Secretary to determine the number of officers who may be promoted annually in order to provide an equitable promotional opportunity among succeeding groups of officers and to maintain an adequate continuing strength of Reserve officers in an active status.

Subsection (i) provides equivalent promotion selection opportunity for male and female officers.

Clause 7 amends section 781 to provide that Reserve officers hold rank and take precedence not only among themselves but with officers of the Regular Coast Guard including the permanent commissioned teaching staff at the Coast Guard Academy.

Clause 8 amends subsection (a) of section 782 to provide that any officer on the active duty promotion list, whether Regular or Reserve, may become the running mate of any Reserve officer in an active status who is not on the active duty promotion list. It also amends subsection (b) by expanding the reasons for assigning a new running mate and by providing a means for determining the new running mate such that no officer will gain or lose precedence without cause.

Subsection (c) will provide for the adjusting of dates of rank of those officers who have gained or lost precedence because the present law operated unfairly. Example: Three Reserve officers, X, Y, and Z, served 3 years on active duty after graduation from OCS, all having the same date of rank as lieutenants (junior grade) of 12/1/66. On 1/15/67 X, the senior officer remained on active duty and Y and Z were released to inactive duty. On 11/1/67 the running mate for all 3 officers was promoted to lieutenant. Y and Z were then promoted with date of rank 11/1/67. X, however, could not be promoted until a vacant billet occurred on the active duty promotion list. He subsequently was promoted as of 1/1/68. On 5/1/ 68 Y was recalled to extended active duty. Although once junior to X, he is now senior to him by 2 months. Subsection (c) will rectify this injustice.

Clause (9) letters the present paragraph under section 7884 as "(a)" and adds a new paragraph (b) which provides that a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled. This paragraph is added to delineate entitlement to such pay and allowances since there is no present provision of law contained in title 14, U.S. Code which specifically provides for such entitlement.

Clause (10) amends section 787 and covers failure of selection for promotion, and provides for a substantially different system of attrition.

Subsection (a) provides that a woman officer being considered for promotion on a "fully qualified" basis shall not be considered by ensuing selection boards if she fails of selection to grade of lieutenant or lieutenant commander when first considered. All ensigns plus those officers being considered on a "best qualified" basis shall not be considered again if they fail of selection twice.

Clause (11) amends section 790 by merely technical changes to adapt the present language to the new running mate system.

Clause (12) amends section 791 to eliminate the present dual systems of promotion for Reserve officers and to establish carry-over provisions to prevent duplication of effort and administrative delay. The various subsections are analyzed in detail as follows:

Subsection (a) provides that a Reserve officer serving on active duty other than active duty for training or other than for duty on a board shall not be eligible for consideration for promotion under the provisions of this subchapter. Instead, it provides that such an officer shall be considered for promotion and promoted pursuant to appropriate provisions of law contained elsewhere in title 14. This subsection further provides that if such an officer is so promoted, he shall be considered an extra number in the grade to which promoted for purposes of grade distribution prescribed in this subsection and shall not be counted in such distribution until he is released from active duty.

Subsection (b) provides that notwithstanding the provisions of subsection (a) of this section, a Reserve officer who, at the time he reports for active duty, has already been selected for promotion under the provisions of this subchapter shall be promoted as though he were selected while serving on active duty.

Subsection (c) provides that a Reserve officer who has been recommended for promotion at the time he is released from active duty shall be promoted under the provisions of this subchapter, as though he had been selected while not serving on active duty.

Subsection (d) provides that a failure of selection shall be counted for all purposes

regardless of the officer's status at the time it occurred.

Clause (13) adds three new sections relative to failure of selection of officers; acceptance of promotion when tendered; and maximum time in grade as a rear admiral. The sections are treated individually as follows:

Section 796. Failure of selection for promotion.

Present provisions of law do not specifically enumerate the conditions which must exist to constitute a failure of selection although it is implied in sections 780 and 787 of this subchapter that if an officer is considered by the board and is not recommended for promotion, he has failed of selection. As a practical matter, officers so situated have been held to have failed of selection. The insertion of subsection (a) clarifies the intent of the subchapter.

Subsection (b) is a savings provision with respect to any officer who was not considered by a selection board because of administrative error. Such an officer shall not be considered to have failed of selection. If selected by the next succeeding selection board after the error is discovered and promoted, he will assume the date of rank and precedence which he would have held if he had been selected for promotion by the board which would have considered him but for the error.

Subsection (c) provides that when a selection board is considering women officers for promotion to a grade below commander, such officers shall be considered in the order of their seniority and that when the number of officers found to be qualified equals the number of vacancies to be filled, the board shall not consider any officers junior to the last one found to be qualified. Junior officers not considered are not deemed to have failed of selection and they are eligible to be considered by the next board convened.

Section 797 is inserted and entitled "Promotion; acceptance; oath of office". This new section provides that the effective date of a promotion appointment shall be deemed to be the date of its issuance unless delivery of the appointment cannot be effected. Further, it provides that an officer who has previously taken the prescribed oath of office and has served continuously thereafter need not repeat the oath upon issuance of a promotion appointment.

Section 798 contains a new provision which requires that a Reserve rear admiral must be eliminated from an active status or discharged on the date on which he completes five years of service in that grade unless he is retained until age 64 as provided for in section 789 of this title. At the present time, there are no sections of law requiring such action to be taken until mandatory retirement age of 62 or 64 is reached. It is considered desirable to prevent a possible stagnation of promotion to flag grade since only 2 flag officers are authorized for the Coast Guard Reserve.

Section 2 contains three savings provisions necessitated by the change from a "fully qualified" system to a "best qualified" system. These three savings provisions are analyzed in detail as follows:

Subsection (a) provides for the promotion of officers who have been recommended for promotion under the present system but who have not been promoted as of the effective date of the Act. This subsection provides the authority to promote such officers without further selection. Thus, there would be no interruption in promotions.

Subsection (b) provides that officers who have failed of selection for promotion under existing laws will be considered as having failed of selection under the provisions of this Act. This makes them subject to the mandatory attrition features prescribed by this Act for such officers.

Subsection (c) insures that enactment of this Act will not result in the termination of the promotion appointment of any officer even though such appointment may have been received pursuant to a section of law or as a result of a system of promotion that is changed by the provisions of this Act.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

* * * * *

CHAPTER 21.—COAST GUARD RESERVE

Sec.
751. Purpose and administration of Reserve.
751a. Organization.
752. Eligibility.
752a. Authorized strength.
753. Term; duty; training.
753a. Coast Guard Reserve Policy Board.
754. Grades and ratings; military authority.
755. Benefits.
756. Temporary membership; eligibility; compensation.
757. Exemption from military training and draft.
758. Discipline.
758a. Reserve student aviation pilots; reserve aviation pilots; appointments in commissioned grade.
759. Uniform allowance.
759a. Wartime appointments or promotions; retention of grade upon release from from active duty.
760. Disability or death benefits for temporary members.
761. Engaging in civil occupation; leave for training duty.
762. Women's Reserve.
763. Certificate of honorable service of temporary members.

COMMISSIONED OFFICERS

Sec.
770. Definitions.
771. Applicability of this subchapter.
772. Authorized number of officers.
773. Constructive credit upon initial appointment.
774. Eligibility for promotion; retention in active status.
775. Selection boards; appointment.
776. Grade on entry upon active duty.
777. Recommendation for promotion of officers previously removed from active status.
778. Suspension of this subchapter in war or national emergency.

§ 770. Definitions.

As used in section 770–79[5]*8*, inclusive of this title—

* * * * *

(9) the "active duty promotion list" is as defined in section 41a of this title.

[9] *(10)* "this subchapter" means section 770 to 79[5]*8*, inclusive of this title.

* * * * *

§ 772. Authorized number of officers.

* * * * *

(b) The authorized number of officers of the Coast Guard Reserve in active status in each of the grades below the grade of rear admiral shall be a percentage of the total authorized number of such officers in active status below the grade of rear admiral, and shall be 1.5 percent in the grade of captain, 7.0 percent in the grade of commander, 22.0 percent in the grade of lieutenant commander, 37.0 percent in the grade of lieutenant, and 32.5 percent in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Coast Guard Reserve officers in an active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection [.] *or because an excess results directly from the operation of mandatory provisions of this or other laws.* The authorized number of Coast Guard Reserve officers in an active status in the grade of rear admiral shall be two.

* * * * *

§ 774. Eligibility for promotion; retention in active status.

[To be eligible for consideration for promotion under this subchapter] *A* Reserve officer must be in an active status [.] *to be eligible for consideration for promotion and to be promoted under this subchapter. Officers retained in an active status and excluded from promotion by the provisions of section 787 of this title are not eligible for consideration for promotion.*

§ 775. Selection boards; appointment.

* * * * *

(f) *Whenever a selection board is convened to consider officers of the Women's Reserve not serving on active duty, membership of the board shall include, when reasonably available, not less than two members of the Women's Reserve not serving on active duty.*

* * * * *

§ 780. Promotion; recommendations of selection boards.

* * * * *

(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, [and without regard to existing precedence or seniority, shall recommend for promotion those officers whom it considers to be qualified to assume the duties of the next higher grade. Such officers shall receive consideration in the order of their relative seniority and when the number of officers found to be qualified equals the number of vacancies to be filled, the board need not consider any officers junior to the last officer found to be qualified and recommended for promotion.] *shall recommend for promotion to the next higher grade:*

(1) those male officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified;

(2) those male officers serving in the grade of ensign whom it considers to be fully qualified;

(3) those officers of the Women's Reserve serving in the grade of lieutenant or below whom it considers to be fully qualified; and

(4) those officers of the Women's Reserve serving in the grade of lieutenant commander or above whom it considers to be best qualified. The recommendation of a selection board shall be based on comparative fitness for the duties to which officers of the Women's Reserve are normally assigned.

(d) [Any such junior officers not considered pursuant to subsection (c) of this section shall not be considered to have failed of selection, and the names of such officers shall be again submitted to the next ensuing selection board.] *Before convening a board to recommend officers for promotion to any grade above lieutenant (junior grade), the Secretary shall determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action pursuant to the provisions of subsection (c) of section 772 of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of vacancies estimated for the next twelve months, less the number of officers on the promotion list for that grade.*

* * * * *

(i) *Vacancies in all grades shall be filled by the combined total of those officers, male and female, who have been selected for promotion. Selection opportunity for officers of*

the Women's Reserve to grades above lieutenant commander shall be equivalent to that prescribed for male officers of the same grades. Officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected.

* * * * *

§ 781. Precedence.

Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grades [of the Regular Coast Guard respectively] *on the active duty promotion list and the permanent commissioned teaching staff* in accordance with the dates of rank as stated in their commissions. When Reserve officers and [Regular] officers *on the active duty promotion list or the permanent commissioned teaching staff* have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

§ 782. Running mates.

(a) Each officer of the Reserve in an active status *not on the active duty promotion list* shall [have] *be assigned* a running mate who shall be the officer [of the Regular Coast Guard] of the same grade *on the active duty promotion list* [exclusive of extra numbers,] who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title. *Officers who are extra numbers, who have twice failed of selection, or who have not been recommended for continuation under section 289 of this title shall not be assigned as running mates under this section.*

* * * * *

(1) If a running mate is [retired, dies, or otherwise is separated from the service,] *promoted from below the promotion zone, is removed from the active duty promotion list,* suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the [Regular Coast Guard of the] same grade *on the active duty promotion list* who was next senior to the old running mate, [exclusive of extra numbers,] or if there be no such [Regular] officer then the most senior [Regular] officer in [the] *that* grade [.] *on the active duty promotion list. If the old running mate was on a list of selectees for promotion the new running mate shall be on a list of selectees.*

(2) If an officer of the Reserve suffers loss of numbers, the new running mate, shall be the officer [of the Regular Coast Guard exclusive of extra numbers,] *on the active duty promotion list* who is the running mate of the Reserve officer next senior to the officer concerned after the loss of numbers has been effected.

(3) If an officer of the Reserve *is considered for promotion at approximately the same time as his running mate and* fails of selection [or], fails to qualify for promotion *after selection, or declines an appointment after having been selected for promotion* and his running mate is promoted, the new running mate shall be the *next* senior officer [of the Regular Coast Guard] remaining in [that grade,] *the same grade on the active duty promotion list,* [exclusive of extra numbers,] whose name is not on a [promotion] list [.] *of selectees and who is eligible for consideration for promotion.*

[(4) If a running mate is retarded in rate of promotion or has attained the highest rank to which he may be promoted, the new running mate shall be the officer of the Regular Coast Guard who is next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the Regular officer of the same grade who is next eligible for promotion. An officer shall be considered to have been retarded when another officer in his grade junior to him is eligible for promotion ahead of him. If subsequently the old running mate is promoted and is restored to the precedence he would have held but for the retardation, he shall be reassigned as the running mate of the Reserve officer concerned.]

"(4) If an officer of the Reserve was not considered for promotion at approximately the same time as his running mate, and the Reserve officer subsequently is considered and fails of selection or fails to qualify for promotion, such failure shall be deemed to have occurred at the same time as his running mate was considered. His new running mate shall be the next senior officer remaining in the same grade on the active duty promotion list, whose name was not on a list of selectees at the time the original running mate was selected."

"(5) In any situation not expressly covered by this subsection or where the assignment of a running mate would result in an inequitable change in precedence, the Secretary may assign an appropriate running mate to effect the intent of this section that no unjust benefit or detriment will result to any officer from the operation of this section."

"(6) A Reserve officer on the active duty promotion list shall become the running mate of all the inactive duty Reserve officers who are junior to him and had a running mate in common with him at the time of his being placed on the active duty promotion li[illegible]."

"(c) The Secretary is authorized to adjust, as necessary, the dates of rank of Reserve officers not on active duty so that the dates will correspond with those of the running mates assigned to them in accordance with the provisions of this section. However, the dates of rank of those Reserve officers whose names are on a list of selectees for promotion to the next higher grade at the time of enactment of this subsection, shall not be adjusted until such time as the officers have been promoted. If overpayments of pay and allowances will have resulted from the adjustment of dates of rank, such overpayments shall not be subject to recoupment."

§ 784. Date of rank upon promotion; entitlement to pay.

(a) When an officer of the Reserve is promoted to the next higher grade under the provisions of this subchapter either for temporary service or for service in permanent grade, he shall be assigned the same date of rank as that assigned to his running mate for either and/or both types of service and a Reserve officer so promoted shall be allowed pay and allowances of the higher grade for duty performed from the date of his appointment thereto.

"(b) Notwithstanding any other provision of law, a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled."

* * * * *

§ 787. Failure of selection and elimination.

"(a) [A Reserve officer not above the grade of lieutenant after failing of selection for promotion to the next higher grade for a second time may be retained in or eliminated from an active status in the discretion of the Secretary.] *Officers of the Women's Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary.* [Other] *Those* Reserve officers [whose names are not on a promotion list after failing of selection for promotion to the next higher grade a second time] *who are not retained in an active status* shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

Grade:	*Total years of commission service*
Captain	30
Commander	26
Lieutenant commander	20

For the purpose of this subsection, the total commissioned service of an officer who shall have served continuously in the Coast Guard Reserve following appointment therein in the grade or rank of ensign shall be computed from June 30 of the fiscal year in which he accepted appointment. Each Reserve officer initially appointed in a grade above that of ensign shall be deemed to have for these purposes, as much total commissioned service as any officer of the Regular Coast Guard who has served continuously since original appointment as ensign, has not lost numbers or precedence and who is, or shall have been, junior to such Reserve officer, except that the total commissioned service that such Reserve officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

* * * * *

§ 790. Type of promotion; temporary; permanent.

(a) Notwithstanding any other law, if a Reserve officer is promoted when his [or her] running mate [in the Regular Coast Guard] is promoted and such promotion of the [Regular] running mate is on a temporary basis, the promotion of the Reserve officer concerned shall be on a temporary basis, and if subsequently the [Regular] running mate is reverted to a lower grade (for reasons other than disciplinary or for incompetence or at his own request), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate [in the Regular service] and take corresponding precedence.

* * * * *

§ 791. Promotion of officers on active duty.

[While serving on extended active duty, an officer of the Reserve may be promoted in the same manner as an officer of the Regular Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty, unless permanently promoted while on extended active duty, shall resume his permanent rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they otherwise meet the requirements of this subchapter and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this subchapter.]

(a) While serving on active duty other than active duty for training, or other than for duty on a board, a Reserve officer shall not be eligible for consideration for promotion or for promotion under the provisions of this subchapter. Such an officer shall be considered for promotion and promoted pursuant to appropriate provisions contained elsewhere in this title. If so promoted, such an officer shall be considered as having been promoted under this subchapter and shall be considered as an extra number in the grade to which promoted for the purpose of grade distribution prescribed in this subchapter and shall not be counted in such

distribution until he is released from active duty.

(b) Notwithstanding the provisions of subsection (a) of this section, a Reserve officer who, at the time he reports for active duty has been recommended for promotion to the next higher grade under the provisions of this subchapter, shall be promoted to such grade subject to the same conditions as though selected under provisions of law applicable to a Reserve officer serving on active duty.

(c) A Reserve officer who, at the time he is released from active duty, has been recommended for promotion to the next higher grade under provisions of law applicable to a Reserve officer serving on active duty, shall be promoted to such grade subject to the same conditions as though selected under provisions of this subchapter.

(d) A failure of selection for promotion to the next higher grade shall be counted for all purposes regardless of whether it occurred under the provisions of this subchapter or under other provisions of law.

* * * * *

§ 796. Failure of selection for promotion.

(a) A Reserve officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

(b) An officer shall not be considered to have failed of selection if he was not considered by a selection board because of administrative error. If he is selected by the next succeeding selection board after the error is discovered and is promoted, he shall be given the date of rank and precedence that he would have held if he had been recommended for promotion by the selection board which would have considered him but for the error.

(c) Those officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who are junior to the last officer selected by a board pursuant to subsection (i) of section 780 of this title shall not be considered to have failed of selection, and the names of such officers shall be submitted to the next ensuing selection board.

§ 797. Promotion; acceptance; oath of office.

(a) An officer who has been appointed under the provisions of this subchapter is considered to have accepted such appointment unless delivery of the appointment cannot be effected.

(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5, United States Code, is not required to take a new oath upon his appointment in a higher grade.

§ 798. Rear admiral; maximum service in grade.

A Reserve rear admiral, unless retained in or removed from an active status under other provisions of law, shall be removed from an active status on the date he completes five years of service in the permanent grade of rear admiral.

S. 3081—INTRODUCTION OF A BILL AND CLARIFYING CERTAIN LAWS AFFECTING THE COAST GUARD

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to improve and clarify certain laws affecting the Coast Guard. I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Transportation, together with a statement showing changes in existing law made by the proposed bill.

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

The bill (S. 3081) to improve and clarify certain laws affecting the Coast Guard, introduced by Mr. MAGNUSON, by request, was received, read twice by its title and referred to the Committee on Commerce.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 10, 1969.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To improve and clarify certain laws affecting the Coast Guard."

The proposed bill would make changes to title 14, title 10, and title 37, United States Code. Some of the changes are minor in nature and either clarify existing language or deal with minor areas where the existing statutory language does not completely cover a situation. These do not involve significant changes in substantive law. The remainder of the changes would alter or add to substantive provisions in several areas.

The Coast Guard Academy would be the subject of several substantive of changes. The first of these would increase the number of cadets authorized to be appointed annually from 400 to 600. Relief from the present ceiling is necessary to insure continued support by the Academy of service officer corps needs. Secondly, the bill would provide authority to order a cadet to active duty as a member of the Coast Guard Reserve in an appropriate enlisted grade for a period not to exceed four years, if he does not complete the course of instruction or if he refuses to accept a commission. The third change would authorize the instruction of not to exceed four cadets from the Republic of the Philippines at the Coast Guard Academy. The second and third provisions are similar to existing provisions of title 10, United States Code, applicable to the Naval Academy. A fourth change provides authority for a member of the permanent commissioned teaching staff to serve until age 64. This change would parallel existing authority for the Military and Air Force Academies, the other academies with permanent commissioned professors on the teaching staff.

Certain personnel provisions concerning the Regular Coast Guard would also be amended by the proposal. The bill seeks to authorize the promotion of ensigns to lieutenant (junior grade) after 12 months active service if desired. At the present time the Navy is effecting promotions after 12 months service in the grade of Ensign. Another change relating to personnel removes reserve officers assigned to the Selective Service System from the active duty promotion list. This modification will afford these officers opportunity for promotion commensurate with their background and assigned duties. A final change in this area seeks to authorize the recall of retired regular officers with their consent, regardless of their age.

Another area in which substantive authority would be added concerns housing and transportation of dependent school children.

The proposed addition would make permanent the temporary authority to lease housing for assignment as public quarters which was contained in Public Law 90-334 and which will expire on June 30, 1970. There is a continuing need for this authority in order to provide sufficient housing for Coast Guard personnel. In addition, authority would be provided for the Secretary of designate as rental housing certain government-owned housing which does not meet current standards for public quarters and, therefore, is inadequate. The rental charge would be set according to parameters set forth in the proposed amendment section. This authority would permit the continuance of a program which was commenced some years ago.

With the increased acquisition and construction of housing at Coast Guard units in recent years, a necessity has developed for providing for the transportation of dependent school children between the site of the housing and the schools serving the area. Frequently, Coast Guard units with public quarters attached are located at some distance from public transportation facilities, if they exist at all. There is no feasible method of getting the children to their schools. The proposed authority would allow the Coast Guard to provide this transportation, where necessary and would parallel similar procedures effective in the other armed forces.

Among the remaining changes is one which would permit obligations to be incurred against anticipated reimbursement to the Coast Guard Supply Fund as the Secretary, with the approval of the Director of the Bureau of the Budget, determines to be necessary. The funding capability of the Supply Fund has been considerably reduced in recent years due to increased inventory levels required by the expansion of Coast Guard activities, inflationary trends and increased lead time for material on order. The authority sought presently exists for the Department of Defense and is codified in 10 United States Code 2210(b).

The last significant change to title 14 concerns the existing limitation found in section 432(g) on the compensation of personnel of the former lighthouse service. This limitation of $5,100.00 has prevented the more senior employees from receiving the full benefits of pay increase legislation particularly in the past few years. Additionally, an adjustment in accordance with current directives of the Bureau of the Budget in rental charges for quarters furnished these employees will result in an increased charge against them which, in effect, will lower their effective level of compensation. The proposed increase in the maximum limitation to $7,500 will allow these employees to receive pay increases as they are enacted and will allow some flexibility in adjusting position levels to reflect the increased rental charge without reducing the take-home pay of the employees concerned.

The remaining changes to title 14 are technical changes to existing language to clarify it or to deal with minor problems. These include amendments to insure complete understanding as to Coast Guard responsibility for underwater research and rescue, maritime safety and law enforcement.

In addition to amendments to title 14, certain amendments to titles 10 and 37 of the United States Code are also included. The amendment to the Armed Forces title would add Coast Guard dependents to the existing authority for the training of dependents of members of the other armed forces in foreign language in anticipation of the members' permanent dusty assignment outside the United States.

The Pay and Allowances title would be amended to provide authority for the payment of Coast Guard aviation cadets similar to that for aviation cadets of the Navy, Air Force, and Marine Corps. Additionally, it would be amended to provide for the payment of a uniform allowance to enlisted members of the Coast Guard appointed to permanent warrant officer grade similar to the allowance provided enlisted members when appointed to temporary officer status. Finally, it would be amended to provide authority to increase the pay of a member of the permanent commissioned teaching staff at the Academy, at the thirty-sixth year of service, producing a pay comparable to that authorized at the other service academies with permanent commissioned professors on the teaching staff.

The additional expenses caused by this

legislation, if enacted, will depend, in great measure, upon the extent to which some of the authority granted is implemented. The impact of certain of the provisions can be estimated with some certainty. For example, the annual cost resulting from the increase in the limitation on the maximum compensation to be paid to personnel of the former lighthouse service would be about $1,500.

When the authority to train cadets from the Republic of the Philippines is fully implemented it will cost annually approximately $10,000 for the four cadets. The annual expenditure for transportation of dependent school children is not expected to be a significant amount. It is anticipated that some savings will result from the authority to require enlisted service from cadets who do not complete the course of instructions at the Academy. However, the amount of such savings is difficult to estimate.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there would be no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Sincerely,

J. C. WOLFF.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

TITLE 41

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws [upon] *on and under* the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on *and under* the high seas and [on] waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain and operate, with due regard to the requirements of national defense, aids to maritime navigation, [ice-breaking] *icebreaking* facilities, and rescue facilities for the promotion of safety on, *under,* and over the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

* * * * *

§ 41a. Active duty promotion list.

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Retired officers, officers of the permanent commissioned teaching staff of the Coast Guard Academy, and officers of the Women's Reserve shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components [,] *or assigned to the Selective Service System,* shall be included on the active duty promotion list.

* * * * *

§ 88. Saving life and property.

(a) In order to render aid to distressed persons, vessels, and aircraft on *and under* the high seas and on *and under* the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:

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Chapter 9.—Coast Guard Academy

Sec.
181. Administration of Academy.
182. Cadets; number, appointment, obligation to serve.
183. Cadets; initial clothing allowance.
184. Cadets; degree of bachelor of science.
185. Cadets; appointment as ensign.
186. Civilian instructors.
187. Permanent commissioned teaching staff; composition.
188. Appointment of permanent commissioned teaching staff.
189. Grade of permanent commissioned teaching staff.
190. Retirement of permanent commissioned teaching staff.
191. Credit for service as member of civilian teaching staff.
192. Assignment of personnel as instructors.
193. Advisory Committee.
194. Annual Board of Visitors.
195. Admission of foreigners for instruction; restrictions; conditions.

* * * * *

§ 182. Cadets; number, appointment, obligation to serve.

(a) The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed [four] *six* hundred. Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, *to complete the course of instruction at the Coast Guard Academy and* to serve at least five years as an officer in the Coast Guard after graduation, if his service be so long required. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(b) A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years.

§ 190. Retirement of permanent commissioned teaching staff

Professors, associate professors, assistant professors, and instructors in the Coast Guard shall be subject to retirement or discharge from active service for any cause on the same basis as other commissioned officers of the Coast Guard, except that they shall not be required to retire from active service under the provisions of section 288 of this title, nor shall they be subject to the provisions of section 289 of this title, *nor shall they be required to retire at age 62 but may be permitted to serve until age 64 at which time unless earlier retired or separated they shall be retired.* The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service. Service as a civilian member of the teaching staff at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or instructor shall be credited in computing length of service for retirement purposes. The provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor, associate professor, assistant professor, or instructor serving under a temporary appointment.

§ 195. Admission of foreigners for instruction; restrictions; conditions

(a) Upon designation by the President, the Secretary may permit not to exceed four persons at a time from the Republic of the Philippines to receive instruction at the Academy.

(b) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as cadets at the Academy.

(c) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.

Chapter II.—Personnel

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§ 271. Promotions; appointments.

* * * * *

(c) An officer serving on active duty in the grade of ensign may if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed [eighteen] *twelve* months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

* * * * *

§ 332. Recall to active duty with consent of officer

(a) Any regular officer on the retired list may, with his consent be assigned to such duties as he may be able to perform. [But no officer on the retired list who has reached the age of sixty-two years shall be recalled in time of peace.]

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§ 432. Personnel of former Lighthouse Service

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(g) The head of the department in which the Coast Guard is operating under regulations prescribed by him, may regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard, but such personnel may be called upon for duty in emergency circumstances or otherwise at any time or all times. The existing system governing the pay of such employees may be continued or changed except that overtime compensation, night differential, and extra pay for duty on holidays shall not be paid to such employees. In lieu thereof additional annual compensation may be authorized, which may be prescribed either as a fixed differential or as a percentage of the basic compensation otherwise applicable to such employees. In no case shall basic compensation exceed [$5,100] *$7,500* per annum, except that nothing contained in this subsection shall operate to decrease the basic compensation of any person employed by the Coast Guard on the date of enactment of this subsection, and in no case shall additions thereto exceed 25 per centum of such basic compensation. Provisions may be made for compensatory absence from duty when

conditions of employment result in confinement because of isolation or in long periods of continuous duty, and provisions may likewise be made for extra allowance for service outside the continental limits of the United States.

Chapter 13.—Pay, allowances, awards, and other rights and benefits

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[§ 475. Hiring of quarters for personnel

Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.]

§ 475. Leasing and hiring of quarters; rental of inadequate housing

(a) The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year.

(b) Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 percent of such allowance except that in no event shall the net rental value charged to the member's basic allowance for quarters be less than the cost of maintaining and operating the housing.

(c) The Secretary is authorized, subject to regulations approved by the President,

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and

(2) to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents.

(d) Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.

Chapter 17. Administration

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§ 650. Coast Guard Supply Fund

(a) A Coast Guard Supply Fund is authorized. The Secretary may prescribe regulations for designating the classification of materials to be stocked. In such regulations, whenever the fund is extended to include items not previously stocked, the Secretary may authorize an increase in the existing capital of the fund by the value of such usable materials transferred thereto from Coast Guard inventories carried in other accounts. Except for the materials so transferred, the fund shall be charged with the cost of materials purchased or otherwise acquired. The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.

(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursements to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Bureau of the Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year.

§ 657. Dependent school children; transportation of

Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

TITLE 10.—ARMED FORCES

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Chapter 101. Training generally

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§ 2002. [Dependents of members of Army, Navy, Air Force, or Marine Corps: language training.] *Dependents of members of armed forces: language training.*

(a) Notwithstanding section 1041 of title 22 or any other provision of law, and under regulations to be prescribed by the Secretary of Defense [,] *or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation,* language training may be provided in—

(1) a facility of the Department of Defense;

(2) a facility of the Foreign Service Institute established under section 1041 of title 22; or

(3) a civilian educational institution; to a dependent of a member of the [Army, Navy, Air Force, or Marine Corps] *armed forces* in anticipation of the member's assignment to permanent duty outside the United States.

(b) For the purpose of this section, the word "dependent" has the same meaning that it has under section 401 of title 37.

TITLE 37.—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

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CHAPTER 3.—BASIC PAY

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(e) An aviation cadet of the Navy, Air Force, [or] Marine Corps, *or Coast Guard* is entitled to monthly basic pay at the rate of 50 percent of the basic pay of a commissioned officer in pay grade 0–1 with two or less years of service computed under section 205 of this title.

* * * * *

* * * * *

(b) While serving as a permanent professor at the United States Military Academy or the United States Air Force Academy, *or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy,* an officer who has over 36 years of service computed under section 205 of this title is, in addition to the pay and allowances to which he is otherwise entitled under this title, entitled to additional pay in the amount of $250 a month. This additional pay may not be used in the computation of retired pay.

Chapter 7—Allowances

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(e) An enlisted member of the Navy, Marine Corps, or Coast Guard who is initially appointed as a temporary officer under sec-

tion 5596 or 5597 of title 10 or section 214 of title 14, *or a warrant officer under section 213 of title 14,* as the case may be, is entitled to a uniform allowance of $250.

S. 3082 THROUGH S. 3089—INTRODUCTION OF BILLS RELATING TO DISPOSAL OF CERTAIN EXCESS PRODUCTS FROM THE NATIONAL STOCKPILE

Mr. BROOKE. Mr. President, I introduce today, on behalf of the General Services Administration, eight bills for the disposal of certain excess products from our national stockpile.

Since authority for the release of these products has already been exhausted in some cases and is due to run out shortly in others, I urge that these bills receive prompt consideration.

For the information of my colleagues, I ask unanimous consent that the bills be printed at this point in the RECORD.

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

The bills, introduced by Mr. BROOKE, were received, read twice by their titles, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3082

A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-five thousand, eight hundred short dry tons of type B, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3083

A bill to authorize the disposal of corundum from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand, nine hundred fifty-two short tons of nonstockpile grade corundum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3084

A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred eleven thousand, nine hundred short dry tons of type A, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3085

A bill to authorize the disposal of shellac from the national stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million, three hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against available disruption of their usual markets.

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3086

A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventeen million, nine hundred thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3087

A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two thousand eight hundred forty-four short tons of nonstockpile grade chrysotile asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3088

A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds (W content) of tungsten now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Pile Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3089

A bill to authorize the disposal of castor oil from the national stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million five hundred thousand pounds of castor oil now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2228

Mr. THURMOND. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of the bill (S. 2228) to provide for the increase of capacity and the improvement of the operations of the Panama Canal, and for other purposes.

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

S. 2524

Mr. MATHIAS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 2524, to adjust agricultural production, to provide a transitional program for farmers, and for other purposes.

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

S. 2636

Mr. BOGGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. BENNETT) be added as a cosponsor of S. 2636, a bill to make the provisions of the Vocational Educational Act of 1963 applicable to individuals preparing to be volunteer firemen.

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

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

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

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 240

Mr. PROXMIRE. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing of amendment No. 240 to S. 2821, the Public Transportation Assistance Act, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor.

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

AMENDMENT NO. 254

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be listed as a cosponsor of amendment No. 254 to H.R. 13270, to reform the income tax laws. His name was originally omitted through clerical error.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MILWAUKEE COMMISSIONER ZUBRENSKY FIGHTS FOR HELP FOR UPROOTED FAMILIES

Mr. PROXMIRE. Mr. President, one aspect of the Nation's highway program which has received far less attention than it deserves is the question of displaced families.

We spend a great deal of time worrying about the rising costs of highway construction, forecasts of traffic increases, automobile accidents and highway safety, and automobile air pollution. This is as it should be. But these concerns have, unfortunately, tended to eclipse another issue involved in highway construc-

tion, and one that is every bit as important; namely, what happens to the people whose homes are paved over with concrete?

The reaction of most people to this question is—"well, aren't they compensated?" The answer is yes; if—and this is a big if—they happen to own their own homes. Then there is compensation for the property that is taken, and possibly other reimbursement as well.

But what about those who rent dwelling space in the path of the highway onslaught? Who provides for them? Where do they go? Amazingly, no one has answers to these questions. These displaced tenants are forced to fend for themselves, to find new rental space elsewhere. And, in the housing crunch in which this country now finds itself, alternative housing is not always available.

I am pleased to report that in Wisconsin at least, someone is worrying about these problems, and attempting to do something about it. That someone is Leonard S. Zubrensky, a member of the Milwaukee expressway commission, and a man with some excellent ideas about how to solve these problems. Some of his ideas include an appeals tribunal which can recommend that displacees be given up to 6 months in homes taken for freeways, a county relocation agency to enable the State to take advantage of liberalized provisions of the 1968 Highway Act, and provisions which would give displacees up to 2 months rent free in homes bought for freeway purposes.

Mr. President, I think Mr. Zubrensky's efforts on behalf of displacees deserve both our commendation and our attention. His farsighted ideas which are now being tried in Milwaukee deserve to be tried on the Federal level as well. I hope they will be.

Mr. President, I ask unanimous consent that an article about Mr. Zubrensky in this Sunday's Milwaukee Journal be printed in the RECORD.

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

FEW LOBBY FOR UPROOTED FAMILIES

(By Paul G. Hayes)

When one of Milwaukee's expressway commissioners views a freeway, it isn't cars he sees, but sacred cows moving at will, as in India, among the needy.

"The automobile," said Leonard S. Zubrensky last week, "has been a sacred cow in American life for so long because every politician knows that every voter owns at least one car.

"Whereas the displaced," he continued, "is all by himself. He's got no allies. He is living in his home and suddenly the boom is lowered on him and he learns he is going to lose his house whether he likes it or not.

"He has no political muscle. There aren't so many of him and there's nobody lobbying for him."

Well, almost nobody. For more than a year, Zubrensky has been the county's loudest voice in behalf of the thousands of people who have been, or may be, uprooted by freeway projects.

That voice will be muted Dec. 17, when Zubrensky's five year term on the commission ends. A liberal Democrat appointed by his former boss, Gov. John Reynolds, he says he has no illusions about being reappointed by Republican Gov. Knowles.

But he is not worried. He believes the relocation issue has enough momentum to run on its own now and points to progress made:

The expressway commission now allows displacees to live in the homes bought for freeway purposes for two months without paying rent.

His idea of an appeals tribunal, which can recommend that displacees be given an additional six months in homes taken for freeways, has been put into effect.

His proposal for a county relocation agency is moving successfully through the county's legislative machinery.

He helped draft the relocation bill of Assemblyman Dennis Conta (D-Milwaukee), which would enable the state to take advantage of the liberalized relocation payments authorized by the 1968 federal highway act.

Last week, in an interview in his downtown law office where he is surrounded by the mementos of his involvement in liberal and Democratic activities—a signed picture of LBJ, a painting of the state capitol, an award from the Wisconsin Civil Liberties Union—he talked about the commission and his role on it.

"In the first two years of my five year term, the expressway commissioners were really expected to come to the meetings and spend a cheerful hour being briefed by the staff on how to vote.

"Then the next hour we'd have just dozens of items thrown at us, many of which we really didn't understand very well, and we would cheerfully get a recommendation that the staff favored this or did not favor this.

UNANIMOUS ACCEPTANCE

"The chairman would say, 'Is there a motion?" and someone would say 'I move that we accept staff's recommendation' and someone else would say 'I second it' and all those in favor would say 'aye' and it would always pass unanimously."

"I realized," Zubrensky said, "that it's really an overwhelming job to disagree with the staff. You have to follow staff recommendations because, if you don't, you begin having to do the work by yourself that the staff has over a hundred people doing."

Thus ran Zubrensky's career on the commission for the first couple of years.

He traces his activism on the part of displacees to a single television program on channel 10 in which residents of Milwaukee's inner core participated.

"I was sitting in my living room one night and a black lady got up and—these were all informal settings on television—and she began denouncing the expressway commission, saying that she knew lots of people who were black like herself who had been dislocated by the expressways and there wasn't anyone doing a damned thing about it."

"CROWDED CONDITIONS"

"She said that people were doubling up and living in crowded conditions with other families and it was a disgrace," said Zubrensky.

"And, as I watched that program, I said: 'My God, that's me, I'm on the commission and I'm doing all this.' "

"It shook me up," he continued. "I began to look into it and I found a condition which was beyond my belief."

Not only were there no relocation provisions in the federal highway programs, as there were for urban renewal programs, but no records existed at the county of persons already displaced, he said.

"We don't even know whom we've displaced today, so that if we wanted to we couldn't find them to see whether they are still living doubled up, as I believe many families are," said Zubrensky.

IMPROVEMENT SOUGHT

Early in July, 1968, Zubrensky made a report to the expressway commission in which he called the relocation program "pitifully inadequate" and encouraged a slowdown on the freeway building program until aids were improved.

Such a condition was made possible, Zubrensky said, because "the expressway commissioners come once a month and these problems never confront them."

As for the staff he said, "these men are primarily engineers. I think the self-image of the engineers is that they have a job to do and that is to build highways."

However, he said, the staff helped him when he requested information and he had little trouble, when he could make a persuasive case for his proposals, in mustering a majority of votes on the commission.

HAS NO PLANS

For the first time in a long time Zubrensky, 47, has no plans for a public role after he leaves the commission.

His role as maverick on the expressway commission has brought the commission solidly into the relocation issue and perhaps caused it, in Zubrensky's words, to accept a broader responsibility than building freeways.

"I think my responsibilities go beyond that. They go to see to it that we don't damage a minority of people to benefit the majority. In a democratic society, this is often a tough job."

ADMINISTRATION POLICY REVIEW ON THE HUMAN RIGHTS CONVENTIONS—WHERE IS IT?

Mr. PROXMIRE. Mr. President, it has been reported that the Nixon administration earlier this year had begun a major review of policy on a series of treaties aimed at protecting human rights. These treaties were, of course, the Human Rights Conventions on Genocide, Political Rights of Women, Forced Labor and Racial Discrimination. This was disclosed in May by Mrs. Rita Hauser, who was appointed by the administration to the United Nations Commission on Human Rights. She referred to the policy review in a speech bitterly assailing the United States' record of refusing to approve the treaties.

Her position is very pleasing to me. I have been trying to do this daily for the last 2 years in an effort to persuade the Foreign Relations Committee to report these treaties to the floor of the U.S. Senate. This is the only obstacle in the way of ratifying treaties that our Presidents have very enthusiastically recommended. The treaties seem to be overwhelmingly approved by the American people, and there is every moral reason for us to support them.

In a speech before the annual meeting of the American Jewish Committee at the Waldorf-Astoria, Mrs. Hauser noted that the United States' failure to ratify these treaties has prompted questions about the Government's sincerity. She protested that the word "hypocritical" was frequently applied.

Since that time there has been no word from either the White House or the State Department on the administration's position of these treaties. Is there such a policy review? Has it been completed, or is it still underway? I would hope and request that the administration make known its position on these human rights treaties. And I would hope that the administration would lend its weight in behalf of these Conventions on Genocide, Political Rights of Women, Forced Labor, and Racial Discrimination.

ORDER OF BUSINESS

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

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

THE BATTLE FOR VIETNAMESE SELF-DETERMINATION MUST BEGIN IN SAIGON

Mr. CHURCH. Mr. President, President Nixon has declared that our irreducible goal in Vietnam is to guarantee self-determination for the South Vietnamese people. At a recent press conference, the President declared that we are willing to negotiate on anything except, "the right of the South Vietnamese to choose their own leaders."

The Saigon government's feelings about free elections, however, differ greatly from our own. As I am sure other Members of the Senate remember, one of President Thieu's first official acts was to arrest the man who was the runnerup in the last Vietnamese election.

Mr. Truong Dinh Dzu, who campaigned on a peace platform in the September elections of 1967, was placed under house arrest shortly after election day—at a time when he was pressing charges of fraud in an effort to invalidate the results. In July 1968, he was tried on charges of "activities that weaken the anti-Communist spirit of the South Vietnamese armed forces and people." Specifically, Mr. Dzu's campaign had advocated negotiations with Hanoi and talks with the National Liberation Front, leading to a coalition government. Mr. Dzu was found guilty, and is now serving a sentence of 5 years at hard labor.

Mr. President, that trial went far toward revealing the absence of genuine freedom in South Vietnam. Today, when the negotiations that Mr. Dzu called for are supposedly underway, his continued imprisonment is a black blot upon the government we support.

I have recently received a letter from Mr. Dzu's son, David Truong, who is in this country searching for ways to obtain his father's release. I think publication of the letter can strengthen President Nixon's hand as he works for real self-determination for the South Vietnamese people. Accordingly, I ask unanimous consent that it be printed at this point in the RECORD.

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

VIETNAM POLITICAL
FREEDOM COMMITTEE,
New York, N.Y., October 5, 1969.

HON. FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have been seeking the release of my father, Truong Dinh Dzu, runner-up in the 1967 presidential elections in South Vietnam. He was sentenced to hard labor for his stand during his campaign, a stand now adopted by the Saigon regime. Recently, he suffered a serious heart attack resulting from deliberate starvation. He eventually received some medical help due to public and official pressure from the States.

As the anniversary of the Revolution, November 1st, comes nearer for South Vietnam, I hope that enough pressure would be generated here for his release. As usual, General Thieu has leaked false news to the effect that he would free Dzu with others. This has been the pattern for every Vietnamese holiday, merely a move to deflect any American pressure on this matter. We naturally are distressed over the conduct of the regime, and seek your help to redress the situation.

I sincerely hope that you would press on this issue beside the President for November 1st. The release of such prisoners surely gives much meaning to the President's emphasis on the right to self-determination of our people. I further believe that something could be done here to advance our common search for peace in Vietnam regardless of political stands.

I want to thank you very much for your consideration and assistance at a time so critical for both nations. I shall look forward to hearing from you.

Very truly yours,

DAVID TRUONG D.H.

IT'S LUCKY MEN DON'T CONTROL EVENTS

Mr. CHURCH. Mr. President, possibly the chief lesson to be learned from our recent experience in world affairs is that ideology is less important than nationalism and popular aspirations for a better life. In a recent Washington Post article entitled "It's Lucky Men Don't Control Events," John Kenneth Galbraith points out that the problems of producing goods to meet the needs of populations dominate the policies of all countries, regardless of their particular creeds.

Modern industrial organization and super-power rivalry have combined to elevate the military to positions of eminence in both the United States and the Soviet Union. But unmet civilian needs plus the immense cost and questionable utility of advanced defense technology have brought the American military budget under close scrutiny. If the Galbraith logic holds true, the Soviets should be learning the same lessons.

Mr. Galbraith's article provides an excellent perspective for those who make our foreign policy. I ask unanimous consent that it be printed here in the RECORD.

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

IT'S LUCKY MEN DON'T CONTROL EVENTS

(By John Kenneth Galbraith)

It is perhaps natural that foreign policy should be peculiarly the domain of the pompous myth. In other walks of life, pomposity is an occupational hazard; in diplomacy it is commonly called high professionalism. And resort to myth as a disguise for the harsher truth undoubtedly has done much over the centuries to keep compulsively hostile states on speaking terms. Yet even the most benign of fairy tales gets in the way of reality.

One such is that individuals, those modestly billed as the masters of international statecraft, are a prime force in the making of foreign policy. The last quarter century has shown only how dreadfully they can be frustrated. Although Winston Churchill certainly did not become the king's first minister to preside over the liquidation of the Empire, he would surely have done so if he had been re-elected in 1945. And in degree he did when he returned to the office in 1951.

No man was more committed to the Cold War than John Foster Dulles; his speeches and perhaps even his convictions conjured up images of Pope Urban commanding Christians to the First Crusade. Yet the rollback of communism which he promised was never practical and, on the whole, he presided over a period of easing relations with that endemically wicked world. The Suez crisis even brought him briefly into alliance with the battalions of darkness.

The most determined disciple of the vintage Dulles was Dean Rusk. He came to office with an impressively developed view of a world Communist conspiracy, closely knit and tightly controlled, and a responding policy that would firmly blunt its probes wherever they might occur.

By the time he left office, having never quite renounced this vision, Moscow and Peking (the latter a regional office in his system which he had only recently ceased to call Peiping) were being held by some connoisseurs of violence to be contemplating each other's destruction. A course of action in Vietnam appropriate to the imperial and conspiratorial view of communism had become the worst disaster in the history of American foreign policy, rejected by the country and with a special vehemence by the more circumspect of its early defenders.

A TRANSIENT ROLE

The slight and transient role of individuals in foreign policy is a matter on which Gen. de Gaulle—overtaken by circumstance in the improbable form of Danny the Red and a few thousand followers—would bear witness. And it extends, of course, with special force to secondary figures—as those of us who have been such can also testify. It is a useful thing to bear in mind.

In these last months, like the rest of my compatriots, I have read with interest of the British reaction to Mr. Nixon's ambassador to the Court of St. James's. Although it is not always my tendency, I am disposed to defend the President. Walter Annenberg is, beyond doubt, a richly comic figure; anyone who would choose the platform of U.S. ambassasor to attack young radicals in American colleges is intrinsically hilarious. But the damage done by the ambassador's eccentric expressions and erratic syntax is only to those Londoners who no longer find their self-esteem enhanced by an invitation out to Regent's Park. They are not nearly as important for Anglo-American relations as they imagine. For other purposes, an American ambassador is a man of negligible consequence.

The truth is that men do not dominate events, the oratory to the contrary. And they do not dominate bureaucracy, either. And it is circumstance that makes foreign policy and it is bureaucracy, overwhelmingly, that accommodates action to circumstance.

On the whole, we should be glad that this is so—especially if one is asked to look ahead. For it means, great accidents always apart, that foreign policy is much more predictable than if made by men. This is true of relations between the United States and the Soviet Union—a relationship which quite a few people in the world consider, not without reason, to be nearly all of the world's foreign policy. For here circumstance is very important and in both countries bureaucracy is a transcendent force.

THE LIMITS OF EVANGELISM

On the reassuring side, circumstance is forcing both of the superpowers to be far less evangelistic in both spirit and action than they were a mere 10 years ago. This is

because both have learned, as Arthur Schlesinger has pointed out, that superpowers are infinitely less superior in their power than they once seemed.

Vietnam has been a superb lesson in this regard. A half million men and a trillion dollars have given us authority in that country only within mortar range. And as President Nguyen Van Thieu and his devious minions have an almost pedagogical genius for demonstrating, it is far from plenary even there. Even our own operations in Vietnam—the AID program, military construction, spying and the operation of the post exchanges—have, it often seems, been uncontrollably affected by the Vietnamese environment and the local talent for combining chaos with grand larceny.

But elsewhere in the natural area of competitive evangelism, now called the Third World, we have discovered how much we underestimated the problems of growth and development and therewith the importance of evangelism.

One lasting consequence of European recovery, aided by the Marshall Plan, was a wide-ranging optimism as to what could be accomplished by apparently similar effort in India, Pakistan, Indonesia, Africa and Latin America. Those associated with the Marshall Plan attributed European recovery not to the briefly latent vigor of Europe, its true source, but to the wonders of capital infusion combined with their own genius.

Since the resulting development would be rapid and the resulting nations powerful, it was important that they be committed to Western economic forms, not communism. And this calculation in its hard-headed realism greatly reassured those who would have been put off by any suspicion, however exiguous, of lurking idealism. It is fair to assume that the Western concern for a noncommunist development was matched by a Soviet anxiety for the opposite.

Now, alas, we know that it doesn't matter. We know that the development will be so slow that the question of what ultimately emerges is academic.

And in the interim a jungle, whether a capitalist jungle or a Communist jungle, is still a jungle, and the difference cannot be told by anyone walking through. And a desert, whether a capital or a Communist desert, is still most notably a desert. And a poor peasant society, whatever it calls itself, is subject to the same cruel parameters of overpopulation, insufficient land, insufficient capital, insufficient education and a technology that is limited by all these. And, to repeat, one cannot but imagine that the Soviets agree. Circumstances, if sufficiently obdurate and compelling, leaves little opening for ideological preference.

The danger in American-Soviet relations in the last quarter century has been thought a twofold one. One danger was that the two superpowers would meet in conflict in some third country as part of that struggle for the ideological soul. The other was that the inherent incompatibility of the systems would lead eventually to a direct clash as it became evident that the two incompatible systems could not survive on the same planet.

Coexistence, in the view of an extreme right wing in the United States and its left counterpart in the Soviet Union, was both immoral and impractical. Policy should be made on the assumption of inevitable conflict. And policy so made, needless to say, would then have many elements of a self-fulfilling prophecy. What of the prospect on this aspect of relations between the superpowers?

INDUSTRIALISM'S SIMILARITY

Although the purists on both sides greatly resist the evidence, there can be no real doubt that the two systems have a broadly convergent tendency.

This is not from choice. Nor is it from the Soviets discovering the magic of the market, in accordance with one simplistic Western view. Rather it is that both communities are subject to the common imperatives of large-scale industrial production with advanced technology.

So both systems repose large responsibilities on the industrial firm, the one inescapable instrument of industrialism. In both, men are subject to its social and mental disciplines. The Soviets have had to make concessions to the autonomy that the firm evolving from the market economy has enjoyed as a matter of course in Western economies. But industrialization also requires planning, and here the concessions have been made by the West.

The big industrial firm must control costs, prices and in substantial degree consumer behavior if it is to have the stable and planned environment that industrial success requires. The state must intervene to stabilize demand, provide trained manpower and underwrite risky technology—things the industrial firm cannot do for itself (the U.S. government far outstrips that of the Soviet Union in underwriting, subsidizing or otherwise socializing expensive technology). So there is movement to a similar central form.

Additionally, in both societies the guiding and directing force is not the individual but the organization. In consequence, a prime source of social tension in both is the seeming helplessness of the individual in his relation to the resulting industrial and public bureaucracy.

As I say, acceptance of these convergent tendencies is resisted on both sides. To those on the left who learned once and for all the difference between capitalism and Marxist-Leninist society, it dangerously implies heresy or anyhow the need for new thought. For older members of the military and diplomatic bureaucracy in the United States, the knowledge that communism and capitalism are very different, and the one wicked and the other good, is the only social information to which they are heir. Naturally, so precious a treasure must be safeguarded.

The Cold War brought into being in the United States a generation of columnists and news commentators whose test of political sophistication was the ability to see the total irreconcilability of democracy and communism. They are now aging; a few, Joseph Alsop in the featured case, have been casualties of the Vietnam war and the disastrous belief, relentlessly communicated, that generals could not be wrong and that victory could never be more than a few months distant. But others are still taken seriously; they continue gravely voluble in their commitment to enduring difference. Even the academic world has a substantial vested interest in the difference between planning and the market. It remains the last chapter in all the economics textbooks.

Yet the convergent power of industrialism and technology exists. One can easily, in enthusiasm, be carried away by these similarities, as those who find the tendency ideologically repugnant are never weary of warning. But one can hardly doubt that the cultural shock in passing from Magnetogorsk to Pittsburgh is infinitely less than in going from either of these cities to a typical farming village (the archetypal economic form) in China or India. Intellectual vested interest, however great, cannot stand against circumstance forever. And as the similarity becomes more and more evident, the notion of inevitable conflict erodes even among the most warlike.

MILITARY'S FUNCTIONAL ROLE

There remains, however, one legacy of the Cold War that is not enchanting. That is the strongly functional role that military expenditures, especially those for advanced technology, have come to play in the modern industrial economy.

That there is a vested interest in military expenditure in the Soviet Union we must assume. It would be astonishing if the Soviet defense establishment did not defend itself vigorously against competing claims on resources or proposals for disarmament. As in so many matters, absence of discussion gives the Soviet system a spuriously benign aspect. Because the Soviet military-industrial complex is not discussed, it is not absent. Because the Soviets do not much discuss the role of the military in their economy does not mean it is unimportant.

It is not unimportant in the United States. The military budget, in combination with the corporation income tax and the progressive income tax, is an integral part of the Keynesian stabilization apparatus—an apparatus which has served the American economy very efficiently since World War II.

It insures that a large and reliable flow of public expenditures is sustained by a tax system which increases more than proportionately with increases in income, and releases income when the rate of expansion slackens or stops. Of total Federal expenditure, arms outlays comprise about half.

For a long while it was a liberal economic cliche that military spending served no unique function. Public spending was homogeneous; if military spending subsided, civilian expenditures, public or private, could readily take its place. Now only hardened apologists would so argue.

It is recognized that military expenditures sustain a large and influential industry, that the military services themselves are bureaucratically entrenched and powerful and that, accordingly, military spending is far easier to come by than civilian spending. And no civilian spending, space exploration apart, sustains the same amount of technical expertise.

Moreover, at a certain stage in industrial development, much technical development becomes too expensive and too risky for the private industrial corporation. It must be socialized. So it was with atomic energy, air transport development, computer technology and advanced electronics. Military spending is our principal design for accomplishing this socialization without having to admit it.

LABELING A PORK BARREL

The military-industrial estate cannot be overtly for an arms race. But it can respond with crushing pressure to any Soviet action that seems to justify it. And it can, within limits, use its control of intelligence to invent justification.

And if one assumes that there is a counterpart power in the Soviet Union, then the necessary encouragement, real or indicative, will be forthcoming. The race will go on until some accident or action will precipitate the ultimate disaster. The problem of relations between the superpowers, not unpromising in their tendency in other respects, will then be solved by eliminating both powers and all between.

Yet even here, while there is no reason to be optimistic, there are rays of light. Increasingly in the United States, the arms race is being seen in the terms just described. As a result, military spending has recently become subject to unprecedented scrutiny.

It was not remarkable that the administration won the battle for the Safeguard antiballistic missile system. The remarkable achievement was that 50 votes, half the Senate, were mobilized against it.

The heavy claims of competing civilian needs had something to do with this opposition. So, of course, did the technical weaknesses of the Sentinel-Safeguard system. But for the first time many legislators, as Sen. George McGovern (D-S.D.) has said, were willing to say that it was a boondoggle—that military gadgetry had become the engineering, scientific and industrial successor to that most celebrated of our public pork barrels, the rivers and harbors appropriation.

LIBERALS OFF THE DEFENSIVE

Additionally, a still ill-appreciated shift in political alignments has altered the position

of the military power in the United States with a much greater change in prospect.

In the two decades following World War II, on matters of foreign policy, American liberals were on the defensive. The wartime alliance with Stalin and his postwar reversion to type, the Chinese revolution, the spy episodes and the Korean war made them vulnerable to conservative attack or so to regard themselves. In consequence, they contracted the foreign policy of the Democratic Party out to the professionals in the State Department and military services—to the bureaucracy—and, for leadership and window-dressing, to the Republicans of the New York Establishment.

John J. McCloy, John Foster Dulles (who came into the State Department under President Truman), Allen Dulles, Douglas Dillon, Arthur Dean, McGeorge Bundy, Lucius Clay and, of course, Dean Rusk all served the Democrats in this fashion. All were Republicans except Rusk, who had been only marginally active in domestic politics. Since the same men with some exceptions also served President Eisenhower, it had come to be assumed, not the least by those involved, that they were the natural custodians of the foreign policy of the republic.

The only liberals who could similarly be trusted to deal with the Soviets without suspicion of appeasement were, in general, those who outdid them in cold war militancy. While these men on occasion restrained the generals, they were (with the eventual exception of Arthur Dean) unworried by the military power. A few, most notably Rusk, looked upon diplomacy as the servant of military convenience.

The Vietnam war, reinforced by events preceding the election last autumn, ended the association between the liberal Democrats and this group—one can safely assume forever. Both individual members and the broad point of view espoused are inextricably associated with the Vietnam debacle. In consequence, they have become not a political asset but a political liability.

Respectability in foreign policy is now, if anything, associated with those—Sens. J. W. Fulbright. Eugene McCarthy, Edward M. Kennedy, George McGovern, Frank Church—who opposed the war and who are anything but sanguine about the military power. In consequence, the military has lost the protection of those who, on a bipartisan basis, so effectively ran interference for it.

Prior to the election a year ago, it is now widely known, the State Department allowed President Thieu to stall the negotiations leading to the bombing halt—the action that Vice President Hubert Humphrey needed to win and which, when belatedly it came, almost allowed him to win.

Thieu, it is assumed, was hoping for the election of Mr. Nixon, who, on his hard-line record, could be expected to accord him even more support. Rusk and the State Department thus made themselves the silent allies of President Thieu and Mr. Nixon against the Democrats and Vice President Humphrey. This experience has further strengthened the belief among Democrats that foreign policy, the nemesis of both Johnson and Humphrey, must never again be allowed out of their control.

So long as the Democrats were in power and the foreign policy was contracted out to the bureaucracy and the Establishment, the party was divided between those who went along with the Executive Branch out of party loyalty (or conviction assisted by party loyalty) and those who felt that the policy left no alternative but opposition. Now the claims of party regularity can no longer be invoked against Democrats on behalf of the military. (It is, indeed, the liberal Republicans who get the pressure.)

In consequence, the opposition to militarily dominated arms policy and the support for arms control negotiations and an arrest of the arms race is more unified and far stronger than for many years.

A WELL-TIMED LESSON

There remains the question of the Soviet reaction. Although we can assume that the Soviet leaders have a realistic view of what nuclear weaponry can accomplish, no one knows how this relates to attitudes toward negotiation. All one can say for sure is that similar attitudes in the two countries are reciprocally reinforcing.

A moderate and forthcoming attitude by the Soviets greatly strengthens the position of American moderates. And their hard-liners are greatly helpful to ours. A relatively small number of threats and counterthreats, promises of first-strike destruction and counterpromises of first-strike destruction will do wonders to keep the arms race running.

Overt actions can be even more serviceable. One evening a year ago last August, having been briefly designated Sen. McCarthy's foreign policy spokesman, I had just finished testifying before the Democratic Resolutions (Platform) Committee. The Secretary of State had begun on what was already the much less agreeable task of defending the wisdom and more especially the righteousness of our policy in Vietnam. A messenger came in with the word that the Soviet army was moving into Czechoslovakia.

One could sense, almost tangibly, the pleasure of the opposition. (I do not include Rusk, who promptly left.) The Communists were behaving as they were meant to behave. Those who were questioning the wisdom of our resistance to them in Vietnam could not have had a better-timed instruction.

In the end, this was not, I would sense, the public judgment. It was rather that the Soviets had still to learn the obloquy that attaches to big countries that try to control the destinies of small ones. But that was far from clear that night.

On the decisive question of arms control, then, the issue is not between governments. It is between the political forces within the two powers as they react on each other and ultimately on public action. In the United States the portents are, if not favorable, better than in the past. As to the Soviet Union, one can only hope.

Here, of course, is the critical foreign policy relationship between the superpowers. It is not, as President Kennedy once said, that we live with a sword suspended over our head. Rather we live with many of them and with diverse hands struggling for contrary purposes to get hold of the string.

PRAYERS FOR PEACE

Mr. McINTYRE. Mr. President, today marks the 21st anniversary of a movement which got underway in Manchester, N.H., and without benefit of formal organization or calculated publicity over the years has attracted a considerable amount of support and participation.

I speak of the "Prayers for Peace" movement originated by a group of American veterans of World War I at Manchester on October 28, 1948, and championed for years by the late Herve J. L'Heureux, a U.S. Foreign Service officer and a native of Manchester.

Not an organization, Prayers for Peace is but a simple idea, an idea directed toward establishing a custom whereby men, women, and children would pause for 1 minute at noon each day and pray to God for protection of our servicemen, for a just and abiding peace, and for a world restored to tranquillity.

Appealing in its simplicity, the movement attracted the support of thousands of groups and individuals, organiizations of ex-servicemen and their auxiliaries, service clubs, fraternal societies, student bodies and alumni, church lay groups, business firms, and Government employees.

I am happy to report that the movement is still flourishing and still has its focal point in Manchester, N.H., where today the William Jutras Post of the American Legion in that city will mark the anniversary with a special program.

Mr. President, in our travail over Vietnam we should welcome the concentrated prayers for peace by millions of Americans.

We should welcome them in behalf of our troops in that beleaguered country, asking their safety and well-being until the conflict is resolved, and in behalf of the President as he labors for a just resolution of the conflict itself.

No other war has so divided the Nation. No other war since the War Between the States has concentrated so much human tragedy in psychological as well as physical terms. No other war in history has cried out so desperately for resolution.

Mr. President, I would urge all Americans to follow the lead of Manchester, N.H., in supplicating the Lord each day for the protection of our troops, the guidance of our President, and an end to this tragedy.

THE RESPONSIBILITY FOR INFLATION

Mr. SCOTT. Mr. President, President Nixon recently delivered to the Nation a well conceived address on the subject of inflation. In response to the President's call, and in support of it, the Philadelphia Inquirer recently published an excellent editorial entitled "The Responsibility for Inflation." I ask unanimous consent that it be printed in the RECORD:

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

THE RESPONSIBILITY FOR INFLATION

Who is responsible for inflation?

The clearest way to answer that question is to define who is not responsible for inflation.

The harried taxpayer, who is paying out more and more of his hard-earned money to support the wasteful extravagances of government at all levels, and who is growing weary of being told that high taxes are good for him, is not responsible for inflation. He is the victim of inflation.

The desperate housewife, trying to stretch a food budget that already has been stretched almost to the breaking point, as prices at the grocery store and the meat market keep skyrocketing, is not responsible for inflation. She is the victim of inflation.

The worried wage-earner, who sees every pay increase totally wiped out, and then some, by spiraling taxes and prices, and who is being pushed harder and harder against the financial wall, is not responsible for inflation. He is the victim of inflation.

The retired pensioner, trapped by a fixed income that keeps shrinking in buying power, is not responsible for inflation. He is the victim of inflation.

The frantic house or apartment hunter, staggered by the runaway rise in the cost of putting a roof over one's head, is not re-

sponsible for inflation. He is the victim of inflation.

The struggling businessman, hoping to hold the line on prices but overwhelmed by taxes and operating costs that keep going up and up, is not responsible for inflation. He is the victim of inflation.

The responsibility for inflation rests with big-taxing, big-borrowing, big-spending government—federal, state and local. Government in America has become an all-embracing, money-oriented giant dedicated to the proposition that the taxpayer is best separated from as much of his cash as it is possible to take from him. The inflation that grips the country today is the direct result of the big-tax, big-budget, big-debt philosophy that has prevailed for far too long in bureaucratic circles.

President Nixon, in his address to the American people Friday and in his follow-up message to the nation's business and labor leaders Saturday, zeroed in on the right target when he stated flatly that "it was past government policy that caused our present inflation" and when he placed "self-discipline by the government" ahead of self-discipline by anybody else as the essential cure for inflation.

The Nixon Administration, fighting against the big spenders on Capital Hill, is trying to put the brakes on inflation through a policy of fiscal responsibility at the federal level. It isn't going to be easy. In any event, the prospect of relief at state and local levels is exceedingly bleak.

The American taxpayer—the ordinary fellow caught in the inflationary squeeze and trying to keep body and soul and family together as the bills keep piling up and the dollar buys steadily less and less—needs help. Government, at all levels, can give him the kind of help he needs simply by getting off his back.

DAY OF BREAD

Mr. YOUNG of North Dakota. Mr. President, today, October 28, has been designated by President Nixon to be the Day of Bread in the United States. This occasion provides an excellent opportunity for us to reflect on the great bounty we, as Americans, enjoy and to consider the reasons for it and the importance of retaining this great national strength.

Americans today are the best fed people in the history of the world. This has been accomplished even though our people spend a smaller portion of their income for food than in any other nation. Too often, our newspaper headlines trumpet the word that the cost of living is up again—because of increases in the cost of food. Seldom does the true story get told—food is the greatest bargain of the American housewife today.

I could relate how this has come about because of improvements in efficiency on the part of the farmer. How he has adopted improved technology, how he has learned to better manage his operations, and how he is, in most cases, selling his commodities for the same price today as he did 20 or more years ago. This would help explain the situation. It would not be the entire story by any means.

Agriculture today is a vast, complex industry. It stretched from the farms and ranches of the American heartland to the centers of industry and finance. Production, transportation, processing, wholesaling, and retailing of farm commodities is our biggest industry. It is also our most important.

Between the North Dakota or Kansas farmer who raises wheat and the checkout girl at the local supermarket where the housewife buys a loaf of bread, there is a great story to be told. It is a success story unrivaled in history.

Plant breeders and geneticists have overcome disease threats that have threatened to wipe out our production. Engineers have developed equipment and facilities for the improved handling and storage of grain as well as improved production equipment.

Chemists have found new ways to improve yields and reduce production costs by permitting better weed, insect, and disease control. The farmer himself has applied all of these developments to his operations with the result that we have greater abundance and quality of food today than ever before.

This is but a part of the story. To detail all of it would require many, many hours.

I think it is particularly fitting that we should observe a Day of Bread. Bread, the staff of life, has been basic in the diet of man almost since the dawn of time. Ever since that prehistoric man found that he could improve his food supply by raising grain, bread has had a key role in man's history and development.

Great civilizations have risen and flourished where a reliable, stable supply of this basic grain was at hand. On the same note, we have seen them decline, when their agriculture declined.

North Dakotans are particularly cognizant of this Day of Bread. We are an agricultural State and wheat is central to that agriculture. Our farmers lead the Nation in the production of Hard Red Spring wheat and Durum wheat. Both of these classes of wheat are in strong demand both in the domestic and foreign markets. Hard Red Spring wheat, of course, is noted for its high protein and strong milling qualities. Durum produced in North Dakota provides the high quality semolina needed to produce the quality macaroni products demanded by today's housewife.

It is a pleasure for me to take this opportunity to recognize the many people and organizations that have so effectively contributed to the success of our food industry. The Day of Bread observance is a fitting occasion for this.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 27, the Committee on Finance met in executive session and announced decisions made with respect to the proposed tax treatment of private foundations. Additionally, the committee reconsidered an earlier vote regarding charitable contribution deductions for gifts of appreciated tangible personal property and agreed to relieve gifts to museums from the tax on appreciation in value of the gift property.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be inserted in the RECORD.

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

[A press release from the Committee on Finance, U.S. Senate, Oct. 27, 1969]

TAX REFORM ACT OF 1969—PRIVATE FOUNDATIONS, COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had reached further major decisions with respect to the Tax Reform Act of 1969. The subject before the Committee at today's executive session concerned the treatment of private foundations. The Chairman stated that the principal decision reached by the Committee would place a time limitation on the life of private foundations, which are not operating foundations. Under this action private foundations would have to dispose of their assets for charitable purposes, or to a public charity, and terminate existence within forty years. For foundations currently in existence, this new rule would require that they terminate not later than the year 2009.

A complete explanation of the actions taken by the Committee follows:

Limitation on Life of Foundations.—The Committee adopted an amendment to limit the life of a private non-operating foundation to forty years. (Existing foundations could continue in existence forty years from the date of enactment of the bill.) By the end of the forty-year period, the foundation must either become a public charity or an operating foundation or it must distribute all its assets to a public charity or an operating foundation.

Tax on Investment Income.—The Committee agreed to delete the portion of the House bill which provides for a 7½% tax on private foundations' net investment income, and to assert in its stead a tax of ⅓ of 1% based on the fair market value of the assets held by the foundation, or $100, whichever is greater. In doing so, the Committee indicated that the tax generally was intended as a supervisory fee to provide funds for proper administration of the Internal Revenue Code provisions relating to exempt foundations.

Prohibition on Self-dealing.—The Committee generally adopted the provisions of the House bill relating to self-dealing between a private foundation and "disqualified persons."

Substantial Contributor.—However, it amended the House bill by changing the definition of a "substantial contributor" to a person who contributes $5,000 or more than 2% of the total contributions previously made to the foundation, whichever is higher. In the case of a husband and wife their contributions would be treated as one unit.

Transitional Rules; Leases and Loans; Shared Facilities.—The Committee also adopted a transition rule in the case of leases and loans outstanding on October 9, 1969. Where the terms of the lease or loan is at least as favorable to the private foundation as it would be in an arms-length transaction, then the self-dealing rules would not be applicable for ten years from the date of the enactment of the bill. The Committee further agreed that where goods, services, or facilities are shared by disqualified persons and a private foundation under an arrangement in existence on October 9, 1969, which is beneficial to the private foundation, such an arrangement will not be subject to the self-dealing rules for a period of ten years from the effective date of the bill. This period will allow time for foundations to revise existing arrangements.

Sales Commissions.—In cases where a private foundation is permitted to sell stock to a disqualified person in order to comply with the divestiture rules the Committee indicated that this would not be self-dealing even if the sales price is reduced by the amount of the sales commissions which would have to be paid if the stock were sold in the open market.

Attribution Rules; Brothers, Sisters, Partners.—The Committee decided to remove

brothers and sisters of substantial contributors and their descendents from the category of disqualified persons. It also agreed to remove partners of substantial contributors from the disqualified persons category unless their profits interest was 20% or more.

Penalties.—The Committee agreed to change the treatment of foundation managers who "knowingly" violate the self-dealing requirements of the House bill so that (1) the Internal Revenue Service would be permitted to waive the penalty where it finds that the foundation manager's violation is not willful and is due to reasonable cause, and (2) the burden of proving the "knowing" violation would be upon the Internal Revenue Service to the same extent as in the case of civil fraud under present law.

State Litigation, Abatement of Federal Tax.—The Internal Revenue Service would be authorized to abate Federal taxes imposed on private foundations (except the ⅕ of one percent supervisory tax), where it finds that the action by a State Attorney General to correct the violations satisfies the requirements of the bill.

Stock Transactions.—The Committee also agreed that it should be made clear that self-dealing may occur without the transfer of money or property between the private foundation and the disqualified person. For example, it would be self-dealing where stock is bought and sold by the Foundation in order to manipulate the stock's price for the benefit of the disqualified person.

Distribution of Income.—The Committee generally approved the rules in the House bill relating to the distribution of income. However, it agreed to the modifications listed below:

Phase-in of Five Percent Payout.—The Committee accepted the 5% payout requirement contained in the House bill, but allowed a transition period by providing that only 3½% need be paid for 1972, 4% for 1973, 4½% for 1974 and 5% for 1975 and following years. In taking this action the Committee noted further that the payout requirement could be satisfied by distributions of cash or other assets.

Deficiency Distributions.—The Committee decided to permit foundations to make deficiency distributions where they have not met the 5 percent pay-out requirement because of an incorrect valuation of assets that is not willful and is due to reasonable causes. This would avoid the payment of penalties in situations where the action was inadvertent.

Twelve-Month Pass-Through.—The Committee adopted a recommendation to amend the House bill by treating as a qualifying distribution a payment made by a private foundation to a private operating foundation or to another private foundation (even though controlled by the distributing foundation), if the money is spent or used for charitable purposes within one year of its receipt by the controlled organization. The donee organization would not be permitted, however, to pass the grant through to another private, non-operating foundation.

Expenses.—The Committee adopted a proposal which would treat as a qualifying distribution the supervisory tax imposed on investment income and the unrelated business income tax. This would reduce the amount that the foundation would otherwise have to distribute currently for charitable purposes. The Committee also provided that it should be made clear that the administrative expenses of operating a foundation should also be treated as a qualifying distribution.

Controlled Organization.—The Committee agreed to make it clear that a recipient organization is considered as "controlled" when disqualified persons of the granting foundations can, by aggregating their votes or positions of authority, require the organization to make a distribution or prevent it from making such a distribution. In adopting this rule, the Committee pointed out that if an organization has been created by several private foundations, all of which are independent of one another, none of the creating foundations would be said to control the other organizations, if each creating foundation has an equal vote on the Board of Trustees of the new foundation and the Board proceeds to operate the organization by majority vote.

Repayments of Prior Distributions.—The Committee adopted a rule that where a private foundation receives money or assets as a result of previous expenditures made by the foundation that were treated as qualifying distributions (e.g., student loans), such monies or assets will be considered income for minimum distribution purposes.

Transition Rule for Commitments.—The Committee agreed that where a private foundation had made a written commitment by October 9, 1969, that is binding upon it to make a grant to a non-controlled, non-operating private foundation, it will be allowed to treat the grant as a qualifying distribution if it is made to carry out the charitable, educational, or other purpose for which the organization is exempt. This rule would not operate to allow grants to be treated in this manner for a period any longer than five years from the date of the enactment of the bill.

Limitation on Use of Assets.—The Committee approved those provisions in the House bill forbidding a private foundation from investing its corpus in such a manner as to jeopardize the carrying out of its exempt purposes. However, it made the following modifications in these provisions of the House bill:

Sanctions.—The Committee decided to adopt an initial sanction on private foundations of five percent of the amount involved and an initial tax on the foundation manager, where he knowingly jeopardizes the carrying out of the foundation's exempt purposes, of five percent (up to a maximum of $5,000). It also agreed to a second level sanction, where the jeopardy situation is not corrected, of 25 percent on the foundation and five percent on the foundation manager who refuses to take action to correct the situation. (In the case of the foundation manager, the sanction cannot exceed more than $10,000.) In adopting these rules for the tax on the foundation and the manager, the Committee provided that, before the second-stage sanction is imposed, the State Attorney General should be given an opportunity to intervene in the case to exercise whatever powers he has to correct the situation. Where the situation is corrected, the second-level sanctions would not be imposed.

Program-Related Investment.—The Committee made it clear that a program-related investment—such as low-interest or interest-free loans to needy students, high-risk investments in low-income housing, and loans to small business where commercial sources of funds were unavailable—should be considered as being charitable expenditures and not investments which might jeopardize the foundation's carrying out of its exempt purposes. However, in order to qualify as a program-related investment treated in this way, the investment must be for charitable purposes and not for any major purpose of making profit for the foundation.

Limitation on Foundation Activities.—The Committee accepted the provisions of the House bill with certain modifications.

Voter Registration Drives.—It decided to delete that portion of the bill which would allow private foundation funds to be used for voter registration drives.

Lobbying.—It also adopted a recommendation which, in effect would use the tests applied under the present law respecting the influencing of legislation, except that it would drop the test of "substantiality," now in use. Hence, lobbying activities—both grassroots lobbying and the buttonholing of Government officials—would be prohibited. However, examination of broad problems that the Government would ultimately be expected to deal with would not be prohibited, although lobbying on matters that have been proposed for legislative action would still be forbidden. Also, the Committee's decision would permit the offering of advice and technical assistance in response to written governmental requests.

Educational Broadcasting.—The Committee noted that in establishing the rules respecting attempts to influence legislation, where non-commercial educational television and radio stations are involved, adherence to the FCC regulations and the "fairness doctrine" (which require balanced, fair, and objective presentations of issues and which forbid editorializing by such broadcasting stations), will constitute compliance with the provisions of the bill. Under this rule a private foundation would be able to make grants to non-commercial educational television and radio without any sanctions being applied under this provision.

Expenditure Responsibility.—The Committee accepted a recommendation that the provision of the House bill which places "expenditure responsibility" on private foundations be clarified so that it will not be interpreted as making the granting foundation an insurer of the activities of the recipient organization, so long as the private foundation making the grant uses reasonable efforts and establishes adequate procedures so that the funds will be used for proper charitable purposes.

Sanctions.—With respect to the sanctions imposed in the House bill on certain prohibited activities, the Committee agreed to provide an initial tax on the foundation of ten percent of the amount improperly spent and a second tax of 100 percent if the foundation failed to correct the earlier improper action. The Committee also decided that the initial tax on a foundation manager who knowingly made the improper expenditure should be 2½ percent, up to a maximum of $5,000, and the second tax should be 50 percent of the amount involved, if the manager refused to correct the earlier action.

Prizes and Awards.—The Committee decided to allow private foundations to make a grant to an individual in the form of a prize or award if the individual is selected from the general public on the basis of merit or unusual achievement. Under the House bill, awards could only be made to individuals in the form of scholarship or fellowship grants, or where the purpose of the grant is to achieve certain objectives such as the production of a report or improvement of certain skills.

Individual Grants.—The Committee decided to add to the provisions of the House bill permitting individual grants for various purposes an additional category of "teaching skills." It did not change the rule that the grant procedure must be approved in advance by the Internal Revenue Service.

Influencing the Outcome of Any Public Election.—The Committee decided to amend the language of the House bill which would prohibit expenditures "to influence the outcome of any public election." The Committee limited the language to any *specific* public election because it recognized that almost any statement or study or general educational activity might become an issue in an election at some future time. Under the Committee action, preparation of any materials designed to favor or hinder any particular candidate for public office or any particular viewpoint in the case of referendum would still be prohibited.

CHARITABLE CONTRIBUTIONS

Appreciated Gifts—Tangible Personal Property.—The Committee reconsidered an earlier vote with respect to charitable contribution deductions for gifts of appreciated tangible personal property (see press announcement of October 13, 1969). Upon reconsideration, the Committee removed gifts of tangible personal property—art objects, paintings, etc.—from the types of property the appreciation in value of which would have to be taken into account by the donor in computing his charitable contribution deduction. (Under the House bill, the donor of such property must either (a) reduce his charitable contribution deduction to the amount of his tax basis for the gift property, or (b) claim a charitable contribution deduction for the full fair market value of the property and include the amount of appreciation in value in his gross income for tax purposes.) This Committee amendment would not apply, however, unless gain from the sale of the appreciated asset would have been taxed as a long-term capital gain. This rule would allow a donor to continue to contribute works of art to museums, educational institutions, etc., and compute his deduction under the rules of present law.

RETREAT ON CIVIL RIGHTS

Mr. MONDALE. Mr. President, most interested Americans by now are well aware that the Nixon administration's record in the area of civil rights leaves much to be desired. Hardly a day goes by without articles in the press about departures by the Nixon administration which have had the effect of weakening civil rights and equal opportunity programs. As legislators who have been involved in the enactment of these programs, we should be concerned about what is happening—or perhaps more accurately, not happening—in this administration.

The October 13 issue of Congress Biweekly contains an article, written by Marvin Caplan, director of the Washington office of the Leadership Conference on Civil Rights and a legislative representative of the industrial union department of the AFL–CIO, chronicling the miserable record of this administration in civil rights. I urge all readers of the CONGRESSIONAL RECORD to take a few moments to read Mr. Caplan's article which documents the shocking and consistent civil rights retreats of the Nixon administration.

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:

RETREAT ON CIVIL RIGHTS

(By Marvin Caplan)

Down here in Washington they're weakening the programs.

The modest advances in school desegregation, voting rights, equal employment, the war on poverty are being slowed or face the threat of slowdown. Such is the artistry of the performance that most people do not grasp the import of what is happening; there is even the illusion, sometimes, that we are making progress. Except for an occasional outburst—(Roy Wilkins, for instance, that gentle man, exclaiming at the policy statement on school desegregation, "It's almost enough to make you vomit"), scattered demonstrations at the cuts in anti-poverty funds, a threatened rebellion by Justice Department civil rights attorneys—there are few signs of public indignation. Most people are quietly, resignedly settling for less—how much less we may not know for some time yet. What is certain is that in spite of the occasional development that raises hope—a proposal for welfare reforms that has some promising features, a suit to stop housing discrimination—we are losing momentum in our attempt to deal with domestic problems.

The Nixon Administration's retreat on school desegregation provided the first portent of what was to come. Only ten days after President Nixon took office, Secretary of Health, Education and Welfare, Robert H. Finch, was confronted by five Southern school districts that were scheduled to lose their Federal aid money for stubbornly failing to desegregate their schools. He announced the cutoff—actually he had no choice—but in an unprecedented show of leniency gave the five diehard districts 60 days in which to come up with acceptable proposals for desegregation. He dispatched teams to help them develop plans and put the money in escrow in case something could be worked out.

It is a measure of the insensitivity to the politics and moral imperatives of school desegregation that Finch was reportedly hurt and surprised when civil rights groups angrily attacked him for his move and when the *Atlanta Constitution* said his action "slaps the face of every Southern school board and every Southern school superintendent who has moved with great difficulty to obey the law" and "strentghen the forces of defiance."

His announcements of the cutoff was a model for the sort of statement the Administration has issued in subsequent domestic crises, balancing the inescapable need to enforce the law ("When all of the alternatives have been exhausted") with an "however" (the dispatch of teams, the funds in escrow) that opens loopholes in the law and heartens opposition to it.

The truth is Mr. Finch did not have to issue a statement. He didn't have to do a thing. The fund cutoff, under HEW's procedures at that time, would have gone into effect automatically. His statement and his slight alteration in established policy, the rhetoric of upholding the law while yanking it down a bit, sets a pattern one can trace thereafter in other decisions on domestic policy. An outrageous deed is balanced with a palliative, or it is disclaimed until it is too late to do anything about its effect. This, at any rate, is the pattern that runs through the school desegregation moves.

In March, only a month after the furor over the five school districts, an HEW intra-agency memorandum was leaked to the press. Emanating from Robert C. Mardian, a conservative Republican who was scheduled to become the Department's General Counsel, it described how a statement "clarifying" HEW's guidelines for school desegregation could be used to relax those guidelines. Roy Wilkins, as chairman of the coalition Leadership Conference on Civil Rights, whose representatives only a week earlier had received personal assurance from Finch that there would be no erosion of the guidelines and no relaxation in enforcement, immediately demand to know from Mardian and Finch if the press reports on the memo were true. Neither answered him. But Finch issued a statement disavowing any official standing for the memorandum; it was "a working paper" representing Mr. Mardian's personal views.

Mardian was confirmed as General Counsel and went on to become one of the authors of a clarifying statement that *was* official, a joint pronouncement on school desegregation by Mr. Finch and U.S. Attorney General John Mitchell. Issued July 3, the statement was less blatant in its manipulation of the law than the Mardian "working paper." But in its ambiguity, its desire to placate everyone and its inability to satisfy anyone, it surpassed the Finch statement on the five districts. While avowing an unequivocal commitment to "ending racial discrimination in schools, steadily and speedily" it reinterpreted the guidelines in ways designed to dilute them. It broadened the base for granting extensions of time to districts that were expected to desegregate their schools in the 1969–70 school year or lose Federal aid. More seriously, it announced an important shift in enforcement, from administrative action to litigation. HEW's use of its ultimate sanction—the threat of a fund cutoff—had brought many Southern school districts into line. Henceforth, the July 3 statement said, enforcement would no longer rest so much with HEW but "to the extent practicable . . . would be handled by the Justice Department." Since court action in school cases generally takes longer than administrative action and results in less desegregation, this was an ominous change.

Events since July 3 strengthened such forebodings. As though anticipating the cries of rage from civil rights groups, Justice announced, shortly after the statement was issued, that it was undertaking a spate of desegregation suits, so many that the *Washington Post* was moved to say it was "a little like the finale of *Hellzapoppin*." There was more appearance than substance. Many of the court actions were not new; they were already in the pipeline. And one, the statewide suit against Georgia, affords a good example of how court action can undercut administrative remedy. For there is every likelihood that at least 36 Georgia districts, whose Federal funds were cut off for failing to comply with the law, may now have their money restored during the time it takes to move the suit through the courts.

Worse has followed from HEW's and Justice's closer collaboration. They went into court last month to ask that desegregation be delayed in some 30 Mississippi school districts. Even the *Wall Street Journal* felt that went too far. "The Mississippi delay opens a wide door for delay throughout the South," it said and hoped this was not the start of a trend. Forty Justice Department attorneys threatened to quit, but as yet have not.

The same consideration the Administration tends to show to violators of the law in school cases appears, at least in one notable instance, in the Administration's dealings with defense contractors. On February 7, the Defense Department awarded $9.4 million worth of contracts to three major textile companies—Dan River Mills, Inc., Burlington Industries and J. P. Stevens, Inc.—even though they were all in violation of Federal regulations prohibiting racial discrimination by firms doing government work. Deputy Secretary of Defense David Packard, in making the awards, ignored the requirement that such firms must submit, in writing, goals and timetables and assurances of compliance before they can be eligible for new contracts. He appears to have acted entirely on the basis of oral assurances he received in telephone conversations or talks with the officials of the three companies.

This insensitivity was further reflected, when Clifford Alexander, the Negro chairman of the Equal Employment Opportunity Commission, during a Senate subcommittee inquiry into the award of the textile contracts, was accused by the late Senator Everett M. Dirksen of "punitive harassment" of businessmen and was subsequently advised, in a public speech by Jerris Leonard, Assistant Attorney General for civil rights enforcement, to resign his chairmanship. That the President later mildly disavowed Leonard's suggestion did nothing to correct the slight and only increased the impression of confusion that seems to attend the Administration's handling of civil rights.

But confusion can be a charitable excuse. In testimony before Congress, Administration officials have shown how ringing statements in support of a law can accompany plans to sabotage it. An example of this is the Justice Department's stand on one of the crucial civil rights issues of this Congress—whether or not to continue the pro-

tections of the Voting Rights Act of 1965. In its brief history the law has shown its great value. More than 800,000 Negro voters have been registered under it and some 400 black officials have been elected in the South since its passage. But key provisions of the law, those that prohibit discriminatory literacy tests and set up the system of Federal registrars, are scheduled to expire August 6, 1970. Considering how difficult it is to get civil rights legislation through Congress, proponents of the law support a bill that would simply extend the key features of the Act another five years. The South, of course, opposes this.

Justice wrestled with the matter a long time, Attorney General Mitchell postponing his testimony before a House Judiciary subcommittee four times. When he finally appeared it was to unveil a complicated bill of his own that under the guise of improving the law threatens to let it die. Echoing a familiar Southern criticism, he proposed that the ban on literacy tests, which under the present formula applies to 7 Southern states, be extended nationwide, even to the 13 states that have never used their tests to bar voters because of race. More dangerous still, he proposes eliminating the present requirement that states covered by the Act must clear new voting laws and practices with the Attorney General or the District Court of the District of Columbia before putting them into effect. Instead, states would be able to pass any election laws they pleased, leaving it to an understaffed Justice Department to catch up with them.

Republican and Democratic members of the subcommittee rejected Mr. Mitchell's proposals. Rep. William M. McCulloch, of Ohio, ranking Republican on the Judiciary Committee, said the Administration was aligning itself with the Attorney General of Mississppi who wants the law "scuttled" so that voting discrimination can "thrive again" in the South. Committee Chairman Emanuel Celler (D., N.Y.) likened Mr. Mitchell's proposal to an "apple of Sodom" which looks delicious until it is picked, when it turns to dust and ashes in the hand. Mr. Celler's committee reported out the simple five year extension and it will shortly become the pending business before the House.

Again, professing only to improve the law, the Administration has come forward with a plan to strengthen the EEOC that is, at least suspicious. Since its inception in 1964, the EEOC has suffered under many disadvantages, one of the gravest being its inability to order violators of the law to stop discriminating. To remedy this, 35 Republican and Democratic Senators have introduced a bill that would, among other things, give EEOC the customary power all regulatory agencies have to issue cease-and-desist orders. EEOC has repeatedly asked for this power. In fact its new chairman, William Brown III, who succeeded Cliff Alexander and is also a Negro, supported the cease-and-desist authority in a speech he gave the week before he appeared before a Senate Labor Subcommitte. There, he shifted ground and came out for an Administration bill that would do no more than allow the Commission to go into court, should conciliation fail, and seek to enjoin unlawful employment practices through litigation. EEOC now depends on Justice to carry its cases into court.

Hearings on the EEOC legislation continue, but the Administration's new proposal endangers the enactment of the cease-and-desist authority.

HOPE FOR THE FUTURE?

Sometimes the Administration can weaken enforcement by silence. Earlier this year, for instance, it was silent when Rep. Jamie Whitten (D. Miss.) succeeded in adding to the Labor-HEW appropriations bill, two amendments that would require HEW to accept "freedom of choice" plans for desegregating schools even though the Supreme Court has held such plans unacceptable unless they effectively end racially separate school systems. Attempts to strike or nullify the Whitten amendments failed on the House floor, on one occasion by four votes. Civil rights forces urged the Administration to speak out against the amendments. It did not. Republican House leader Gerald Ford, of Michigan, said nothing, but during the unrecorded "teller votes," when members walk up the center aisle of the House and are counted by tellers, he joined the Dixiecrats in support of the amendments.*

Since then, the Administration has had a change of heart. The night before the Civil Rights Commission issued its highly critical report on desegregation, Secretary Finch announced his opposition to the Whitten amendments; indeed, his press release said he "reiterated" it, though he had never officially expressed it before. It is up to the Senate, now, to try and lift this yoke from HEW's neck and it may do so, if the Administration will do more than issue statements.

There is, unfortunately, little to sustain such hope. The Administration has shown little disposition to fight for domestic programs even when it is announced in support of them. And its current economy drive can only inhibit it further, particularly in areas like education and anti-poverty where large sums are needed. So, though it professedly supports fair housing the Administration has done nothing to help the Department of Housing and Urban Development obtain enough money to adequately enforce the existent laws.

Alloting too little money is, of course, a traditional way Congress has of undermining programs it doesn't like. Asking too little money for programs is the Administration's way of weakening them. So is putting people in charge that have little sympathy for their assignments.

It is hard to estimate the effect the Administration's attitudes and practices have had on good men still in government. There are still good men of both parties in HEW, committed to strong enforcement of the law. They are under enormous pressure to conform to the Finch-Mitchell compromises and if they finally give up, disheartened, who can blame them?

*Democrats, too, must share the blame for this defeat. At least 50 Republicans voted against the Whitten amendments and did not follow Ford. The absence from the floor of many liberal Democrats (the hour was late) and the help of Rep. Edith Green (D., Ore.) who spoke in favor of the amendments, carried the day for Whitten.

DEFENSE SNAFUS

Mr. HATFIELD. Mr. President, being in Washington, where defense policies have been under scrutiny and criticism in recent months, one begins to wonder what impact the conglomerate of disclosures of questionable policies is having on the American public. While my home State of Oregon may be more than 3,000 miles away, there is little need for curiosity, for the repercussions and suspicions of the people there can be loudly heard.

It is with high regard for the startling compilation of defense-related "snafus" by Eric Allen, Jr., editor of the Medford Mail Tribune, that I ask unanimous consent that his review of discrepancies in military policies be printed in the RECORD. It indicates that the public, too, is questioning defense spending.

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

SNAFUS HAPPEN—BUT . . .

Few Americans expect perfection in their public servants.

But . . .

When a high officer sells confiscated guns for his own enrichment, then pays no income tax on the proceeds, the while protesting that he "meant no harm";

When the nation's "No. 1 enlisted man" is accused of criminal conspiracy to defraud for his own profit;

When Army Green Berets are accused of murder and then unaccused, all within weeks, and without the American people being told the truth;

When a Cuban jet fighter plane can get to within minutes of a major Air Force base (where the President's plane is being kept) before being detected;

When the Army tests deadly chemical-biological-bacteriological weapons in secret in at least two states (and winding up lying about the tests and about killing some thousands of sheep);

When the spy-ship U.S.S. *Pueblo* is sent unprotected on a secret mission, is captured by a 10th rate naval power, its crew is subjected to prison tortures and indignities, and when the U.S. has to lie publicly to get them home again;

When the Army ships deadly gas across country in trains with the intent of dumping it in the Atlantic Ocean, and is stopped only by a public outcry;

When a Navy submarine sinks at drydock;

When an Army tank, developed at the cost of millions of dollars, proves so faulty as to be unusable;

When an Army weapon jams repeatedly under combat conditions;

When cost over-runs of a new airplane approach a total estimated in the billions of dollars;

When the chief of Selective Service, an Army general, refuses to follow court orders not to use the draft as punishment for young draft-eligible men of whose conduct he disapproves;

When brutal physical punishment is regarded as standard procedure in a Marine Corps brig—

When all these things happen, one is entitled to wonder about the kind of returns we are getting for the dollars we pour into the military establishment.

Goof-ups happen, and "snafu" is a word with Army origins, and everyone understands this.

But for $80 billion a year aren't we entitled to something better than all this?

THE PESTICIDE PERIL—LXXI

Mr. NELSON. Mr. President, last week's U.S. News & World Report featured a comprehensive report on the controversy over the seriousness of the dangers to our environment and to human health from the use of persistent, toxic pesticides.

The article states that those who favor continued use of DDT and related pesticides note that "these chemicals have enhanced the world's health and food supply with virtually no evidence of harm to mankind."

Those advocating improved controls on DDT and other persistent pesticides acknowledge the role these chemicals have played in the past, but they believe that the evidenced destruction of fish and wildlife and potential links to cancer in man justify steps to eliminate the hazards of pesticides. The anti-DDT forces "see their accumulation in the environment as a time bomb that will explode at some future date with disastrous effects to mankind."

Unfortunately, the article includes the shopworn claims of the pesticide industry that livestock and crop production would drop and consumer prices would increase without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

Despite the recognized need to develop additional alternatives to DDT and other hard pesticides, the Department has failed to mount an all-out research effort in this area. A spokesman for the Agricultural Research Service has admitted to me that the Department's program for improved means of nonchemical pest control is presently underfunded by at least $4 million. These funds could be used this year by the Department but were not included in the budget submitted to Congress. The research areas being shortchanged include biological control, hormonal techniques, natural plant resistance, and cultural control.

I ask unanimous consent that the U.S. News & World Report article be printed in the RECORD.

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

PESTICIDES: PRO AND CON

Across America, there is rising concern that man is befouling his environment. Much of this worry centers on widespread use of chemical insecticides—particularly DDT and other "persistent" pesticides.

These chemicals, say critics, have contaminated rivers, lakes and oceans, and they pose a danger to man.

DDT has been banned indefiintely in Michigan. Arizona has barred its use for a year. New York and Minnesota have restricted pesticide use, and other States are considering similar action. The U.S. Department of Agriculture has limited use of DDT and other similar pesticides in some Government spray programs.

Yet, despite these official actions and rising protests, respected scientists are urging continued use of DDT and other pesticides.

Without them, say these scientists, food production and human health would suffer greatly.

From authoritative sources, you get both sides of an important and growing debate.

THE CASE AGAINST CONTINUED USE OF PERSISTENT PESTICIDES

Those who would ban the use of DDT and similar pesticides admit that there is as yet no hard evidence that these chemicals, properly used, will cause death or serious injury to humans.

These critics do say, however, that there is enough evidence of death and sickness among lower animals related to widespread use of such pesticides to warrant a complete bar to their use.

DDT and its chemical relatives are nerve poisons. In lethal doses they bring on violent convulsions, followed by death from heart or lung failure.

DDT is a chlorinated hydrocarbon. In this same chemical family are such pesticides as lindane, dieldrin, aldrin, heptachlor and several others widely used. All are persistent chemicals. This means that when sprayed on crops to kill insects, or into swamps to kill mosquitoes, they do not break down readily into less potent forms.

These persistent chemicals have been carried down rivers and streams into the lakes and oceans of the world. DDT, the most widely used pesticide, has been found in the fatty tissues of birds and fish in the Arctic and Antarctic.

The average human being, scientists say, now carries 10 to 20 parts per million of DDT in his body. The chemical is transmitted to babies through mothers' milk. It has been shown to kill fish and birds and to cause cancer in laboratory animals.

Dr. James T. Grace, director of the Roswell Park Memorial Institute in Buffalo, recently told the Environmental Health Subcommittee of the New York State legislature that tests show "clearly" that chlorinated hydrocarbons can cause tumors in mice. Said Dr. Grace: "If we find these chemicals create problems in lower forms, then we must be extremely careful how we gamble on their use in our environment."

At hearings in Wisconsin, Dr. Richard W. Welch, a pharmacologist, reported that laboratory experiments showed that DDT will produce changes in sexual activity of both male and female rats. He suggested that this change "probably does occur is humans."

Dr. Goran Lofroth, a Swedish toxicologist, has warned that breast-fed infants throughout the world are ingesting twice the amount of DDT said by the World Health Organization to be safe.

Another finding, reported by Dr. William B. Deichmann of the University of Miami school of medicine: Persons afflicted with liver cancer, leukemia, high blood pressure and carcinoma had at death two to three times the residues of DDT and related pesticides stored in their body tissues as did persons who died accidental deaths.

Senator Gaylold Nelson (Dem.), of Wisconsin, one of several Congressmen demanding that use of DDT and similar pesticides be barred in the U.S., cited a study by the U.S. Bureau of Sport Fisheries and Wildlife. This research found DDT in 584 of 590 samples of fish taken from 45 U.S. rivers and lakes.

In June, 60 marine scientists formally petitioned California Governor Ronald Reagan to place an absolute ban on DDT in his State. They expressed fear of "wholesale damage to important world fisheries" and "loss of whole categories of animals" important to man. These scientists said:

"DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides which are less destructive to man's environment are now available to take its place."

In May of this year, the National Research Council's Committee on Persistent Pesticides reported, after an 18-month study for the U.S. Department of Agriculture: ". . . There is an immediate need for worldwide attention to the problem of build-up of persistent pesticides in the total environment."

To some scientists, the problem is that DDT and other persistent chemicals in the modern environment may combine, with each other and with other factors, to upset human well-being. In this view, the fact that residual amounts of any one chemical are tiny, when measured, does not lessen their potential for harm to humanity over the long range.

THE CASE FOR CONTINUED USE OF PERSISTENT PESTICIDES

Opposing a ban on the use of DDT and similar pesticides are many top scientists in the U.S. and other countries. They say that, on balance, the report of the Committee on Persistent Pesticides supports their position. Cited are such statements as the following from that committee's report:

"Through use of these chemicals, spectacular control of diseases caused by insect-borne pathogens has been achieved, and agricultural productivity has been increased to an unprecedented level. No adequate alternative for the use of pesticides for either of these purposes is expected in the foreseeable future."

In July, Dr. M. G. Candau of Brazil, Director General of the World Health Organization, told the group's assembly in Boston: "The record of the safety of DDT to man has been outstanding during the last 20 years, and its low cost makes it irreplaceable in public health at the present time."

Samuel Rotrosen, president of Montrose Chemical Corporation, the largest U.S. manufacturer of DDT, cites these figures as evidence of the chemical's effectiveness against the malaria-carrying mosquito:

"In India, for example, before DDT there were 100 million cases of malaria, with 750,000 dying each year. Today, there are only 15,000 cases, with 1,500 dying a year."

The World Health Organization which is a United Nations agency, estimates that DDT saved 5 million lives and prevented 100 million illnesses in the first eight years of its employment.

"I think it is safe," says Dr. Wayland Hayes, former chief toxicologist of the National Communicable Disease Center in Atlanta. "Volunteers were fed doses 200 times what you and I get every day for 12 months, and they showed no ill effects."

A report of the American Chemical Society in September stated that "despite the vast increase in the availability and use of pesticides, the incidence of fatal poisoning in the U.S. has held virtually constant at 1 per 1 million population over a 25-year period."

Workers engaged in manufacture of persistent pesticides, say industry experts, carry many times the normal burden of these chemicals in their body tissues, yet suffer no ill effects.

Scientists who have studied effects of DDT on humans say that once a certain amount of the chemical accumulates in the body, added amounts are thrown off.

The 1966 "Yearbook of Agriculture," published by the U.S. Department of Agriculture, stated:

"Without insecticides, production of livestock would soon drop about 25 per cent. Food prices might then go up as much as 50 to 75 per cent, and the food still would not be of good quality."

At a recent symposium on the use of pesticides, Dr. Donald G. Crosby, toxicologist at the University of California, said:

"We're not talking about a cockroach in a bedroom. We're talking about insects that devour up to 80,000 tons per day—capable of stripping bare an area of the size of Rhode Island. . . . We should accept the self-interest of our species."

Actually, production of DDT in the U.S. is down by about 20 per cent since 1960. The U.S. Department of Agriculture, where officials deem it feasible, is substituting other pesticides in Government spray programs and urging private users to do likewise.

Other means are being sought to control pests—for example, parasites and predators that will kill harmful insects. There is prom-

ise, too, in new strains of crops that resist insects and plant diseases.

The big debate over persistent pesticides, in broad terms, comes down to this:

Those who would outlaw these chemicals see their accumulation in the environment as a time bomb that will explode at some future date with disastrous effects to mankind.

Those who urge continued use of the persistent pesticides say that these chemicals have enhanced the world's health and food supply with virtually no evidence of harm to mankind.

REVENUE SHARING ACT OF 1969

Mr. BAKER. Mr. President, on September 23, I introduced S. 2948, the Revenue Sharing Act of 1969, which had been recommended by the Nixon administration. I was joined by more than 30 other Senators in sponsoring this proposal, and many others have expressed interest in the concept set forth in this legislation.

A section-by-section analysis of this act has been prepared. For the information of Senators and others who may be interested, I ask unanimous consent that the analysis be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF REVENUE-SHARING ACT OF 1969

SECTION 101—SHORT TITLE

(a) *Short Title.*—Section 101 provides that the Act may be cited as the "Revenue-Sharing Act of 1969".

SECTION 201—DEFINITIONS

(a) *In general.*—Subsection (a) of section 201 provides general definitions for purposes of the Act.

Fiscal year

Paragraph (1) of section 201(a) provides that the term "fiscal year" means the fiscal year of the Federal Government of the United States.

General revenue

Paragraph (2) of section 201(a) provides that the term "general revenue" of State and local governments means general revenue from their own resources, as defined by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it includes the Federal payment authorized under 47 D.C. Code section 5201(a).

Governor

Paragraph (3) of section 201(a) provides that the term "Governor" means the chief executive officer of a State or his delegate.

Individual income tax returns

Paragraph (4) of section 201(a) provides that the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the Internal Revenue laws.

Local government

Paragraph (5) of section 201(a) provides that the term "local government" means a municipality, country or township (but does not include independent school districts or special districts), as defined and used by the Bureau of the Census of the Department of Commerce.

Personal income

Paragraph (6) of section 201(a) provides that the term "personal income" means personal income as defined by the Office of Business Economics of the Department of Commerce.

Population

Paragraph (7) of section 201(a) provides that the term "population" means total resident population, as defined and used by the Bureau of the Census of the Department of Commerce.

Secretary

Paragraph (8) of section 201(a) provides that the term "Secretary" means the Secretary of the Treasury or his delegate.

State

Paragraph (9) of section 201(a) provides that the term "State" means the several States of the United States and the District of Columbia.

Taxable income

Paragraph (10) of section 201(a) provides that the term "taxable income" means taxable income as defined by the Internal Revenue laws.

Units of government

Paragraph (11) of section 201(a) provides that the term "units of government" means all units of local government (including independent school districts and special districts), as defined and used by the Bureau of the Census of the Department of Commerce.

(b) *Changes and modifications in definitions.*—Subsection (b) of section 201 provides that the definitions in subsection (a) shall be based on the latest published reports available, and the Internal Revenue laws in effect, on the date of enactment of this Act. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) (other than paragraphs 1, 3, 8 and 9) in order to reflect any change or modification thereof made subsequent to such date.

SECTION 301—REVENUE SHARING APPROPRIATION

(a) *Appropriation.*—Subsection (a) of section 301 provides that for each fiscal year beginning on or after July 1, 1970, there shall be appropriated an amount equal to the percentage provided in subsection (b) of section 301 multiplied by the total taxable income reported on Federal individual income returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) *Applicable percentages.*—The applicable percentages are—

(1) for the fiscal year beginning July 1, 1970, 2/12th of one percent;

(2) for the fiscal year beginning July 1, 1971, 5/12th of one percent;

(3) for the fiscal year beginning July 1, 1972, 7/12ths of one percent;

(4) for the fiscal year beginning July 1, 1973, 9/12ths of one percent;

(5) for the fiscal year beginning July 1, 1974, 11/12ths of one percent; and

(6) for each fiscal year beginning on or after July 1, 1975, one percent.

(c) *Fiscal year limitation.*—Subsection (c) of section 301 provides that amounts appropriated pursuant to this Act shall remain available without fiscal year limitation for the expenditures authorized by this Act.

SECTION 401—PAYMENTS TO STATES

(a) *In general.*—Subsection (a) of section 401 provides that for any fiscal year each State is entitled to an amount, determined by the Secretary, equal to the revenue-sharing appropriation for such year pursuant to section 301 multiplied by the factor for such State.

State factor

Paragraphs 1 and 2 of subsection (a) provide that each State's factor shall be obtained by (1) multiplying such State's population by its revenue effort, and (2) dividing the product obtained in paragraph 1 by the sum of such products for all States.

(b) *Payments.*—Subsection (b) of section 401 provides that the payments determined under subsection (a) of this section shall be paid by the Secretary to the Governor of each State at such times as the Secretary may determine during any fiscal year, but not less often than once each quarter.

(c) *Revenue effort.*—Subsection (c) of section 401 provides that the revenue effort of each State for any fiscal year is obtained by dividing the total general revenue derived by such State and all of its units of government from their own resources by the total personal income for such State.

(d) *Data determinations.*—Subsection (d) of section 401 provides that for each fiscal year, the Secretary shall, on the basis of the latest available data for all States furnished by the Department of Commerce, determine the population of each State referable to the same point in time, the total annual general revenues of each State (including all units of government), and the total annual personal income, for each State.

(e) *Final and conclusive determinations.*—Subsection (c) of section 401 provides that all computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

SECTION 501—PAYMENTS BY STATES TO LOCAL GOVERNMENTS

(a) *Computation of pass-through amount.*—Subsection (a) of section 501 provides that the local governments of each State are entitled to an amount equal to the payment to such State pursuant to section 401 multiplied by a distribution fraction computed on the basis of the latest data available from the Department of Commerce

Numerator

The numerator of the distribution fraction is the total general revenues derived by all local governments of such State from their own resources.

Denominator

The denominator of the distribution fraction is the total general revenues derived by such State and all of its units of government from their own resources.

(b) *Payment to each local government.*—Subsection (b) of section 501 provides that, within 30 days after receipt of a payment pursuant to section 401, each State shall pay to each local government an amount equal to the amount determined under subsection (a) of section 501 multiplied by the ratio of such local government's general revenue from its own resources to the general revenues of all local governments in such State from their own resources.

(c) *Alternative distribution formula.*—Subsection (c) of section 501 provides that the Secretary shall accept an alternative formula for the distribution of funds if requested by the State, provided such formula is approved by the State and by its local governments.

Approval

(1) *State.*—Paragraph (1) of subsection (c) provides that the alternative formula must be approved by the State in the same manner as authorized in such State's constitution for the enactment of its own laws.

(2) *Local governments.*—Paragraph (2) of subsection (c) provides that the alternative formula must be approved by a formal resolution of more than one-half of the governing bodies of the local governments, and it must be approved by a formal resolution of the governing bodies of the local governments which would be entitled to receive more than one-half of the payments otherwise required by this Act.

Filing

The alternative formula must be filed not later than 180 days preceding the fiscal year to which it would be applicable.

Period of effectiveness

The provisions of the formula are effective for the period provided in such alternative formula.

Modification of termination of formula

The alternative formula may be modified or terminated if such modification or termination is approved by the State and its local governments in the same manner as provided in this section for adopting such formula.

SECTION 601—QUALIFICATIONS

(a) *In general.*—Subsection (a) of section 601 provides that, in order to qualify for payments under this Act, a State Government must warrant to the Secretary that it waives immunity from suit by its local governments in the United States Court of Appeals under the provisions of this Act. The State must give the Secretary such assurances as he may require that the State and its local government account for such funds in accordance with this Act.

Governmental purposes

Paragraph (1) of subsection (a) provides that payments received pursuant to this Act shall be used for governmental purposes.

Accounting and disbursement

Paragraph (2) of subsection (a) provides that a State and its local governments shall use proper accounting procedures for payments received under this Act and that such State will use such fiscal and accounting procedures as may be necessary to assure that it properly disburses amounts to which the local governments are entitled.

Compliance

Paragraph (3) of subsection (a) provides that a State and its local governments must provide the Secretary, on reasonable notice, access to, and the right to examine, any book, document, paper or record that he may reasonably require for the purpose of reviewing compliance with this Act.

Reports

Paragraph (4) of subsection (a) provides that the State and its local governments shall make such reports to the Secretary in such form and containing such information as he may reasonably require, including in such reports any computations made pursuant to section 501.

(b) *Maintenance of Existing Payments.*—Subsection (b) of section 601 provides that, except when an alternative formula is adopted pursuant to section 501(c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act.

SECTION 701—POWERS OF THE SECRETARY

(a) *Regulations.*—Subsection (a) of section 701 provides that the Scretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data, reports and such other information as he may deem necessary for the purpose of carrying out his functions under this Act.

(b) *Failure of Compliance by State Govment.*—

In General: Subsection (b) of section 701 provides that if, after giving reasonable notice and an opportunity for a hearing to the Governor of a State, the Secretary determines that a State Government has failed to comply with any provision, rule or regulation of this Act, he shall proceed as specified in this section.

Notification: The Secretary shall notify the Governor that if the State Government fails to take corrective action within 60 days from the date of a determination that it has failed to comply with this Act, further payments to such State (in excess of the amounts to which the local governments of such state are entitled under section 501) will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments.

(c) *Cancellation of Payments.* If a State Government fails to comply with the provisions of this Act for a period of six months after the expiration of a 60-day notice that its payments will be withheld, the Secretary shall cancel any payment withheld pursuant to subsection (b) for the current and for any subsequent fiscal year.

Reapportionment of payments: The Secretary shall reapportion any cancelled payments to all other States then entitled to receive payments under section 401 of this Act, in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain.

Distribution to local governments: Amounts redistributed to States pursuant to section 701 are considered payments made pursuant to section 401. The local governments of each State shall receive the amounts to which they are entitled pursuant to section 501.

(d) *Payments to local governments.* If payments to a State Government are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to the Governor of such State the amount to which the local governments of such States are entitled pursuant to section 501 (computed as if the payment to such State had been made) and such State shall continue to distribute such amounts among its local governments.

(e) *Failure of Compliance by Local Government.*—

(1) *In General.*—The Governor shall be responsible for determining that local governments within his State have complied with the requirements of this Act and the rules and regulations issued pursuant thereto.

(2) *Notice of Failure of Compliance.* If after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government, a Governor determines that a local government within his State has failed to comply with this Act, he shall notify such local government that if it fails to take corrective action within 60 days from the date of such determination, further payments to such local government will be withheld for the remainder of the fiscal and for any subsequent fiscal year, until such time as he is satisfied that appropriate corrective action has been taken.

Notification to Secretary.—The Governor shall notify the Secretary of his action.

Cancellation of Payments.—If a local government fails to comply for a period of six months after the expiration of the 60-day notice, the Governor shall cancel any payments withheld for the current and for any subsequent fiscal year.

Reapportionment. The Governor shall reapportion and pay any cancelled payment to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

SECTION 801—JUDICIAL REVIEW

(a) *In general. Filing of a Petition for Review.* Subsection (a) of section 801 provides that any State or local government which receives a 60-day notice pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be transmitted to the Secretary.

Record of Proceedings.—The Secretary shall file, in the appropriate Court, the record of the proceedings on which he based his action.

(b) *Objections to Secretary's Action.* Subsection (b) of section 801 provides that no objection to the action of the Secretary shall be considered by the Court unless such objection had been urged before the Secretary, or unless there were reasonable grounds for a failure to do so.

(c) *Jurisdiction of Court.* Subsection (c) of section 801 provides that the Court may affirm or modify the Secretary's action, or set it aside, in whole or in part.

Findings of Fact.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. If any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new findings of fact and may modify his previous actions.

(d) *Review.* Subsection (d) of section 801 provides that the judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28 of the United States Code.

(e) *Cancellation of Payments.* Subsection (e) of section 801 provides that, in the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the six months period provided in section 701 or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and any subsequent fiscal year.

(f) *The Term "Secretary".* Subsection (f) of section 801 provides that, for the purposes of section 801, the term "Secretary" means the Secretary of the Treasury, or the Governor of a State, whichever is appropriate.

SECTION 901—REPORT BY THE SECRETARY

In General.—Section 901 provides that the Secretary of the Treasury shall report to the President of the United States and the Congress, as soon as is practicable after the end of the fisacl year, on the operation of this Act during the preceding fiscal year.

SECTION 1000—ADMINISTRATIVE EXPENSES

In General.—Section 1000 authorizes an appropriation of such sums as may be necessary for the administrative expenses required to carry out the functions of the Federal Government under this Act.

SECTION 1001—EFFECTIVE DATE

Section 1001 provides that the effective date of this Act shall be January 1, 1971.

WELFARE REFORM AND FEDERAL REVENUE SHARING

Mr. CRANSTON. Mr. President, on October 10 I had the pleasure of sharing with California county supervisors some thoughts on the relationship of President Nixon's new welfare reform proposal and the need for Federal revenue sharing by State and local agencies. Since I hope that these ideas may contribute to the continuing dialog on new solutions to these problems, I ask unanimous consent that my speech be printed in the RECORD.

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

SPEECH BY SENATOR ALAN CRANSTON BEFORE THE CALIFORNIA SUPERVISORS ASSOCIATION, SQUAW VALLEY, OCTOBER 10, 1969

With all of the incredibly complex problems which face a U.S. Senator, trying to decide what's best for the United States, I must say that I do not in the least envy the job of a California County supervisor.

On a daily and face-to-face basis, you must justify to the voters, including your own friends and neighbors, both the cost and the efficiency of county government and the tax rate you impose on their homes, their farms, their businesses.

One of your most difficult tasks, I know, stems from the major, immense responsibility you bear in administering a welfare program which aggravates instead of solves our poverty problem.

I realize, of course, that your burden is lightened and your task simplified because of the fact that you support this welfare program financially by taxing your friends, neighbors and constituents with the most unpopular and least equitable of all our levies—the property tax. In Washington and in California alike, we all know that we must find a solution to this problem.

I was greatly encouraged by President Nixon's recent message on welfare reform. Declaring candidly that "The present welfare system has failed us," the President outlined a bold and broad new program of family assistance. Under his plan, which is now before Congress, any family which can earn no income at all would receive a minimum of $1,600 of Federal funds.

If a family's earnings are below the poverty level, Federal funds would be available to bring its earnings up to acceptable minimums. Thus, no American would be discouraged from getting a job and earning a living. An end would come at long last to the sorry system—built into the present program—that penalizes initiative and holds back those who want to help themselves.

States would be required to supplement these payments from the Federal Treasury, depending on their present public assistance programs. Every state would be guaranteed at least a 10 percent decrease in its present level of welfare support. In addition, the President called for mandatory work incentives with training and job development programs.

I believe that the program needs strengthening in this aspect to insure that enough job opportunities are available. The Administration proposal would approximately double the Federal contribution to public assistance, from 4 to 8 billion dollars. I have no doubt there will be many changes in this new family assistance plan before it is enacted. Already, since the President's initial August message, the Administration has broadened its concept of the role of food stamps in the program, and made other improvements.

But after all the arguments about the sufficiency of the supports and the fairness of the work requirements have been resolved, the fact will remain that President Nixon deserves our nation's thanks for a comprehensive and constructive proposal. It is a proposal designed to get us out of the paternalistic and debilitating quagmire of our present welfare system.

One of the most important new precedents established by the proposal is that the problem of poverty and the need for public assistance are recognized formally by the President of the United States as a national problem requiring a national solution.

Californians should be in complete agreement with this principle. With the end of residence requirements for public assistance, our comfortable climate and magnificent environment, plus our high rate of welfare payments—which will be correspondingly high compared to other states under the Nixon Family Assistance Program—all of these attractions will make California an enticing home for many of our nation's poor people.

This in turn will add something to the burden of welfare on our California tax payers—although hopefully not enough to cancel out the initial 10 percent cut guaranteed us in the plan.

I feel that the best solution, and the only fair solution, to this threat of a discriminatory tax burden on citizens of California and other wealthy states is complete Federal support of our nation's welfare program.

In his August speech, President Nixon touched upon much more than welfare reform. He called for a "no-strings-attached" revenue sharing program which by fiscal 1976 would amount to 5 billion dollars to be returned to the states in block grants. While I have long supported the concept of Federal revenue sharing, I believe that total Federal support of our welfare system would accomplish the same ends as block grants without stirring up the violent battle which is the inevitable consequence of trying to get Congress to appropriate block grant funding.

If counties were completely relieved of the need to support welfare, they would be able to support schools, road construction, police and fire protection, and their other areas of responsibility just as if they were receiving free Federal funds. I believe there would be much more freedom of choice for local cities and counties under this kind of revenue sharing.

Frankly, I do not believe that Congress will be willing to give "no-strings-attached" money to the states or to local government. While there is substantial agreement on the need for Federal revenue sharing with state and local government, such sharing can well mean ear-marked funds with Federal regulations and restrictions on its use by state and local government.

This can mean the continued centralization of decision-making in Washington—and greater Federal intereference in our schools and other aspects of local government.

At a time when most Americans want to see government decentralized—brought closer to the people and made more responsive to their needs—any further restrictions on local and regional authority are clearly a mistake.

On the other hand, if the entire burden of welfare were shifted to the Federal government by extending President Nixon's welfare reform proposal, the local tax dollars freed from the welfare drain would be entirely in the jurisdiction of local officials to be spent without Federal regulations. Nationalizing our system of welfare supports would accomplish the same ends as the President's revenue sharing proposal.

It would protect local options and autonomy in other areas of spending.

It would remove the threat the existing situation poses to California taxpayers.

LETTERS TO CONGRESSMEN TABOO

Mr. HATFIELD. Mr. President, I was shocked to read recently in the Baltimore News-American a front-page article bearing the headline "Letters to Congressmen Taboo, Army Redtape Gags GI's," written by Leslie H. Whitten.

The story quotes a directive issued to enlisted men at Fort Bragg, N.C., as saying, among other things, that—

The only effect a congressional (inquiry) has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies.

Mr. President, the right of every American citizen to communicate with his elected representatives in Congress is clearly guaranteed by the Constitution. A man does not surrender that constitutional right when he dons a military uniform.

That is why I was genuinely distressed to see this news story of an apparent attempt by some clearly misguided Army officers to intimidate their men and discourage their communicating with us. I have since obtained a copy of the Army document in question and find that reporter Whitten has quoted it entirely accurately.

This is the kind of incident which gives rise to the derisive comments we sometimes hear about the "military mind." It is only mindless disregard for basic rights and for logic that gives rise to the kind of memorandum circulated at Fort Bragg.

I call upon Secretary of Defense Laird to reaffirm the clear policies of his Department guaranteeing to every member of the military the right to communicate freely with his Senators and Representatives without fearing retribution from his immediate superiors. The Secretary has the clear duty to put an end to the issuance of such outrageous memorandums as that uncovered by reporter Whitten.

Mr. President, I ask unanimous consent that the Baltimore News-American article and the so-called Personnel Information Letter issued at Fort Bragg be printed in the RECORD.

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

LETTERS TO CONGRESSMEN TABOO: ARMY RED TAPE GAGS GI'S

(Leslie H. Whitten)

WASHINGTON, August 29—An Army intelligence center is trying to discourage servicemen from writing gripes to their congressmen because it contends the letters "disrupt normal processing."

A serviceman's right to communicate with his congressman is guaranteed by law and by Defense Department policy.

The Army unit seeking to restrain letter-writing to congressmen is the Continental Army Command Intelligence Center, Fort Bragg, N.C. In a July 18 letter to its 900-soldier members the headquarters of the unit, through its personnel office, said:

"Your personnel section has been slightly offended here lately. It seems that some of our customers have written to their elected representatives in Congress when the help and information was available here for them."

The letter then goes on to mention such matters as overseas assignments, hardship discharges and early release for school and seasonal employment as matters that are handled by the personnel office. It concludes:

"A congressional inquiry does not influence a commander's decision . . . the only effect a congressional (inquiry) has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies."

The letter was signed by Chief Warrant Officer Alfred Leonardo Jr. His superior, the commanding officer of the center, Col. Charles A. Morris, conceded that he had "thrown out a grain of information" to get Leonardo started on the letter. He backed Leonardo all the way, Morris said.

Leonardo said he had written similar memoranda when he was with units in Vietnam and Germany. He estimated 40 to 50 inquiries from congressmen had been processed by the unit this year and each one took one to two extra hours of work.

Col. Morris insisted that it was not his aim

to intimidate his men. Quite the contrary, he said, "What we're trying to get them to do is to first exhaust military channels. Then by all means they can write to their congressmen. They could and should."

The letter was obtained by Hearst Newspapers after it had been sent to an intermediary by a disgruntled army employe, who saw it as an effort to restrict Army gripes to the soldiers' elected representatives.

At the Defense Department, a spokesman explained that "sometimes people with legitimate gripes will not bother to talk to their first sergeants even. They'll go straight to God."

Another department spokesman, asked whether letters such as those sent out at Fort Bragg were part of Army policy, said obliquely that "the department has no restrictive policy concerning members of the armed forces community with a member of Congress."

Sen. Sam Ervin (D., N.C.) has said his constitutional rights subcommittee could never have pushed through its "GI Bill of Rights" without servicemen's complaints.

The Army center's letter does not bar servicemen from writing their congressmen, but the Ervin committee and other constitutional rights backers have pointed out that inclosed societies like the military, a hint of displeasure goes a long way.

HEADQUARTERS CONTIC,
OFFICE OF UNIT PERSONNEL,
Fort Bragg, N.C., July 18, 1969.

Subject: Personnel information letter.

1. Your Personnel Section has been slightly offended here lately. It seems that some of our customers have written to their elected representatives in Congress when the help and information was available here for them. By here we mean the Personnel Section at CONTIC, the Personnel Section in our battalions, and your unit orderly rooms. It is realized that there are many things that occupy a Personnel Officer or a Personnel Sergeant's time. To make it even easier to get information on personnel matters, anyone in this command desiring to know procedures, information, or just status of his particular action may write a note or letter to the Personnel Officer or Personnel Sergeant, HQ CONTIC, direct. We promise you our reply will be much faster, helpful, and in more detail. (However, there are things we cannot tell you. Items such as reasons for nonselection for promotions, leaves, etc, can only be obtained from your unit commander.)

2. Some of the reasons some personnel actions are delayed is that they are improperly prepared. We get them with missing documents, missing signatures, etc.

3. Following are typical types of various personnel actions that we normally process and the expected time frame to completion.

a. *Overseas assignments.* These take from 30 to 180 days for approval. If approved the individual will normally appear on a volunteer levy. In the event he has not heard anything in a 180-day period, we recommend that he try again if he still wants to go. NOTE: Do not be discouraged if your commander recommends disapproval. It still has to go to DA if you meet the requirements of AR 614–30, and many do go despite a commander's recommendation of disapproval. Personnel CONTIC will send you a note informing you when your application left our office and what recommendation CONTIC has made.

b. *Hardship discharges.* This type of action receives top priority in our office. The CG, XVIII Airborne Corps, has the approving authority; however, that HQ may send a doubtful case to DA for approval. Hardship Discharges that are based on medical conditions are referred to the Surgeon's Office WOMACK, for his recommendation. All cases are referred to the Selective Service Board serving your hometown for their recommendation, and this is where the delays occur. It is estimated that the hospital takes one (1) week (includes mailing time) and Selective Service anywhere from 30 to 60 days.

d. *Early release for school and seasonal employment,* CG XVIII Airborne Corps, has the authority for approval. Applications take from 15 to 30 days. IAW DA Message 915445, Dated 8 July 1969, Subject; Interim Change to AR 645–200, Separation to attend school will be effected not earlier than 15 days prior to the first day of the school term for which registered. Previous requirement was 10 days prior to last possible registration date. Date must still fall within last 90 days of service.

e. *OCS application.* A priority item with command emphasis. Selection process accomplished by Post Board and 3A Selection. Estimated to completion 25 to 60 days.

f. *Warrant officer applications.* Another priority item. Post Board required. Final selection by DA. Non MI Warrants take 3 to 9 months. MI Warrants take 6 to 24 months. Applicants for MI Warrants are required to undergo a brand new complete Background Investigation.

4. In summary, a congressional inquiry does not influence a commander's decision. A commander is charged with certain responsibilities and must act accordingly. The only effect a congressional has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies. Your personnel actions are receiving the best possible care we can give it. All personnel actions are acknowledged. Our office will send each applicant a note letting you know what we did with your request and CONTIC's recommendation. We ask that you inform your parents and wives of the processing time. Bring your business to us. We are here to help you.

A. LEONARDO, Jr.,
Personnel Officer.

THE OEO AND THE ELDERLY POOR

Mr. WILLIAMS of New Jersey. Mr. President, within recent weeks I have expressed my concern to OEO Director Donald Rumsfeld about the effects of recent organizational changes upon programs meant to help the elderly poor. However, I do not believe that the urgency of the situation has yet been recognized within the highest levels of OEO.

I, therefore, ask unanimous consent to have printed in the RECORD a letter and position paper presented to me today by the National Council of Senior Citizens. I think that both documents make a compelling case for action—at the earliest possible date—to deal with regressive developments of recent months.

As chairman of the Special Committee on Aging, I am especially concerned about the issues described in the material from the council. The Committee on Aging, in 1965 and 1966, conducted hearings which resulted in a strongly worded report pointing out that the Office of Economic Opportunity had paid scant attention to the elderly poor of this Nation. The committee also recommended "that there be established within the Office of Economic Opportunity a high-level position or positions charged with responsibility and authority to assure adequate consideration of the needs of the elderly in conducting the war on poverty, with tenure and security for the occupant of this position."

With strong support from the Senate Committee on Labor and Public Welfare, this position was later established. Senator EDWARD KENNEDY, chairman of the Subcommittee on Aging in that committee, took an active and effective part in achieving that goal and in advancing other goals meant to make the war on poverty more responsive to the elderly.

It is my opinion, however, that all previous progress is now endangered. Furthermore, I believe that the OEO should give sympathetic attention to the views of the National Council of Senior Citizens and other national organizations which have expressed similar concern since Mr. Rumsfeld took office. I believe that the council statement is emphatic, timely, and significant. I commend it to the OEO and to everyone else who should be concerned about our elderly poor.

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

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., October 21, 1969.

Hon. HARRISON A. WILLIAMS,
Chairman, Senate Special Committee on Aging, Washington, D.C.

DEAR SENATOR WILLIAMS: The Executive Board of the National Council of Senior Citizens, meeting in Washington October 14 and 15, considered the plight of the elderly poor and the unfortunate consequences for them of the reorganization of the Office of Economic Opportunity.

The National Council of Senior Citizens represents 2,500,000 older persons in every State. The Executive Board has directed me to bring to your attention the contents of its anti-poverty resolution.

The elderly poor have been largely bypassed by the Office of Economic Opportunity up to now. But, in recent years, Congress made changes in the Economic Opportunity Act which were beginning to provide some new OEO focus on the problems of the elderly. Under the new reorganization ordered by the President, however, these changes are being completely ignored and the elderly programs are being reduced and downgraded.

The National Council of Senior Citizens recognizes the desperate need of the poor and disadvantaged of all ages. Older Americans are deeply concerned about the effects of poverty on youth and see the justice of placing heavy emphasis on anti-poverty programs for youth.

However, the National Council of Senior Citizens respectfully insists that the elderly poor are also entitled to a degree of assistance proportionate to their need.

Those 65 or over helped America win two world wars. They worked hard to provide the unprecedentedly high living standard enjoyed by the great majority of Americans.

Yet, it is a tragic fact that one-fourth of the U.S. poor are elderly and more than one-third of those 65 or over—7,000,000 in all—live in abject poverty while millions of others 65 or over live perilously close to the poverty line.

The elderly comprise one of the only two poverty categories to show an increase in the 1960's. (Families headed by women are the other category that has been increasing).

The National Council of Senior Citizens seeks to impress uopn the Administration the fearful plight of the elderly poor and the importance of developing anti-poverty programs adequate to their need.

Our 2,500,000 members ask that OEO appoint an Assistant OEO Director for Older Persons Programs (a statutory office that has remained unfilled since the departure of Genevieve Blatt last year) and re-establish an operating Office for Older Persons programs under the OEO Community Action Agency (this office has been so thoroughly downgraded there is no possibility it can

generate innovative programs for the elderly in the future).

The National Council of Senior Citizens asks Congress to provide at least $20,000,000 for OEO Senior Opportunities and Services programs to fill the great demand for programs of this kind in hundreds of communities across the nation.

I am enclosing a copy of the position paper prepared by the National Council of Senior Citizens reporting in some detail on the OEO cutbacks in the programs for older Americans resulting from President Nixon's decision to reorganize the Office of Economic Opportunity.

With every good wish, I am

Sincerely,

WILLIAM R. HUTTON,
Executive Director.

NATIONAL COUNCIL OF SENIOR CITIZENS
POSITION PAPER ON OEO

President Nixon's decision to reorganize the Office of Economic Opportunity, with the stated object of making it more effective in dealing with the problems of the U.S. poor, is of special concern to the low income elderly.

Up to now, the elderly have been largely ignored by the anti-poverty agency. Now, it seems likely they will be further by-passed.

Relatively few OEO programs have been designed to serve the elderly.

In 1968, the U.S. Senate Appropriations Committee reported that less than 5 per cent of OEO funds had gone for programs specifically directed toward meeting the problems of men and women age 55 or over.

Yet the poor in this age group represent more than a quarter of all Americans living in poverty.

The elderly constitute one of the only two poverty categories to show an increase in the 1960's. (Families headed by women are the other poverty category that has been increasing.)

The implications of this situation are most disturbing.

Older Americans generally must live on incomes that are substantially less than the incomes of younger people.[1]

This retirement income gap is steadily worsening.

At the same time, more Americans are spending more years in retirement.

Unless positive action is taken to reverse this trend, the economic position of the elderly will continue to deteriorate markedly in the years ahead.

From its inception, the OEO has evidenced little real regard for the plight of the elderly poor. Its youth-oriented attitude has greatly disappointed those with an understanding of the desperate financial crisis facing millions of the older generation.

The agency's record brings this clearly into focus.

The original OEO legislation contained no specific reference to the elderly poor.

In 1965, however, Congress noted the need for employment programs for older workers and added to the OTO legislation a section entitled Programs for the Elderly Poor. This section of the legislation stated: "It is the intention of Congress that, wherever feasible, the special problems of the elderly poor shall be considered in the development, conduct and administration of programs under this Act." [2]

In 1966, the report of the Senate Committee on Education and Labor on the operation of the OEO program asked that greater attention be given by OEO to problems of the elderly poor.

This report said: "The committee has found that the needs of the older person have not been appropriately considered. . . . This finding was reinforced by many hearings of the (Senate) Special Committee on Aging." [3]

In order to assure high priority for programs for the elderly, the Senate Committee ordered creation of an additional Assistant Director of the Office of Economic Opportunity.

The Committee's 1966 report states: "The Committee intends that this official will assist the Director with problems of the elderly poor, particularly with respect to the development of new programs and the coordination of programs related to the needs of the elderly.

"It is also the Committee's intention that this Assistant Director be provided with staff at the policy level . . ."

The 1967 amendments to the Economic Opportunity Act reemphasized congressional concern for the elderly poor by asking for new programs to be called Senior Opportunities and Services and to be maintained on a par with such major OEO programs as Head Start, Legal Services and Neighborhood Health Centers.

The Senate Appropriations Committee reviewed OEO's performance in 1968 and again found that, despite very specific legislative reference to the need for more programs for the elderly, "OEO has continued to relegate older persons programs and services to second, or less, priority with the result that 5 per cent of OEO funds have been directed to serve the 55 and over group which represents from 25 to 30 per cent of the poor." [4]

To highlight its concern for the elderly poor, the Committee's 1968 report said: "For the past four years, OEO has chosen to give only token acknowledgement to the problems of the elderly."

The report continued: "The Committee therefore feels it has no choice but to specifically require OEO to meet its statutory and programmatic mandate and earmarks $50 million in Title II funds to be channeled through Section 222 (a) 8 of the Act."

Also in 1968, several members of the OEO's Advisory Committee on Older Persons Programs resigned in a protest against the agency's refusal to fund more programs for the elderly." [5]

Clearly, the OEO's record in dealing with problems of the elderly poor has been disappointing.

Worse still, it now appears the comparatively few programs for the elderly that OEO has so far set up are threatened.

The OEO reorganization plan, dated August 11, 1969, states that the former offices of rural and older persons will be incorporated into OEO's new Office of Program Development.

Since then, the status of the older persons division as an operating division within the Office of Programs Development has been downgraded to the point of effectively removing older persons interest from OEO's operational scheme. The staff function as presently conceived provides no operational authority to initiate new developmental programs in the field of aging.

The obvious result of the reorganization plan will be to eliminate the statutory office of Older Persons Programs.

Moreover, the operational responsibilities of OEO's former Community Action Program Older Persons Branch are being abolished with respect to initiating innovative programs, monitoring ongoing research and development programs and guiding field-operated Senior Opportunities and Services programs.

Thus, the OEO reorganization plan, as it now stands, appears designed to eliminate the elderly poor as an OEO program concern.

In addition, existing OEO programs for the elderly face a highly uncertain future including 217 local Senior Opportunities and Services programs and other minor programs financed with anti-poverty funds.

Discussing his intention to reorganize OEO, the President in a nation-wide address on August 8 said: "The OEO reorganization to be announced next week will stress OEO's innovative role."

However, the actual reorganization plan extinguishes any likelihood of new programs for the elderly and casts a dark shadow over existing OEO programs for the elderly.

Accordingly, the following recommendations appear proper:

The Office of Economic Opportunity should adhere to the intent of Congress by incorporating a staff position of Assistant Director for Older Persons Programs in its reorganization plan.

The Assistant Director for Older Persons Programs should be given sufficient staff and budget to carry out programs responsive to the needs of the elderly poor.

The research and development functions previously assigned the OEO Community Action program's Office of Older Persons should be "carried through" by that office into the newly formed Office of Program Development.

In the future, more OEO resources should be used to meet the needs of the elderly poor.

Prompt action on these recommendations alone can guarantee decent consideration of the needs of the elderly poor by the OEO.

PROGRAMS FOR THE ELDERLY POOR

SEC. 610.[1] It is the intention of Congress that whenever feasible the special problems of the elderly poor shall be considered in the development, conduct, and administration of programs under this Act.

SUPPLEMENTAL REFERENCE

These members of the OEO Advisory Committee on Older People's Programs resigned in February, 1968, as a protest against the refusal of OEO to fund more programs for the elderly; John W. Edelman, then President of the National Council of Senior Citizens; William C. Fitch, the OEO Advisory Committee Chairman and then a consultant to the American Association of Retired Persons; Dr. Harold L. Sheppard, a sociologist with Upjohn Institute for Employment Research and former chairman of the OEO Advisory Committee; and Dr. Juanita Kreps, an economist on the staff of Duke University.

PROGRAMS FOR THE ELDERLY FINANCED WITH ANTI-POVERTY FUNDS

Project for repairing sub-standard housing in Kentucky.

Legal Research and Services for the Elderly, a program to identify legal problems of the aged and develop better methods of solving them. (operated by the National Council of Senior Citizens).

Employment of the elderly in community service under programs operated by the National Council of Senior Citizens, the National Council on the Aging, the National Retired Teachers Association.

Late Start, a program to test whether intervention through group experience can alter life problems or patterns.

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[1] Finding of the U.S. Senate Special Committee on Aging's 1969 task force on the economics of aging (attached).

[2] Section 610 of the Economic Opportunity Act.

[3] Report of the U.S. Senate Committee on Education and Labor dealing with the 1966 amendments to the Economic Opportunity Act (pp 24 and 25).

[4] Senate Committee on Appropriations, Departments of Labor and Health, Education and Welfare and Related Agencies Appropriation bill (p. 87.)

[5] See supplemental material for names of Advisory Committee members who resigned.

[1] This new section was added by sec. 28 of the Economic Opportunity Amendments of 1965, Public Law 89-253, October 9, 1965, 79 Stat. 973, 978.

Community Action Program-VISTA, a program to develop employment for the elderly poor.

Action for Housing in Cambridge, Mass., involving the elderly in efforts to improve local housing conditions.

Senior Opportunities and Services: 217 Community Action programs for employment of the elderly in community activities.

Green Thumb, a program to employ the elderly on beautification of highway right of way and other public property (operated by the National Farmers Union).

Foster Grandparents, a program for institutionalized children who are visited regularly by elderly persons (operated by the U.S. Administration on Aging).

Project FIND, an outreach program carried on at the local level to acquaint the isolated elderly with benefits available to them through public and non-profit community agencies.

NEW DIRECTIONS FOR AMERICAN FOREIGN POLICY

Mr. MATHIAS. Mr. President, on October 27, 1969, at Stephens College, Columbia, Mo., the Senator from Illinois (Mr. PERCY) delivered an important address entitled "New Directions for American Foreign Policy in the 1970's." In the address, Senator PERCY discusses the problems confronting the United States in Asia, Europe, and Latin America. I ask unanimous consent that the address, which contains important information, be printed in the RECORD.

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

NEW DIRECTIONS FOR AMERICAN FOREIGN POLICY IN THE 1970's

T. S. Eliot once said: "Time present and time past are both present in time future. And time future is contained in time past." In looking together at the future of America's foreign policy, perhaps the best way to begin is to take a brief look at the past—the rear-view mirror known as "modern history."

As your generation came to maturity, American policy-makers began to worry less about a potential direct military clash with the Soviet Union and worried a great deal more about the real (though still undeclared) war in Vietnam.

Throughout the Johnson years, while we built up our military strength in Vietnam to more than half a million men, it was believed by those who were then making policy in Washington that military success was just around the corner. Somehow, it was held, if we spent enough money, if we sent enough men, if we expended our blood and treasure in that far-off Asian nation, we would prevail. The bombing of the North, in particular, was supposed to strangle the enemy and eventually force him to his knees.

Of course, in the end, all these estimates proved wrong. Late last year, President Johnson finally stopped bombing the North and the level of casualties actually fell.

When President Nixon took office, the policy in Washington still appeared to be to seek a military solution to the war. Military commanders were under orders to put maximum pressure on the enemy and the emphasis was clearly on offensive operations. In the meantime, not much attention was being paid to strengthening the South Vietnamese army and putting the main combat responsibility in their hands.

President Nixon wisely followed with a commitment to begin withdrawing substantial American forces from Vietnam while ordering his commanders in the field to use protective rather than aggressive tactics. This in turn has brought a still further dramatic decrease in the number of American dead within the last few months. In fact, I am reliably informed many of our field casualties today are being caused by land mines rather than by actual combat with the enemy.

While the Nixon Administration seeks a political settlement through negotiations in Paris, it has also undertaken steps to wind down the conflict. These steps are going forward despite the disappointing lack of progress at the peace table. On a policy level, we have offered to withdraw United States and allied forces over a 12-month period if the North Vietnamese also withdraw.

We have declared that we would retain no military bases in Vietnam.

And, most specifically, we have begun to reduce the American presence in South Vietnam by setting in motion the withdrawal of more than 60,000 American troops—which represents some 20 per cent of the total U.S. combat force in Vietnam. And, all along, the Administration has consistently emphasized that casualties should be held to an absolute minimum.

Now, I believe the time has come to take further concrete steps to end the fighting. The troop withdrawals should be speeded up and as soon as practicable no draftees, only volunteers and regular military personnel, should be sent to Vietnam.

The U.S. should take the initiative in ending offensive operations so long as the other side responds in kind. This will not only reduce battlefield deaths but also help create the kind of climate of reciprocity needed to yield meaningful peace talks and to end the killing permanently.

And, finally, the time has come to make it absolutely clear to the governments in Hanoi and Saigon that they cannot determine or influence American policy.

We must not allow Hanoi to succeed in its current attempt to polarize American opinion by seeking to embarrass those patriotic Americans who express their desire for an early end to the war.

And Saigon must understand firmly and unequivocally that we will not continue to spill our blood there indefinitely. For, in the last analysis, the future of the Saigon government depends not on American troops but rather on its own ability to gain and held the loyalty and support of the South Vietnamese people.

In Vietnam, as elsewhere in the world, we must act according to our best judgment of our best interests. We must determine our interest and do so not on the basis of what appears to be just good or bad for either Hanoi or Saigon. We have an overriding responsibility to do what is best for the United States and the American people. No matter how many men die in a war, it is always too many. Yet, by now, more than 40,000 Americans have died in the tragic Vietnam war.

There is a great lesson to be learned from Vietnam. This nation is not likely to pour its blood soon again in an undeclared war on behalf of a regime that lacks the support of its people.

Since we are a world power, we can expect to see more crisis and more confrontations in the 1970's. But it would take a forgetful people and a foolish government to repeat the mistake of Vietnam. We should not expect that to happen in the 1970's. I do not expect it to happen under the Nixon Administration. And, as a result, there is reason to hope for a better and more peaceful future for us all.

The post-Vietnam power balance also raises serious questions for the future. What Japan does in Asia in the 1970's may count for more than what the United States can or cannot do.

For Japan has become an economic power of the first-rank, a world leader in shipbuilding, second only to the United States in electronics, a larger producer of steel than Great Britain and West Germany put together.

Until now, the Japanese have been understandably cautious about assuming political leadership in Asia. But the enemies of another generation, the defeated powers of the 1940's—Germany in the heart of Europe and Japan in East Asia—are powers to be reckoned with in the 1970's. While neither nation is expected to again be a major military threat in our time, their political weight in world affairs will continue to increase with their prosperity. That is why in the next decade both Germany and Japan must be counted among the movers and shakers of the world.

Mainland China will undoubtedly also play a major role in Asia during the 1970's. While she will remain poor and not fully developed, we must strive for cultural, trade and constructive diplomatic contacts so that China and her 700,000,000 people will not be isolated and removed from normalizing influences. An outlawed nation and people are always potentially dangerous.

Meantime, much of the so-called Third World remains confused and chaotic, eager for development but uncertain of its relations with the developed world. In Africa we see tribal wars, hunger and frontier problems. In Asia, and particularly in India, we see self-sufficiency in food production and new efforts in population control.

In Latin America, more than half the population is under 16 years old and the average age will continue to fall in the 1970's. There aren't nearly enough doctors to care for them or schools to teach them to read and to write or jobs for them to grow into after school, if indeed, they have schools to go to. As a result, the vast majority of Latins are illiterate and many go to bed hungry every day. This is hardly the climate in which a responsible and popular democracy can flourish. In this setting, many countries of Latin America are ruled by military dictatorships.

I am convinced that the United States will have a major world role in the decade of the 1970's. In the post-Vietnam climate, we should take specific steps to reduce international tensions and maintain world peace. Let me cite a few concrete ideas that merit further attention.

U.N. PEACE CORPS

Until now, volunteer service to the community has been a national or at best a bilateral proposition. Governments and private groups help those who are willing to work for little or no pay among the poor of their own country or to aid developing nations overseas, sharing their skills in such tasks as increasing food output and educating the community.

While the achievement of these national and bilateral efforts is one of the bright spots of this decade, much more can be done. Multi-national teams could be sent to developing countries under UN auspices. No opposition party, suspicious power or heavy handed "protector" could level charges of imperialism against such UN volunteer teams.

MULTILATERAL AID

In the same way, certain aspects of the foreign aid program should be revised to provide for more multilateral help to developing nations. The record has clearly shown that bilateral aid programs, however well managed, are vulnerable to political pressure or to the equally damaging suspicion of political pressure. Indeed, many thoughtful Americans feel what is needed in the 1970's is a shift to a multilateral program vested in international agencies such as the World Bank. Such institutions can more easily impose objective standards in the granting of aid funds and, equally important, enter into an *institutional* rather than *political* relationship with the client country.

NUCLEAR ARMS CONTROL

More needs to be done to prevent the holocaust of a nuclear war sparked through the willy-nilly spiral of weapons of ultimate destruction. Certainly the extension of the nuclear test-ban treaty to mainland China and to France, as well as a ban on underground testing, are difficult but worthy goals for the coming decade.

Finally and perhaps most important of all, the United States and her people must come to a new realization of our proper role in the world. Our commitments abroad must be limited within our measure to meet them and clearly justified in terms of our national interest. New ways must be found to give our people more of a say in the shaping of policies that involve their very lives and the spending of billions of their tax dollars.

The American people must never again be dragged, inch by inch, unknowing and unaware, into the abyss of war. We must never again make war without the full knowledge and consent of the people and their elected representatives.

In sum, a renewal of participatory democracy must occur in our generation to keep ourselves true to the principles of our founding heritage. It can be done. Your active involvement will be essential to bring it about.

REDUCTION OF FUNDS FOR MEDICAL RESEARCH AND TRAINING

Mr. MONDALE. Mr. President, the drastic reductions in funds for medical research and training announced by the administration has precipitated an understandably bitter and perplexed reaction on the part of the medical community and informed citizenry of this Nation. Major cutbacks in areas such as chronic disease control, rehabilitation, research and training, and health professions scholarship and loan funds, represent an indefensible distortion of our national priorities.

A reduction of $290 million in NIH medical research funds, if approved by the Senate, will result in a 5-percent across-the-board reduction in NIH continuation grants, a 10-percent reduction in funds available for new grants, the phasing out of five major programs to attack chronic and crippling disease, the phasing out of 19 clinical research centers, the cancellation of a major heart research project, and the dismantling of a large number of unique medical research teams. These are but a few of the specific effects of this budget-slashing decision.

It seems incredible to me, and to many of my constituents, that a nation willing to expend billions of dollars on defense procurement and supersonic transports lacks the will to support desperately needed research on cancer, stroke, diabetes, arthritis, or heart, respiratory, and neurological disease. It seems equally incredible that we, as a nation, lack the resources to invest in the well-being of our citizens through supporting the educational development of every person capable of becoming a member of the health profession.

The issue of HEW appropriations is not simply one of applying short-term fiscal constraints as part of the fight against inflation. We must consider the more complex long-range implications of indiscriminate reductions in medical research and health professions personnel development on the quality of life in America. The level of HEW appropriations is directly related to the pressing need for an intelligent re-examination of our national priorities. Such an assessment would, it is hoped place human needs—those reflected at the Federal level in health, education, and welfare programs—above any and all competing Federal expenditure commitments.

Mr. President, as a representative of a State which is world-renowned as a center of medical and scientific research, with our Mayo Clinic and University of Minnesota health complex, I feel deeply obligated to support a continued Federal commitment toward improving the health of America's citizens. I ask unanimous consent that certain relevant letters from leaders of Minnesota's outstanding medical community be printed in the RECORD.

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

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PHARMACOLOGY,
Minneapolis, Minn., October 1, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I wish to express my deep concern about the cuts being made on research grants from the National Institutes of Health. My concern is specifically aimed at research and training in the basic medical sciences which include biochemistry, physiology, pharmacology, anatomy, microbiology, biophysics and other related fields. The basic sciences provide the main foundation on which modern science stands and from which it flourishes and advances.

The present governmental policy to sharply reduce the present level of support for basic medical sciences is several steps backward in the pursuit of new medical knowledge as well as in the training of scientific personnel. Our research and training grants produce faculty members and research workers for our medical and other health related schools and our governmental and industrial laboratories that deal with the health sciences. I wish to point out that at a time when our society is rightly demanding more medical schools, physicians and health care, cuts in our programs will acutely reduce the *only* immediate source for new and replacement faculty members of basic science departments in medical schools.

I am concerned that the yearly decrease in buying power will actually mean a drop in support of 5 to 10 percent even with *no* increase in support of basic medical sciences. Many of the research programs have been completely cut while others are straining to maintain their research activities. But by 1970 I think this situation will become critical. With no money to do research and train graduate students, the country is going to suffer an unthinkable and deplorable "dry spell" of well-educated scientific personnel for as many years as the support is withdrawn. I don't think I need to elaborate on the effect, qualitatively and quantitatively, this would have on health related schools as well as research laboratories in health sciences.

I would like to briefly illustrate what the budgetary cuts have meant personally. In my laboratory which consists of two postdoctoral fellows, two graduate students and two research technicians, we are faced with the possibility of spending our allotted funds by the end of this year. Since the fiscal year of the grant begins June 1st, this will mean that my scientific personnel may be sitting on their hands for a half year; what a waste of scientific talent and manpower! We could slow our pace to make the money last until June. This means we would forcibly impede scientific progress which is hypocritical in our business.

I can assure you that members of our department and those of other basic science departments join me in the hope that you and your congressional colleagues will seriously consider the matters I have mentioned above. I hope you will work toward the strengthening of our national programs in the basic medical sciences.

Sincerely yours,
A. E. TAKEMORI, Ph. D.,
Professor of Pharmacology.

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PHARMACOLOGY,
Minneapolis, Minn., October 7, 1969.

Hon. WALTER MONDALE,
House of Representatives,
Washington, D.C.

DEAR MR. MONDALE: I hope that there is still time to put a stop to this administration's irresponsible cutting of NIH funds for support of the basic medical sciences. Not only are these cuts delaying progress in important research projects, but without exaggeration are threatening abolishing basic research altogether. We research workers must at this time attempt to make it very clear to our representatives in Washington that the situation is critical and the nation is rapidly digressing scientifically to the pre-Sputnik era. This de-emphasis of basic research will eventually have a profound effect on us and will severely harm the "health" of this nation. Only through research at the subcellular and cellular level in experimental animals have the important advances in medical sciences been achieved. I consider our current ability to deal with disease through use of drugs and other medical procedures as only fair to good; we stand to improve greatly upon our medical knowledge and know-how if only basic research is permitted to continue unabated. The current stress on producing greater numbers of physicians to deal with medical problems in the urban centers can only succeed if basic research is also strengthened concurrently. The President and his advisers must be made to understand that the current domestic budget cutting with essentially no decreased defense spending is a great mistake which has to be rectified.

In past years the budget cuts and austerity programs which we have experienced were only bothersome to me personally and to my research program, but presently, partly because of the inflation, I am finding it very difficult to continue my usual research effort. I am also aware of how the recent cuts have affected my colleagues and their work. The people hurt most of all are those young investigators who are freshly trained and most enthusiastic, but who unfortunately are receiving little or no financial support for their research. I implore you and your fellow senators and congressmen to make President Nixon see the light.

Sincerely yours,
BEN G. ZIMMERMAN, Ph. D.,
Associate Professor of Pharmacology.

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PEDIATRICS,
Minneapolis, Minn., September 16, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The most recent in a series of drastic reductions in the budgets of the National Institutes of Health for the categories of extramural research grants reflects serious misinterpretations of the history of support for academic medicine. We would like this opportunity to present information to you and to request a reply which

jusifies the current programs while reflecting previous philosophies.

You are no doubt aware of the considerable escalation of efforts in bio-medical research since the middle 1950's. These were generously supported by funding from the NIH. Acknowledging the scientific merit of those efforts, let us consider the results of this era of enlightenment from the point of view of the mechanisms of medical education. During this period of time medical students have been exposed to a new science of medicine in which they became aware of the mechanism of the diseases confronting their patients. It has given them a sound basis upon which they can continue to build their knowledge throughout their practicing careers. For the first time in the history of medicine, logical rationale for applications of diagnostic techniques and therapeutic measures have been available. A "beginning" has been initiated. Only a fraction of practicing physicians is so fortunate as to have been so exposed. An urgent effort must still be initiated to bring this information to the groups of physicians not as fortunate. And what about the mechanisms for the continuation of the dissemination of this vast and extremely complex material? The basic structure for assuring continuing education within academic medicine has yet to be firmly established. Indeed the critical mass of academic medicine is threatened by the current and continuing financial squeeze which constricts and seriously limits medical research.

Now, in these contexts, we must urge you to recognize that the persons disseminating this information (the medical school faculties) are also actively engaged in research. First, *all* educators agree that the most effective teachers are those who have delved intensively into the mechanisms of disease.

Furthermore, support for research programs by academic personnel has never been adequate through any local sources. State funds are allocated solely for teaching and currently support only 17 percent of the faculty budget of the Department of Pediatrics of the University of Minnesota. Finances for the Bulk of the teaching efforts including such mundane matters as secretarial help, teaching materials and related patient care have come largely from research funds. Even the costs of such items as janitorial help and building maintenance are indirectly supported by research funds. In order to continue their patient care and teaching efforts, academic physicians have been very aggressive in justifying their funds for research by the excellence of their research productivity.

In addition, the same teachers and researchers have always taken on the additional burdens of the care of the medically indigent populations in this nation by whatever meager means were available. Many of these efforts have been centered within the structure of the large General Hospital systems, strongly supported by the University. They complained about the inadequacies of these means but who was there to listen or care? There was inadequate support at both the State and Federal level for teaching let alone the care of the poor! Documentation of the meager support of medical schools is readily available and widely disseminated but only rarely read by responsible persons with an eye to correcting the situation in a realistic or productive manner.

At a time when the shortage of medical personnel is most critical, the wherewithal to train physicians and allied personnel is being withdrawn. Please keep in mind the fact that one cannot discuss the support of the teachers without some assurance that their invaluable research efforts can continue. Who will be the new teachers in the expanded personnel training programs? It would be extremely unfortunate if one had to resort to justification of these programs by resorting to the logic of the Department fo Defense but so be it. Would one logically consider an order to produce a new weapons system without including the costs of its research development? It would be totally irrational and fruitless to pursue such an approach. How can we consider the case in the health field any less logical?

Please consider this letter as an inquiry. We appreciate your efforts, especially the recent struggle with the DOD, and the pressures of your work load, but plead for your indulgence and for your reply.

Thank you for your kind consideration.

Sincerely yours,

DAVID M. BROWN, M.D.,
Assistant Professor, Pediatrics and Laboratory Medicine.
ALFRED F. MICHAEL, M.D.,
Professor, Department of Pediatrics.
ROBERT L. VERNIER, M.D.,
Professor, Department of Pediatrics.

UNIVERSITY OF MINNESOTA, DEPARTMENT OF PHYSICAL MEDICINE AND REHABILITATION,
Minneapolis, Minn., October 3, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR MONDALE: I am enclosing a copy of a letter which I have just received from Dr. James F. Garrett, Assistant Administrator for Research, Demonstrations and Training, Social and Rehabilitation Service, stating that our Regional Rehabilitation Research and Training Center grant has been decreased 5 per cent below the budget of last year as an anti-inflationary measure.

I am both appalled and confused by this announcement. I am confused because it was my understanding that Congress had maintained the budget for the Rehabilitation Service Administration and the Regional Rehabilitation Research and Training Centers as one area of endeavor which they wish to maintain. I would appreciate learning from you whether it was Congressional intent to economize in this type of activity.

I am further confused because I thought the emphasis in H.E.W. was to increase activity to meet the health manpower shortage—more training of physicians, therapists, nurses, vocational counselors, social workers, and others working with the sick and dependent. It was my understanding that the intent was to emphasize the neglected areas of health care which result in the greatest dependency costs; this means primarily chronic disease, with which we are concerned.

I am confused regarding the concept of this reduction as an anti-inflationary measure because in the past three years we have not had an increase in our budget. Consequently we have been in no position to promote extravagances. Rather each year we have had to retrench to handle the problem of the rising cost of living. Now, in addition to the retrenchment forced on us again this year by increasing costs, we have received a further 5 per cent reduction in the budget.

An increasingly larger proportion of this budget has been devoted to training of personnel in the health professions, particularly those concerned with chronic disease, because we have attempted to maintain the training programs in spite of the increasing costs at the expense of curtailing our research activities. Direct reduction of the budget will require curtailment of training programs as well as research. Is it the intent of Congress to offer bonuses for the expansion of training programs on the one hand and curtail support for established and efficient training programs on the other?

I am appalled at the economy move of cutting back on support of education and research in health care for chronic disease, which has been a much neglected field, at the same time that President Nixon is calling for the multibillion dollar support of a supersonic transport plane which does not appear to have practicality nor usefulness and even is proposed merely as an ego symbol for the United States. Maybe the more honest and bigger factor is that this would assure continuing production, high salaries and overtime work in the aeronautic and electronic industries and a fat profit at the end of the line. The incongruity of failure to maintain training in the health professions where there is an admitted acute need and the advocacy of a machine which is expensive and useless is indeed appalling.

Is there anything that can be done to reverse this administrative decision to cut back on our grant for the Regional Rehabilitation Research and Training Center?

I would appreciate any suggestions or help

Sincerely,

FREDERIC J. KOTTKE, M.D.,
Professor and Head, Department of Physical Medicine and Rehabilitation.

MAYO CLINIC,
Rochester, Minn., September 2, 1969.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: It has been called to my attention that restrictions in the forthcoming Federal Budget may result in a relative reduction of support for medical research and education from the National Institutes of Health and the National Science Foundation. My observations of medical practice and public health in the many foreign countries I have visited provides a sharp contrast to that in the United States and research is largely behind our continuing high level of medical services. Any retardation in the growth of the research and teaching activities pertaining to medicine will, I am certain, have serious consequences in the future. With increasing environmental contamination, medical scientists must find means of understanding the mechanism of action of many toxic agents and the soundest means of preventing ill effects. Similarly, a sizeable contribution to our medical problems by hereditary diseases can only be reduced if we understand their nature and mechanism. This has become possible in recent years in only a few areas but the pattern for understanding has been set.

It is my sincere hope that you and the members of the House and Senate Appropriations Committee will recognize the need for continuing the liberal support of our medical research programs which have been so effective through funding to the National Institutes of Health and the National Science Foundation. Certainly when one compares the benefits to the population of the numerous ways that the federal dollar can be spent, this is one that should need little justification, and one which has shown an outstanding return.

Sincerely,

LEONARD T. KURLAND, M.D.,
Professor of Epidemiology, Mayo Graduate School of Medicine and Head, Section of Medical Statistics, Epidemiology and Population Genetics.

MAYO CLINIC,
Rochester, Minn., September 12, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: It has recently come to my attention that the neurosurgical programs of the nation are in danger of being curtailed when the House of Representatives passed the House Appropriations Bill for the fiscal year 1970.

Although the neurosurgical training program in the Mayo Graduate School of Medicine has not been subsidized by any NIH grant, many of the fine programs in this country are dependent on such training grants. I am sure it is unnecessary for me

to emphasize the necessity in training neurosurgeons, both for the academic world and for the practice of our specialty, particularly in view of the need for neurosurgeons to enter the academic environment of this time as well as to take care of the number of head injuries associated with the increasing accident rate on our nation's highways.

I therefore am speaking not only for myself but for the other training directors throughout the nation, and I hope that when the Senate acts on the bill in the next few weeks that the Senate will vote on the budget proposed by the Senate Committee and presented by Dr. David Daly and his colleagues.

Very truly yours,

COLLIN S. MACCARTY, M.D.,
Professor of Neurologic Surgery, Mayo Graduate School of Medicine; Chairman, Department of Neurologic Surgery, Mayo Clinic, Mayo Foundation.

VETERANS ADMINISTRATION HOSPITAL,
Minneapolis, Minn., August 29, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: It has been brought to my attention—and to that of others concerned—that the budget of the National Cancer Institute for the fiscal year 1970 has been lowered from $184.4 million to $180.7 million. The curtailment of funds for research in the health fields (including cancer research) and the various sciences basic thereto that was initiated by the last Administration is a very serious matter that without a doubt will have deplorable consequences. If this trend is continued under the current Administration, many productive on-going programs in the medical field of which cancer research is a vital sector may have to be terminated and, what is worse, no new ones will be initiated because of lack of funds. If this situation is allowed to prevail, it will discourage or prevent young scientists with new and creative ideas from entering medical and cancer research. It is obvious that unless this trend is reversed the growth of the medical and allied sciences will be stunted and the sources, upon which the health and welfare of the American and other people ultimately depend, will dry up. It is clearly a short-sighted approach to national problems to neglect the support of the health sciences which benefit all people in favor of spectacular and extremely costly programs in space and defense whose immediate, as well as long-range, benefits are questionable and, certainly, debatable. It is the American people that eventually stand to lose the most from this unbalanced choice of priorities and appropriations. Accordingly, it is imperative that the legislators who, by the appropriation of funds, have the final responsibility for these vital matters are clearly aware of the serious situation that confronts American medical science and, particularly cancer research. In the light of this, I would urge you most seriously to intercede with the members of the Senate subcommittee that handles the appropriations for the National Cancer Institute to restore the cuts in the 1970 budget of the Institute.

Thank you for your consideration.

Sincerely yours,

H. R. GUTMANN,
Special Investigator, Cancer Research Lab., VA Hospital, and Professor of Biochemistry, University of Minnesota.

MAYO CLINIC,
Rochester, Minn., September 22, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: May I continue our "dialogue" regarding the question of the creation of a National Lung Institute within the National Institutes of Health.

It has just come to my attention that one of the appropriation bills passed by the House of Representatives included an appropriation for the National Heart Institute for the fiscal year 1970 in the amount of $160,513,000. The appropriation for the fiscal year 1969 had been $166,927,500. This is a decrease of $6,414,500. Obviously, if there is to be any increased work on lung diseases by the National Heart Institute, there will have to be a decrease in their attention to the problems of heart disease. This does not seem to be a solution to the problem. In contrast, the appropriation bill passed by the House included an appropriation of $23,685,000 for the newly created National Eye Institute. It seems to me that this is at least suggestive evidence that a specific categorical institute is more apt to be adequately financed for a service to the American public than will occur when it is assumed that a problem will be tackled by an established institute with a primary interest in other problems.

I realize that changes may very well be made in the appropriations by the Senate and hope that it will be possible to increase the funds allocated to the National Heart Institute with a specific portion being designated for the work on pulmonary disease which will have to be conducted by the National Heart Institute until such time as a more adequate provision is made for the work of the National Institutes of Health in the battle against pulmonary disease.

With kindest regards.

Sincerely yours,

DAVID T. CARR, M.D.

DIABETES DETECTION AND EDUCATION CENTER,
Minneapolis, Minn., October 3, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I am greatly concerned with the recent indiscriminate federal budget cuts, particularly as they deal in the areas of health and specifically in the field of delivery of care such as cuts in the Regional Medical Program and the Chronic Disease Programs. There are certainly serious major deficits in the delivery of health service to individuals throughout the entire country and the decision to indiscriminately cut these has apparently been done by people who are more concerned about budget rather than by individuals who are knowledgeable in the area of health and health care needs.

We are obviously concerned about the alterations on chronic diseases which are the leading causes of death in this country. In the field of diabetes, which now affects over 4.4 million individuals in the United States, vital programs have been eliminated which will result in loss of a great deal of information through cancellation of studies and through the loss of large numbers of very valuable, knowledgeable personnel. I am certain you, too, are concerned about these matters. I would like to express my hope for your continued legislative support of health and health care programs in this country.

Sincerely,

DONNELL D. ETZWILER, M.D.,
Project Director.

NATIONAL CYSTIC FIBROSIS RESEARCH FOUNDATION,
Excelsior, Minn., October 7, 1969.

Hon. WALTER F. MONDALE,
Senate of the United States,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: It has come to my attention that the House of Representatives, on July 31st, voted the appropriation for Fiscal Year 1970 for the National Institute of Arthritis and Metabolic Diseases which includes the funds for cystic fibrosis programs. It cut the overall institute figure by $6,220,000—lowering it from the 1969 level of $143,888,000 to $137,668,000.

The recommendation for the appropriation by the voluntary health organizations involved was for $154,839,000. Medical authorities concerned with programs of arthritis, diabetes, kidney disease, and cystic fibrosis recommended this figure as the necessary amount to continue programs for which the institute is responsible.

Our Minnesota Chapter of the National Cystic Fibrosis Research Foundation is asking you to speak on our behalf to the members of the Subcommittee on Appropriations (chairman, Senator Warren Magnuson) before the Senate acts on the bill within a few weeks. We urge the adoption of the budget of $154,839,000.

The support we receive from the institute is the lifeblood of our basic research and training programs and, our medical department tells us, the answers to the puzzling disease of cystic fibrosis are just around the corner. To cut back now would be tragic for all of us. Please do what you can to insure a continuing program.

Yours very truly,

Mrs. WALTER G. BURRY,
National Trustee, Region Ten and Minnesota Chapter Board Member.

UNIVERSITY OF MINNESOTA,
THE HORMEL INSTITUTE,
Austin, Minn., September 19, 1969.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This letter is being written in the interest of an important nationwide need. I know that you are constantly giving support and have initiated congressional actions that will best serve the needs and interests of this country (and mankind generally), including action on behalf of the health and welfare of the nation's people. However, some of the reductions in Federal spending have been especially damaging to some of the more important federally-supported programs, and one of these, among others, with which I am concerned at the moment is the reduction in Federal support for scientific research relating to the health of American people.

Specifically, the reduction in Federal support for scientific research conducted or administered by the National Institutes of Health has produced some serious adverse results.

At first glance, it might appear that the reduction in support for the National Institutes of Health would affect research programs adversely merely in proportion to the reduction in the amount of support. Actually, the adverse effects are much greater. It has been necessary to curtail many research programs that were nearing fruition in relation to benefiting the health of American people, with a concomitant waste of money and the time of research scientists that had already been expended. Although one cannot deny that it is desirable to effect economies in Federal expenditures whenever it is possible to do so without damaging results, the shortsighted manner in which Federal expenditures have been reduced in endeavors that are of great importance to the present and future health of the American people is little short of calamitous.

In addition to the adverse effects to which I have already alluded, there are a number of others, such as the disenchantment and loss of morale among scientists and technicians who are dedicated to solving problems of health. Because of this, the reduced research productivity will continue for an appreciable time beyond the point when Federal support of research in health-related problems is restored to previous levels, or even higher levels (taking into account the inflationary spiral which affects research costs as well as all other productive activities).

I hope that you will not only continue your supporting efforts to reinstate previous Federal expenditures for measures pertaining to the public health and welfare, but also that you will initiate legislation pertaining specifically to increased support for research programs of the National Institutes of Health. You may count on full support for any efforts that you make in this direction from thousands of scientists and technicians throughout the nation.

Kindest personal regards and best wishes.

Sincerely yours,

W. O. LUNDBERG,
Director.

ALCOHOLISM: A DRAIN ON THE COMMUNITY

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished former Governor of New Jersey, Robert B. Meyner, has issued a statement which forcefully calls to our attention the need for action to combat one of the most serious illnesses in America: alcoholism. Mr. Meyner notes that this sickness, afflicting 220,000 persons in New Jersey alone, sharply reduces life expectancy and has a disastrous effect on family life. Alcoholism accounts for one of every three arrests in the United States and costs American business at least $4.3 billion annually.

Thanks to Bob Meyner's initiative during his gubernatorial term, New Jersey has a model program of alcoholism treatment centers connected with community hospitals. In his statement of October 11, entitled "Alcoholism: A Drain on the Community," he calls for detoxification centers to stop what he correctly describes as "the revolving-door cycle of drunk tank and jail which produces such a financial and manpower drain on our courts and police departments and serves no rehabilitative or preventive function." In addition, he proposes a comprehensive State educational and treatment program on alcoholism, utilizing State medical, psychiatric, and educational institutions.

These humane proposals for a war on alcoholism, reflecting an advanced understanding of the causes and proper treatment of this widespread illness, merit serious attention because of Robert Meyner's record of effective service to his State.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

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

[From the Meyner program paper No. 17, Oct. 11, 1969]

ALCOHOLISM: A DRAIN ON THE COMMUNITY

More than 220,000 New Jersey residents are afflicted with a disease which destroys careers, ruins family life, shatters personalities, and kills: alcoholism.

Contrary to the stereotype, the "average" alcoholic is *not* a Skid Row derelict. He is far more likely to be an established member of the community, typically between the ages of 30 and 55 and therefore at the peak of his productive powers. The great majority of alcoholics reside in respectable neighborhoods, live with their husbands or wives, earn a livelihood, pay taxes, attend church and try to send their children to college.

However, the health, social and economic losses due to alcoholism are enormous. Alcoholism is a major cause of death in America. The life expectancy of the alcoholic is estimated to be 10 to 12 years below the average. The alcoholic is seven times as likely to die in an accident as the average man and three times as likely to die of any other cause. The alcoholic on the highway means tragedy for others as well as for himself.

Given the alcoholic's typical age and employment record, this disease does enormous harm to our economy. The National Council on Alcoholism estimates that alcoholism costs American business at least $4.3 billion a year in lost manpower, inefficiency, replacements, fringe benefits, and lost investment in training. No price tage can be placed on lowered morale, damaged public relations, and unsound managerial decisions traceable to alcoholism.

One of every three arrests in America is for the offense of public drunkenness. A very large percentage of these arrests involve alcoholics. The great volume of these arrests places an extremely heavy load on the operations of the criminal system. It burdens police, clogs lower criminal courts and crowds penal institutions.

The present financial cost of dealing with alcoholics in the system of criminal justice is enormous. Effective measures to deal with alcoholism as a health and rehabilitation problem would free many police and judges to deal more effectively with crimes and other disorders and could in the long run save tax dollars.

Aside from the measurable effects of alcoholism on health, on our economy, and on the effectiveness of our law enforcement, there is the unmeasurable effect of this disease on human well-being. Typically, each alcoholic directly affects the lives of five other people. The destruction of family life is often disastrous, with the alcoholism of the parent leaving a crippling imprint upon the spouse and children.

A successful response to the problems of alcoholism requires the concern and cooperation of all levels of government and civic and private groups, such as Alcoholics Anonymous. If elected, I intend dramatically to expand State efforts to provide the coordination, staff and facilities necessary to deal more effectively with this debilitating disease. I propose an eight point program.

1. *Alcoholism Treatment Centers.* During my administration, outpatient treatment centers for alcoholics were established in six community hospitals. Since that time, three additional units have been created. These clinics are meant to serve as a primary community treatment resource. Working closely with Alcoholics Anonymous and other private and public groups, they are charged with the responsibility of providing medical and counseling help for the alcoholic and his family and information and referral services for the entire community.

I intend substantially to expand these centers to ensure a more vigorous, effective and extensive effort to combat alcoholism.

Substantially increased resources are necessary to permit more patients and family members to be seen, to provide follow-up services, to permit more adequate response to emergency situation, and to make possible a reaching out into the community.

I intend also to establish new centers. The nine alcoholism clinics currently in operation in New Jersey are well distributed geographically, but there are areas of the State which remain unserved. The establishment of clinic facilities in these areas, to be housed in existing community facilities, would put a specialized alcoholism resource within reasonable distance of nearly every New Jersey resident.

2. *Emergency Medical Attention.* Too many acutely sick alcoholics die in jail without medical help. We must take steps immediately in cooperation with counties and municipalities to ensure that, where appropriate, jails have several beds and a doctor on call 24 hours a day for the treatment of acutely sick individuals.

3. *Halfway Houses.* The President's Crime Commission has recognized that homeless alcoholics cannot be treated without supportive residential housing, which can be used as a base from which to reintegrate them into society. I propose to establish a series of halfway houses to serve this function. For some men this transitional facility would bridge the gap between in-patient institutional care and independent living in the community. Others would come directly to the half-way houses from the community. For many, the availability of such a resource would make costly institutionalization unnecessary. These facilities would work closely with Alcoholics Anonymous and other health and welfare agencies in the State.

4. *Detoxification Centers.* We must consider the establishment of detoxification centers in major urban areas. These would be centrally located medical-rehabilitation units serving as a first-line resource for persons in an acutely intoxicated condition. The detoxification center would replace the police station as an initial detention unit for many public inebriates and would provide an enlightened alternative to the revolving-door cycle of drunk tank and jail which produces such a financial and manpower drain on our courts and police departments and serves no rehabilitative or preventive function. These centers would provide initial intensive medical care during the "drying out" period and then other appropriate counseling and rehabilitation services including referral to community services prior to release of the patient.

Detoxification units would be located and operated in conjunction with a community general hospital, a municipal or county hospital, or as a separate facility, depending upon local circumstances. Many of the patients would be brought to the unit by the local police, but some would be referred by other community agencies and some on a self-referral basis. The operation of the Center would be closely coordinated with all existing health and welfare agencies in the area.

5. *A Comprehensive Program at the Martland Hospital Unit of the New Jersey College of Medicine and Dentistry.* I intend to establish a comprehensive alcoholism program at the New Jersey College of Medicine and Dentistry. This program will include not only in-patient and out-patient care but will provide special training of medical students who can bring the results of this training to other facilities throughout the State.

6. *Alcoholism Ward for Women at the Neuro-Psychiatric Institute.* The Department of Institutions and Agencies presently operates an intensive care in-patient program for male alcoholics at the Neuro-Psychiatric Institute near Princeton. There is no reason why this program should continue to be limited to male patients. More than one fourth of all alcoholics are women. My administration will supply the additional facilities and staff necessary to expand this unit to provide treatment for female alcoholics.

7. *Information, Evaluation & Education on Alcoholism.* The Center of Alcohol Studies at Rutgers is the Nation's foremost institute of alcohol studies. New Jersey must make greater use of this important asset for the development of more effective systems of reporting on the nature and extent of these problems, for continuing, objective evaluation of programs for rehabilitation, control and prevention, and for the training of professionals and lay citizens in teaching, therapy, counseling, and community organization and education. If elected, I will seek an expanded scholarship program for such training and will suport increased state assistance to further the expansion and development of local Councils on Alcoholism which play

a vital role in community education and action.

8. *Problem Drinking in Business and Industry.* In view of the alarming costs of problem drinking and alcoholism in business and industry, I will propose establishment of a high level task force, involving labor, management, the Rutger Center and appropriate government representatives to initiate a comprehensive and major attack upon this largely unnecessary and preventable drain upon the manpower resources of the State.

While the program I have described represents a major step forward, it is really a beginning of what we must do to cope effectively with this debilitating disease. We must ultimately ensure that adequate treatment is available for alcoholics at hospitals throughout the State.

The terrible economic, social and human toll of alcoholism in New Jersey can and must be reduced. A state administration sensitive to the problem can make great studies in that direction. I intend to conduct that type of administration.

INTERNATIONAL DAY OF BREAD OBSERVED IN THE UNITED STATES

Mr. DOLE. Mr. President, in accordance with a resolution of Congress, today has been proclaimed the "Day of Bread" my President Nixon. This day has been reserved to pay special tribute to the great benefits our way of life receives from wheat and the products and industries associated with it.

We Americans are the best nourished people in the world, and our high nutritional standards are in no small measure due to the great abundance and appeal of wheat-based food.

From that day when man first discovered tiny heads of edible grain in wild grasses, to the day he learned to cultivate the grain and then develop a variety of strains for different food purposes, wheat has played an increasingly important role.

Fields of the ripe, golden grain represent a way of life for the almost one billion consumers as well as the growers.

The Day of Bread in the United States is part of an international Day of Bread and Harvest Festival Week in observance of the economic, cultural, and nutritional importance of bread in the lives of people in every part of the world.

Wheat, the raw material of bread, provides more nourishment for more people than any other staple. Kansans are proud of their longstanding role as providers of wheat for the needs of America and the entire world.

I urge Senators to join with me in recognizing wheat and its importance to the people of the world.

SENATOR ELLENDER'S SERVICE CITED

Mr. TALMADGE. Mr. President, one of the most respected newsmen in the Nation's Capital is Edgar Allen Poe, who has represented the New Orleans Times-Picayune here for many years. He is one of the most senior correspondents in Washington. He writes with balance and insight and is a credit to New Orleans and the entire South.

Recently, Mr. Poe devoted a column to the outstanding service to the Nation of our colleague Senator ALLEN J. ELLENDER. I agree with much of what he has written concerning Senator ELLENDER and believe that this body is indeed fortunate to have the services of Louisiana's senior Senator.

I ask unanimous consent that the "Capital Panorama" column written by Mr. Poe and published in the New Orleans Times-Picayune of October 19 be printed in the RECORD.

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

CAPITAL PANORAMA: SENATOR'S SERVICE TO NATION CITED

(By Edgar Poe)

WASHINGTON.—Sen. Allen J. Ellender, who came to the Senate in 1937 after serving as speaker of the Louisiana House of Representatives in the Huey P. Long era, has served longer in the Senate than any of his colleagues except ailing Sen. Richard A. Russell of Georgia.

Furthermore, Sen. Ellender, who is in good health at the age of 79, and is as active now as the day he first came to Washington to take office, does not have any intention at this time to step aside when his present term expires in 1972.

"I want to continue to serve the people of my state and country as long as the people of Louisiana will permit me to do so, and as long as I am capable," he said a few days ago at his office.

The Louisianian, who has made extensive tours abroad, including five trips to the Soviet Union, reiterated that there can be no world peace until the suspicion of fear between the United States and Russia is dispelled.

To point up Ellender's philosophy concerning our foreign policy and the Soviet Union, Sen. George McGovern, D.-S.D., said recently in a statement inserted in the Congressional Record:

"Sen. Ellender believes that much of our difficulty with the Soviet Union stems from the failure on our part to understand their legitimate fears of a rearmed Germany, the NATO bloc, and the ring of military bases with which we have surrounded Russia for the past 20 years."

HAS ADMIRATION

Sen. McGovern, a Democratic presidential aspirant in 1968, described the Louisianian as "one of the most remarkable and indeed one of the wisest men to serve in the Senate . . . Sen. Ellender and I have some differences of opinion in certain areas, but I have come to have a profound admiration for many of his perceptions and insights in the all-important field of American foreign policy and national security."

The South Dakotan said he is "tremendously impressed with his (Ellender's) early, acute perception of the weaknesses and dangers in our foreign policy, especially in our relationships to the Soviet Union and Southeast Asia. As early as 1955, Sen. Ellender saw clearly the self-defeating nature of much of the cold war rhetoric and policy involving the Soviet Union." Continuing, McGovern said:

"As he put it in one of his early (travel) reports to the Senate: 'It seems to me we have as much to fear from ignorance, prejudice, selfishness and bias in our own nation as we have from a similar condition on the part of the Russian leadership.'"

McGovern in pointing to Ellender's visit to Vietnam in 1956, and his observations in a report submitted to the Senate, said the war in Vietnam is perhaps the most regrettable overseas involvement in our national history.

VIEWS PULLOUT

In Sen. Ellender's report of his trip to Vietnam, the Lousianian said, among other things, that in Saigon that year, there were many dissidents who did not like President Diem's tactics. Ellender reported that boiling discontent threatened to erupt at any moment. He added:

"Some feel that we should send American troops here. I would not do so under any circumstances."

Reflecting on the report, Sen. Ellender now says that the United States cannot afford to arbitrarily pull out of South Vietnam.

"We simply cannot wash out of Vietnam all of the blood of our men that has been spilled there," he said. "It would greatly affect our future in Southeast Asia. I have only one criticism, once we got so deeply involved, and that is we should have gone all-out to win the war from the very beginning. The fear of China becoming involved kept us from going all out. The situation that developed was made to order for the Chinese."

CELEBRATION OF JAPANESE CENTENNIAL

Mr. HATFIELD. Mr. President, this year marks the 100th anniversary of the first immigration to this country of persons of Japanese ancestry. This group has made outstanding contributions to America's progress since their arrival here. In Oregon, we have been fortunate to have such individuals as Ray T. Yasui serving on the Hood River Board of Education and Roy Hirai serving on the State's potato commission.

It is with contributions such as these in mind that I ask unanimous consent to have printed in the RECORD a brief history of the Japanese in Hood River, Oreg., as we celebrate the centennial anniversary of the first Japanese immigration to the United States.

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

A BRIEF HISTORY OF THE JAPANESE IN HOOD RIVER, OREG.

One hundred years ago the first Japanese immigrants came to the United States and settled what is now called the "Wakamatsu Colony" in California. The colony did not prosper as some of the settlers died and others, discouraged, returned to their homeland. The failure of this group kept immigration from Japan at a relatively low level for decades to come.

By the 1890's a handful of hardy pioneers were again headed for our shores leaving the hardships they faced at home for unknown opportunities. Thus did the first Japanese come to Hood River valley.

They came, a few at first then hundreds strong, to a strange land where people spoke a strange tongue, to seek work and build new lives. They stayed on to learn the work of the sawmills and railroads and helped to clear land of timber and brush.

They worked and saved and by about 1910 a few of the 7–800 then working here had enough to buy some land of their own. Working from dawn to dusk they cleared and planted the land to fruit trees and strawberries.

After many lonesome years some went to Japan to find wives while others got "mail order picture brides". But all settled down here, in the land of their choice, to raise their families.

As the years rolled by, anti-oriental sentiment increased until in 1924 Congress passed the Oriental Exclusion Act and many states followed this act with an Alien Land Law that prevented immigrants that could not gain citizenship from owning land.

To circumvent this unfair law, which was in recent years declared unconstitutional,

many bought land in the names of their minor sons and daughters.

They continued to work and save and buy land until they owned more than a thousand acres of farmland at the onset of World War II. The beginning of the war brought on a strong wave of anti-Japanese sentiment and in May 1942 the Japanese were forced to evacuate to detention camps, leaving behind their hard won lands, some never to return.

Of the over 500 Japanese that lived in Hood River valley prior to World War II, barely half returned after the war. Those that had previously leased their farms or had them partially paid for did not, in most cases, return. They scattered across the country and started life anew.

In 1952 Congress passed the Walter-McCarran Act. One of its provisions granted the right of citizenship to orientals for the first time since 1924. The issei, first generation Japanese immigrants, who had helped build this land and sent their sons off to fight for it, flocked to the Immigration offices and applied for their United States citizenship which had so long been denied them.

Today there are some 400 Japanese in the valley, but only a few of the pioneer immigrants still live, the youngest in their seventies and the oldest in the nineties. Their children and grandchildren carry on and now own and operate over 2500 acres of orchard or nearly 20 per cent of all orchard land in the valley.

They are rightfully proud of their achievements, but they are prouder still of their sons and daughters to whom they stressed, over and over, the importance of an education. They count amongst their children, doctors, lawyers, engineers, scientists, teachers, nurses and dentists. This to them is their biggest contribution to America, the land of their choice.

RURAL PRESS PERFORMS A SERVICE

Mr. BURDICK. Mr. President, long before the revulsion at worldwide tyranny prompted our development of the atomic bomb; long before the challenging beeps of the Russian Sputnik prodded us to place the first man on the moon; and long before the threat of an immense population explosion cast an awesome specter of famine across the world, America had a fundamental concept of government that has been providential to say the least. It can be stated as simply as, "only an informed republic is a strong republic." Our freedom of speech and freedom of the press are necessary corollaries to this concept. They have permitted our citizens to raise the alarm; they have permitted our government to respond to crisis.

In many ways, the promise of these United States has been fulfilled. As a nation of free men, we have grown and prospered beyond our founders' greatest dreams. High among our great accomplishments is the development of our agricultural science. As a matter of fact, it has been reported that before a hungry world, agriculture is our greatest success story.

For what, gentlemen, is more basic to national existence than food? As if heeding the Biblical admonition, we have built our granaries large and strong and filled them in our bountiful years. The essential building block in our national granary is research without which we could not have provided our present population of 200 million, nor the projected 300 million by the year 2000.

We have achieved a $50 billion agricultural industry because the Congress of the United States has made possible from the early days of this Nation an inexpensive means of encouraging the flow of scientific and technical farm data from the laboratory to the land. This is the secret of our success. The lack of this service in many foreign nations has contributed to the underdevelopment of their agricultural economies, and the high cost of food to their citizens.

Do we need more proof? The average American citizen spends a lower percent of his disposable income for food and fiber than any other person residing in foreign countries. We, in America, spend 16½ percent of our disposable income for food; in England it amounts to 26 percent; in France 31 percent; in Italy 35 percent; and in Russia 45 percent. In the very underdeveloped nations of the world, families must spend their entire income, often meager and inadequate, just to keep body and soul together.

Agricultural productivity in America, according to the U.S. Department of Agriculture is rising twice as fast that of industrial productivity. As such, it is a major deterrent to inflation. Our American farmers are producing over 20 percent more produce on 6 percent fewer acres than in 1957–59. In 1968, our American farms exported $6.3 billions in produce abroad. This included $4.7 billion commercial sales and $1.6 billion in food aid. It is estimated that our farm exports earned more than $5 billion worth of dollar exchange for that same year.

It seems to me that we can ill afford to permit farmers income to remain about one-half that of a skilled industrial worker, nor in a broader sense can we afford the great migration of our rural citizens to the cities. The day is coming when we shall need every farm and every skilled farmworker we can possibly assemble. Can we afford to lose 421,000 persons annually, which is the reported net decline in farm population between April 1967 and April 1968? I believe one of the major problems facing this Nation is to provide incentives to keep our people on the farms, pursuing their skills with the great knowledge and advice this Nation is able to provide. Above all, our farmers must share fully in our prosperity.

The U.S. Department of Agriculture has estimated that had farm prices kept pace with food prices for the 20-year period preceding 1966, the American people would have spent $104 billion for food in 1966 instead of $91 billion. Here is a real measure of farm productivity: The American consumer saved $13 billion in 1 year.

Earlier this year the U.S. Department of Agriculture stated that without many of the pesticides, herbicides, and fertilizers which we are presently using, we could scarcely provide adequate quantities of food and fibers on our current acreages for more than 40 percent of our population. Both the editorial and advertising content of farm magazines have supplied this technical information.

I could cite many more examples of our farming successes but I believe I have alluded to a sufficient number to relate the progress to the services of our agricultural magazine.

We must never fault the farmer for his abundance. We may be pleading for it in a few, short years. We should work on the farmer's behalf for greater rewards for the service he is rendering this Nation. Out across the Prairie States, the farmer, in survey after survey, has designated the farm magazine as a principal source of technical information. I believe we run a serious risk in this Nation if we take any action which will tend to impair the role of the farm magazine in our agricultural economy.

I am sure Senators are well aware that the circulation of these publications has declined by approximately 30 million copies a year since 1956. This is attributed, in part, to the decline of rural population and also, I am convinced, to rising costs of publication. The farmer and his family can ill afford rising costs for the elements that go into his production of food and fiber.

My late father, Representative Usher L. Burdick, served as a Member of the House of Representatives for many years. I have been told how he supported the farm papers and would on occasion carry copies of farm magazines onto the floor of the House, praise their value, and acknowledge their great source of vital information. I was brought up in the great farming State of North Dakota on the principle that reading was indispensable, and I can speak firsthand about the great scientific knowledge made available to the constituents of my State in our local and farm papers. Every piece of farm information from the weather to the latest farm technology is needed where agriculture is the backbone of a State such as mine.

As a member of the Committee on Post Office and Civil Service, I supported the action of the House in 1967 when it granted certain exemptions on advertising content to agricultural magazines in the first and second postal zones. As must have been recognized, the facts indicated that we had gone too far in the unequal adjustments on the pound advertising rates in these zones. Now, as I understand it, the administration's proposal of a three-tenths cent surcharge on copies of second class mail will completely wipe out the concession granted these publications in 1967. The new proposal already exempts within-county circulation. I urge a further exemption for magazines devoted to the building of our agricultural science.

Since farm magazines comprise about 1 percent of total second class mail volume and only one-tenth of 1 percent of the overall mail volume, I believe we should give very careful attention to their continued service to the farm people of the United States and take great precaution that they shall not be put out of business.

As we are faced with a world population explosion estimated to reach 6 billion persons by the year 2000, and a domestic explosion estimated to reach 300 million in the United States at the same time, Congress should carefully examine the vital role of the agricultural maga-

zine. I believe that our research barely stands on the threshold of domestic and worldwide production requirements.

Our backlog of sciences is dwindling, we are told. There are some that believe we are using it up faster than we are developing it. We dare not foresake the role of research in this vital industry, and more importantly, we should not impair its flow to the land.

Finally, I believe Senators will agree that there is great precedent in American history for the exemption I have proposed here today, I am informed that early in the 19th century postmasters were permitted to enclose money for agricultural magazine subscriptions, free of postage. Our forefathers recognized the need, and a vital publishing industry was nurtured in an environment of rural free delivery, free-in-county, low within-county rates and a combined editorial and advertising rate of 1.5 cents per pound for many years. If there is one factor that has contributed to the greatness of our agricultural industry, I believe it has been the wisdom of Congress in recognizing the value of these publications, and making their wide availability possible.

In 1879, the Congress established the second-class category, which provided among other things, that the publication "is originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or a special industry"; agricultural publications have most certainly fulfilled their obligation in response to this privilege.

There has been much discussion in recent months about taking the U.S. Post Office Department out of the Cabinet and making it a government corporation. I support the best possible mail service, but at the same time I want to preserve its public service role. I would oppose changes in the postal system without strong evidence that there would be no reduction in service or unwarranted increase in costs, particularly in rural areas.

Public Law 87–793, the Postal Service and Federal Employees Salary Act of 1962, provides that 10 percent of the gross cost of operation of third-class post offices and the star route system and 20 percent of the gross cost of the operation of fourth-class post offices and rural routes shall be set aside as public services. This is in the national as well as the rural interest. Whatever form our postal operations take, I urge that rural delivery be protected, even if we must expand the present public service categories to benefit all rural mail. This, of course, would include the farm magazines.

Farm magazines have helped to build an industry second to none in the world. Let us recognize their service. Let us encourage their continued usefulness. Let us grant them these concessions before it is too late.

SOCIAL SECURITY BENEFITS FOR NONRETIREES

Mr. WILLIAMS of New Jersey. Mr. President, Congress is entering into a new phase in its examination of social security. The time has come for careful analysis of the system—its benefits, its costs, and its potential impact in the lives of millions of Americans.

Part of this careful, detailed study of social security must be a reintroduction to the features of the system that are sometimes overlooked. We cannot amend and improve social security until and unless we know, completely and without confusion, just what the system now contains.

To help clear up the record on social security, U.S. News & World Report for September 29, 1969, recently published a summary of benefits to those other than retirees. Under the general editorial heading "News You Can Use in Your Personal Planning," the article makes a timely addition to our dialog on social security.

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:

NEWS YOU CAN USE IN YOUR PERSONAL PLANNING

A widely overlooked fact about Social Security is that it not only provides income at retirement, but also gives family protection at all ages.

Social Security. Of 25 million Americans receiving cash payments under the system, 1 out of 4 is under age 60 and 1 out of 8 under 18.

Through Social Security contributions now, a young worker is building up insurance for his family that could pay off as much as $100,000 in benefits if he should become disabled or die before his children are grown.

Payments to young. Here are some types of benefit that are payable under Social Security before retirement age:

Three million young widows and children are receiving benefits based on earnings of deceased workers. The average is $245 a month, the maximum $434.

About 1.3 million disabled workers under 65, and 1 million dependents, are getting payments averaging $235 a month. The maximum is $434.

Some 500,000 students who are children of deceased, disabled or retired workers will receive 490 million dollars in benefits this year. These are young people who would have had payments cut off at age 18 but can continue to get them until age 22 as students. The average is nearly $1,000 a year.

Overlooked changes. Although monthly Social Security benefits have been paid for the past 29 years, many people still are unaware of changes that provide payments in early and middle years. For example, a worker disabled before age 24 needs only a year and a half of covered employment in the preceding three years to qualify. Children of a working mother who dies or becomes disabled are eligible for payments no matter how much the father earns.

Guide available. Young people can find out how the system affects them from a booklet available from any Social Security office. The title is "Social Security for Young Families," 35–B. It is free.

PUBLIC HOUSING UNITS FOR SPRINGFIELD, ILL.

Mr. PERCY. Mr. President, since the late 1930's, our public housing program has been considered the traditional vehicle for providing housing for families with insufficient income to afford to rent on the private market. The main advantage of this program is that since the Federal Government contributes a portion of the operating costs of public housing projects, the rentals for space in the projects may be set at a low price. Thus, families with even very low incomes are able to live in public housing projects.

In my home State of Illinois, a grant was recently approved by the Department of Housing and Urban Development which will provide for the immediate construction of 76 regular family public housing units. The prospect of a decent living environment is now a reality to many Springfield residents who were previously confined to a less desirable place. It was deeply gratifying for me to read a letter from Mayor Howarth of Springfield, Ill., expressing his appreciation for the grant. I ask unanimous consent that his letter be printed in the RECORD.

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

CITY OF SPRINGFIELD, ILL.,
October 3, 1969.

Re: 76 General Public Housing Units for Springfield, Illinois, HUD No. Ill–4–5, $1,560,426.

Hon. CHARLES PERCY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Please convey to your colleagues and to the personnel of HUD, and your associates, the deep appreciation of the Springfield community for the prompt and efficient approval of the above project resulting in prompt construction of 76 units of regular family public housing under the turnkey method, with 3, 4, and 5 bedroom apartments in 38 units.

This represents the first new general public housing units in Springfield in 30 years, and is the best news I have received during my 11 years as Mayor.

Springfield is not a poor community. It is a prosperous, wealthy Capital of the State of Illinois, with less than the average number of so-called "slum areas" for a community of our size. Yet, a recent survey, published last May by the Springfield Chapter League of Women Voters, states that the median family income in our City is only $6,523 per year. This median is acquired by including the 26 per cent of all Springfield families who earn less than $5,000.00 per year.

Applying a rule of thumb adopted by the banking fraternity limiting one to the purchase of a house costing no more than 2½ times his annual earnings, the report finds that the "average" Springfield family is not financially able to purchase and maintain a house costing more than $16,500; and thus, the League concludes that if Springfield builders and developers had constructed homes selling in the bracket of $15,000–$16,000—an additional 33 per cent of the community would be in the market to purchase a home; but, the League reports that the records show in the decade 1958–1968, 56 Springfield subdivisions with a total of 5,312 homes have been developed for residential purposes; but only 2 subdivisions containing some 70 lots even contemplate homes in this price bracket, *and in the 10 year period only 2 new homes in that price range have been built in all of Springfield.*

Thus, with our expanding population, and with no new public housing, it is most apparent that families in our bottom income brackets, have been forced into inadequate improper ghetto-type buildings; and of course, as we comply with the Federal workable programs, and strictly enforce proper

housing codes we drive these families from pillar to port, sharpening their frustrations and planting the seeds of violence.

As the League of Women Voters reminded us in the aforesaid report:

"The importance of housing cannot be overemphasized. To the individual, housing is important because it affects his health, his well-being, and his ability to function effectively in society. To the community and to society, it is important because the area in which there is the most deteriorated, dilapidated, over-crowded and is sub-standard housing coincides with the areas of the greatest crime, disease, and discontent".

Thus, duplex style public housing for the larger families are absolutely essential in America and the turnkey method makes it profitable for private industry to seek out the land, develop and construct the building.

Very truly yours,

NELSON HOWARTH,
Mayor.

IMPORTANCE OF ARMS LIMITATION NEGOTIATIONS

Mr. MONDALE. Mr. President, the distinguished junior Senator from Maine (Mr. MUSKIE) made a thoughtful speech last week in New York on the importance of arms limitation negotiations. To promote the likelihood of this objective, Senator MUSKIE urged a moratorium on American development of the multiple independently targetable vehicles, the so-called MIRV's.

Senator MUSKIE's proposal is a constructive addition to the national dialog about the ways to achieve peace, at home and around the world. I commend Senator MUSKIE's remarks to the Senate and ask unanimous consent that they be printed in the RECORD.

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

STATEMENT BY SENATOR EDMUND S. MUSKIE

In paying tribute to Meyer Weisgal and the Weizmann Institute, we are honoring the spirit of Israel: courage in the face of danger, tenacity under continuing pressure, and humanitarian concern in spite of the demands of war.

Israel is more than a patch of real estate in the Middle East. It is a dream come true and a challenge to all those who believe in freedom and the rights of man. It deserves our continuing support in the preservation of its freedom and independence.

In one of his last speeches at the first session of Knesset in Jerusalem in February, 1949, Dr. Chaim Weizmann said:

"Let us build a new bridge between science and the spirit of man. Where there is no vision the people perish. We have seen what science leads to when it is not inspired by moral vision . . . All my life I have tried to make science and research the basis of our national endeavor, but I have always known fully well that there are values higher than science. The only values that offer healing for the ills of humanity are the supreme values of justice and righteousness, peace and love."

The Institute which bears Dr. Weizmann's name is a testament to his wisdom and vision. Amidst a virtually continuous period of war and near war, the Institute has devoted its energies and resources to the betterment of life for all mankind. Yet, while the Institute applies science to improve the human condition, too much of the world seems preoccupied with harnessing technology to develop newer and more destructive weapons.

Since the end of World War II the United State and the Soviet Union have engaged in competition to develop more powerful armaments.

No one questions that—under present circumstances—military power is an essential part of our security system; but there is a point where preoccupation with purely military strength may diminish rather than increase our security. I believe we are at that point.

We are already involved in a new cycle of an ever more costly and perilous competition for nuclear superiority. At the same time, we and the Soviet Union have within our grasp a way to restrain this competition and to reassert a saner ordering of our national priorities.

We rationalized development of a MIRV system as a response to a limited Soviet ABM system and its possible expansion. The Soviets, in turn, started development of a MIRV system to insure parity in intercontinental missile systems for themselves. We moved to develop an ABM system in response to the Soviet moves to develop and deploy MIRVs. And so the arms race continues, unrelated to the real security of either nation.

While the development of MIRV will not alter the strategic stalemate between the Soviet Union and the United States, it can make it less and less possible to reach a nuclear arms control agreement.

At the present time, we and the Soviet Union can, through our own surveillance systems, tell with great accuracy the number of missile launchers the other has in place. But we cannot detect the number of warheads fitted inside a single missile. Thus, if MIRV missiles—with their multiple warheads—are deployed, it will be virtually impossible to achieve genuine arms control arrangement without detailed on-site inspection rights.

If we can achieve a ban on testing and deployment of such multiple reentry missiles, both nations, on their own, could police the testing of such missiles. Halting the final testing of such missiles is, therefore, crucial to reaching a self-enforcing agreement with the Soviets to bar their deployment.

Early last summer Senator Brooke, supported by myself and forty other Senators, proposed that a mutual moratorium on MIRV testing and deployment be negotiated with the Soviets as soon as possible. At the time of the Brooke proposal, it appeared that after a series of delays by both powers, the Soviets and the United States were about ready to commence such talks. The talks have not begun, and no dates have been fixed.

A strategic stalemate exists between the United States and the Soviet Union today. Neither nation can launch an attack on the other without bringing on its own destruction. Neither nation can realistically hope to break this stalemate by developing a new generation of nuclear weapons. Each nation has the capacity to match any weapons developed by the other. Both sides tend to react to the potentialities as well as the actualities of action. It is precisely this cycle of action and reaction which fuels the arms race.

In spite of this fact, the public has been allowed—even encouraged—to believe that somehow there is safety in ever growing weapons strength and that it still means something to be ahead numerically in nuclear weapons.

These are assumptions which must be challenged if we are to slow down the arms race, contribute to a reduction in international tension and apply our resources to the restoration of our society.

We have a unique opportunity to slow the arms competition. The strategic stalemate and the costs of further weapons development make an agreement restraining the arms race attractive and in the self-interest of the United States and the Soviet Union alike.

If we fail to seize this opportunity, we can, in fact, jeopardize our national security. The diversion of resources from human needs to unnecessary weapons development is a tragic waste. At the same time, as weapons grow more complex and numerous, it becomes ever more difficult to establish adequate safeguards against the risk that such weapons may be unleashed by accident or miscalculation. The question is whether we are taking the initiatives we might take to reduce the pressures for new weapons development and avoid these consequences. Unfortunately, forces are now in motion which can undermine our chances for achieving a nuclear arms control agreement with the Soviets. The decision to proceed with the deployment of the ABM was a setback, but ever more serious is the fact that both the United States and the Soviet Union are rapidly developing the capacity to deploy multiple independently targetable re-entry vehicles—so called MIRV—missiles which can carry several warheads and launch them at separate targets. The MIRV–ABM development is a classic example of arms escalation which results in less, rather than more, national security.

There is some evidence that the Russians are not anxious to talk about substantive armaments control agreements with the United States until they have resolved their border dispute with Communist China. We should not let such delays prevent us from acting to keep MIRV missile development from jeopardizing chances of reaching an arms limitation agreement.

Let the United States unilaterally postpone the testing of all our multiple reentry missiles for a period of six months, announcing that we will not begin testing thereafter unless the Soviet Union initiates such tests.

It should be clearly understood that such a suspension in MIRV testing is not proposed as a step toward unilateral disarmament. It is not proposed as a unilateral commitment never to test MIRV. It is proposed as a meaningful step to stimulate mutual efforts by the United States and the Soviet Union to control the escalation of nuclear weapons systems before it is too late.

If the Soviet Union ignores our gesture and goes forward with testing their multiple reentry missiles, or if they expand the scope of their ABM system, we can promptly resume our own MIRV program. Since the time needed to complete our development of the MIRV is far less than it would take the Soviets to construct a massive ABM system, and since a six-month moratorium would not provide significant lead-time for the Soviets, a moratorium on testing our multiple reentry missiles would not involve any appreciable risk to our security.

Ralph Waldo Emerson observed over a hundred years ago: "Every act, every thought, every cause is bipolar, and in the act is contained the counteract. If I strike, I am struck. If I chase, I am pursued. If I push, I am resisted."

As in the case of the Nuclear Test Ban Treaty, the road to peace may require the United States to take the first step on its own. Hopefully, the Soviets would, in response to our action, act with similar restraint. If they did respond, and the two countries moved into the strategic arms limitation talks, the question of the MIRV and ABM systems could be taken up in the context of mutual efforts to reduce the level of terror.

To reverse Emerson's thought: "If we lead, the Soviets may follow," recognizing that the interests of their own people are served if man can be pulled back even one step from the brink of nuclear confrontation.

In this Twentieth Century the United States and the Soviet Union must break through the terrible cycle of distrust which breeds distrust, of action which produces reaction, of new weapons which beget newer weapons.

The overriding reality of our time is the interdependence of the human condition. Man has wrested from nature the power to make this earth an uninhabitable wasteland or to make it a fertile planet.

History demonstrates that conflict and hostility between nations is not immutable. Accommodation and compromise are possible. Our problems are man-made and can be solved by the imagination and wisdom of man.

I am not suggesting that national rivalry and hostility can be ended in our lifetime. At this moment it would be utopian to hope for the end of all conflict with the Soviet Union. However, we can realistically seek to remove some of the danger from the conflict when, to do so, is in the self-interest of each.

As Adlai Stevenson once wisely counselled: "We must never fear to negotiate with the Soviet Union, for to close the door to the conference room is to open a door to war."

The time has come to embrace a broader vision of the route to peace.

Let us look beyond our missiles and military alliances and make the pursuit of arms control and reduction in the size of national military forces the heart of our national security objectives.

Let this nation demonstrate not only prudent concern for its military defense but also leadership in moving the world away from the infamy of war.

GREAT SALT LAKE OIL SHALE AMENDMENTS AID TO MAJOR INDUSTRIES

Mr. BENNETT. Mr. President, I applaud the action taken a few days ago by the Committee on Finance in approving depletion allowances for oil shale and minerals in the Great Salt Lake. This is farsighted action indeed, and I express the appreciation of my State as well as my own to the committee.

It is no secret that in our highly industrialized economy we have a pressing need to find new sources of oil, minerals, and other raw materials. While I am not an alarmist, I wish to point out to the Senate that many sources of foreign oil are in a very questionable status at this time. It behooves us as a nation therefore to develop all of the potential oil reserves available to use within our own borders. It has been estimated that the oil shale deposits in the intermountain area of Utah, Colorado and Wyoming represent one of the greatest oil reserves in the world. Yet it is of no value unless it can be developed and a way found ultimately to market the oil. The Finance Committee action has taken a major step in that direction. It gives to the oil shale developers an equitable tax position in relationship to other industries which are constantly in search of new oil resources. It represents in this case a 15% depletion rate for oil extracted from shale. If accepted by the Senate—and I urge that it be adopted—then the developers of this vast resource can go to work now to meet the demands that are increasing yearly and which will reach staggering proportions by the year 2000.

Let us not kid ourselves about the oil shale reserves. Without a depletion allowance, we cannot expect the industries involved to assume the tremendous economic responsibilities and risks involved. The allowances will also be an indication that Congress is willing to proceed henceforth with the necessary research and development to perfect the necessary extraction processes. If we can orbit the moon and experience in our living rooms the miracle of man walking on the lunar surface, I am very confident that the oil extraction process can be perfected.

I should also point out the tremendous economic development that this would bring to the States in the Intermountain West. In many ways they are geographically isolated, and oil shale and mineral developments will give to them a sound economic base.

I also urge the Senate to accept the Finance Committee amendment which I offered, allowing a 10- to 23-percent depletion allowance for various minerals extracted from inland saline lakes. For many years we in Utah looked upon the Great Salt Lake as a dormant body of water. But we now know it contains a vast mineral supply which must be extracted and developed, and it will go far in meeting the heavy demands of chlorine, sodium, magnesium, lithium, bromine, silicone, boron, potassium, and calcium. There is no question that the minerals in the Great Salt Lake are a depletable source; consequently, they must be treated as such. I call upon the Senate, when the bill comes before it, to be farsighted and to accept the amendments which I have offered and which the committee has wisely accepted.

I ask unanimous consent that an editorial entitled "Fair Tax Treatment," published in the Salt Lake Tribune of October 25, 1969, be printed in the RECORD.

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

FAIR TAX TREATMENT

As the Senate Finance Committee works on depletion allowances for various extractive industries in the tax reform bill, it took the wise step of approving an amendment offered by Sen. Wallace F. Bennett of Utah to apply depletion allowances extracted from the waters of Great Salt Lake. These would include chlorine, sodium, magnesium, potassium, calcium, lithium, bromine, boron and silicon.

Under an Internal Revenue Service ruling, the waters of the lake are considered a nondepletable ore body. The decision is debatable. For while, in a sense, the lake is "renewed" by runoff waters bringing in minerals from the shores, the history of the lake indicates it is a shrinking body that will eventually disappear. It is also obvious that the minerals in the lake are a "body of ore," though not, perhaps, in the usual definition of the term.

The Senate has already made a number of changes in the tax reform bill as passed by the House. This week, for example, it voted to cut the oil depletion allowance to 23 percent. (The present figure is 27½ percent; the House figure, 20 percent.) The committee also approved, without change, a House section designed to provide an incentive for finding ways of extracting oil from shale by granting a depletion allowance based on the value of the oil recovered, instead of the shale. This means a substantial increase in the dollar value of the incentive. Utah, with its vast deposits of oil shale, should benefit materially from the long-range effects of the provision.

However, development of an oil shale industry is still some years away while development of a mineral extractive industry on the shores of the Great Salt Lake is already well under way. And this industry, in order to be fully competitive, should be given tax treatment similar to those industries which extract minerals from the earth.

When the House Ways and Means Committee began work on the tax reform bill in early 1969, the goal was final passage by the end of the year. The goal probably can't be met. First, the Senate Finance Committee must complete its version of the legislation. Then the bill goes to the Senate floor where numerous amendments are likely to be offered and approved. Finally, after differences between House and Senate measures are adjusted in conference committee, the bill must be approved by both chambers. As a consequence, there is no way now of predicting just what it will be like in its final form.

But this much is certain: An amendment made in Senate committee and retained by vote during consideration on the floor has an excellent chance of being retained. That is why the Senate Finance Committee did well to include the Utah senator's farsighted amendment. Committee approval at this time will go a long way toward assuring fair tax treatment for the new extractive industry on Great Salt Lake.

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

Mr. BURDICK. Mr. President, before the Senator from Montana, (Mr. METCALF) left to represent the U.S. Senate as a delegate at an International Conference of Legislators, he asked that I place in the RECORD an editorial together with the result of a poll of the New York University Law School faculty regarding Judge Clement Haynsworth's nomination to the Supreme Court. If Senator METCALF were able to be here, he would have made this request himself.

Mr. President, I ask unanimous consent that the editorial and the article, both of which appeared in the Commentator of October 15, the student newspaper of the New York University Law Center, be printed in the RECORD. The article explains why 73 percent of the faculty is firmly opposed to Senate confirmation of the nomination of Judge Haynsworth.

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

[From the Commentator, Oct. 15, 1969]

INSENSITIVITY

Last November President-elect Nixon promised the country that the theme of his Administration was going to be: "Bring Us Together." The emptiness of that promise has never been more dramatically revealed than in the ill-advised nomination of Judge Clement Haynsworth to the U.S. Supreme Court.

Contrary to the protestations of Haynsworth's supporters, the confrontation now brewing in the Senate is not essentially a question of liberals versus conservatives. Even Senator Barry Goldwater is having second thoughts about supporting Haynsworth since receiving stacks of mail from con-

stituents Goldwater describes as "strict constitutionalists who write: 'Isn't there somebody else?' "

Neither is the Haynsworth controversy a question of Democrats versus Republicans. As Senator Robert Griffin, the assistant Republican leader, said last week, "The overriding consideration is public confidence in the Supreme Court as an institution."

As Haynsworth supporters try desperately to close ranks behind their candidate, they seem to have lost sight of the real issue in the case. Despite all the damaging evidence that has been uncovered, no one has ever accused Haynsworth of being dishonest. Nor has anyone called for his impeachment and removal from the Fourth Circuit Court of Appeals.

But what has been revealed by Haynsworth's actions in *Darlington, Brunswick, et al.*, is the portrait of a man curiously insensitive to the fundamental of judicial ethics, or sensitivity far too great for a nominee to the Supreme Court. This is the determining factor in Haynsworth's case and not the man's mediocre record as a jurist.

It is not suggested that when the nomination was made President Nixon had any knowledge of the many questionable areas in Haynsworth's background. On the contrary, the entire Haynsworth affair has the unmistakable imprint of being another blunder by Attorney General John Mitchell and his advisors. But the President's intransigence in the face of revelation after revelation only gives further credance to Nixon's so-called "Southern strategy." According to this theory, Nixon hopes to get key Southern support for the 1970 congressional elections and the 1972 presidential race in return for certain "favors" to Southern legislators such as the recent school integration slowdown.

The broad discretion of a President in the selection of ambassadors, cabinet members and federal judges is unquestioned. But it is frightening to think that appointments to the country's highest tribunal have been relegated to the level of political horse-trading between the President and people like Senator Strom Thurmond and his cronies.

During a meeting last week at the home of J. Edgar Hoover, Nixon was apparently convinced by Mitchell that opponents of the nomination are motivated by nothing more than political animosity. As if to confirm the fact that the "old" Richard Nixon is still with us, Republican Senators are now facing threats of political reprisal (e.g., holding up federally funded projects, etc.) unless they vote for confirmation.

Despite this, however, it is reliably estimated that as many as 50 Senators now plan to vote against confirmation. But even if Haynsworth were to squeak through the Senate, his victory would be a hollow one and a tragic blow for the Court.

If the President really wants to "bring us together," restore public confidence in the Supreme Court, and prevent a bloody showdown in the Senate, his only alternative is to immediately withdraw the nomination of Clement Haynsworth and nominate someone truly worthy of the Supreme Court seat formerly held by Justices Brandeis, Cardozo, Frankfurter and Goldberg.

[From the Commentator, Oct. 15, 1969]

THREE-QUARTERS OF FACULTY OPPOSED TO HAYNSWORTH

(By Neal Arluck)

Seventy-three percent of the Law School faculty opposes Senate confirmation of Judge Clement Haynsworth's nomination to the Supreme Court, according to a poll taken by the Commentator last week. An equal percentage believes that Haynsworth's actions in the Brunswick case were "improper."

Questionnaires on various aspects of the Haynsworth nomination were distributed to the 50 members of the full faculty. Thirty-seven questionnaires were returned.

To the question, "Do you think the Senate should ratify the nomination of Judge Haynsworth for the Supreme Court?", 27 professors answered 'No,' eight answered 'Yes,' and two were undecided.

For purposes of analyzing the gross results, faculty members were asked to indicate their political affiliation. A break down on political lines surprisingly revealed that the vote against Haynsworth by Republicans was 7–1. Democrats voted 'No' by a margin of 15–5, and Independents voted 5–2 against confirmation.

Another interesting result was uncovered when the figures were broken down according to years of service on the faculty. Of the six professors on the faculty for more than twenty years, not one voted in favor of Haynsworth.

Of the eight professors supporting confirmation, several had serious reservations about the nominee. "I don't like Haynsworth's philosophy or his wheeling and dealing," wrote one respondent, "but it would be dangerous to disqualify a man on this basis. It would defeat a liberal also. We lost this one when we lost the election."

Another said, "I believe the Senate should ratify unless there are very substantial reasons for a refusal. While I would not select or support Haynsworth from any point of view, I don't know any facts which disqualify him." "Unfortunately, mediocrity is not a basis for judicial disqualification," said another proponent of confirmation.

Out of 37 participants in the poll, only one professor had anything really favorable to say about the nominee. Referring to Haynsworth's purchase of stock in the Brunswick Corporation after voting for a decision in the company's favor but before the decision was made public, one faculty member wrote, "I assume that Judge Haynsworth bought the stock with his own money—not mine, and certainly not yours. I also assume that the stock purchase, then in the future, could not or at least did not affect the Judge's decision made before the purchase. Perhaps I should add that I think the Haynsworth nomination to the Supreme Court has been the best one offered by a president since the appointment of Justice Robert H. Jackson."

The 27 opponents of Haynsworth's confirmation were far more firm in their convictions than the eight supporters. The following were some of their comments:

"I can accept conservatism in business areas, even in the criminal law area perhaps, but not in the civil rights area. The stakes are too high and the consequences too disastrous!"

"He is a 'wee mon.' "

"My chief objection is that he was making speculative investments when he should have been concentrating on judicial and scholarly matters. Furthermore, it is no longer enough to have an able and ethical judge, we must have the best available on a comparative basis."

"The public image of a member of the United States Supreme Court is extremely important. A Justice of that court should be completely above suspicion. His background should look right as well as be right."

Another question on the poll asked whether Haynsworth's actions in the Brunswick case were "improper." Twenty-seven thought they were. Only four voted 'No,' and six were undecided.

But the 27 respondents who voted 'Yes' were not identical with the 27 who opposed confirmation. From the latter group, 21 called Haynsworth's actions in Brunswick "improper." Two thought they weren't and four were uncertain.

Of the eight proponents of confirmation, five agreed that Haynsworth's actions were improper. Only one thought they were proper and two were uncertain.

"Haynsworth's behavior in the Darlington Mills case," wrote one professor, "was in my opinion clearly unethical and much more objectionable than his role in Brunswick.

Another question in the poll asked whether the Senate should "consider the judicial philosophy of a nominee in addition to his ethical background." Twenty-seven professors thought judicial philosophy should be considered. Six thought it shouldn't and four were undecided.

Thirteen faculty members responded to a question soliciting the names of candidates to fill the Supreme Court seat vacated by Abe Fortas.

The most popular was Judge Friendly of the Second Circuit Court of Appeals who received five recommendations. Paul Freund and Judge Traynor of California each received three.

Judges Fuld and Schaeffer were each cited twice, as was Bernard Segal.

NAB JOB-TRAINING PROGRAM

Mr. PERCY. Mr. President, the effort to eradicate poverty in our country necessitates the cooperation of both the Government and the private sector of our economy. The two, in concert, can develop and finance programs aimed at making all of our citizens contributing members of our society.

The National Alliance of Businessmen—NAB—and the Federal Government, largely through Outreach, have been working together for the past year on an NAB program to train the hard-core unemployed. Through this program, 229,679 previously unemployed men and women have received job training and been placed in jobs. Of these men and women, 54 percent have remained at work—a retention rate which approximates that for the working force as a whole.

On September 8, 1969, Newsweek published an article on the excellent work NAB has been doing through their training and employment program. I ask unanimous consent that the article be printed in the RECORD following my remarks.

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

[From Newsweek, Sept. 8, 1969]

HOW TO HIRE THE HARD-CORE

When the National Alliance of Businessmen (NAB) launched its widely heralded effort to provide jobs for the hard-core unemployed early last year, there were scoffers who suggested that NAB would endure about as long as yesterday's headlines. Indeed, the group's formation did have some of the earmarks of one of those government-industry love-ins that all too often produce little, or nothing in the way of meaningful results; President Johnson summoned 500 of the nation's top businessmen to a dinner meeting in Washington, spelled out some ambitious goals, tapped Henry Ford II to head the operation—then left NAB pretty much on its own.

Yet NAB has confounded its critics by starting up fast—and actually gaining momentum. Its original goal was the placement of 100,000 workers by June 30 of this year. But that goal was reached before the end of 1968, and in an updated tally released last week. NAB reported that it has so far placed

a total of 229,679 men and women—white, black, red and yellow—from the nation's urban slums and rural poverty pockets. More important, of those hired, 124,935 are still on the job—a retention rate of 54 per cent. That is just about the rate for the nation's white- and blue-collar work force as a whole.

MIND OPENERS

To achieve these results, both employer and employee have had to change. The typical hard-core unemployed lives below the official poverty level of $3,553 a year for a nonfarm family of four; he is a high-school dropout with no skills and no regular job for at least eighteen months. As often as not, he has a police record. "Employers are a lot more open minded than they used to be," says Paul W. Kayser, vice president for industrial relations of Pepsi Co., Inc., who is now serving as NAB president. "Until recently, most of these people wouldn't have been permitted past the gatekeeper."

For his part, the worker has to be convinced that somebody actually wants him. "Often," Kayser said, "they will be offered a job and won't show up simply because they are terrified of interviews. So what you have to do is arrange not only the interview but the means to get them to it."

To handle this chore, NAB has enlisted members of the government's Outreach program who seek out job candidates in ghetto bars and tenement buildings and then help them through the employment procedure. The Ford Motor Co., for one, has set up inner-city hiring halls in an effort to bring the job opportunity to the worker, while other companies ask longtime employees to shepherd new recruits through the first difficult months on the job.

Aside from the sheer numbers hired, perhaps the most encouraging aspect of the NAB program is the effort made at upgrading workers through on-the-job traning. Even as Negroes in Chicago, Pittsburgh and other cities were demonstrating last week in an effort to gain more work in the building trades (page 34), NAB, with help from the Federal government, was expanding its in-plant, on-the-job training program to assist the hard-core.

During the present fiscal year, the government has set aside $420 million—by far the biggest slice of Federal manpower training funds—to finance programs at the 18,500 companies now participating in the NAB program. The average training grant is $3,000 per worker for an eighteen-month course. But in some cases the government will finance up to $5,000 in training. As one example, the Ford Motor Co. has hired some 2,800 workers at its inner-city employment centers at an average starting wage of $3.45 an hour. Already, "hundreds" of the new employees have moved up to higher-paying jobs through normal competition for better jobs. Currently, there are some 60,000 workers involved in training programs at NAB member plants and that number is certain to grow. Among other reasons, President Nixon's proposed new welfare program provides for an additional 150,000 job-training slots, many of which will presumably be in plants that are part of the NAB program.

Challenge: As far as most NAB leaders are concerned, the key to long-range success is training. As Donald M. Kendall, Pepsi Co. Inc., president and NAB chairman, explained last week: "Say it takes a company $1,000 to train a regular employee; well, it might cost them $2,000 to train one of the hard-core unemployed. The government puts up the additional $1,000, but in one large area we studied, the government got its money back within 21 months [because of the savings in welfare costs, unemployment compensation and the sudden contribution of payroll taxes.] That's not a bad investment for anyone."

For all of their progress over the past nineteen months, NAB leaders still face a challenge of stunning proportions. For one thing, most of the participation has been by big employers in big cities and the thousands of ten- and twenty-man shops that might be able to use an extra hand aren't sufficiently involved. "The little fellow just doesn't know how to go at it," says Chrysler chairman Lynn Townsend, who is NAB's vice chairman. Currently, NAB is working on a plan under which smaller companies can join in a consortium that would operate much like a large employer.

No one knows better than NAB that a great deal of work remains to be done. Estimates are that there are still 1 million to 2 million hard-core unemployed who haven't been reached by NAB. The health of the program also depends upon the continued health of the economy. As one Labor Department administrator observed: "If the economy takes a nose dive, this program is going to go to hell."

Still, for men like Pepsi Co., Kendall, the effort is well worth the risk of disappointment. "The response has been marvelous by both business and the unemployed," he summed up last week. "In fact, I never would have dreamt of the response we would get when I first took over the job. It's been the most rewarding experience I have ever had."

DUMP THE KOOKS

Mr. FANNIN. Mr. President, just a little over a week ago Mr. Jenkin Lloyd Jones, distinguished publisher and writer and president of the Chamber of Commerce of the United States, made an outstanding speech before the National Newspaper Association in Denver, Colo.

Mr. Jones is an articulate man. When he speaks, the sparks crackle and smoke curls from the edges of his target.

He has taken dead aim on one of the most pressing problems of our times, the problem of pollution. Not water pollution or environmental pollution, but that kind of pollution which is the most insidious of all—mind pollution. He speaks of the polluted airwaves in the Nation, taken over by the kooks and the programs designed to shock. He points to the magazine stands covered with filth that formerly was sold illegally in back rooms by shabby merchants. He speaks of the "cluck-smack" school of journalism which clucks its tongue over the sordid events which it reports in lip-smacking detail.

Mr. Jones puts the spotlight squarely on the problem of America in professing one thing and performing another, and calls it "new" morality.

Most important, he speaks to those who are in charge of a large segment of our public media and says:

A mark of sophistication is to know when you are being used. And, gentlemen, we are being used.

Mr. Jones has valid points to make in our troubled times. 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:

LET'S DE-KOOKIFY THE MEDIA

(By Jenkin Lloyd Jones, president, Chamber of Commerce of the United States)

This evening I would like to touch on the Golden Age of Kookery in America and the responsibility that may be charged against the printed and electronic press, the motion picture and the stage.

Let me define kookery. It is that measure of departure from traditional codes of behavior that cannot be kissed off as a mere change of fashion or a search for new truths. Kookery is that mode of behavior in which hedonism (which is Greek for doing whatever you please) produces a confused and chaotic society.

Kookery is the effort to portray riot as a means of redressing wrongs, and plain bad manners as some sort of social action. It is the attempt to tell a generation that casual sex or mind-blowing drugs represent a bold effort to sweep away old shibboleths and to seek honesty and revelation.

In short, kookery is a revolt against self-discipline. It is a reaction against civilization. Our campuses are rocked by the irreducible demands of the ignorant and the violent. The fundamental civil right of citizens to walk their streets in safety has been repealed.

In Chicago we not only saw a direct assault upon the police, planned, detailed and boasted of by the New Left months before the Democratic convention, but now we are seeing a direct effort in the same city to intimidate the court for daring to react against this assault.

Mayor John Lindsay's "Fun City" is in shambles. In Philadelphia last month two high school football teams were led into buses and driven to unannounced stadiums where they played before no spectators. To do otherwise, school officials feared, would insure a riot. So much for the City of Brotherly Love.

We are drowning our kids in filth.

You can examine the files of the old Police Gazette of the 1870's and '80's where America's gee-whiz journalism was born.

You can read the dime novels of the Ned Buntline school of literature in which desperados were exposed and, in a measure, canonized in the same literary operation, if you could call it literary.

You can run through the microfilms of the Hearst and early Pulitzer press at the turn of the century when the term, "yellow journalism," was born.

You can follow the pungent spoor of Bernarr MacFaddenism, and the lurid love nest tales in the old Sunday supplements, and the heavy-breathing marathon-length embraces in the Theda Bara movies that brought the Hays Office into being.

And having examined all that was worse in the taste of times past I believe you will find nothing like the rain of scatology in which America stands today, and nothing like the elaborate rationalizations for misbehavior which our swingers are boldly advancing.

I think it is the boldness of the rationalization which is the essential difference.

We have always had users of drugs, but this is the first time we've heard the claim that swallowing L.S.D., inhaling pot and popping with heroin are the roads to holy insight.

The art of thievery and looting is as old as man, but this is the first time people who clean out liquor stores have claimed kinship to the patriots who hurled the tea into Boston harbor.

All this has been described as the "New Morality." The "New Morality" is based on something else called "situational ethics." Situational ethics simply means that ethical behavior is changeable according to the situation. And by situation one means the conditions of the moment that govern the self-interest of the individual.

This is, of course, the road to social chaos, and we are well on it. We have seen our marching preachers claim that law is not to be changed by orderly process, but is simply

to be defied. We have seen our drop-outs sniff at the "squares" who work, although they do not hesitate to eat sandwiches made from wheat raised by the guy who got out of bed in Nebraska at 5 a.m.

We have seen our permissive courts—and particularly the Supreme Court of the United States—strip the classic definitions of pornography down to the bone and then boil the bones.

Of more immediate interest to the American family is the growing philosophy spreading through the high school corridors that anything you can get away with is okay. A society that is based on anything you can get away with and that, at the same time, seeks to weaken laws, water down moral restraints, and generally enlarge the get-away area is heading back to the cave.

In an article last year in The Intercollegiate Review, Dr. Will Herberg said:

"To violate moral standards while at the same time acknowledging their authority is one thing; to lose all sense of the moral claim, to repudiate all moral authority is something far more serious. It is this loss of moral sense, I would suggest to you, that constitutes the real challenge in our time."

How did we get this way?

The reasons, of course, are complex. But, perhaps, for one thing we got over-worried about frustration. A frustration is something you want and can't have—at least not right now.

Human character is built by overcoming frustration. The boy wants a bicycle. There are two ways he can get it lawfully—shake the dough out of Dad or mow enough lawns to raise the cash. The father may properly choose to exercise his beneficence, although give-aways don't exercise the muscles of self-reliance and self-respect.

But if the boy fails to obtain the gift and chooses not to work for the prize he has more devious alternatives. He may steal the bicycle directly, or he may break into enough cigarette machines to make the purchase. Thus, he passes into the field of anti-social behavior.

Psychiatrists, generally, seem to agree that a general characteristic of most juvenile delinquents is a low frustration-tolerance. They cannot stand to be thwarted. They cannot plan toward a desirable objective. They can only smash and grab and insulate themselves from reality by great blankets of self-justification and self-pity.

Many of these are the children of parents who remember well the privations and insecurities of the Great Depression and who have determined to give them all the "advantages." And they have been given all the advantages except an appreciation of the labor and devotion it takes to make a workable society.

Since babyhood they have heard the announcer urge them to "be the first kid on your block" with the new gizmo. All the power of advertising persuasion has been devoted to making them expect instant satisfaction. And so we have what calls itself the "New Generation."

Can we wonder too much that when it appears to them that Society has handed them less than a perfect world their reaction is either to drop out or bum down?

In our effort to eliminate a little healthy frustration at an age where it would build patience, tolerance and an appreciation of the attainable we may have condemned these kids to the worst frustration of all. Self-doubt, anger and unease are the endemic diseases of hippiedom.

Still, the human animal has changed very little. A strong tide of wistful idealism flows beneath turbulent waves of self-indulgence.

Last year I had a free hour in San Francisco, so I went out to the corner of Haight and Ashbury to see the animals. There I picked up several copies of the underground press, including something called the Berkeley Barb. And in the classified section, among all the ads of deviates, lesbians, sadists and masochists I came across the following from a post office box in Daly City:

"Wanted, attractive girl for uninhibited weekend fun at beach house by member of the male gender. I'm Caucasian, clean-cut, 25 and shy. Hope you don't normally answer ads like this."

I didn't know whether this ad was funny or tragic. The eternal male making the immoral proposition to what he hopes is a fairly moral girl. But I think in a way it expresses the dichotomy of the moment—young people with considerable idealism trying to find fulfillment in sleazy ways. It isn't going to work.

There is nothing new, of course, about the New Morality. One would have to cut a lot of history classes to imagine that humankind had not attempted to find happiness in utter animalism. Or that they would not attempt to rationalize misbehavior by claiming lofty, even spiritual motives.

The temple prostitutes of Astarte 3,500 years ago expressed a philosophy which Playboy seems to have just rediscovered. The hashish-maddened Thugs of India went through elaborate religious rites before they set forth to rob and strangle travelers.

But none of these noble experiments produced workable societies. Nations that wallowed in corruption found commercial strength hard to achieve, for you can't build bankable credits where bribery is the norm and graft and short-weight the custom. And where morals standards were abysmal there occurred, paradoxically, an emasculation of the male, for irresponsibility produces the incompetence to cope and it leads to the matriarchy which is the chief social headache of America's current ghetto societies.

Some people never recovered. Much of our foreign aid has sunk without a trace in social systems that cannot organize themselves for any degree of success. Other civilizations, more happily, eventually became nauseated and went through puritan renaissances, some of them carried to ridiculous extremes.

The popular view of the moralist is that of a dour bluenose who doesn't want people to have fun. There are, indeed, such people. But the best excuse for morality is a pragmatic excuse. Proper and reasonable morals produce a productive society in which the fruits of energy are protected and the seed of creativity are watered.

Our word "morals" came from the old Latin, "moralis," simply meaning a way of life. And our Greek word, "ethics," is defined by Webster as the ideal end of human action.

It is a human fact that man generally operates a considerable distance below his ideals. Where his ideals are low, his behavior will be lower still. And the jam we are in today is in large measure caused by the fact that in recent years our mass communications and entertainment media have publicized deviation for our traditional moral standards to the point where impressionable youth imagines that deviation is the norm.

Consider the mass circulation magazines, faced with ever rising costs, battered by TV and rendered pensive by the recent demise of the Saturday Evening Post. The circulation struggle is a bitter one, and shock sells copies.

The average issue of one leading woman's magazine now sounds like a clinical study of psychopathia sexualis. In how many slickly-printed and beautifully-written publications during the past two years have you read intriguing articles on the wonders of psychedelia?

One national magazine recently ran an admiring piece on three avant garde playwrights—one described as "a master of meaningless dialogue," another as "wallowing in filth, but writing like an angel," and a third as preaching that "up might as well be down, right might as well be wrong."

Thousands of books are being written in America each year. But have you analyzed the book reviews in the publications from which librarians draw many of their purchase ideas? How many excellently-written books with thoughtful and constructive themes are utterly ignored while the splashes go to the sensational, the odd-ball and damn-America schools? Check this out as you go through the book review sections.

We have seen the vast amount of publicity which any unmarried and defiantly cohabiting movie couple is guaranteed. There is money in blatant misbehavior.

And deviates who were once furtive are now open and in danger of becoming evangelical. The twisted have compulsion to twist others and recruitment is most effective and most devastating among the young. Thus, tolerance for the homosexual and the lesbian does not, as many liberals imagine, mean simply sympathetic understanding for those who many be hooked on a distressing aberration. It means, in addition, increasingly effective efforts to pervert adolescents of low sophistication and malleable habits.

A man is wise to learn from his enemies. Enemies can be good teachers. And the United States has, as its most implacable and tireless enemy, the communist theoreticians of Eastern Europe and Asia. However much Moscow and Peking may battle with each other over geopolitics, they are united in the hope and belief that western civilization will destroy itself.

Some first-time visitors to Russia are amazed at the enforced puritanism of the stage and literature. They are confused because most left-wing organizations in the United States are the preachers of the utmost liberatarianism and move quickly to the aid of purveyors of filth, practitioners of immorality and inciters to riot.

But there is no confusion at all in the mind of the dedicated communist. The quickest way to destroy what you consider a rotten civilization is to make it as rotten as possible. You give aid and comfort to the worst that is in it, counting on weakness and pruriency to rot it from within. You have to chop down a healthy tree, but a rotten one is a pushover.

Television entertainment is a new phenomenon in the world, and television entertainment that must be sustained by commercial advertising is a phenomenon of relatively few countries in which television is privately-owned.

Advertisers are attracted by head-counts and head-counts mean ratings. It is difficult to produce great literature, but easy to produce violence. Violence is action, which has particular attraction for the young.

As a result we in America have subjected an entire generation already to an almost unrelieved diet of shoot-'em-ups. In a single afternoon a child may see 50 people pistoled, strangled, stabbed, burnt, crushed and eliminated in even more exotic ways.

For a while, some psychiatrists expressed the hope that these vicarious murders would sublimate inner aggressions. But the water level of youthful violence has risen like a tidal bore. The report issued three weeks ago by the President's Commission on the Causes and Prevention of Violence stated flatly that much of the frightening savagery in the streets is a direct result of electronic mayhem, ground out in the quest for advertising profits.

The motion picture industry, dismayed at the inroads of television, discovered that it could lure back the teen-age crowd with great gobs of sex. With thousands of movie houses busy each evening pouring gasoline on the smoldering fires of normal, staminate youth the results were predictable. Why should we be surprised?

And now the movies that were designed to halt the inroads of television are beginning to appear on television. So now we have made the full circle.

But it is the stage that has sunk to the lowest depth. The muse has had her throat cut and the bare-bottom age is on us.

Where in New York today can you find a theater that would inspire your formative son and daughter with a sense of heroism and self-sacrifice and human triumph? No wonder Dave Merrick, the theatrical producer, said this summer that he was leaving for California until the filth clouds blow over. Let's hope he doesn't die in California.

I think it's time when the proprietors of the press, the publishers of popular magazines, the lords of television, the monguls of the screen and the producers of the stage looked upon the social wreckage around them and faced up to their own culpability.

We should have had about enough of cluck-smack journalism, the journalism that clucks piously over social misbehavior, portrays it in all its lip-smacking detail, and waits for the circulation figures to soar.

I think it's time that the great television tycoons and advertisers weighed the business of pulling sales figures up by pulling Young America down.

I see these gold-plated characters swaggering around the charity balls or rising at the banquets to mouth tired cliches about their concern for the disadvantaged and downtrodden.

But if, in their struggle for wealth and power, they help lower the quality of life in America I believe they have something to answer for.

I believe the TV commentator who fills his broadcasts with film clips of loud-mouthed revolutionaries demanding race warfare is not entirely guiltless of blood in the streets. Nor is his boss.

I believe the reporter who ignores the distinguished speaker invited to the university platform and who occupies himself with interviewing the storm troopers who tried to take over the stage is not entirely guiltless of a breakdown of the teaching system. Nor is his boss.

Let 20,000 patriotic Americans march down Fifth Avenue. Let 400,000 citizens cheer them from the curbs. And let 100 bearded Marxists try to block the march somewhere uptown. What happens? NBC, CBS and ABC and all the news reporters and photographers rush to the spot and give the impression that all New York erupted in fury that someone would dare show the flag.

Is this telling it like it is? Or is this a sucker game? The technique is calculated, polished and being used with increasing frequency. Isn't it time there was a statute of limitations on our stupidity?

I didn't often agree with LBJ, but I was right with him when he asked in bewilderment, "Why all this poor-mouthing of America?"

This goes far beyond the effort to improve and perfect our imperfect institutions. This is an effort to paralyze the nation with confusion and self-doubt. And it has been working far too well.

Gentlemen: we who run newspapers or radio or TV stations can sell things. Our ability to sell things keeps us eating.

We can sell soap, and we can sell misbehavior. We can sell automobiles, and we can sell treason. We can sell breakfast food, and we can sell addiction. We can sell ready-to-wear, and we can sell sex.

If we focus our cameras on and turn over our front pages to those whose aim is the destruction of the social responsibility that gives a people morale and dignity and the power to react against subversion—then, goodbye America!

If we permit the institution of a free press to be used by those who can hardly wait for the day when a free press will not be permitted, then we participate in our own execution.

If, in our quest for readers and viewers, we ignore all that has been right with our ideals and traditions and zero in on the cesspools and the pustules of our society then how can we blame our youth for wanting to blast it level.

Editing, gentlemen, as you all know, is selection. It is not merely the emphasis of that which is truly significant, but it is the emphasis of constructive and reasonable thoughts that point the way toward real solutions of real problems.

If in 1776 reports from Philadelphia had ignored the Continental Congress and covered only the busy bawdy houses we'd never have had a country. And if all the decent, honest citizens doing decent, honest and courageous things get less show from us than the screamers and boppers we'll lose that country.

Editors and publishers are supposed to be sophisticated. A mark of sophistication is to know when you are being used.

And, gentlemen, we're being used!

TOWARD MORE ADEQUATE SOCIAL SECURITY—III

Mr. WILLIAMS of New Jersey. Mr. President, I have begun a campaign to place in the CONGRESSIONAL RECORD as much evidence as I can about the need for upward revision of social security benefits.

One of my reasons for doing so is that I believe that the social security proposals offered by the administration on September 30 are inadequate and misdirected.

Another reason is that the Special Committee on Aging, on which I serve as chairman, is conducting a far-reaching study entitled "Economics of Aging: Toward a Full Share in Abundance." From hearings conducted in Washington, D.C., and the field, we have already gathered ample evidence about the deepening retirement income crisis in the Nation.

Recently, for example, at hearings in Bergen County, N.J., the committee heard from elderly residents of communities generally regarded as comfortable, if not affluent. From the elderly themselves, we heard testimony about what it means to live on fixed incomes in municipalities where all costs keep going up perhaps even more rapidly than elsewhere.

I ask unanimous consent to have printed in the RECORD two excellent articles published in the Hackensack, N.J., Record. I think they vividly recount the problems faced by millions of Americans who find that poverty or near poverty among the elderly can cause intense suffering wherever it strikes, whether in the central city or the nearby suburb.

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

EXPENSES OF AGED SKY HIGH

(By Roger Beirne)

Living costs for the elderly are rising more rapidly than living costs in general—and there is no end in sight.

Major factors contributing to the deteriorating economic status of elderly residents in Bergen County are likely to intensify in scope, according to a specialist in economic problems of the aging.

"The outlook for the elderly is dismal on at least three fronts. Housing and medical costs will continue to rise, as will local taxes," said the specialist, Dr. Gladys Ellenbogen, professor of economics at Montclair State College and a Hasbrouck Heights resident.

Housing and medical costs take a significant part of the older resident's spent dollar. At the same time, he fares poorly in the competition for the tax dollar in Bergen where school enrollment figures, for example, are ever on the rise. According to the economist, factors that make Bergen an affluent area—increasing population and high and rising family incomes—create exceptional economic pressures on older residents.

TWO PROPOSALS

In her talk at Senate special Committee hearing on "Economics of Aging" at Bergen Mall yesterday, Dr. Ellenbogen proposed, among other policies for relief for the elderly:

1. Special savings accounts in which interest earned on savings would not be taxed until withdrawn—at the lower rate of the nonearning years of later life.

2. Allow the employe's share of a contributory pension to be an itemized deduction from his adjusted gross income.

"My suggestions do not call for government spending—rather for less government income," the economist said.

Other policy suggestions considered by the committee—with which she is in agreement—include higher property tax exemptions, rent supplements, more extensive health protection and higher Social Security benefits.

Of her two suggestions, the economist, who calls for an eye-to-eye battle with the problems of the elderly today, said such measures would permit all to help plan for older age with their own money.

"Pensions should be portable," she also said. "As it is now each time we leave a job and start a new one, pension costs for the employe and the employer rise. Pensions should vest after a short number of years. With vesting and portability we should always be 21."

In her analysis, Dr. Ellenbogen said:

"The cost of living in the New York-Northeastern United States—that's us—has increased more in the last 10 years than in any other part of the country.

"So that we have had in New Jersey over the last 10 years, as contrasted with the rest of the country, proportionately more people; more people over 65, more school-age residents and the steepest rise in the cost of living anywhere in the United States."

Why the problems for the elderly will intensify, she said, that those costs on which the 65 and older spend their income—housing, medical care, and services—are rising more rapidly than living costs in general.

"There is no reason to expect the climb to slow down—on the contrary they will continue to rise sharply," she said. "If I may inject a cynical note—the only prices the administration has been successful in forcing down are stock market prices. I'm not sure I appreciate their anti-inflation efforts along these lines.

". . . In New York-Northeastern New Jersey, medical costs in the past 10 years have soared 63 per cent—this is as of June of this year—they've probably risen more in the last six weeks."

The increase in population 65 years and over spreads the problem of generally rising prices and upward pressures on local taxes, on real estate costs and on prices of goods and services. The area's rate of growth of population 65 years and over is increasing at a rate of 50 per cent greater than that of the nation as a whole. By their ever increasing numbers, the older residents become more identifiable in their common defenselessness against economic pressures.

"In Bergen County there are 15,984 homes

on which the 65 or over taxpayers claim the $80 deduction on their property tax bill," Dr. Ellenbogen has reported in a paper on "The Economics of Aging in Bergen County." Since the homeowner's income must be $5,000 or less to qualify for this deduction, close to 8,000 homes and probably more have owners with $5,000 or less income. This is about 8 per cent of all nonmultiple residential properties in the county.

In nonpoverty metropolitan areas such as Bergen, according to the economist, nearly one out of every three elderly families is below the poverty level, whereas when the family head is, for example, in the age group of 55–64 the likelihood of falling into poverty classification is only one out of ten.

Commenting on medical care in her talk, she said:

"The increase in our population (Bergen) is largely in the younger and older groups, where medical care is more often sought than in other age groups . . . The demand for medical care has increased and will continue to increase faster than the supply of trained personnel and the supply of hospitals and nursing homes and medical schools. Therefore the price of medical care will continue to rise.

"We do not want instant medical education. We cannot have it. Nor can we instantly build medical schools or hospitals."

On rising housing costs in Bergen, she said:

"As a resident of one of the 70 communities I personally favor the one-family house and voted against apartments in my town. As an economist, I must admit, however, the cost of a dwelling unit will be higher if an acre is used for four single family homes than for 40 apartments. More than half of Bergen's 70 communities do not permit multiple dwellings.

"Older people seeking to sell their homes frequently find themselves priced out of both the smaller home market and the apartment. They are then faced with the rising cost of maintenance."

Costs of services will not stop rising. "Technological advantages cannot always be applied . . . We will continue to need more teachers and more policemen and others rendering services," Dr. Ellenbogen said.

AT 79, A HOUSE IS A HARDSHIP

(By Robert Armbruster)

Mrs. Anna P. Lucchesi was not afraid to tell Sen. Harrison A. Williams, Jr., D-N.J., her age.

She's 79. She also had quite a story to tell.

The Park Ridge resident, a widow since 1956, said she and her late husband bought their two-bedroom bungalow in Park Ridge in 1935 for $4,200. She recalls that her property tax was $98 in 1936.

This year her expected income is $1,958. Her property tax is $746. She also has to pay a $260 sewer assessment.

ATTACHED TO HOME

"I love my home so dearly," said Mrs. Lucchesi, one of approximately 20 speakers at the U.S. Senate Special Committee hearing on the "Economics of Aging." "It has so many memories. It's a comfortable home, easy to take care of. I'd be very upset (about having to sell it.)"

Mrs. Lucchesi, who earned $45 a week at a part-time job until she was 75, said her property tax jumped from $98 in 1936 to $129 in 1946, $182 in 1956, $462 in 1966, to $746 this year.

She noted that she also spends about $180 a year for medication, leaving her with slightly less than $800 for food, clothing, heat, and all other living expenses.

Mrs. Lucchesi was one of many speakers who told Sen. Williams at the hearing yesterday at Bergen Mall auditorium, Paramus, of the huge expense to senior citizens of property taxes, housing costs and medical expenses. Approximately 350 persons, including many public officials, attended the hearing.

SEEKS MORE BENEFITS

Sen. Williams told the press that armed with testimony he and other members of the committee have taken at hearings throughout the nation, he intends to introduce a bill that will increase Social Security payments to the elderly. After this action at the next session of Congress, he said, "We would hope to do the realistic job of making the payments in the future according to a cost-of-living escalating schedule, so we won't have to change the figures annually.

John Terhune, 78, of Park Ridge, described as desperate the plight of many elderly homeowners. "The property tax has now reached the point of confiscation," he declared.

Mrs. Mildred Krasnow, director of the Bergen County Office on Aging, also told Williams and the approximately 350 persons at the hearing:

"We must find a way to take the tax burden off the property owner."

Other speakers noted the small number of apartments available to senior citizens. One man called for ceilings on rent.

Ralph Van Syckle, Tenafly welfare director, said in his town, regarded as financially well-to-do, senior citizens are also afraid they will have to give up their homes.

"They do not want to move out of Tenafly," he said. "Because of their pride they told me they did not want to receive public assistance of any kind. Most aged have pride and do not want to be on relief roles."

He suggested the name "Old Age Assistance" be changed to "Old Age Pensions".

SLUM CONDITIONS

John Perry, director of the Englewood Neighborhood Center, suggested a federal Department on Aging, noted the special problems of the elderly in slum areas.

"Senior citizens living in slum areas are paying in excess of the worth of their rentals with little or no services," he said. "Premises are unkempt, overcrowded firetraps, unfit for human habitation. We should have more residences for senior citizens, and should establish discount centers for the aged."

He also advocated abolition by businesses and industry of mandatory retirement ages.

Irving Steinberg, president of the Golden Age Club of the Hackensack YMHA, called for low-cost public transportation for senior citizens.

"Between 9 and 4 we would like to get low-cost transportation," he said. "At that time, buses are running empty."

The senator replied he hopes this will come about in New Jersey. "Throughout the country there are enlightened bus companies that are reducing fares," Williams commented.

Other panel members included Rep. Henry Helstoski, D-N.J.; Freeholder William J. Dorgan; and State Senators Willard B. Knowlton and Joseph C. Woodcock, Jr.

TOWARD MORE ADEQUATE SOCIAL SECURITY—IV

Mr. WILLIAMS of New Jersey. Mr. President, many millions of elderly Americans are living on incomes that support neither comfort nor even basic needs.

For that reason, it is vital that Congress enact legislation which will raise overall social security benefits and will also raise minimum benefits to levels worthy of a great Nation.

For that reason, too, I am placing in the RECORD letters, statements, and other exhibits which show how intense the needs of our elders are.

The Special Committee on Aging—now conducting a study of the "Economics of Aging: Toward a Full Share in Abundance"—is systematically gathering information in Washington and in the field on all aspects of the retirement income crisis.

At one hearing held recently in New Jersey, the committee received direct evidence to the economic pressures upon the elderly in a county where large numbers of retirees had gathered in recent years. Many of them had saved for years for security in old age; many were willing to work even yet, if they could find jobs. They were not poor, but, on the other hand, they were not secure.

The Atlantic City Press provided a good account of the problems expressed at that hearing. I ask unanimous consent that the article be printed in the RECORD as one more argument for appropriate congressional action on social security at the earliest possible date.

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

SENIOR CITIZENS' INCOMES "STUCK," SENATE UNIT TOLD

(By Jack Weigand)

CAPE MAY.—Senior citizens with "stuck" incomes are caught in the tentacles of rising costs, it was disclosed Friday at a hearing conducted here by the U.S. Senate Special Committee on Aging.

Some hoped-for solutions to the problems of senior citizens included fewer limitations on social security benefits, more diversified Medicare and Medicaid benefits, more low cost housing and adequate transportation facilities for the elderly.

"Our purpose," committee chairman Sen. Harrison A. Williams, (D-N.Y.) said, "is to learn first hand about the pressures upon the elderly in a community and county in which large numbers of persons have come for retirement."

Retirees have planned carefully for their later years and even the most careful plans can be disrupted by change and rising cost, he said.

"The best and most practical testimony comes from the people directly affected by government policy and actions," the senator said.

"Today we are in a county where many persons have come from elsewhere to retire in an area where 18 per cent of the population is more than 65 years of age."

The first of four panels to testify was made up of retired citizens who had either been born in Cape May County or had migrated here from other more populated areas.

One of the citizens who had retired to Cape May from the coal regions of Pennsylvania, Al Morgan, discussed the limitations of employment income on the retiree collecting federal pensions or social security.

"Using myself as an example, he said, "I had to turn down a position on a Department of Aging TV program because it would reduce my veteran's pension to a point where it would cost me money to work."

Wages and prices are continually on the rise and as wages go up so does the price of commodities and "the senior citizen with a fixed income is stuck," Morgan said. "Even the seven per cent increase in social security has been eaten up with taxation and prices," he said.

"The aged must live on a fixed income in a period of inflation," John Edmunds, another of the panel of retirees, said.

"How can the aged with an income fixed to low-cost living adjust themselves to an era of inflation when the city seeks to keep

pace with other cities, and when schools strive to meet their requirements," he asked.

Some of the advantages in retiring in a seashore area were cited by Walter Measday.

A seashore community such as Cape May has a relatively moderate climate that makes fuel bills more modest. The clothing worn is more informal and less expensive. There is recreation in the form of fishing, bathing and boating or if you like gardening or bird watching, they're at your doorstep.

Even in a period of high building costs, you can build or buy a home for less than in a metropolitan area. Taxes are lower and temporary jobs during the summer months are available for older persons to supplement their income.

"On the other hand, there are disadvantages such as lack of permanent year-round employment and limited shopping facilities unless you own an automobile," Measday said.

After hearing the testimony of the first panel, Sen. Williams said, "I feel the population on retirees in Cape May will rise after the recommendation of this panel."

Some of the things being done to help the aged in Cape May were outlined by Mrs. Anne Zahora, executive director of the Cape May office on Aging.

"With the cooperation of the local merchants, we make discount purchasing cards available for the senior citizen which have been of great help especially in prescription needs," she said.

A monthly news letter for retirees, an information booth manned by the elderly on a voluntary basis, a local TV show aimed at the senior citizen, plus an informational and referral service for the retiree were some of the other services she outlined.

The second panel to testify before the senator consisted of city and county government officials led off by city manager Jack Needles who outlined some of the advantages retired persons offer a community.

"It has been our experience that these people bring with them a great deal of talent, vitality and clearness of thought in the approach to municipal matters, Needles said.

The experience and knowledge of the retiree leads to more comprehensive planning and insight in many of the cities important committees such as the planning board, the recreation committee and the mayor's advisory committee, he added.

Present legislation is inadequate by not providing the older person with the economic ability to integrate and participate in the community, Needles said.

"People living on fixed incomes become victims of the very programs that are intended to help them," David Heacock, director of Cape May Urban Renewal, said.

In federal assistance programs such as urban renewal, a plan of community improvement forces property owners to maintain their properties to comply with building and housing code requirements forcing debts upon the elderly to comply with the law, he added.

"A major problem is locating low cost housing near convenient shopping and other facilities within easy reach of senior citizens, Heacock said.

One of the solutions offered by Needles was to create state or regional agencies to assist local governments lacking expertise in developing housing projects for the elderly.

Once again the problem of transportation was brought to light by Jack Buchanan, director of the Cape May County Food Stamp Program.

"Many older persons have had to drop out of the program because they were unable to find transportation to get their food stamps," he said.

Although the program has proven to be highly worthwhile, Buchanan cited "pride" as one reason there are not more people involved in it.

First to speak on the third panel was Ruben R. Blane, district manager of the Social Security Administration of Atlantic and Cape May Counties.

"The state lists three resort areas as surplus labor areas during post-season with an employment rate far above the state average," he said.

However, Cape May and Atlantic counties ranked first and second of all the counties in the state with families having income of less than $3,000, Blane said, because of the large amount of retirees.

"As of the end of 1968, monthly benefits at the rate of more than $14 million, were being paid to residents of Cape May County, while those in Atlantic County added up to almost $34 million annually," he added.

One out of every five in Cape May County and one out of every six residents in Atlantic County receive social security benefits, Blane said.

"Like other parts of the social security program, medicare has become an accepted part of American life, contributing greatly to the health and security of our 35,000 older citizens in Cape May and Atlantic counties," he said.

The fundamental dilemma is the need for more medical care than the average younger person. The retiree's fixed income is much lower and they can't afford to pay the premium costs now charged for care, Blane added.

"Our older people are getting about 20 per cent more hospital care than they received before medicare, thus extending their lives," he said. "Still the increase in medical care costs are rising and we're giving this our primary attention," he said.

Restrictions under the present medicare law actually keep the most needy persons from receiving aid when they need it most, Mrs. Ann Magee, director of The Jersey Cape Visiting Homemakers Service, said.

"If a case is decided to be terminal, there are no benefits for unskilled assistance as is available with our agency," she said.

The need for better communications between the physician and the home health agency, the discontinuation of care payments before the person is completely recovered and the attitude of some professionals that if a patient appears successful, he should pay for his own care, were other problems outlined for the committee.

A panel of "green thumb" workers also spoke before the committee, reiterating the problems of the aged as they have encountered them.

The Department of Labor-sponsored group is now working in 15 states, including 10 counties of New Jersey employing 143 men, the oldest of which is 95.

TOWARD MORE ADEQUATE SOCIAL SECURITY—V

Mr. WILLIAMS of New Jersey. Mr. President, the evidence mounts every day on the need for more adequate social security benefits.

As I have said on these pages within recent days, Congress should act at the earliest possible date to raise minimum benefits and to make a really substantial across-the-board increase. The 10 percent general increase proposed by President Nixon is inadequate, unrealistic, and off-target. It fails, for example, to raise the $55 minimum benefit to a higher level before adding the 10-percent increase.

The Special Committee on Aging has already issued reports indicating that more than 7 million older Americans live in poverty or near-poverty. It has reprinted data showing that 50 percent of elderly single people living alone have incomes of less than $1,480, and one-fourth have $1,000 or less. Also, the committee has tried to emphasize that economic insecurity among the elderly should be of concern to all generations.

The national statistics on need among the elderly are worthy of considerable concern, but the problem is even more severe in certain geographical regions.

The New York Times of October 23, for example, contains a front-page story which declared that a retired couple in the New York City area needs to spend 11 percent more than retired couples in other cities to maintain a moderate standard of living. I ask unanimous consent that the Times article and statistical tables be printed in the RECORD. I commend the sponsors of the rally described in that story including the National Council of Senior Citizens. The elders of New York City provided moving, personal testimony about the daily struggle they face in attempting to pay for daily necessities.

I also point out, as emphatically as I can, that the problems described in the New York Times are not limited to the central urban areas. Recently, the Special Committee on Aging conducted a hearing in Bergen County, N.J., just across the Hudson River from upper Manhattan. There we heard about the economic pressures upon the elderly in suburban areas. Elderly individuals who had lived for decades in a community were finding out that rising real estate taxes and other costs are causing widespread despair and desperation.

For that hearing, the committee was fortunate in having a working paper prepared by Dr. Gladys Ellenbogen, professor of economics at Montclair State College. She, too, discussed the high cost-of-living in the New York City-Northern New Jersey metropolitan area, and she provided the following report on the outlook for the elderly in Bergen County:

Briefly, the outlook is dismal on at least three fronts: housing and medical costs will continue to rise and local taxes will rise. Any help for the elderly can only come from levels of government above the municipal level. With the exception of greater property tax deductions for the elderly, which is a matter for the New Jersey legislature, other help must come from the Federal government through raising social security and through greater income tax relief.

Housing costs will continue to rise because of the intensified demand for housing in Bergen County and because of the slow rate of growth of housing units. For the first quarter of 1969 the total authorized dwelling units in Bergen County amounted to 469, a sharp decrease from the 1,447 in the first three months of 1968 or the 1,000 units of the first three months of 1967. This failure to keep up with past years cannot be attributed to tight money because many counties in the State sharply increased their authorized dwelling units in the first three months of 1969 over previous years.

Medical costs will continue to rise because of the inadequate supply relative to the demand for medical services. Even if an extensive health insurance program were to be enacted at the Federal government level there can be no instant increase in the number of trained professional personnel nor can there be an instant increase in the number of health care facilities such as hospitals and nursing homes.

Local taxes will continue to rise because of increasing school enrollments and because a rising population, regardless of age, requires more municipal services such as sewage disposal, police and fire protection and construction and maintenance of local streets. The costs of municipal government necessary to administer large population densities have risen and will continue to rise.

In suburbs and in the central city, the circumstances may vary, but the end result is the same: the majority of elderly in our Nation live in economic insecurity, and their problem is worsening. The case is clear for raising social security benefits as the first step in a really comprehensive effort to change the situation for today's elderly and all the elderly of the future.

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

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

RETIRED COUPLES IN CITY FIND LIVING MORE COSTLY

A retired couple in the New York City area needs to spend 11 per cent more than retired couples in other major cities to maintain a moderate standard of living.

The regional office of the United States Bureau of Labor Statistics issued a survey yesterday that showed that for retired couples, keeping up with the Joneses means keeping a close watch on every dollar.

To maintain what people generally consider a moderate standard of living, a retired couple here needs $4,407 a year, $398 a year more than they needed in 1967, according to the Federal agency.

The statistics had real meaning yesterday for more than 4,000 old people who gathered at a Manhattan Center rally to protest what one speaker called "the Scylla and Charybdis of a fixed income and rising prices."

Wearing blue and white "senior power" buttons, the old people made it clear that they felt the survey's budget for a low standard of living—$2,947—was very low indeed.

David Landinberg, an 82-year-old great-grandfather who keeps house for himself and his wife, who is ill, said: "Everytime I go to the supermarket the prices are higher. We haven't been to a movie in years, except once in a while to Radio City. The prices are still reasonable there."

Philip Berman, a 76-year-old retired insurance salesman, noted, "You gotta cut here, cut there, and finally decide that you're going to make do."

He and his wife live primarily on his $188-a-month Social Security check, which provides in a year less than the low-income budget compiled by the Bureau of Labor Statistics.

Mr. Berman noted, "Entertainment is completely out for us now. My wife and I have cut all the way back on clothing."

The budget estimates, which reflect prices in the spring of this year, are supposed to reflect a reasonable manner of living, not mere subsistence.

FOOD AND HOUSING HIGH

The average couple was described as a husband, age 65 or over, and his wife, who are self-supporting, living alone, enjoying fairly good health, receiving hospital and medical care protection under Medicare, and occupying a five-room or six-room mortgage-free house or a two-or-three-room rented apartment.

The couple also possesses an "average inventory of clothing, home furnishings, major durables and other equipment," according to the report.

The survey said that if the couple wanted to maintain a higher than moderate standard of living, which might include using air-conditioning, perhaps a car, and more paid services, a total of $6,623 a year would be needed in the New York area.

The higher figure is about $800 a year more than in the national urban average. But Boston requires a budget of $6,761 to maintain a similar standard.

The biggest cost items for retired couples were, as expected, food and housing. The lower standard budget allowed only $34 a year for transportation for the couple.

The biggest cheers at the older people's rally came for a bill introduced in the House of Representatives yesterday by Representative Jacob H. Gilbert, Bronx Democrat, which would raise the minimum Social Security payment from $55 a month to $90 by 1970 and to $120 by 1972.

President Nixon recently proposed a 10 per cent increase in Social Security benefits and noted that the average retired couple now receives $2,040 a year in benefits and is allowed to earn another $1,600 without any loss of benefits.

Mayor Lindsay was the only one of the three mayoral candidates to accept an invitation from the sponsoring organizations to address the gathering. He cited what he said were his achievements on behalf of the elderly, noting the half-fare subway and bus fare, rent rollbacks and increased police protection.

COSTS FOR RETIRED ARE UP SHARPLY

A chart compiled by the U.S. Bureau of Labor Statistics showing the annual cost of consumer goods for retired couples at 3 standards of living in the New York area and urban areas as a whole

	New York area cost			Urban U.S. cost		
	1969	1967	Percent rise	1969	1967	Percent rise
Lower budget:						
Total family costs	$2,947	$2,683	9.8	$2,777	$2,556	7.9
Food	919	845	8.8	851	789	7.6
Housing	1,239	1,142	8.5	1,010	939	7.3
Transport	34	33	3.0	205	191	10.6
Clothing and personal care	249	223	11.7	240	217	13.6
Medical care	353	301	17.3	334	294	8.7
Other	153	139	10.1	137	126	8.6
Intermediate budget:						
Total family costs	4,407	4,009	9.9	3,940	3,626	7.9
Food	1,277	1,173	8.9	1,131	1,048	7.7
Housing	1,835	1,682	9.1	1,433	1,330	7.9
Transport	269	247	8.9	412	382	10.9
Clothing and personal care	412	368	12.0	396	357	13.9
Medical care	355	303	17.2	337	296	8.5
Other	259	236	9.8	231	213	8.7
Higher budget:						
Total family costs	6,623	6,012	10.2	5,803	5,335	7.9
Food	1,543	1,418	8.8	1,387	1,285	8.4
Housing	2,858	2,609	9.5	2,239	2,066	7.8
Transport	685	617	11.0	735	682	10.7
Clothing and personal care	617	550	12.2	608	549	13.4
Medical care	357	304	17.4	339	299	9.0
Other	563	514	9.5	495	454	8.8

TAX REFORM ACT OF 1969: REVENUE GAIN AND LOSS

Mr. HART. Mr. President, the House-approved version of the Tax Reform Act of 1969, according to a report prepared by the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Finance, grants $9.273 billion in tax relief while picking up $6.855 billion in new revenue from loophole closings. These figures are for 1979, when all provisions of the bill would be in effect.

In other words, the House-approved bill would mean a reduction in Federal revenues of $2.418 billion in 1979.

It is my view that the Tax Reform Act should balance or come close to balancing revenue lost through tax relief with revenue gained through loophole closings, and that tax relief should flow primarily to middle- and low-income families.

Looking ahead, I can see no lessening in demands on the Federal dollar.

If we are to solve the housing shortage, establish some sort of revenue-sharing program with State and local governments, clean the air and water, eradicate hunger and malnutrition, rejuvenate our cities, we should not act at this time to reduce Federal revenues.

Because of existing loopholes, we can grant tax relief where it is needed most and still pick up even new revenue to offset that loss.

It seemed to me that it might be useful to summarize the daily actions of the Finance Committee as they affect the balance between tax relief and tax reform.

The figures, which may well be on the conservative side, have been developed by the AFL–CIO.

My intent in publicizing these figures is not to endorse or oppose any particular section of the bill, but merely to note any increases or decreases in the revenue lost which result if the House bill became law.

The figures are listed by the date the Finance Committee made public its actions on a particular section of the House bill. These figures indicate that as of October 24, actions by the Committee on Finance would reduce Federal revenues by $455 million more than the House-approved bill.

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

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

COMPARISON OF HOUSE, ADMINISTRATION, AND SENATE FINANCE TAX-REFORM PROPOSALS

Provision	House bill	Administration proposal	Senate action	Revenue difference between House and Senate when provisions fully effective (millions)
Oct. 9: Municipal bonds	Subsidize interest for municipality issuing taxable bonds. Interest income would be included in LTP and allocation of deduction. Revenue gain, $80,000,000.	Delete subsidy. Deleted bonds from LTP, kept in allocation. Revenue gain, $45,000,000.	Deleted subsidy proposal. Deleted inclusion of interest in LTP and allocation. Revenue gain, $0.	−$80
Oct. 10:				
50 percent maximum tax on earned income.	Reduce maximum tax on earned income to 50-percent rate. Revenue loss, −$100,000,000.	Support House bill. Revenue loss, −$100,000,000.	Delete provision	+100
Gasoline-tax deduction	No provision	Eliminate deductibility. Revenue gain $390,000,000.	No provision	
Capital gains holding period	Extend from 6 months to 1 year. Revenue gain, $150,000,000.	Retain present law 6-month holding period. Revenue gain, $0.	Retain present law 6-month holding period. Revenue gain, $0.	−150
Deferred compensation	Tax deferred compensation when received at rate equivalent to rate in year earned. Revenue gain, $25,000,000.	Deleted House provision. Revenue gain, $0	Deleted House provision. Revenue gain, $0	−25
Investment tax credit	Repeal with some exceptions and amortization liberalizations. Revenue gain, $2,800,000,000.	Supported House with some exceptions. Revenue gain, $3,100,000,000.	Accepted House with exception for railroad rolling stock. Revenue gain, $3,100,000,000.	0
Oct. 13:				
Charitable contributions	Increase deduction limit to 50 percent. Revenue loss, −$30,000,000.	Support with some changes. Revenue loss, −$30,000,000.	Accepted House bill plus administration modifications. Revenue loss, −$30,000,000.	
Unlimited charitable-contribution deduction.	Repeal with a 5-year phaseout rule. Revenue gain, $50,000,000.	House plan. Revenue gain, $50,000,000	House plan with some exceptions in phaseout. Revenue gain, slightly less than $50,000,000.	(1)
Oct. 14:				
Income averaging	Extend income averaging to capital gains, wagering, and gift income; and liberalize rate. Revenue loss, $300,000,000.	Supported House. Revenue loss, $300,000,000	Delete capital gains, wagering, and gift income from income eligible for averaging. Retain House rate liberalization. Revenue loss, $110,000,000.	+$190
Moving expenses	Liberalize moving-expense deduction. Revenue loss, $100,000,000.	Supported House. Revenue loss, $100,000,000	Accepted House. Added self-employed. Revenue loss, $110,000,000.	−10
Interest deductions	Limit deduction of interest on funds borrowed to carry investments. Revenue gain, $20,000,000.	Delete. Revenue gain, $0	Put over	
Oct. 15:				
Accumulation trusts	Tax trust income as if earned by beneficiaries. Revenue gain, $70,000,000.	Support House. Revenue gain, $70,000,000	Accepted and slightly strengthened. Revenue gain, $80,000,000.	+10
Foreign tax credits	Limit income-tax credits for foreign osses and trim tax advantages of foreign royalties. Revenue gain, $65,000,000.	Support House with change in treatment of foreign royalties. Revenue gain, $50,000,000.	Delete House provision	−65
Multiple corporations	Limit corporations to one $25,000 surtax exemption—8-year transition. Revenue gain, $235,000,000.	Supported House. Revenue gain, $235,000,000	Strengthened phaseout and weakened effective date. Revenue gain, $235,000,000.	0
Conglomerates	Deny interest deduction in certain corporate merger activities. Revenue gain, $70,000,000.	Support House. Revenue gain, $70,000,000	Put over	
Oct. 16:				
Surtax	5 percent surtax to June 30, 1970. Revenue gain, $3,100,000,000.	Accepted House. Revenue gain, $3,100,000,000	Accepted House. Revenue gain, $3,100,000,000	0
Financial institutions	Limit bad-debt deduction; tax gain on sale of securities as income, not capital gains; limit tax exemption of foreign depositors. Revenue gai $460,000,000.	Support House bill with some changes. Revenue gain, $410,000,000.	Substantially weakened House-placed limitations on bad-debt deduction and certain transition rules. Revenue gain, $210,000,000.	−250
Oct. 17: Farm losses	Limit tax advantages of certain farm losses, through the establishment of excess-deduction account; tighten depreciation recapture rules, capital-gains provisions applying to livestock, and hobby-loss provisions. Revenue gain, $20,000,000.	Strengthen House bill so that EDA rules apply to taxpayers with nonfarm income of $25,000—House uses $50,000. Revenue gain, $50,000,000.	Adopted substitute provision which would disallow 50 percent of excess deduction. Weakened livestock, capital-gains, and hobby-loss provisions. Revenue gain, $20,000,000.	0
Oct. 20: Real estate	Limit double depreciation to new housing. Other real estate limited to 150 percent, and used property to straight line. Allow 5-year amortization for rehabilitation on low-cost housing and provide full recapture upon sale of property. Revenue gain, $1,005,000,000.	Supports House bill but suggests more favorable recapture provisions on residential housing and certain federally assisted projects. Revenue gain, $1,005,000,000.	Accepted House bill with administration suggestions and other minor changes. Revenue gain, $980,000,000.	−25
Oct. 21:				
Capital gains maximum tax—individuals.	Eliminate 25 percent maximum. Revenue gain $360,000,000.	Eliminate maximum tax only for persons with large amounts of capital gains. Revenue gain, $300,000,000.	Deny maximum to those with other preferred income over $10,000 and married couples with capital gains of over $140,000. Revenue gain, $300,000,000.	−60
Capital gains maximum tax—corporations.	Raise alternative rate from the present 25 percent to 30 percent. Revenue gain $175,000,000.	Supports House. Revenue gain, $175,000,000	Accepted House. Reveune gain, $175,000,000	0
Oct. 23: Percentage depletion	Reduce depletion to 20 percent for gas and oil and comparable reductions in depletion for other minerals. Revenue gain, $400,000,000.	Accept House proposal. Revenue gain, $400,000,000.	Reduce depletion to 23 percent for oil and gas; retain present rates for other mineral industries. Raise present law 50 percent of earnings ceiling on depletion to 65 percent for firms with $3,000,000 or less in revenue. Revenue gain, $155,000,000.	−245
Oct. 24: Limit on tax preferences and allocation of deductions.	Provide a minimum tax and require deduction be allocated between taxable and nontaxable income. (Corporations not included.) Revenue gain, $545,000,000.	Supported House—recommended some changes in items considered as preferred income. Revenue gain, $540,000,000.	Adopted alternate proposal to tax preferred income of individuals and corporations at 5 percent after first $30,000. Revenue gain, $700,000,000.	+155
Other actions to Oct. 24	Revenue gain, $400,000,000	Revenue gain, $400,000,000	Revenue gain, $400,000,000	0
Total				−455

[1] Slight loss.

TAX POLICY AND TAX REFORM

Mr. KENNEDY. Mr. President, at the end of September, Prof. Stanley S. Surrey of the Harvard Law School delivered a major address on Federal tax and fiscal policy before the 62d annual conference of the National Tax Association, which was meeting in Boston. As Members of the Senate are aware, Professor Surrey is one of the most eminent authorities on tax law and tax policy in the Nation, having served for 8 years with distinction as Assistant Secretary of the Treasury under President Kennedy and President Johnson.

In his address, Professor Surrey discusses at length the current trend in Congress and the Nation toward tax equity and tax reform, and he notes the favorable atmosphere that now exists for the cause of tax justice. Most important, he emphasizes that, at bottom, the struggle for tax reform is a moral struggle, and that it would be immoral for us to continue the existing inequities of our Federal income tax laws.

Professor Surrey also deals with several other important aspects of tax philosophy, including the role of tax incentives, the concept of the "tax expenditures budget," and their relation to the major new incentives adopted in the

House tax reform bill in the areas of pollution control, housing, and transportation. In addition, in the final portion of his address, he discusses a number of other issues of tax policy, such as the negative income tax, social security financing, the use of tax policy for economic stabilization, and the value-added tax.

Mr. President, I believe that Professor Surrey's comprehensive address will be of interest to all of us concerned with tax reform and future developments in Federal tax policy and philosophy. I therefore ask unanimous consent that the address be printed in the RECORD.

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

FEDERAL TAX AND FISCAL POLICY—SOME ASPECTS OF FUTURE DEVELOPMENTS

(By Stanley S. Surrey, Harvard Law School)

The subject we are discussing today has much of the elements of a topic entitled "The Federal Tax System Twenty-Five Years From Now—What Will it Look Like." It would be interesting to place this discussion back twenty-five years—just about the end of World War II—and reflect on what would have been said at that time on such a topic. We could thus compare what were the principles, policies and predictions then set forth with where we are today. I have not engaged in that research. But some brief thinking about 1969 compared with 1945 does give us a few points of perspective.

The main features of the Federal tax system appear to change very slowly in peacetime. The public finance specialist who left the U.S. in 1945 and returned in 1969 would not feel much of a handicap in getting the sense of the present system and renewing his viewpoints and criticisms. He would have seen a persistent current of changes pushed in the post-World War II period by various industry groups, investors and executives seeking to increase their tax benefits and in the process to weaken the equity of the tax system. He also would have seen, in what we hope will always be the swing of this particular pendulum, a persistent current moving the other way in the last decade. He would have sensed increased awareness of the relationship between the tax system and fiscal policy as respects tax changes for economic stabilization purposes and for sustained economic growth. The traditional wisdom of the economists became the new economics of the tax policy marketplace, even perhaps as the economists were embarking on an assessment of that traditional wisdom. He would have to note the rise to significant importance of the payroll tax in response to the expansion of Social Security and allied benefits, and set this down as a major development. Alongside this change, was a decline in the importance of excise taxes at the Federal level. Finally, he would not find a marked difference in the legislative process by which we go about achieving changes in tax policy in the United States.

Of course, a lawyer or accountant or tax executive who took such a twenty-five year sabbatical would by no means be in the same position when he returned. All could well be bewilderment and confusion to him, for the pace of change in the operational and technical detail of the Code has been quite marked. The currents of change in these areas do leave the Code more and more complex as they pass by. Hence, tax planning and thus business and estate planning are far more difficult today from the tax standpoint, as well also as from other standpoints.

With this retrospective glance, should we venture to say anything about what the tax system of the United States will look like twenty-five years or even fifteen years in the future. Will the process of change be as slow as in the past or will there be a rapid pace of significant developments that can materially alter the tax landscape. I see no sense in engaging in prophecy along that line. Rather, I prefer to discuss some current—very current—trends that may extend into the future and then consider some possible new developments.

SOME CURRENT TRENDS THAT MAY CONTINUE

Tax equity

We are presently witnessing a concentration in Congressional tax activities on the equity or fairness of the Federal income tax. Such a concentration while long overdue is the culmination of persistent efforts on the part of the Executive Branch, primarily the Treasury Department, in the last eight years to stress the criterion of tax fairness and to call attention to the weaknesses of the present system. Those efforts have been materially assisted by academic economists and lawyers holding the same view, both in their writings and in the advice they have given to the Treasury Department as consultants. Studies in depth in various critical areas, notably those under the auspices of the Brookings Institution, have been a part of this academic activity. These Treasury efforts and academic activities have had an effect upon a small but articulate group of publicists, notably in the Washington press corps. They in turn have done a remarkable job in educating the public about these matters and in heightening the clarity and perception with which the content and course of tax legislation have been reported. A Congressional tax staff more attuned to the realities of current tax problems and having a broader base of knowledge and reference has been a part of this chance in attitude. Also, within the organized legal profession there has been a growing realization of the need for improvement, with a small group of lawyers, many of them "Treasury Department graduates," in the forefront of this trend.

The need for stabilization purposes to increase Federal income taxes through the adoption of the 10% surcharge, and now its extension, have been a significant catalytic agent for tax reform. In this sense, we see once again the working of the view that in periods of war do we find the major movements in tax policy.

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How deep is this Congressional emphasis on tax fairness and the desire for structural improvement in the tax system? And how sustained will it be—is it for example strong enough to carry the current tax bill to a successful conclusion? Clearly the emphasis in the Ways and Means Committee and in the House was much stronger than many had assumed. Congressmen who had taken little interest in reform proposals a few years back, or had opposed them, were now strongly urging those same proposals. But tax reform is a bitter struggle, and pressures against it are intense and often mutually reinforcing. In this area real success obviously comes more readily with strong Presidential and Treasury Department leadership working with a determined and influential group within the Congress and having—and developing—strong support from public opinion. Only rarely in our tax history do all these factors moving in their various orbits suddenly come into the proper supportive positions relative to each other. We can only hope that the remaining months of 1969 and thereafter will mark such an alignment, and that the factor of Executive Branch leadership will be present to unite with the other factors.

One further word on tax fairness and the current bill. The present struggle for tax reform is essentially a moral one. It is totally immoral for us as a nation to continue the inequities of our Federal income tax. It is immoral to place income tax burdens on those in poverty or close to it. It is immoral to have an efficient withholding system for wages and salaries that inexorably collects the tax liabilities of the little fellow and the moderately well off salaried person and then to tolerate the wholesale escape from their tax liabilities that characterizes our high-income recipients as a class. It is immoral to condone tax rules under which investment counselling houses and tax consultants operate a national supermarket in pre-packaged tax shelters.

I believe that many in the Congress and a large part of public opinion do recognize the profoundly moral implications of the current stress on tax fairness. Let us hope so. In this recognition can lie the strength and continuance of such an attitude. For an enduring principle of tax policy must be a strong, consistent emphasis on tax fairness.

Tax incentives

I believe we are also presently witnessing a widening understanding of the problems of tax incentives—the problems involved in the use of the tax system to provide Governmental financial assistance rather than furnishing that assistance through direct expenditures. Much of the reform in the House Bill involves the cutting back of existing tax incentives, some long in our tax system.

The publication in the Report of Treasury Secretary Fowler for Fiscal Year 1968 of a Tax Expenditure Budget and the updating of that Budget by Secretary Barr in testimony before the Joint Economic Committee in January, 1969—examples of the type of leadership a Treasury Secretary must take if the tax system is to be improved—for the first time enables us to gain some awareness of the magnitude and direction of the assistance that is granted through the tax system. There is much for public finance and expenditure economists to study here, for one suspects a very significant wastage and misallocation of resources. There are about $45 billion of tax expenditures that have scarcely been analyzed. There is also the basic undercutting of the fairness of the tax system that occurs when tax incentives are used, for each tax incentive offered to meet a national problem, real or supposed, means that the progressive income tax has to be set aside pro tanto. Individuals are made wealthy through the tax benefits of those incentives without subjecting the financial assistance so obtained to the moderating influence that a progressive income tax is designed to apply to the financial rewards of risk taking and enterprise in our society.

There is much to be learned and taught regarding tax incentives. Their strong defense by those who benefit from them has an ironic quality which many of those beneficiaries do not recognize. They claim to be stressing the wisdom of giving private enterprise free play without Government influence when in reality they are stressing private enterprise *plus* Government financial assistance. At the same time that some legislators are engaged in difficult struggles to draw back on existing incentives, other legislators—and the Treasury Department—are, at a single, almost casual stroke, adding new incentives. Without any study at all, the Ways and Means Committee commits the Government to an expenditure of nearly a half billion dollars for pollution control facilities installed by industry. Without any study at all, the Treasury Department induces the Committee to commit the Government to an expenditure of over $300 million in the rehabilitation of rental housing. Neither action is taken with any regard to overall priorities in the pollution control and

housing areas. There are other examples in this current tax bill—the seven-year amortization for railroad cars in the House Bill and the Treasury proposed exemption of 5% of the gross income of financial institutions from certain loans. There is something wondrous in a process in which efforts are being made to have some of the long-time residents in our tax incentive shelters either move out or change to less luxurious quarters while at the same time new residents are welcomed without any check on their credentials. Once in, of course, the new residents will certainly work to create an imposing credentials to embroider a "Don't Disturb" sign on their quarters—just as the present residents are fashioning urgent national policies and incentive needs to support tax policies originally adopted without any thought at all along such lines but instead for limited technical tax considerations of administrative convenience and the like.

We thus have much more to think about and work on in this tax incentive and tax expenditure area. But here also the thought and work are vitally necessary both to an improved tax system for the future and to a more rational Government expenditure policy. We must find appropriate mechanisms to transfer to direct expenditure programs the funds now involved in the present tax expenditure programs to the extent Government assistance is considered still to be appropriate. We must seek to understand and overcome a legislative psychology that will refuse to vote direct appropriations for carefully structured programs but accept without hesitation tax expenditures in the same area for programs having no structure or study at all.

All of this has major meaning for the future interrelationship of the Federal tax system with our social and urban problems. We must know more than we do about how that system contributes to those problems, for example in its effects or non-effects on the distribution of income in this country. We must know more than we do about all the proposals to involve that system, generally through tax incentives and tax credits, in the solutions to those problems. Whatever heading we apply to classify these matters, be it tax incentives or tax expenditures or the relation of the Federal tax system to urban and social problems, these matters should occupy major attention in the period ahead.

Simplification and complexity

There are aspects of tax simplification in the current tax revision. These are largely found in the proposal to increase the standard deduction and as a by-product of an increase in the minimum standard reduction. Also, here and there a technical structural change, such as in the averaging provision, will work for reduced complexity. But in many a specialized area the revision will presumably produce some added complications or substitute one form of complexity for another. Much of this is inevitable, given the complexity of so much else in our society and the necessarily wide impact of a Federal tax structure. I would go slow indeed in urging that worry about such complexity take precedence over worry about unfairness and lack of equity. For I doubt we have ever seen any group reject a tax benefit on the grounds of its complexity. Rather that argument is reserved for use when a change is proposed to reduce a present benefit.

Further, the basic question is not so much complexity itself as that of the effective management of complexity. Here the task is one of making complexities understandable, of efficiently providing answers to questions that grow out of complexity—provided the questions relate to genuine business activities and not to tax avoidance probings of just how far can some provision be exploited by taxpayers—and of preventing complexities from being improperly exploited by the Government. This is a task that modern tax administration must face and on which it must constantly work to maintain as much coherence and order as possible.

SOME POSSIBLE NEW DEVELOPMENTS

Let me turn now to consider what may be some major new developments in our Federal Tax System.

Negative income tax and the positive tax system

The years ahead are quite likely to see the development of some combination of an extensive Federal welfare expenditure system with our present positive income tax structure. Presumably this linkage of negative and positive tax systems will develop slowly and experimentally. Our public finance and welfare specialists have been working at this and their ideas are gaining an acceptance with a rapidity that is quite marked. The President's proposals in this area are an example. The report of the Heineman Commission on Income Maintenance should considerably advance the discussion. The current emphasis on relieving the very poor—those below the poverty level—from income tax burdens and alleviating the burden on low-income families above that level—is another force shaping the contours of the structure that is developing.

A factor that may make for more expeditious legislative analysis and thought about this subject is that both the welfare component and the positive tax component wall within the jurisdiction of the same Committees of the Congress—the revenue Committees. These Committees will have to deal with the subject of increased welfare payments and because of their jurisdiction will be able to consider both traditional approaches and new approaches such as the negative income tax or its family income variant in the President's plan, or the family or children's allowance payments under other plans.

Social security financing

The development of an integrated "welfare expenditure—positive income tax" system is likely to be accompanied by changes in the payroll tax financing of the Social Security system. Now that the payroll tax has grown to its present significant position, we are beginning to look more critically at the mechanism itself. Recent studies at the Brookings Institution are an illustration. Thus, the imposition of the payroll tax on the first dollar of earnings is in sharp contrast to efforts to relieve those in or close to poverty of their income tax burdens. The confinement of the payroll tax to wages and salaries, the upper limit on its application, and its flat rate are at odds with our emphasis on the progressive rate structure and total income concept of the individual income tax. The incidence of the two taxes is also markedly different. Developments are very difficult to predict, for an entrenched tax has great resistance to change.

It may also be that more attention to this area will lead to a reconsideration of the treatment of the aged under the income tax. A very large amount of financial assistance, about $2½ billion, is channeled to the aged through income tax preferences. No HEW administrator in his right mind would ever devise a program of direct assistance that would parallel the effects of the tax expenditure assistance.

Tax policy—and economic stabilization and growth

There undoubtedly will be significant developments in the relationship of tax policy to economic stabilization and growth. We are gaining experience in both the economics and the politics of using tax policy for stabilization and growth purposes. But obtaining a net gain in experience comes hard, for the politics often intrudes on the economics. Thus the political attitudes surrounding the investment credit, or more significantly its repeal, have made it difficult to think about that device as a useful tool for stabilization and growth purposes. This in turn could lead to thinking about far less efficient and less desirable approaches, such as depreciation policy. Informed, careful study of all such devices is appropriate but we should not put limits on such a study that would automatically exclude the investment credit from its scope. And also we should not resort to tax devices for economic stabilization and growth that are so interwoven with the fabric of the regular tax structure—and hence take on the protective coloration of the terminology and technicality that characterize that structure—so that only the keepers of the temple know which provisions owe their origin to economic stabilization or growth and which to the proper measurement of net income. The investment credit has no such camouflage and hence lends itself to straight-forward consideration of its purposes and effects in different economic climates. On the other hand, one suspects that the use of depreciation policy for stabilization or growth purposes would have a highly effective camouflage cover, and that this aspect in turn heightens its appeal for some.

Alongside our substantive experimentation with tax changes for stabilization policy, we are garnering experiences on the Congressional consideration of the legislation involving those changes. The economics have generally chided—perhaps severely criticized is more accurate—the Congress for its dilatory consideration of this legislation, notably the adoption of the 10% surcharge and now its extension. But this criticism does not give proper weight to the issues that caused the delay. In 1967–1968, the issue was that of expenditure policy, and for many behind that issue was the war itself. In 1969 the issue is that of tax reform. Henry Wallich has criticized those in Congress who link the surcharge extension with tax reform and he seeks "to build a wall between reform and tax rate change." (Newsweek, Aug. 11, 1969, p. 57). But in both instances those pressing these issues lacked confidence in their ever getting a real opportunity to have their basic objectives considered and met.

A Congressman assured of a real legislative and executive effort to achieve tax reforms might be willing to build that wall. But if he suspects, because of prior experience, that the wall is being built to keep tax reform from ever being favorably considered, he can well ask who really is responsible for the delays in considering rate changes.

Hence, the question is not only how to achieve prompt consideration of rate changes for stabilization purposes, but how also to achieve prompt and effective consideration of those matters so closely linked to the rate changes. And, when as in 1967–1968 the Legislature and Executive may hold different views on the accompanying issue, their expenditure policy, the question is how to achieve a rapid resolution of those differences. Tax matters are among the most sensitive in our legislative halls. Economists seeking to achieve legislative processes more suitable to the timetable required for appropriate stabilization policies must in their thinking realistically consider these complex political problems.

Perhaps we can assign to this category of tax policy and economic growth the questions surrounding the introduction of a value added tax in the United States, for this matter has relevance to the proper balance between encouragement to, or burden on if the other side of the coin is preferred, investment compared with consumption. But wherever we assign the matter, apparently the subject of the value added tax will be with us. Unfortunately, we are likely to enter into that subject with a large amount of confusion, rhetoric, and dissembling. Partly this

is due to the way the tax developed and spread in Western Europe. There the basic question was what to do about existing high level excise taxes on consumption structured in the unsatisfactory form of turnover taxes. The step to a value added tax was perhaps a natural transition, for it led to a more efficient and economically neutral tax that still had the probably necessary political strength of appearing to tax all the productive and commercial sectors as did the turnover taxes.

The question in the United States is a different one. We have no general Federal tax on consumption. We have, however, in effect a national sales tax of the retail type in the cumulative geographical coverage of the various state taxes. The rate level of this composite tax is approaching 5%. Where do we want to go from here? If we are to have a unitary national tax on consumption, the immediate questions would seem to center around the use of the retail form in view of our state and local experiences. In this light, the questions would be such as: Do we want a Federal tax on consumption; if so, given our state and local experiences with the retail tax, what is the best form and structure of a retail tax; if we have such a Federal tax, how do we coordinate it with state and local taxes to achieve at least the benefits of efficiency in administration and uniformity of rules; do we want a Federal tax of this character even if it raises no revenue for the Federal Government but achieves more uniformity and coordination as respects the existing state and local levels while at the same time allocating the revenues collected to those governmental units.

Such questions do not even raise the issue of a value added tax. (I am assuming we are still a long way from exploring progressive expenditure taxation). It would seem we would come to that issue only if one were to assert and prove that the value added method of imposing a final tax on consumption by non-business consumers is clearly superior to the retail method of achieving that result. In a real sense the Europeans, because of their history, never got to that question. They are beginning to consider it, however, as they recognize that all the steps in the value added tax process lead to that result. They are thus beginning to raise the question of why they need the two-way stream of tax payments by manufacturers and wholesalers to the Government and credits and refunds back if the only end purpose is to build up an accounting or documentary dossier on the retailers.

Consequently, it is to be hoped if we are to explore a national consumption tax in the United States, and especially the value added tax, we do so in a manner that makes the functions and effects of a value added tax much clearer to the business community and the general public than have most of the discussions to date.

Coordination with States and localities

We may see a movement to achieve better coordination of Federal and state, and perhaps city, tax structures where they overlap. There is considerable room for increased efficiency in the administration of the income tax in the United States through in various ways integrating the application of Federal, State and city income taxes. Some states are leading the way through meshing the state tax itself or the state income tax base with the Federal system. In time we may come to "piggy-back" arrangements which would reduce the administrative machinery. We may also make further progress in coordinated auditing and compliance activities under the income tax. In turn, these coordinated enforcement activities could include the administration of taxes that have a linkage to factors involved in the determination of the income tax, such as sales taxes on gross sales.

The developments with respect to proposals for Federal revenue sharing will have an impact in this area. Adoption by the Congress of a direct revenue sharing system or the approach of a credit for state taxes presumably could move the coordination along more rapidly. Certainly the expenditure of Federal funds in this way can be accompanied by urgings for greater coordination. But even if Federal expenditure policy is not to encompass such blanket revenue sharing devices, still we should be developing much closer coordination in administration.

THE PROCESS OF FORMULATING TAX POLICY

The various topics mentioned above are illustrative of some developments that may occur in the Federal tax system. Perhaps they may not occur. But others will. It may be helpful to give some consideration to aspects of the process by which tax policy and changes in policy are formulated. For whatever the particular substantive development involved, that process will apply.

There is a vital need for more analysis and study of the issues of tax policy. Too often problems get pushed to the forefront of the legislative process without an adequate background of study to help shape their resolution. All involved—the Treasury, the Congressional staff, the Committee members—are forced to grapple with the problems without the benefit of prior careful analysis and data gathering. The results often reflect the lack of background. This situation can become especially acute as we pass beyond the present tax stage of tax reform, for in this process we will be using up the stockpile of research that has been accumulating over the previous years. The task is to replenish that stockpile by commencing studies on the subjects that we can anticipate will occupy the legislative stage a few years in the future. At the same time research should proceed in areas of importance that will otherwise lie dormant, neglected without the exposure such research provides.

Fortunately we are at the threshold of a promising period of study in the tax field. The new research tools—computer technology, econometric analysis, cost-benefit analysis and the like—are being used more and more in the analysis of tax policy problems. These techniques should assist us in moving the debates away from the still all too prevalent level of unproven self-serving declarations and cliches that characterize many tax policy discussions today.

Analysis and research by academicians and others is not enough however. There is the problem of communicating the results of that research to policy-makers in the executive and legislative branches. Too often decisions are taken in those places that, largely out of ignorance of its existence, belies the amount of knowledge that available research and study could in fact provide.

Essentially it would seem that the channels of communication must lie in alert and well-informed staffs in both the Treasury and the Congress. These staffs must have far more time and funds to engage in research studies themselves, to commission through contract arrangements studies by outside institutions and individuals and to coordinate those studies with research work originating elsewhere. The funds spent in this country on research in tax policy matters are pitifully small compared with the complexity and importance of the issues involved.

The work of these staffs must be supplemented by a wide-ranging and vigorous use of consultants, themselves familiar with the current state of research and study. It is then the task of these staffs and consultants to keep the policy-makers conversant with the knowledge that is relevant to their policy decisions. This is by no means an easy task to accomplish, be the policy matters in the Executive Branch or the Congress.

Some of our Congressional Committees are performing a useful role in bridging the communications gap. The Joint Economic Committee is an outstanding example. But even here there lies the next step of making the legislative committees really familiar with the information so developed. The Ways and Means Committee has at times successfully used hearings involving panels of consultants chosen to develop a subject matter in a coordinated manner and more should be done along this line.

Careful studies will aid in selecting the issues that should be considered by the Congress. Legislative struggles in the tax field are difficult and time consuming. They should, therefore, be made to serve a purpose and the battlegrounds intelligently chosen so that the time and effort is not wasted on side shows or blind alleys. We should try to formulate a target path for the development of the tax system and then to see that the main legislative efforts stay reasonably within that path.

This is not to say that academic or similar analytical wisdom always provides the appropriate solution. All that goes under the rubric of political considerations broadly applied will necessarily temper the final choice. Indeed, there now is unfolding in Canada in the Government's consideration of the Carter Commission Report an illustration of the nature of the political response that may be made to tax recommendations shaped primarily by rigorous, economic analysis. But the point remains that a prerequisite to wise political decisions is the availability of careful, objective analysis of the issues involved and the communication of that knowledge to the political groups in a form they can utilize and comprehend.

Finally, I would add the task of communicating the knowledge to the general public, and here also in a form and manner that permits adequate comprehension. We need for this processs publicists interested in tax matters who can work with the academicians and others engaged in the basic analysis.

If we can adequately meet these demands of analysis and communication in the years ahead, then whatever the tax policy questions that arise we can be far more confident that the answers will provide us with an equitable tax system responsive to the needs of the times.

CONCLUSION OF MORNING BUSINESS

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

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

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

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

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, notwithstanding the relevancy rule, I be allowed to proceed for 30 minutes.

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

PRESIDENT NIXON'S BLUE RIBBON DEFENSE PANEL

Mr. PROXMIRE. Mr. President, the need for a top level review of the procurement and management policies of the Defense Department has long been apparent. Widespread reports of fantastic cost overruns have angered taxpayers throughout the United States. The billion dollar overruns on the C–5A alone are reason enough for a top-to-bottom review. Added to such examples of waste has a pronounced loss of public confidence in the Pentagon, so pronounced that even the Defense Department has publicly viewed it with alarm.

It was this concern that led to the formation of a special blue-ribbon defense panel to study the procurement and management practices of the Pentagon on June 30, 1969. In a joint announcement, President Nixon and Secretary Laird expressed their urgent hope that the panel would "restore public confidence and credibility in the Department of Defense."

Shortly thereafter, Mr. Gilbert W. Fitzhugh, chairman of the board of Metropolitan Life Insurance Co., was selected to head up the panel. As I have already disclosed, Metropolitan Life has outstanding loans to 24 top defense contractors valued at almost $1.4 billion. Despite this fact, Secretary Laird confidently assured the Nation that "under Mr. Fitzhugh's leadership the Panel will view the Department of Defense with a fresh, objective, and uninvolved perspective."

Although Mr. Fitzhugh resigned his positions with Singer Corp. and Consolidated Edison, he chose to remain as chairman of the board of directors of the Metropolitan Life Insurance Co., which of the three, has by far the largest defense interests. Commenting last night on the obvious conflict-of-interest charges, Fitzhugh pleaded that the panel be judged not on its membership, but on its work. Referring to the questionable ability of the panel to turn out an objective report, he stated:

> I honestly think we will come up with something productive and objective. If we don't we deserve to get clobbered.

This is one Senator who will remember those words. We will be waiting for Mr. Fitzhugh's report.

Credibility was what the President and Secretary Laird were seeking to restore. At the time of Mr. Fitzhugh's appointment they were determined that the full membership would reflect this concern for objectivity and detachment from Pentagon influence. What I did not know at that time was that the Pentagon had very different ideas from mine as to who would best serve its objective of restoring credibility to the Defense Department. I thought "uninvolved" which was the term Secretary Laird used, meant independent of Pentagon influence.

The extent of the reversal in attitude reflected in the actual appointments was astonishing. The New York Times reported the announcement by saying:

> Companies that do business with the Pentagon were heavily represented in the group.

It seemed that the selection of Mr. Fitzhugh as chairman had set the pattern for the selection of the other members.

Gilbert W. Fitzhugh, prior to his appointment as chairman, was chairman of the board of the Metropolitan Life Insurance Co. and a member of the board of directors of the Singer Co. and Consolidated Edison. As I disclosed in an earlier statement, Metropolitan Life holds $34,000,783 worth of common stock in 24 of the 100 largest defense contractors. The company also has outstanding loans to 24 of these same top 100 defense contractors totaling $1,325,000,000. Mr. Fitzhugh has resigned his positions with the Singer and Consolidated Edison companies, but continues as chairman of Metropolitan Life Insurance Co.

What has not been disclosed yet is that, of the 15 Panel members selected, eight of the members, representing a majority of the Panel membership, still hold official positions with 12 different companies which have a combined total of over $815 million in defense contracts. Not only this, but a number of these members have held high-ranking military or civilian positions in the Defense Department before joining defense industries.

Heading the list of members with close Pentagon associations is Robert C. Jackson, chairman of the board of Ryan Aeronautical Co., the 23d largest defense contractor with defense business totaling almost 300 million—$293,158,000 Almost 70 percent of Ryan Aeronautical's business is with the Pentagon—68.8 percent. Not only does the company which Jackson heads have very important contracts with the Pentagon, but Jackson himself is a member of several Defense-related organizations. He is a member of the Aerospace Manufacturer's Council, the public relations arm of the Aerospace Industries Association which represents the entire industry before the Government and the public. He is a member of the Defense Orientation Conference Association, a group of top-flight business and professional leaders who receive regular briefings on Pentagon activity. Jackson also holds memberships in the Air Force Association, the Navy League, and the Army Aviation Association—all of which are heavy supporters of Pentagon policies.

The second Panel member is George Champion, an outstanding supporter of Pentagon activity, who is a director of the Traveler's Insurance Co., which has loans and stock interests in defense industries totaling almost $200 million—$199,093,963. Champion is director of the International Paper Co., which holds $665,000 worth of defense contracts and American Smelting and Mining Co. which does $448,000 worth of defense business. In addition, Champion holds positions with the Chase Manhattan Bank of which I understand he was chairman of the board, the Chase International Investment Corp., the Standard Bank, and the Standard Finance and Development Corp.—all companies which undoubtedly rely upon defense holdings for a considerable part of their business.

Following Champion is Lewis Franklin Powell, Jr., whose Richmond law firm, Hunton, Williams, Gay, Powell and Bibson, represents Newport News Shipbuilding and Drydock Co., the 34th largest defense contractor, with $181,309,000 worth of defense contracts. Almost 60 percent of the company's business is with the Pentagon—59.1 percent. Powell is also a director of the Chesapeake and Potomac Telephone Co., which holds over $13 million in defense contracts. Formerly an Air Force intelligence officer, Powell is now a colonel in the Air Force Reserve.

A fourth member is Ruben F. Mettler, who has very close professional and business ties with the Pentagon and the defense industry. He is presently executive vice president and director of TRW Inc., which holds $127,467,000 in defense contracts and ranks 52d on the top 100 list. Mettler is also industry vice chairman of the Defense Industry Advisory Council, a group of representatives from top defense contractors which meets several times a year to discuss procurement problems with Deputy Secretary of Defense David Packard. Mettler left Hughes Aircraft, another giant defense contractor, in 1954 to become a special consultant to the Assistant Secretary of Defense. He then went to TRW in 1955. Between 1958 and 1968 TRW rose from 89th to 52d on the top 100 list of defense contractors. On a separate list of contractors doing research and development for the Government, TRW stood 17th out of the top 100 R. & D. contractors in 1968.

Another member is Wilfred J. McNeil, presently director and advisor of the Fairchild-Hiller Corp., which has $121,-259,000 in defense contracts, the 56th largest defense contractor in the Nation. Almost one-half of Fairchild-Hiller's business is with the Pentagon. Before coming to Fairchild-Hiller, McNeil served as a Pentagon employee for 16 years from 1941 to 1957. By the time he left the Pentagon in 1957 he had attained the position of Assistant Secretary of Defense and Comptroller. He is presently a member of the Navy League, a group of retired naval officers, and a member of the Army-Navy Club. In short, McNeil's entire life, both professional and social, revolves largely around Pentagon related organizations.

William Blackie, also a member of the panel, is chairman of the board of the Caterpillar Tractor Co., which holds $42,753,000 in defense contracts. One-fourth of the company's business is with the Defense Department. He is also a director of the Shell Oil Co., which holds another $32,754,000 in defense contracts.

Another member, William P. Clements Jr., is chairman of the board of governors of Southern Methodist University which holds $735,000 in defense contracts. Clements is also director of Fidelity Union Life Insurance Co., which has loans and stock interests in Defense industries totaling $7.6 million. In addition, he is chairman of SEDCO, Inc., which holds another $93,000 in defense contracts. The defense holdings of the

First National Bank of Dallas, of which Clements is a director, are not public.

At the bottom of the list, and rounding out the majority of the panel is John Maurice Fluke, president of John Fluke Manufacturing Co., which holds $1,472,000 worth of defense contracts.

To put these eight men in perspective, a quick profile of their defense-related interests shows that each man through his company associations, on the average, has interests of over $100 million apiece in either defense contracts or defense industry holdings. One man, George Champion, has interests in defense business of over $300 million. Two of these eight members also hold official positions with insurance companies which have loans to defense industries and stock interests in defense industries which total over $200 million. In short, these eight members have a combined total of over $1 billion worth of interests in defense contracts and defense industries—$1,021,902,963.

Even this figure, however, is dwarfed by Chairman Fitzhugh's interests alone in the Metropolitan Life Insurance Co. He is the man appointed by the President to be chairman of this independent panel to make an objective and critical evaluation of the Pentagon. The company holds over $34 million worth of common stock in defense industries, and has outstanding loans to 24 top defense contractors totaling over $1.3 billion. In short, these eight members along with Chairman Fitzhugh have a combined total of over $2.3 billion worth of interests in defense business or holdings.

What is more, four out of the eight are presently or have in the past been members of business and social organizations with close Pentagon ties. One of them, Robert Jackson, holds memberships in three armed services organizations and in the Defense Orientation Conference Association. Another, Ruben Mettler, is a former special consultant to Assistant Secretary of Defense and is now industry vice chairman of the Defense Industry Advisory Council. One reached the position of Assistant Secretary of Defense. Two others, Lewis F. Powell and Wilfred McNeil, presently hold memberships in armed services clubs or are part of the Armed Forces Reserves.

(At this point Mr. HOLLAND took the chair as Presiding Officer.)

Mr. PROXMIRE. Mr. President, in short, these are eight—nine including Fitzhugh—of the 15 Panel members who, according to Secretary Laird, are expected to view the Department of Defense with a fresh objective, and uninvolved perspective. These are the men who are charged by the President with restoring confidence and credibility in the Pentagon. These are the eight men who will be asked to view critically possibly their own companies and recommend changes in procurement policies. In short, these are the eight men remaining open so far as their functions on this panel are concerned who may be faced with recommending changes which may hurt their own interests. Unfortunately, these eight men remain open to serious questions of a direct conflict of interest.

OTHER SEVEN PANEL MEMBERS

Mr. President, but what of the other seven Panel members? Will they be able to bring the "fresh, objective, and uninvolved perspective" to the Panel's work which the Secretary is counting on? Will they be able to balance the eight-man majority, even if they cannot outvote them?

Although the remaining seven Panel members are not plagued by direct personal interests in defense business, a number of them lack the needed knowledge of defense procurement practices to counterbalance the long experience in these matters which the eight-man majority brings to the Panel. Four of the remaining seven members have almost no experience which will prepare them to challenge the interests of the eight defense contractors represented on the Panel.

Hobart Durbin Lewis is president of the Reader's Digest, and a close friend of President Nixon. Martha Elizabeth Peterson is a career personnel dean and presently serves as president of Barnard College. Claude "Buddy" Young—he was a great star at the University of Illinois and played professional football with distinction—is a former professional football halfback and public relations man for beer companies. Leona Pouncey Thurman is a gifted female lawyer from Kansas.

A women's dean, a football player, a female lawyer, and a magazine president—all undoubtedly competent in their respective fields, but do they have the necessary "clout" when it comes to challenging the views on military procurement practices of the eight Panel members who have spent their entire lifetimes, in most cases, in the defense business?

As the end of the list we find only three Panel members who are not plagued by conflicts of interest, and who may be capable of balancing some of the influence of the eight defense contractors. Dr. Marvin L. Goldberger is a competent physicist with extensive experience in test and evaluation work. Dr. George Joseph Stigler is a well-known conservative economist who has extensive experience in budgeting matters. Joseph Lane Kirkland is presently secretary-treasurer of the AFL–CIO. He will bring to the Panel valuable knowledge regarding management practices. But we have a Panel which is really heavily weighted on the side of—if not a whitewash—then a very sympathetic and gentle treatment of Pentagon practices which have shocked the Nation and which call for a strong, vigorous, independent, and critical review.

We do not have men such as John Gardner, Admiral Rickover, former Senator from Illinois, Paul Douglas, or any other men of that kind who would have given this Panel the kind of distinction, independence, objectivity, and broad perspective which a Panel of this kind should have.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

STAFFING OF THE PANEL

Mr. PROXMIRE. Mr. President, unfortunately, membership of the Panel is not the only or even the chief roadblock to an objective review of the Pentagon. Contracting and staffing procedures set up by the Panel have virtually insured that the final report will give present policy a resounding vote of confidence—possibly with minor reservations.

As we all know—especially in this body—staffing is the key to the success of any organization. If the staff is biased toward its work, this bias must be reflected in the final product. Hence, the least that might have been expected of the administration, after its thorough packing job of the Panel with Pentagon supporters, is that they would have chosen an administrative officer capable of objective criticism of the Pentagon.

I am sorry to report that such is not the case. The Panel's top staff man is not an outside critic, but a Pentagon official. He is J. Fred Buzhardt, a graduate of the U.S. Military Academy, who is presently special assistant to Assistant Secretary of Defense Robert Froehlke. In Froehlke's own words, Buzhardt is "my man Friday."

Mr. President, just roll that around on your tongue, "my man Friday." The man who will head the staff, who will be expected to make an independent evaluation, uninvolved, of Pentagon policy, is characterized by Assistant Secretary of Defense Robert Froehlke, who is very close to Secretary of Defense Laird, who has been a very close friend throughout Laird's congressional career, he is Laird's man in the Pentagon, Froehlke says that Buzhardt is "my man Friday." Buzhardt is supposed to be the man to head the staff of this Panel.

Despite this close relationship to a high Pentagon official, Buzhardt is to serve as chief administrative officer for the very Panel which is studying, among other things, the activities of his regular boss. Buzhardt thus, by every definition of his two roles, has a conflicting set of loyalties. I am unwilling to speculate as to whom he owes his first allegiance; his paycheck, however, will continue to come from the Pentagon.

From the Pentagon's point of view, Buzhardt will be, at the very least, a useful source of feedback information as to the planned activities of the Panel. At best, he could quietly "guide" the Panel around those areas where the Pentagon is particularly vulnerable to criticism. In other words, Buzhardt's presence may help to guarantee the Pentagon that only the "right" questions are asked, that only the "right" areas are investigated by the Panel. Unfortunately, this is precisely the kind of advice this Panel does not need.

What is more, the Pentagon, in an effort to be "cooperative," is loaning additional staff to the Panel. These staff members will remain on the Department of Defense payroll during their stint with the Panel. Although the Pentagon staff on loan consists primarily of clerical and security support, it is indicative of the unusual degree of cooperation the Pentagon has been willing to extend to the work of the Panel, which is supposed to critically evaluate the procurement practices of the Pentagon—practices that has shocked and aroused the Nation and that concern Congress very deeply, on which we certainly need and should have independent criticism.

STANFORD RESEARCH INSTITUTE TO PLAY KEY ROLE

The problem of what areas of the Pentagon will be studied is even more serious than staffing, however. The Panel has negotiated a broad research contract with the Stanford Research Institute which calls for the institute to recommend to the Panel study areas and potential research institutions to carry out the studies. Stanford will do some of the research work itself, and also will negotiate the contracts for the Panel with other institutions. This is particularly crucial because the character of the institutions which do studies for the Panel will affect the results. To understand the full significance of this sweeping grant of authority to the Stanford Research Institute, a brief review of the recent activities of the Stanford group is necessary.

For many years the Stanford Research Institute has been very dependent on the Government, particularly the Defense Department, for the vast bulk of its research work. According to an article published in the November 1966 issue of Fortune magazine:

> The proportion of Stanford Research Institute's revenues derived from government contracts (including subcontracts) rose from 50% in 1955 to 75% in 1960.

Last year Stanford Research Institute performed projects for the Government valued at over $27 million dollars. One of its more highly publicized contracts was an almost $2.5 million dollar grant to do research and development on proving the feasibility of the ABM missile system. Even the institute's own staff members have become concerned that the organization "was becoming an appendage of the Government."

But the connection to the Pentagon runs even deeper than sheer economic dependence. Deputy Secretary of Defense, David Packard, served as a member of the institute's executive committee, the steering group for the organization, from 1958 to January of 1969, when he assumed his present position. Exactly what role Packard had, if any, in the decision to employ the Stanford Research Institute as the Panel's chief advisory and contracting agency is unknown. What is known, however, is that a number of the board members of the institute are outstanding supporters of the Pentagon. Two board members are currently serving as directors of the American Ordinance Association, a group of arms manufacturers and military personnel which advises the Pentagon on the industrial and military preparedness of the United States. Other directors of the institute have been supporters and have contributed to such groups as the Americans for Constitutional Action, the Christian Anti-Communist Crusade, for America, and other similar groups. These directors serve as advisors on research efforts, publication, and staff commitments, as well as the hiring and firing of staff members. In view of the institute's advisory role in the work of the Panel, the influence of these directors may be substantial.

The inescapable impression one gets from all of this is that the Panel is caught in the embrace of the very individuals it is supposed to evaluate and constructively criticize. The Pentagon is being so cooperative that the Panel may find it very difficult to criticize those who have been "so helpful." Any objective criticism which comes out of the Panel's work will, in all likelihood, be mere "window dressing"—designed to hide the areas of glaring inefficiency untouched by the Panel in its study.

Once the administration's shining brainchild as the cure for lack of confidence in the Pentagon, the Panel will have only contributed to a further erosion of this confidence. The Panel has become another creature of the Pentagon, a product of the in-house management tactics for which the Defense Department is famous and which have doomed so many previous studies.

I have seen all this happen before. The script has become all too familiar. The final report will be carefully noted and highly publicized a few weeks, only to be relegated to the shelf once its publicity value for the Pentagon has been exhausted. Any minor recommendations for change will be quickly accepted as "very valuable" by Pentagon officials and then promptly forgotten after the initial flurry of activity. The Panel is at best a sham, at worst an indication of how powerful the Pentagon has actually become—so powerful that it is able to control those who would criticize it.

The actual reason for the formation of the Panel should now be clear. Not intended to make a complete investigation of the Pentagon, the Panel was created merely to allay criticism at a time when Pentagon procurement policies were coming under increasingly heavy fire from Congress and the American public. The Panel was intended to become a kind of escape valve for the Pentagon which would absorb criticism and allow a catharsis of emotion on the part of its critics. Having gotten their gripes off their chests, the critics would, according to the Secretary's strategy, be content to let the Pentagon resume "business as usual."

For Congress, however, the Panel should drive home some important lessons. Most importantly, it proves once again that only Congress has the necessary independence to objectively criticize the Defense Department. The Pentagon cannot be relied upon to police itself. Conversely, Congress cannot rely upon those who are dependent on the Pentagon to put the goose which lays the golden eggs on a diet. Congress must undertake its own studies, conduct its own investigations, and establish its own auditing procedures if unbiased results are to be obtained. These are the harsh lessons which the Panel would ultimately provide. Ironically, if these lessons are heeded, the Panel could be successful in a way never anticipated by those who created it.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

PANAMA TREATY TALKS

Mr. THURMOND. Mr. President, according to reports in the press of the Republic of Panama, it appears that the United States and the Republic of Panama may be on the verge of reopening treaty talks. I am very distressed to hear these reports, and I am sure that many Members of this body would be disappointed if these reports have substance.

Two years ago, the Johnson administration negotiated three new treaties with the Republic of Panama with regard to the present Panama Canal, a proposed sea-level canal, and our military obligations to Panama. The content of these treaties was so outrageous an uproar was set off both in the House and the Senate since these treaties amounted to a dangerous cession of our lands and rights in the Canal Zone. In the intervening time, the situation in Panama has deteriorated. The constitutional government of Panama has been superseded by the revolutionary junta after a tumultuous election. Although the junta succeeded in restoring order, there is grave doubt as to how long such order may be reasonably expected to persist. Indeed one might question the value of a treaty with any kind of provisional government.

The reopening of the Panama Canal Treaty in the present state of world affairs would be the worst possible thing for both Panama and the United States. And yet that is apparently what is being done. According to the article in the Panama Star & Herald, the U.S. State Department let it be known through indirect sources that it would be receptive to a move by Panama to reactivate the negotiations. Accordingly, last month Panama appointed three advisers to their treaty team. The three advisers are well known in this country, and it is doubtful that they would come up with anything particularly new in the way of treaty proposals.

I have said many times that I believe that our best course in the Canal Zone is to stand upon our unquestioned treaty rights and the sovereignty which we have exercised there over the years. The present canal is perfectly adequate for future needs if we follow the modernization plan which I have introduced in S. 2228. No new treaties are needed and we have ample authority to protect our investment and our obligation to keep the canal open.

What we do in Panama will have a profound effect upon our whole Latin American policy. In recent months, we have shown a pattern of acquiescence to revolutionary trends in Latin America. It is a destructive pattern which feeds upon itself. The more we give in, the more radical elements demand. We must stand our ground in Panama to fulfill our pledge to the world to maintain a Panama Canal for the benefit of all.

If our policy is to succeed, it can do so only by changing U.S. foreign policy from one of weak acquiescence to one of strength.

Everywhere the greatest single deterrent to liberty, Soviet power, has by sheer audacity and nerve increased its dominance in Asia, Africa, South America, and Europe. The Soviets are particularly

interested in strategic and military key points, such as the Suez Canal and the Arab crescent of the Mediterranean, the latest example being Libya. The Panama Canal is similarly of key strategic importance.

In the course of these assaults, we have too often tamely submitted to a surrender of our treaty rights and privileges and we have lost the support and friendship of our free nation allies; and weaker nations, in complete disregard of billions of dollars of foreign aid furnished them by the United States, have come into Soviet influence. Moreover, we seem to learn nothing from the tragic experiences of the past, but continue to follow the policies of disaster that have brought the world into a state of crisis of the first magnitude.

Those of us in the Congress who oppose the surrender of our rights, power and authority over the U.S.-owned Canal Zone territory and Panama Canal are in no way motivated by a feeling of hostility to Panama or its people. However, we do know that if and when our authority over the canal is liquidated, Panama would not be benefited thereby.

Mr. President, I ask unanimous consent that the article entitled "Panama Names Treaty Team" published in the Panama Star & Herald of September 9, 1969, be printed in the RECORD at the conclusion of my remarks.

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

[From the Panama (R.P.) Star & Herald, Sept. 9, 1969]

PANAMA NAMES TREATY TEAM—REINTENSIFICATION OF TALKS LOOMS

The Foreign Ministry announced yesterday the appointment of three advisors "for matters pertaining to the conduct of relations between the Republic of Panama and the United States of America."

The announcement, made by Foreign Minister Nander A. Pitty, was regarded as the first step towards the reintensification of negotiations with the United States on the treaty drafts on the Panama Canal pending since 1967.

The advisors are Drs. Galileo Solis, Ignacio Molino and Hernan Porras. All three are lawyers and the first two are former foreign ministers.

Official sources said Panama has made no direct request for the resumption of negotiations because its position is that negotiations never has been suspended. Nevertheless, the appointments announced yesterday were linked to a statement last Thursday by the U.S. Department of State that it would be "receptive" to any move by Panama to activate the discussion of the pending drafts.

In any case, it is known that the Foreign Ministry for the past several months has been studying the appointment of a negotiating team. Shortly after the present revolutionary government came into power last October, Dr. Roberto Aleman—who was a member of the commission that wrote the pending drafts—was appointed Ambassador in Washington and negotiator.

According to the decree announced yesterday, the new advisors "will have as the immediate task, together with other officials that may be designated by the Minister of Foreign Relations the revaluation of all matters relative to interoceanic waterways affecting the Republic of Panama."

The advisors are well versed in Panama-United States relations. Dr. Solis was Minister of Foreign Relations in 1964 at the time of the clashes between Panamanians and U.S. military forces in the Canal Zone, which were sparked by the issue of the display of the Panamanian flag in the Canal Zone and which paved the way for the negotiations. He was Minister of Foreign Relations when the treaty talks began. A top-notch attorney, he also was Minister of Foreign Relations in the cabinet of ex-President Arnulfo Arias.

Molino has been Foreign Minister and a member of the National Council of Foreign Relations on various occasions. He also is a prominent attorney and heads the law firm with which the incumbent Foreign Minister was associated before being appointed Minister.

Porras, now holding a post with the United Nations' Educational Scientific and Cultural Organization, is a lawyer and economist and has been closely linked also with affairs relating to Panama-United States relations.

Foreign Minister Pitty also announced that Panama has obtained counseling assistance on treaty matters from the UN's Economic Commission for Latin America (CEPAL) and that Engineer Ricardo Arosemena, a Panamanian on the staff of CEPAL for several years, has been designated as advisor.

The pending treaty drafts deal with the present Panama Canal, with a United States option for the construction of a sea-level waterway across Panama, and with the defense of the neutrality of the inter-oceanic waterway.

The treaty drafts, announced in mid-1967 on the eve of Panama's political campaign, set off an intense national debate here with heavy political overtones. The opposition forced the administration of then President Marco A. Robels to shelve the drafts. The approach of the United States' own political campaign, plus strong opposition voices raised by U.S. nationalist elements, also contributed to the shelving of the treaty drafts.

The announcement of the first firm step by Panama towards activating the treaty discussions was interpreted also as a change of policy by the revolutionary government, which in its early months had indicated it would not raise the treaty matter until the national situation became more clearly defined. The fact that it has decided to tackle a matter of such national importance was regarded as an indication that it considers its position as sufficiently strengthened.

Observers noted the difference in the official designation of the negotiators. They are "advisers to the National Executive Branch, assigned to the Ministry of Foreign Relations."

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

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

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

The Senate resumed the consideration of the bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of Justices and judges of the United States.

Mr. HRUSKA. Mr. President, with regard to the pending business—to wit, S. 1508—I ask unanimous consent that the committee amendment be agreed to and that the bill as thus amended be regarded for purposes of amendment as original text.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, the chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, the Senator from Maryland (Mr. TYDINGS), is absent on account of official business. He has requested that the consideration and disposition of S. 1508 proceed. He also requested that I make such presentation as he would make normally under these circumstances. I am the ranking minority member of the subcommittee, and I am happy to respond and to comply with the request of Senator TYDINGS.

Mr. President, under present provisions of law, Federal judges may retire from regular active service at age 70 after 10 years of service or at age 65 after 15 years of service. This retirement policy does not give full recognition to the increasing number of judges who are appointed to the Federal bench at a relatively young age. Consequently, many Federal judges will serve more than 20 years before they become eligible, under present law, for full-time retirement and senior judge status.

S. 1508 is designated to improve the present retirement system by enabling judges to go on senior judge status after 20 years of service regardless of age. S. 1508 will thus serve to make the Federal bench more attractive to younger, more vigorous men. Moreover, it will serve also to increase available judicial manpower.

Each time a judge accepts senior judge status and retires, leaving regular active service, a vacancy occurs on his court, a vacancy that can be filled by the appointment of a new regular active service judge. The judge on senior status may continue to perform such judicial duties as he is willing and able to undertake. Almost without exception, those judges who take senior status continue to carry a substantial workload. The "retirement" of a judge thus means a bonus of increased manpower to the retired judge's court, increased manpower that can help alleviate existing backlogs and avoid future ones. Both the retired judge and his newly appointed successor can be employed in the disposing of the business of the court, where before only one could be so employed.

In fact, few aspects of the Federal judicial system have been more beneficial to the country than those which enable judges to retire from active service, and, yet, continue to perform such judicial duties as they are willing and able to undertake. Without the work of the present senior judges, our Federal judicial system would be overwhelmed by its caseload. By providing for retirement after 20 years of service regardless of age, those judges who could take senior judge status under the amendment would be under 65 and fully able to continue to carry a full workload. It is difficult to disagree with the following statement by Albert Branson Maris, himself a great senior judge:

One of the great benefits of the federal judicial retirement system is that retired senior judges are available for especially assigned judicial duty and can contribute a very large amount of time to judicial work, thus greatly benefiting the system by assisting in those areas where the caseloads are heaviest. As retired judges get older, of course, they become less able to make this contribution, but judges approaching age seventy are more vigorous and able, and to facilitate their retirement will be to add very substantially to judicial manpower in places where it is badly needed.

Mr. President, this briefly describes the background and the reasons for the bill. It is my hope that there will be prompt consideration and approval of the bill by this body.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. WILLIAMS of Delaware. It is my understanding that one of the arguments in support of this bill is that additional judges are needed and that by putting these judges into retirement status they could be called upon to help handle the extra duties of the court. Is my understanding correct?

Mr. HRUSKA. That is one of the features, yes. The need for additional judge manpower has existed for a long time.

Mr. WILLIAMS of Delaware. I wonder why we do not hit that problem affirmatively. If they need judges they should get them by direct action. Does not the Senator agree that one of the big problems with the courts today is that many judges are past the ages of 75 or 80, are too old to serve, and are not doing the job?

I wonder if this proposal should not be accompanied by a mandatory retirement age by which we could eliminate from the courts those judges who obviously cannot perform the duties at this time.

Merely granting an early retirement for the younger men will not solve the problem.

Mr. HRUSKA. The Senator from Delaware does point to a problem which is a real issue and which should be duly considered. We have from time to time considered it in the committee. I do feel, however, that if it is to be considered, it should be on the basis of committee hearings, upon briefs, and upon consideration by the judicial conference. If it would be the desire of the Senator from Delaware to propose such an amendment, I certainly would be very happy to attend to such hearings and to canvass the problem very thoroughly.

Mr. WILLIAMS of Delaware. I certainly shall follow that through, but I wonder whether action on this bill should not be a part of the whole package. Would it not be better to defer this matter and take care of it all at one time?

I am not unmindful of the fact that earlier this year we raised the value of the retirement benefits of the judges by approximately $10,000 to $12,500 per year. As the Senator knows, judges retire at full pay as of the date of their separation. Earlier this year the salary of these judges was raised from $30,000 to $42,500. Under this bill it would mean that they could now retire at age 60 or less than 60 after 20 years of service. I think there would be one or two approximately 58 years of age. I wonder whether it is advisable to retire a member of the court at the age of 58 at a pension of $42,500 when judges close to 80 years of age are serving on the same court. Are we not approaching this matter backward?

Mr. HRUSKA. The Senator started out with the question as to whether it would be well to have a provision included in the bill calling for mandatory retirement at a given age—70 or 75 or before. That proposition, as I suggested earlier, has been before the committee and the subcommittee on various occasions. No one who has had any exposure to this problem and who has studied it and who has considered it again and again has seen fit to add it to this bill. Therefore, the answer to the first part of the Senator's question and his observations is "no." At this time it would not be considered necessary, nor would it be considered desirable, to have it as a part of this bill. If the Senator wants it to be considered, a proposal along that line would be very fine. But again I say that, under those circumstances, inasmuch as it involves a very fundamental proposition in our judicial structure, going back to 1789 and the adoption of the Constitution, we should not consider it on the floor of the Senate superficially and out of hand because a certain objective is desirable.

Mr. WILLIAMS of Delaware. Were hearings held on the bill?

Mr. HRUSKA. Yes; we had hearings on previous occasions. We have not had hearings this year on the bill.

Mr. WILLIAMS of Delaware. That is my understanding.

Mr. HRUSKA. The printed report on the bill is very complete.

Mr. WILLIAMS of Delaware. We are dealing with a bill on which no hearings have been held.

If it is possible to get such an amendment before the Senate would the Senator think kindly toward it? Would the Senator be willing to include a provision providing for a mandatory retirement age for these judges to be effective at some projected time in the future if not effective today? I think this is a major weakness in our court system.

Mr. HRUSKA. It may be a weakness in our court system. The Senator would be entirely within his prerogative to suggest it as an amendment. I would say it would be ill-advised to do so now for the reasons I have already advanced.

It would be a fundamental change in our judicial structure. Because the reasons for such a provision might be advantageous is not enough. It should be explored in depth, including constitutional considerations.

Mr. WILLIAMS of Delaware. Would the Senator go along with a proposal to delay action on this bill until we can get all of it considered together?

Mr. HRUSKA. No. I am not in a position to do that. The entire matter has been considered, and this is the sum total of the recommendations made by the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary.

Mr. WILLIAMS of Delaware. Would the Senator as a member of the committee be in a position to give us assurances that we could have hearings and perhaps favorable consideration of such a proposal if we bring that matter to the attention of the committee?

Mr. HRUSKA. I certainly would. As far as I might have anything to say about scheduling of such a hearing, I would be happy to see that that occurs. The Committee on the Judiciary would study such a proposal. There would be an explanation of the underlying considerations. I would pledge diligent and expeditious hearings on such a proposal, as the schedule permits.

Mr. WILLIAMS of Delaware. I thank the Senator. I personally question the wisdom of passing the bill at this time, and I shall not support it in its present form, as a separate measure. However, recognizing the facts of life, I expect the best I can achieve at this time is to have the assurances of the Senator that we can get hearings and consideration on the proposal to establish a mandatory retirement age for members of the judiciary.

That action is the only real solution to one of the major problems confronting our courts.

Mr. HRUSKA. The filing of any such proposal and a reference to the committee will certainly receive my sympathetic and active consideration.

Mr. WILLIAMS of Delaware. I thank the Senator.

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

Mr. HRUSKA. I yield.

Mr. AIKEN. How many Federal judges under the age of 65 have held office for 20 years or more? Are the 15 judges who are listed in the report the only ones?

Mr. HRUSKA. As near as we know, and we have gone to the records of the Judicial Conference, the judges named on page 4 of the report are the only ones.

Mr. AIKEN. There would be more that are now Federal judges that would be able to retire earlier. Is that right?

Mr. HRUSKA. Yes, as time goes on. These would disappear and others would be added.

Mr. AIKEN. What would be the increased cost of retirement?

Mr. HRUSKA. There is no way to estimate the increased cost because this bill is permissive. It is enabling. We do not know how many of these judges will take advantage of the bill and retire sooner. We know it is uncertain how many will do so because even under the present system whereby retirement can be achieved with 15 years' service at age 65 or 10 years' service at age 70, not all of those eligible under either of those provisions take advantage of them.

Mr. AIKEN. If after retiring they are called upon to serve, is there any requirement that they respond?

Mr. HRUSKA. There is nothing mandatory about it. They can indicate the extent to which they wish to participate. Only in this way can there be a maximum of retirement in due time so as to make

room at the bottom of the seniority ladder for those who are put in their places.

Mr. AIKEN. Any Federal judge who had 19 years' service would be eligible for retirement in 1 year. Is that right?

Mr. HRUSKA. The Senator is correct.

Mr. AIKEN. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, in my opinion this is a bad bill. In my judgment it should not be enacted into law. I know I am not alone in expressing that view. The distinguished junior Senator from Alabama (Mr. ALLEN), one of the new Members of the Senate who came to the Senate this year, and certainly one of the highly respected Members of this body, informed me yesterday that he regretted very much he would be necessarily absent today from the Senate on public business, but that if he were present he would speak out against the bill and would vote against it. He told me if the bill should come up today I would be free to express his views.

Speaking for myself, Mr. President, it seems to me that I recall the statement made by a very distinguished majority leader of this body, former Senator Scott Lucas of Illinois, who was a lawyer, which he made at one time in a speech in the Senate. He said that there are not 500 lawyers in the United States, regardless of their incomes, who would not be glad to accept appointment to be a U.S. district judge if the position were offered.

I have a feeling of reverence toward the judiciary. Unfortunately, the ambition of my youth and young manhood, to follow my father's footsteps and be a judge, cannot be realized. My father, Judge Stephen M. Young, of Ohio, was a trial judge for many, many years in our court of highest original jurisdiction. I always wanted to be a judge. Instead, I became a chief criminal prosecuting lawyer—in Cuyahoga County. Then, I practiced for many years as a trial lawyer. I have appeared in U.S. district courts on many occasions.

My last appearance in a U.S. district court was recently in Boston when I made the trip from Washington to Boston to testify as a witness to the good character and splendid reputation in my community of Cleveland, Ohio, of Dr. Benjamin Spock, who has been my personal friend through the years. That particular case was tried before a judge who at the present time is 84 years of age. It appeared to me that this particular judge was very stern and tyrannical, which is not, really, a new experience for me in a Federal court.

The pending bill provides for the retirement of U.S. judges following 20 years of service, irrespective of age. I am grateful to the distinguished Senator from Nebraska (Mr. HRUSKA), who is managing the pending bill, for his help in having my candidate for the last United States judge appointed in the northern district of Ohio, processed through his subcommittee and the Judiciary Committee. I owe that debt to my colleague from Nebraska for his approval of Judge Thomas Lambros, who is 38 years of age, just recently appointed on the bench. He will be a fine judge.

Incidentally, I am proud to say, Judge Thomas Lambros is the first judge of direct Greek descent to be appointed to a U.S. court, to my knowledge. He was a judge of the court of common pleas in Ashtabula County in my State, probably receiving a salary of $16,000 at the most when, through the kindness and generosity of the Senator from Nebraska (Mr. HRUSKA) and other members on the Committee on the Judiciary, he was unanimously approved by that committee following his nomination by President Johnson.

This young man, like other U.S. district judges, receives a salary of $40,000 a year. Judges in the U.S. Circuit Courts of Appeals receive salaries of $42,500 each per year. In addition to that, following their retirement at the age of 70, if they have served for 10 years on the Federal bench, or at age 65, if they have served 15 years on the Federal bench, district and circuit court judges retire at full salary as long as they live. This, no matter whether they return to private practice or go into business. As someone said of a judge whose nomination is now pending before the Senate, he might well be qualified to take a high executive position in a brokerage house and enjoy a salary of $100,000 a year following his retirement. He would still receive his entire judicial salary as long as he lived.

Mr. President, as you know, this month and every month thereafter, 8 percent of the salary of every Member of Congress will be deducted for the congressional retirement fund. There are no deductions made whatever from the salaries of any Federal judges.

The bill provides retirement with full pay for life for judges and Supreme Court Justices with 20 years of service, regardless of age. Supposedly, this will serve to make the Federal judiciary more attractive to younger men.

Those of us who have served in the Senate know that there is no necessity for legislation to attract capable lawyers if and when a vacancy occurs in a U.S. judgeship in their respective States. The fact is that it is well known that whenever there is a vacancy on the Federal bench, many, sometimes hundreds, of competent lawyers seek the appointment. There are at most but a few hundred lawyers in our Nation who if offered an appointment to the Federal bench, would not accept.

As a result of the last election, however, that problem will no longer be presented to me. However, it will be a problem for my distinguished colleague, the junior Senator from Ohio (Mr. SAXBE), who is my personal friend and a very fine Senator. I am certain that as long as there is a Republican President in the White House, my colleague, Mr. SAXBE, and other Senators of the Grand Old Party of which I am not a member, whenever they have Federal judicial vacancies in their respective States, will find that there are plenty of capable and outstanding lawyers who will apply.

Thus, there is no necessity to pass this bill just to try to attract capable men to apply for these positions.

Why give a U.S. judge a bonus, or a sort of bribe, to retire from active service, yet allow him to continue to perform such judicial duties as he is willing and able to undertake, merely to place someone else on the judicial payroll?

This is a stopgap measure. It is claimed it will lessen the overload on Federal district and circuit court judges. Well, I am not impressed by that alleged overload or heavy burden on the Federal judges of this country. I suspect that in most States—I know it is the situation in my State—from June until September their courts are on vacation, other than for routine matters, such as sentencing prisoners who plead guilty and other routine matters, while we in Congress are here on the job working month after month and having 8 percent of our salary deducted for retirement benefits. Yet, not 1 cent is being deducted from the salaries of these judges.

It is said that if this bill is enacted into law, it will cost taxpayers at least $1.5 million additional money during the next 2 years.

Mr. President, judges of Federal district courts and circuit courts of appeal, and Justices of the Supreme Court of the United States, all are presently provided with the most liberal retirement plan in the entire world. Under existing law, they may retire at full pay for life at the age of 70 after 10 years of service; at the age of 65, after 15 years of service. Unlike Members of Congress, they will not have paid, while they were on active service as judges, 1 cent toward any retirement fund.

We have increased the salaries of district court judges to $40,000 a year, circuit courts of appeal judges to $42,500 a year, and, Justices of our Supreme Court, from $39,500 a year to $60,000.

Mr. President, as a lawyer and as a citizen who holds in the highest respect and admiration the judges of our courts, I have no fault whatever to find with that salary scale. However, I do say that no one can assert that the Federal judiciary is underpaid.

The pending bill would entitle them to retire after 20 years of service at their full pay, regardless of age. So my personal friend, Judge Tom Lambros, of the northern district of Ohio, should he wish to retire when he attains the age of 58, could retire at that comparatively early age. His judge's salary would be paid him as long as he lives. In addition, he could enjoy his income from the practice of law, should he then desire to return to private practice.

I am not one of those who consider that a man who is 70 years old is necessarily an old man. I know lawyers, and men in all walks of life who are in their fifties who are older in every respect than other men who are 70. Men and women do not grow old simply by living a certain number of years. People grow old by abandoning their enthusiasm, deserting their ideals, giving up their zest for life, and enjoying no more an appetite for adventure. Instead of yearning for retirement, this desire for an active, vigorous life, and the wish and ability to work hard and look forward with hope and not fear, often exists in men and women of 70 or more. Sometimes, it is altogether missing and lacking in men of 30 or 40.

I am one who, at the age of 80, is not

even thinking of retiring from active life. The way of life of many, many people in this country is to work hard. They have worked hard all of their lives, and they know of no other way. That is an excellent thing. That is my way of life.

I think the bill being considered today—and it will probably be passed in the Senate—is just another unfortunate placing of emphasis on youth.

After all, it is a very unfortunate thing for this country, it seems to me—and I have said this recently—that the very first social security system in the entire world, announced in 1889 by Otto von Bismarck, the chancellor of the German Empire, fixed, for the first time, the retirement age at 65. Unfortunately, in 1935, when we in the Congress enacted the social security law—and I must take part of the blame for it for the reason that I was in the other body and I voted for it—we set age 65 as the retirement age, following Bismarck's program. I regard our social security law as the greatest piece of domestic legislation for the welfare of our country ever enacted into law.

Unfortunately, however, in our country, many industries, huge corporations, have followed that precedent and arbitrarily fixed the age of retirement at 65. Yet, the life expectancy of men and women, not only in Germany, but in the United States, has more than doubled from 1889 to this good hour.

Unfortunately, we have adhered to that age. Not only have we adhered to it, but it seems prevalent throughout the country that now, more than ever before, emphasis is placed upon bringing forward young people and perhaps discarding older people.

Instead of yearning for retirement, a great many men and women—and I am sure many of our Federal judges—who are in their sixties want to continue their active, vigorous lives and to continue in the important public positions in which they are knowledgeable and respected.

What I have said in the past, I will repeat here. I am looking at Bill Gold's column in the Washington Post, written back on October 13, 1965, when, he quoted me as saying:

> To be sure, years may wrinkle the skin. But to lose enthusiasm wrinkles the soul and deadens the brain.
>
> Doubt, self-distress, fear, lassitude—these are the long years that bow the head and turn the spirit of hope toward dust.

Of course, one is as young as his faith. As long as we look forward, we hope for better things.

I have been president of two bar associations in my State of Ohio. I seriously doubt if there is one lawyer between the age of 30 and 60 in the entire State of Ohio, which has a population of 10,600,000 persons, who would refuse a nomination to the Federal judiciary under the present retirement plan. He does not require this legislation to encourage him.

Proponents of the pending bill also assert—and there may be some validity to the claim—that it will serve to increase available judiciary manpower by encouraging judges to retire and accept senior judge status, leaving vacancies that can be filled by new regular active service judges.

The fact is that there are Federal judges in practically every State of the Union who have reached retirement age and could have retired years ago who remain active on the bench.

It is not just in Boston that an 84-year-old judge is holding forth and trying case after case, day after day. That is the situation in many States. That is the situation in a trial proceeding in a Federal court in the State of Illinois, where the judge is in his midseventies.

In my own State of Ohio there are U.S. judges who have been on the bench 20 years or longer and who have attained the age of 70. They have not accepted senior status.

Why should these judges be nudged into retiring when they are perfectly satisfied with their present status, and are rendering real and needful public service to the country?

Furthermore, the fact that judge may retire and take senior status does not assure that he will do so. The pending bill offers no further guarantee whatever that in the future these judges would retire and take senior status.

If there is a need for additional United States district judges and judges of the Circuit Courts of Appeals, then let the Committee on the Judiciary hold hearings, and let them present to the Senate, so that we may debate and vote upon it, legislation to provide additional judgeships. Let us not go through the back door in a surreptitious and hurried manner, without public hearings, and without any protracted debate as is the situation at the present time.

What is the hurry? Why are we in such a rush to force our taxpayers to underwrite this additional burden? It is just something else that will cost taxpayers additional money. Senators might say it is only a small amount, perhaps a million dollars, if that is a small amount. I was born and reared in Puckerbrush Township, Huron County, Ohio, and a million dollars means a lot of money to me. This is certainly not a necessary bill. I assert that it will provide a virtual giveaway of taxpayers' money to accomplish a doubtful result.

I believe that citizens generally desire that Federal judges have a retirement program that assures their independence from financial pressures. However, under the present law, they may retire if they have attained the age of 70 and have served 10 years on the Federal bench or the age of 65, after having served 15 years on the bench. They certainly do have a retirement program which should enable them to get along, when they are assured, as long as they live, an income of $40,000 a year, for the district judges and $42,500 for circuit court of appeals judges, with not 1 cent deducted for any retirement program. The retirement program for Congressmen is very modest, as compared to the payment of their full salaries of $40,000 or $42,500 per year for retired Federal judges.

In my opinion, the members of the Judiciary Committee have come forth with an overly generous and, in fact, outrageously liberal retirement proposal in this bill. I think it is an entirely unnecessary bill. It is a bad legislative proposal which should be considered and debated for some hours and days in the Senate, instead of being heard briefly this afternoon.

Having studied the bill and the committee report, and after thorough consideration, I think that at the present time, in this grim period when we are blowing up into smoke $2½ billion every month, month after month, on our involvement in a civil insurrection in Vietnam, this is not the time to overindulge the Federal judiciary of our country. Therefore I must report that in good conscience I cannot and shall not vote in favor of the passage of the pending proposal.

Mr. ELLENDER. Mr. President, I should like to ask the Senator from Nebraska a few questions about the bill.

As I understand it, the only language that is added to this bill is to make it possible for a judge to retire after 20 years of continuous service. Is that correct?

Mr. HRUSKA. Yes; regardless of age.

Mr. ELLENDER. And he receives the same amount of retirement as one who has served 30 years?

Mr. HRUSKA. That is right.

Mr. ELLENDER. Mr. President, I wish to be recorded as voting against this measure, and I hope we will have a rollcall vote on it.

Mr. HRUSKA. Mr. President, just by way of summary, I should like to say that the rationale for retirement of Federal judges is an issue that was decided a long time ago. It was thoroughly considered, thoroughly debated, and adopted. It has been the national policy of this country for a very long time; and it has proved its worth through the years since its adoption.

The instant bill is a refinement, beneficial in nature, of the fundamental principle involved in the present judicial retirement law. I urge that the bill be approved in the form in which it is now before the Senate.

Mr. ELLENDER. Mr. President, has the Senator any idea as to the additional cost to the Treasury should the bill be enacted?

Mr. HRUSKA. It is difficult to compute the cost, Mr. President, for this reason: This is an enabling act. The act is permissive in character. A judge does not have to retire after 20 years of service on the Federal bench. He may do so, and continue service by accepting cases. The immediate impact of his retirement is that it opens a place on the regular bench for another judge, though the majority of those who have been eligible for retirement under the present law stay in service and are called upon for their services. So it is difficult, because of that fact, to compute the cost.

Mr. ELLENDER. Does the Senator feel that the passage of this bill will result in a need for fewer judges?

Mr. HRUSKA. No. As a matter of fact, the need for additional judge power has been repeatedly demonstrated. This will add to the judge power. In addition to the judges who will be appointed to take

the places of the retirees, there will be the additional services rendered by the retirees themselves.

Mr. ELLENDER. Mr. President, the enactment of this bill will add further costs to our Treasury. How much no one can tell and I do not believe that it should be enacted without further debate and more information.

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

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the passage of the pending bill occur at 12:15 p.m. tomorrow and that rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, reads as follows:

Ordered, That the Senate proceed to vote on final passage of the bill S. 1508, to improve judicial machinery, etc., at 12:15 o'clock p.m. on Wednesday, October 29, 1969.

Mr. HOLLAND. Mr. President, during discussion and debate on the pending bill, S. 1508, I have been somewhat disturbed by some of the points made. I think my own disturbance has been pretty well removed by reference to the body of the United States Code, and perhaps this will be true in the case of other Members of the Senate.

I therefore ask unanimous consent to have printed in the RECORD the whole of section 371, chapter 17, title 28 of the United States Code.

There being no objection, section 371, chapter 17 of title 28 of the United States Code was ordered to be printed in the RECORD, as follows:

§ 371. Resignation or retirement for age.

(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime continue to receive the salary which he was receiving when he resigned.

(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires. (June 25, 1948, ch. 646, 62 Stat. 903; Oct. 31, 1951, ch. 655, § 39, 65 Stat. 724; Feb. 10, 1954, ch. 6, § 4(a), 68 Stat. 12.)

Mr. HOLLAND. Mr. President, careful consideration of that section will show quite clearly that the part which relates to resignation, subsection (a), is not at all affected by the pending bill.

The part of section 371 which is affected by the pending bill is subsection (b), which relates entirely to retirement. It is quite clear, at least to me, that a retired judge, under subsection (b), continues to be a judge and may be called upon for any service for which he is available, and is still a judge who has retained his office.

The words "retained his office" are the key words in that subsection (b) relating to retirement.

I might add that since a retired judge continues to be a judge, he is, of course, subject to the prohibitions of the Federal code relating to Federal judges.

I ask unanimous consent that section 454 of said chapter 17 of title 28 of the United States Code be printed in the RECORD at this point.

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

§ 454. Practice of law by justices and judges.

Any justice or judge under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor. (June 25, 1948, ch. 646, 62 Stat. 908.)

LEGISLATIVE HISTORY

Reviser's note.—Based on title 28, U.S.C., § 373 (Mar. 3, 1911, ch. 231, § 258, 36 Stat. 1090).

Changes in phraseology were made.

Clerks to justices not to practice, see rule 7, Appendix to this title.

Mr. HOLLAND. Mr. President, this section makes it clear that any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor—meaning of course, that he may be removed, upon impeachment proceedings, and there may be other penalties, but that he may not engage in the practice of law.

The reason why this became a matter of concern to me, at least, is that it was argued by one Senator in the course of the debate that a district judge retiring at an early age, after 20 years of service—supposing, for instance, he had been appointed at 35 and retired at 55—might reenter the practice of law and at the same time retain his full pay. As I read this section, that is not so at all. If he retired at 55, he would remain as judge, would be subject to the prohibition against the practice of law, and would be available for assignment to such cases as he was able to handle; and in no sense could he return to the active practice of law, though he would have retired at what I now regard to be the early age of 55.

I ask my distinguished friend who is handling this matter, the Senator from Nebraska (Mr. HRUSKA), if he agrees with the conclusion I have reached from reading those two sections of the code.

Mr. HRUSKA. Mr. President, the Senator from Nebraska is grateful for the supplementation and clarification of the debate held this afternoon by the quotation of those parts of the statutes which the Senator from Florida put in the RECORD. We had conferred informally about it and reached an agreement that that is the proper interpretation of the sections put into the RECORD.

Mr. HOLLAND. I thank my distinguished friend.

EULOGIES FOR THE LATE SENATOR DIRKSEN

Mr. MANSFIELD. Mr. President, for the information of the Senate, immediately upon the conclusion of the vote on the pending business tomorrow, the Senate will deliver its tributes and eulogies to our beloved late minority leader, Mr. Dirksen, of Illinois.

ORDER FOR ADJOURNMENT

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask uanimous consent that the order for the quorum call be rescinded.

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

AMENDING SECTION 4 OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS RELATING TO VOTING AGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 494, S. 2314.

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 (S. 2314) to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 1, line 9, after the word "Islands" strike out "at an age lower than that prescribed in subsection (a) of this section," and insert "at an age not lower than eighteen years of age,"; and on page 2, line 2, after the word "approve" strike out "a reduction in such voting age"; so as to make the bill read:

S. 2314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Revised Organic Act of the Virgin Islands (68 Stat. 497) is amended (1) by inserting "(a)" immediately after "SEC. 4."; and (2) by adding at the end thereof the following new subsection:

"(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if

a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose."

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–497), 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. 2314 is to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to lower the voting age to an age less than 21 years if the majority of the voters in the Virgin Islands approve a reduction in such voting age in a referendum election held for that purpose.

NEED

Section 4 of the Revised Organic Act of the Virgin Islands now prescribes that the franchise shall be vested in residents of the Virgin Islands who are citizens of the United States and who are 21 years of age or over.

Since enactment of the Revised Organic Act of 1954, the legislative power and authority of the Virgin Islands has been vested in a unicameral legislature with authority over "all rightful subjects of legislation" not inconsistent with the laws of the United States made applicable to the Virgin Islands. The legislature of the Virgin Islands has exercised this authority in a proper manner and in the tradition of free legislatures everywhere. By legislation enacted in 1968 (Public Law 90–496), the people of the Virgin Islands will elect their own Governor in November 1970. Enactment of S. 2314 would provide another significant step in the direction of local self-government for the Virgin Islands.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. MOSS. Mr. President, last week Health, Education, and Welfare's Secretary Finch banned cyclamates and products using cyclamates. The basis of studies showing that cyclamates can cause cancer in rats and laboratory animals when injected with doses approximating 50 times normal human consumption. Secretary Finch is to be highly commended for moving firmly, and for moving without insisting upon a pile of corpses to prove beyond doubt that cyclamates can cause cancer in humans.

Ironically cyclamates were initially discovered almost by accident as a chemical byproduct of tobacco smoke.

And what a contrast there has been between Secretary Finch's ban on cyclamates and our chronic failure to face up to the hazards of smoking. We know only that cyclamates cause damage to animals in large doses. Yet, there is overwhelming evidence that cigarettes kill hundreds of thousands of people. Cigarette smoke contains several substances which are recognized as carcinogenic to man.

In contrast, too, is the reactions of the industries involved. The cyclamate manufacturers moved not to court nor to Congress to overturn the FDA action, but moved instead to accommodate the judgments of the Government by shifting production to other sweeteners. The cigarette manufacturers by contrast refused to face the facts about smoking and obtained the support of Congress in forestalling any meaningful regulatory action over cigarette advertising.

Did the TV industry protest that the curtailment of cyclamate advertising would work a hardship on them? Of course not. Yet representatives of the broadcasters are insisting upon continuing cigarette advertising for 4 years, even though the cigarette companies themselves are at last willing to terminate broadcast advertising in 1 year.

Nor did the House of Representatives move to stop the FDA from banning cyclamates. Yet, the House has this year acted again to ban the Federal Trade Commission from requiring warnings in cigarette advertisements for 6 years.

I think it is high time we applied the same firm standards of responsibility to cigarettes that we are willing to apply to foods and drugs.

On Thursday the Senate Commerce Committee meets to consider H.R. 6543, the so-called Public Health Cigarette Smoking Act of 1969. I ask unanimous consent that a letter and proposed amendments I have sent to the members of the committee seeking to strengthen the legislation to make it responsive to the facts about smoking and the judgments of the medical community 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:

U.S. SENATE,
Washington, D.C., October 24, 1969.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The full Commerce Committee is scheduled to consider H.R. 6543, the House passed "Public Health Cigarette Smoking Act of 1969," on October 30th and, if necessary, October 31st.

The cigarette industry, as you know, has now agreed to withdraw all broadcast advertising of cigarettes by September 1970, upon the condition that it be granted immunity from the antitrust laws for this purpose.

Concerned public health organizations have welcomed the cigarette industry's decision, but they—and the broadcast industry—strenuously object that the public interest will not be served if the cigarette companies are permitted to divert their massive TV and radio advertising budgets into massive, "no holds barred" print advertising.

Yet, the House passed bill would tie the hands of the FTC by prohibiting it from requiring cautionary warnings in advertising if it concludes that future cigarette advertising practices necessitate such warnings.

The Federal Trade Commission testified before our Committee that it would not now attempt to require any warnings in print advertising; instead, it would defer any such action at least until after June 30, 1970, so that it might monitor the withdrawal of cigarette advertising from radio and television and future cigarette advertising practices in non-broadcast media.

So that the cigarette industry can effect its withdrawal from radio and TV by September 1970, and so that the public will be adequately protected against excesses by cigarette advertisers in other media, I will propose the amendments to the House bill which are shown in the attached print. They will accomplish the following objectives.

(1) Grant antitrust exemption, as approved by the Justice Department, (see attached letter from Assistant Attorney General McLaren) to cigarette advertising in any media. This amendment would not only permit the scheduled withdrawal from broadcast advertising, but it would allow the cigarette companies to agree upon an equitable formula to limit the volume of cigarette advertising in print media.

(2) Remove the House passed six year preemption of FTC authority to require warning in cigarette advertising, while preserving without time limitation the House ban on conflicting or nonuniform state or local regulation of cigarette advertising.

The House passed bill continues the requirement for reports by the Department of Health, Education and Welfare with respect to current information on the Health consequences of smoking and by the Federal Trade Commission with respect to the effectiveness of cigarette labeling and current practices and methods of cigarette advertising and promotion.

I will propose that the date of the first FTC report be moved up to July 1, 1970 and that the committee report direct the FTC to include in its survey:

"(1) the effectiveness of cigarette labeling; (2) the implementation of the cigarette industry's pledge to withdraw from cigarette advertising; (3) the volume and effectiveness of public service smoking education campaigns in broadcast and non-broadcast media; (4) the performance of the cigarette industry in avoiding advertisements with particular appeal to young people; (5) the utilization by the cigarette industry of print advertising for the non-deceptive promotion of cigarettes which are low in tar, nicotine, and hazardous gases; (6) an analysis of public opinion polls and other relevant information indicating the extent to which the American public, especially young people, have been made fully aware of the hazards of smoking; (7) a discussion of the action, if any, which the Commission proposes to take to restrict cigarette advertising; and (8) such recommendations for additional legislation as the Commission may deem appropriate."

I very much hope that I shall have your support when the Committee considers these amendments. If you or any member of your staff have any questions relating to them, please call me or contact Mike Pertschuk or Bill Meserve of the Committee staff.

Kindest regards.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

H.R. 6543

(Stricken matter enclosed in brackets, new matter printed in italic)

An act to extend public health protection with respect to cigarette smoking and for other purposes

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 "Public Health Cigarette Smoking Act of 1969."

SEC. 2. Sections 2 through 10 of Public Law 89–92 (15 U.S.C. 1331–1338) are amended to read as follows:

"DECLARATION OF POLICY

"SEC. 2. It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1 the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

"DEFINITIONS

"SEC. 3. As used in this Act—

"(1) The term 'cigarette' means—

"(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

"(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

"(2) The term 'commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

"(3) The term 'United States', when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island. *The term 'State' includes any political division of any State.*

"(4) The term 'package' means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

"(5) The term 'person' means an individual, partnership, corporation, or any other business or legal entity.

"(6) The term 'sale or distribution' includes sampling or any other distribution not for sale.

"LABELING

"SEC. 4. It shall be unlawful for any person to manufacture, import, or package for sale or distribution within the United States any cigarettes the package of which fails to bear the following statement: 'Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.' Such statement shall be located in a conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"PREEMPTION

"SEC. 5. (a) No statement relating to smoking and health, other than the statement required by section 4 of this Act, shall be required on any cigarette package.

["(b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.]

"(b) *No other requirement or prohibition based on smoking and health shall be imposed by any State statute or regulation with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.*

["(c) Except as is otherwise provided in subsections (a) and (b), nothing in this Act shall be constructed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.]

"Antitrust Exemption

"Sec. 6. The antitrust laws of the United States, as defined in section 1 of the Act of October 15, 1914 (38 Stat. 730; 15 U.S.C. 12) and the Federal Trade Commission Act, as amended (38 Stat. 719; 15 U.S.C. 44), and state anti-trust laws, shall not apply to any joint agreement by or among persons engaged in the manufacture or sale of cigarettes to refrain from or to restrict the advertising of cigarettes; provided, however, that any such joint agreement shall apply equally to all persons engaged in the medium of communications to which such agreement is applicable.

"Reports

"'Sec. 7(a) [(d)(1)] The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than [eighteen months after the effective date of this Act, and] *January 1, 1971, and* annually thereafter, concerning (A) current information on the health consequences of smoking and (B) such recommendations for legislation as he may deem appropriate.

"[(2)] *(b)* The Federal Trade Commission shall transmit a [report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, con-] *report to the Congress not later than July 1, 1970 and annually thereafter, con*cerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

"Criminal Penalty

"SEC. [6.] *8.* Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"INJUNCTION PROCEEDINGS

"SEC. [7.] [10.] 9. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"CIGARETTES FOR EXPORT

"SEC. [8.] [11.] 10. Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act, but such exemptions shall not apply to cigarettes manufactured, imported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

"SEPARABILITY

"SEC. [9.] [12.] 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

["Termination of provisions affecting regulation of advertising

["SEC. 10. The provisions of this Act which affect the regulation of advertising shall terminate on July 1, 1975, but such termination shall not be construed as limiting, expanding, or otherwise affecting the jurisdiction or authority which the Federal Trade Commission or any other Federal agency had prior to the date of enactment of this Act."

[SEC. 3. The amendment made by this Act shall take effect on July 1, 1969.]

Effective date

Sec. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. All other provisions of the amendment made by this Act shall take effect on January 1, 1970.

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

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

S. 3090—INTRODUCTION OF A BILL TO AUTHORIZE ADDITIONAL FUNDS FOR THE MINUTEMAN NATIONAL HISTORICAL PARK

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to allow the completion of the land acquisition program for the Minuteman National Historical Park, and for other purposes.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

Mr. KENNEDY. The Minuteman Historical Park, which preserves the sites of the first battle of the American Revolution, was created by act of Congress in 1959.

It embraces portions of the route traversed by the British at the outset of the Revolutionary War; and it includes sites in Lexington, Lincoln, and Concord, Mass., which were defended by the Minutemen during those opening days of hostility.

The events that took place at that time include the momentous ride of Paul Revere and William Dawes, the proposed arrest of John Hancock and Samuel Adams, the capture of the colonial military stores at Concord, and the routing of the first British military expedition from Boston to Concord.

The significance of this area is familiar to all Americans. It was on Lexington Green and at Concord Bridge that the first shots were fired and the first blood spilled for the cause of American independence, inspiring Ralph Waldo Emerson to write:

By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood,
And fired the shot heard round the world.

No one of us would wish to lose any of this area and, in fact, we in Congress have expressed our intent to preserve these sites for present and future Americans.

The act passed in 1959 authorized the acquisition of 750 acres of land in two units: One a continuous stretch of 4 miles of road and roadside properties in the towns of Lexington, Lincoln, and Concord, containing 557 acres; and the other consisting of about 155 acres encompassing the celebrated North Bridge in Concord and its adjoining area.

In the past 9 years, the National Park Service has acquired all but 125 acres of the approved land. Currently 8 acres in Lexington, 52 in Lincoln, and 65 in Con-

cord remain to be acquired. A recent estimate by the Department of the Interior indicates the cost of acquisition of these lands to be 5.9 millions of dollars.

Mr. President, in 6 years we will celebrate the 200th anniversary of the independence of this Nation.

The war that won that independence began on the site of the Minuteman National Park.

Since 1964, over 2 milion people have visited the park; this number will increase as we approach our bicentennial year. Certainly it would be appropriate to authorize the funds necessary to fulfill the original intent of Congress as soon as possible.

Early authorization will ensure adequate site development by 1976.

The bill I introduce today also gives discretion to the Secretary of the Interior to alter the boundaries of the park in light of the recent relocation of Highway 2 by the Commonwealth of Massachusetts. Such discretion would permit the Secretary to increase the authorized acreage of the park, but only in realining the southern boundary to make it consistent with the highway relocation.

The battle fought at Lexington and Concord on April 19, 1775, and the memory of the Minutemen who defended the Colonies' right to independence, are matters of incalculable import in the history of the Western World.

I ask Congress to give its support to this bill which completes a program authorized by the Congress in 1959 and preserves for all time and for all men a fitting memorial marking a new dawn of freedom and the creation of a nation of free men.

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

The bill (S. 3090) to amend the act of September 21, 1959 (73 Stat. 590) to increase the authorization for the Minuteman National Historical Park, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the establishment of Minute Man Historical Park in Massachusetts, and for other purposes", approved September 21, 1959 (73 Stat. 590; Public Law 86–321) is amended (1) by striking out "$8,000,000" and inserting in lieu thereof "$13,900,000" and (2) by striking out "$5,000,000" and inserting in lieu thereof "$10,900,000."

SEC. 2. Section 1 of the Act entitled "An Act to provide for the establishment of Minute Man Historical Park in Massachusetts, and for other purposes", approved September 21, 1959 (73 Stat. 590; Public Law 86–321) is amended by adding two subsections, as follows:

"(b) Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided,* That any net acreage increase by reason of boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.

"(c) Any lands acquired as a result of the relocation of boundaries provided for in subsection (b), shall, upon their acquisition, become a part of Minute Man National Historical Park, and subject to all laws, rules, and regulations applicable thereto."

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE JOINT RESOLUTION 163—INTRODUCTION OF SENATE JOINT RESOLUTION AUTHORIZING INCREASED FUNDING FOR U.S. OFFICE OF EDUCATION PROGRAMS

Mr. MONTOYA. Mr. President, I introduce on behalf of myself and Mr. PELL, Mr. RANDOLPH, Mr. JAVITS, Mr. BAYH, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SPONG, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. ALLEN, Mr. DODD, and Mr. TOWER, a joint resolution which increases permissible funding levels for all programs under the U.S. Office of Education to the level set by H.R. 13111, the fiscal year 1970 appropriation bill for the Department of Labor and the Department of Health, Education, and Welfare, instead of that set by either the much reduced amount in the President's budget request or the fiscal year 1969 appropriations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation showing a summary of fiscal year 1969 authorizations and appropriations for the Office of Education as well as action thus far on the fiscal year 1970 Office of Education appropriations.

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

SUMMARY OF FISCAL YEAR 1970 HISTORY

	Fiscal year 1969		Fiscal year 1970						
	Authorization [1]	Appropriation [2,3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowanc
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000	$1,470,338,000	$1,761,591,000
School assistance in federally affected areas	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000	95,000,000	95,000,000
Teacher corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000	21,737,000	21,737,000
Higher education	1,689,428,706	808,203,000	1,981,700,000	1,204,732,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
Research and training (special foreign currency)	[4]	1,000,000	[4]	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	[4]	40,804,512	[4]	58,412,000	46,725,000	43,375,000	43,375,000	47,157,000	47,157,000
Civil rights education	[4]	10,797,000	[4]	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	[4]	0	[4]	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,669,358,967	8,923,706,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455	3,327,049,455	4,246,241,455

[1] Includes indefinite authorizations.
[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.
[3] Includes supplementals.
[4] Indefinite.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
ELEMENTARY AND SECONDARY EDUCATION									
Educationally deprived children (ESEA–I)	2,184,436,274	1,123,127,000	2,359,554,470	[1] 1,171,500,000	[1] 1,226,127,000	[1] 1,226,000,000	[1] 1,226,000,000	[1 2] 1,216,175,000	[1 2] 1,396,975,000
Local educational agencies (ESEA–I)	(2,072,075,264)	(1,020,438,980)	(2,238,402,205)	(1,061,414,905)	(1,115,347,932)	(1,115,222,202)	(1,115,222,202)	(1,105,397,202)	(1,284,631,102)
Handicapped children (ESEA–I)	(29,781,258)	(29,781,258)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)
Juvenile delinquents in institutions (ESEA–I)	(12,459,014)	(12,459,014)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)
Dependent and neglected children in institutions (ESEA–I)	(1,487,086)	(1,487,086)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)
Migratory children (ESEA–I)	(45,556,074)	(45,556,074)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)
State administration (ESEA–I)	(23,077,578)	(13,404,588)	(24,727,070)	(13,659,900)	(14,353,873)	(14,352,603)	(14,352,603)	(14,352,603)	(15,918,703)
Dropout prevention (ESEA–VIII)	30,000,000	5,000,000	30,000,000	27,000,000	27,000,000	24,000,000	24,000,000	5,000,000	5,000,000
Bilingual education (ESEA–VII)	30,000,000	7,500,000	40,000,000	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Supplementary educational centers (ESEA–III)	527,875,000	164,876,000	566,500,000	214,000,000	172,000,000	172,876,000	116,393,000		[2] 164,876,000
Library resources (ESEA–II)	167,375,000	50,000,000	206,000,000	41,400,000	46,000,000	42,000,000	0		50,000,000
Guidance, counseling, and testing (NDEA V–A)	25,000,000	17,000,000	40,000,000	19,800,000	18,000,000	12,000,000	0	[2] 200,163,000	17,000,000
Equipment and minor remodeling (NDEA–III)	204,373,000	78,740,000	290,000,000	16,155,000	17,950,000	0	0		78,740,000
Grants to States	(96,800,000)	(75,740,000)	(105,600,000)	(13,155,000)	0	0	0		(75,740,000)
Loans to nonprofit private schools	(13,200,000)	(1,000,000)	(14,400,000)	(1,000,000)	0	0	0		(1,000,000)
State administration	[4] (10,000,000)	(2,000,000)	[4] (10,000,000)	(2,000,000)	0	0	0		(2,000,000)
Grants to local educational agencies	(84,373,000)	0	(160,000,000)	0	(17,950,000)	0	0	0	0
Strengthening State departments of education (ESEA–V)	80,000,000	29,750,000	80,000,000	35,000,000	32,000,000	29,750,000	29,750,000	29,750,000	29,750,000
Grants to States	(76,000,000)	(28,262,500)	(76,000,000)	(33,250,000)	(30,400,000)	(28,262,500)	(28,262,500)	(28,262,500)	(28,262,500)
Grants for special projects	(4,000,000)	(1,487,500)	(4,000,000)	(1,750,000)	(1,600,000)	(1,487,500)	(1,487,500)	(1,487,500)	(1,487,500)
Planning and evaluation (ESEA amendments of 1967–IV)	[5]	0	[5]	14,000,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000
Total	3,249,059,274	1,475,993,000	3,612,054,470	1,553,855,000	1,558,327,000	1,525,876,000	1,415,393,000	1,470,338,000	1,761,591,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS									
Maintenance and operation (Public Law 874)	560,950,000	505,900,000	650,594,000	434,929,000	300,000,000	300,000,000	187,000,000	187,000,000	685,000,000
Payment to local educational agencies	(530,950,000)	(475,900,000)	(618,294,000)	(402,629,000)	(267,700,000)	(267,700,000)	(154,700,000)	(154,700,000)	(552,700,000)
Payments to other Federal agencies	(30,000,000)	(30,000,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)
Construction (Public Law 815)	79,162,000	15,153,000	79,347,000	23,573,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000
Assistance to local educational agencies	(66,162,000)	(1,107,000)	(68,240,000)	(12,513,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
Assistance for school construction on Federal properties	(13,000,000)	(13,000,000)	(11,107,000)	(10,000,000)	(11,107,000)	(11,107,000)	(11,107,000)	(11,107,000)	(11,107,000)
Technical services	[6]	(1,046,000)	[6]	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)
Evaluation	[6]	200,000	[6]	0	0	0	0	0	0
Total	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
EDUCATION PROFESSIONS DEVELOPMENT									
Preschool, elementary, and secondary	350,000,000	95,000,000	440,000,000	145,000,000	115,000,000	104,500,000	95,000,000	95,000,000	95,000,000
Grants to States (EPDA pt. B–2)	(50,000,000)	(15,000,000)	(65,000,000)	(20,000,000)	(20,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Training programs (EPDA pts. C, D & F)	(300,000,000)	(80,000,000)	(375,000,000)	(125,000,000)	(95,000,000)	(89,500,000)	(80,000,000)	(80,000,000)	(80,000,000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	Fiscal year 1969		History of 1970 budget, Office of Education — Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
EDUCATION PROFESSIONS DEVELOPMENT—Con.									
Encouragement of educational careers (EPDA) (sec. 504)	2,500,000	0	5,000,000	1,500,000	1,500,000	500,000	0	0	0
Total	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000	95,000,000	95,000,000
TEACHER CORPS									
Operations and training (EPDA, pt. B-1)	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000	21,737,000	21,737,000
HIGHER EDUCATION									
Program assistance	69,541,706	56,450,000	161,120,000	70,772,000	74,772,000	48,620,000	42,120,000	42,120,000	42,120,000
Strengthening developing institutions (HEA III)	(35,000,000)	(30,000,000)	(70,000,000)	(35,000,000)	(40,000,000)	(35,000,000)	(30,000,000)	(30,000,000)	(30,000,000)
College of agriculture and mechanic arts (Bankhead-Jones Act)	(12,120,000)	(11,950,000)	(12,120,000)	(12,272,000)	(12,272,000)	(12,120,000)	(12,120,000)	(12,120,000)	(12,120,000)
Proposed supplemental	(7,241,706)	0	0	0	0	0	0	0	0
Undergraduate instructional equipment and other resources:									
Television equipment (HEA VI-A)	(1,500,000)	(1,500,000)	(10,000,000)	(1,500,000)	(1,500,000)	0	0	0	0
Other equipment (HEA VI-A)	(13,000,000)	(13,000,000)	(60,000,000)	(13,000,000)	(13,000,000)	0	0	0	0
Institutional sharing of resources (HEA VIII)	(340,000)	0	(4,000,000)	(4,000,000)	(3,000,000)	(750,000)	0	0	0
Improvement of graduate schools (HEA X)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(750,000)	0	0	0
Construction	1,068,000,000	106,753,000	1,074,750,000	292,100,000	240,816,000	171,770,000	65,850,000	65,850,000	98,850,000
Public community colleges and technical institutes (HEFA I)	(224,640,000)	(50,000,000)	(224,640,000)	(83,700,000)	(67,000,000)	(43,000,000)	(43,000,000)	(43,000,000)	(43,000,000)
Other undergraduate facilities (HEFA I)	(711,360,000)	(33,000,000)	(711,360,000)	(166,300,000)	(133,464,000)	(87,000,000)	0	0	(33,000,000)
Graduate facilities (HEFA II)	(120,000,000)	(8,000,000)	(120,000,000)	(30,000,000)	(25,577,000)	(20,000,000)	0	0	0
Interest subsidization (HEFA III)	(5,000,000)	0	(11,750,000)	0	(2,675,000)	(10,670,000)	(11,750,000)	(11,750,000)	(11,750,000)
Supplemental		(3,920,000)	0	0	0	0	0	0	0
State administration and planning (HEFA I):									
State administration	(7,000,000)	(3,000,000)	(7,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
State planning		(4,000,000)		(4,000,000)	(4,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
Administration	(5)	(4,833,000)	(5)	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)
Student aid	528,590,000	568,100,000	695,430,000	720,500,000	662,600,000	601,400,000	600,400,000	610,706,000	651,500,000
Educational opportunity grants (HEA IV-A)	[6]70,000,000	(124,600,000)	[6]100,000,000	(179,600,000)	(175,600,000)	(175,600,000)	(175,600,000)	(159,600,000)	(159,600,000)
Direct loans (NDEA II):									
Contributions to loan funds	(210,000,000)	(190,000,000)	(275,000,000)	(211,200,000)	(194,000,000)	(155,000,000)	(155,000,000)	(181,306,000)	(222,100,000)
Loans to institutions	(7)	(2,000,000)	(7)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Teacher cancellations	(8)	(1,400,000)	(8)	(4,900,000)	(4,900,000)	(4,900,000)	(4,900,000)	(4,900,000)	(4,900,000)
Insured loans (HEA IV-B):									
Advances for reserve funds	(12,500,000)	(12,500,000)	0	0	0	0	0	0	0
Interest payments	(8)	(62,400,000)	(8)	(81,400,000)	(62,400,000)	(62,400,000)	(62,400,000)	(62,400,000)	(62,400,000)
Computer services		(1,500,000)		(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)
Work-study programs (HEA IV-C)	(225,000,000)	(139,900,000)	(255,000,000)	(175,500,000)	(165,000,000)	(154,000,000)	(154,000,000)	(154,000,000)	(154,000,000
Cooperative education (HEA IV-D):									
Program support	(340,000)	0	(8,000,000)	(5,000,000)	(5,000,000)	(1,000,000)	0	0	0
Research and training	(750,000)	0	(750,000)	(500,000)	(500,000)			0	0
Special programs for disadvantaged students (HEA sec. 408):									
Talent search				(8,500,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Upward bound	(10,000,000)	{(4,000,000)} {(29,800,000)}	(56,680,000)	(31,700,000)	(31,700,000)	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)
Special services in college				(18,700,000)	(15,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
HIGHER EDUCATION—Continued									
Personnel development	22,180,000	76,900,000	48,500,000	120,000,000	92,000,000	74,469,000	71,469,000	66,163,000	66,163,000
College teacher fellowships (NDEA IV)	(5)	(70,000,000)	(5)	(96,600,000)	(75,000,000)	(61,469,000)	(61,469,000)	(56,163,000)	(56,163,000)
Training programs (EPDA, pt. E)	(21,500,000)	(6,900,000)	(36,000,000)	(16,400,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Public service education (HEA IX)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(3,000,000)	0	0	0
Clinical experience for law students (HEA XI)	(340,000)	0	(7,500,000)	(2,000,000)	(2,000,000)	0	0	0	0
Planning and evaluation	1,117,000	0	1,900,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	1,689,428,706	808,203,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
VOCATIONAL EDUCATION									
Basic grants (VE Act of 1963, pt. B)	315,000,000	[8] 234,216,000	504,000,000	321,070,000	228,716,000	230,336,000	230,336,000	300,336,000	357,836,000
Transfer to Department of Labor	5,000,000	0	5,000,000	2,500,000	2,500,000	2,000,000	2,000,000	0	0
State advisory councils	(4)	0	(5)	3,850,000	1,850,000	1,680,000	1,680,000	1,680,000	1,680,000
National advisory council	[9] 100,000	0	150,000	150,000	150,000	200,000	200,000	200,000	200,000
Homemaking education (VE act of 1963 pt. F)	(10)	14,000,000	25,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Programs for students with special needs (VE act of 1963, (pt. B)	40,000,000	0	40,000,000	15,000,000	15,000,000	0	0	0	40,000,000
Work-study (VE act of 1963, pt. H)	35,000,000	0	35,000,000	28,000,000	28,000,000	0	0	10,000,000	10,000,000
Cooperative education (VE act of 1963, pt. G)	20,000,000	0	35,000,000	17,500,000	17,500,000	14,000,000	14,000,000	14,000,000	14,000,000
Innovation (VE act of 1963, pt. D)	15,000,000	0	57,500,000	30,000,000	30,000,000	13,000,000	13,000,000	13,000,000	13,000,000
Curriculum development (VE act of 1963, pt. I)	7,000,000	0	10,000,000	5,000,000	5,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Residential vocational schools (VE act of 1963, pt. E)	45,000,000	0	55,000,000	5,000,000	5,000,000	0	0	0	0
Planning and evaluation	(5)	0	(5)	1,500,000	1,500,000	1,000,000	1,000,000	1,000,000	1,000,000
Research (VE act of 1963, (pt. C)	(11)	(11)	(11)	(11)	(11)	(11)	(11)	(11)	[12] 34,000,000
Total	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
LIBRARIES AND COMMUNITY SERVICES									
Library services	80,000,000	40,709,000	96,000,000	44,000,000	42,000,000	40,709,000	23,209,000	40,709,000	40,709,000
Grants for public libraries (LSCA I)	(55,000,000)	(35,000,000)	(65,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(17,500,000	(35,000,000)	(35,000,000)
Interlibrary cooperation (LSCA III)	(10,000,000)	(2,281,000)	(12,500,000)	(3,500,000)	(2,500,000)	(2,281,000	(2,281,000	(2,281,000)	(2,281,000)
State institutional library services (LSCA IV–A)	(10,000,000)	(2,094,000)	(12,500,000)	(3,000,000)	(3,000,000)	(2,094,000)	(2,094,000)	(2,094,000)	(2,094,000)
Library services to physically handicapped (LSCA IV–B)	(5,000,000)	(1,334,000)	(6,000,000)	(2,500,000)	(1,500,000)	(1,334,000)	(1,334,000)	(1,334,000)	(1,334,000)
Construction of public libraries (LSCA II)	60,000,000	9,185,000	70,000,000	15,800,000	15,800,000	9,185,000	0	0	9,185,000
College library resources (HEA II–A)	25,000,000	25,000,000	75,000,000	25,000,000	25,000,000	25,000,000	12,500,000	12,500,000	12,500,000
Acquisition and cataloging by Library of Congress (HEA II–C)	6,000,000	5,500,000	11,100,000	5,500,000	8,500,000	7,356,000	4,500,000	5,500,000	5,000,000
Librarian training (HEA II–B)	[13] 11,800,000	8,250,000	[13]28,000,000	8,250,000	8,250,000	8,250,000	4,000,000	4,000,000	4,000,000
University community services (HEA I)	10,000,000	9,500,000	50,000,000	14,000,000	10,000,000	9,500,000	9,500,000	9,500,000	9,500,000
Adult basic education	70,000,000	45,000,000	80,000,000	53,500,000	50,200,000	50,000,000	50,000,000	50,000,000	50,000,000
Grants to States (Adult Education Act)		(36,000,000)		(42,800,000)	(40,160,000)	(40,000,000	(40,000,000)	(40,000,000)	(40,000,000)
Special projects (Adult Education Act)		(7,000,000)		(8,200,000)	(8,040,000)	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)
Teacher education (Adult Education Act)		(2,000,000)		(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	Fiscal year 1969		History of 1970 budget, Office of Education — Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
LIBRARIES AND COMMUNITY SERVICES—Con.									
Educational broadcasting facilities—grants for facilities (title III, Communications Act of 1934)	12,500,000	4,000,000	15,000,000	13,625,000	8,625,000	5,625,000	4,000,000	4,000,000	4,000,000
Total	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
EDUCATION FOR THE HANDICAPPED									
Preschool and school programs (ESEA VI-A)	167,375,000	29,250,000	206,000,000	34,000,000	34,000,000	29,250,000	29,250,000	[14] 29,190,000	[14] 29,190,000
Early childhood programs (Public Law 90-538)	1,000,000	945,000	10,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	4,000,000
Teacher education and recruitment	40,500,000	30,250,000	59,000,000	41,000,000	36,000,000	30,500,000	30,500,000	30,500,000	36,610,000
Teacher education (Public Law 85-926)	(37,500,000)	(29,700,000)	(55,000,000)	(38,000,000)	(34,000,000)	(29,700,000)	(29,700,000)	(29,700,000)	(35,000,000)
Physical education and recreation (Public Law 88-164)	(2,000,000)	(300,000)	(3,000,000)	52,000,000)	(1,000,000)	(300,000)	(300,000)	(300,000)	(1,000,000)
Recruitment and information (ESEA VI-D)	(1,000,000)	(250,000)	(1,000,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)	(500,000)	(610,000
Research and innovation	26,250,000	14,600,000	36,500,000	27,500,000	21,500,000	18,350,000	18,350,000	17,100,000	23,700,000
Research and demonstration (Public Law 88-164, sec. 302)	(14,000,000)	(12,800,000)	(18,000,000)	(18,000,000)	(15,000,000)	(14,050,000)	(14,050,000)	(12,800,000)	(16,000,000)
Physical education and recreation (Public Law 88-164)	(1,500,000)	(300,000)	(1,500,000)	(1,500,000)	(1,000,000)	(300,000)	(300,000)	(300,00)	(700,000)
Regional resource centers (ESEA VI-B)	(7,750,000)	(500,000)	(10,000,000)	(4,000,000)	(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)	(3,000,000)
Innovative programs (deaf-blind centers) (ESEA VI-C)	(3,000,000)	(1,000,000)	(7,000,000)	(4,000,000)	(3,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(4,000,000)
Media services and captioned films (Public Law 85-905)	8,000,000	4,750,000	10,000,000	6,000,000	5,500,000	4,750,000	4,750,000	4,750,000	6,500,000
Total	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
RESEARCH AND TRAINING									
Research and development		74,976,000		116,800,000	86,800,000	68,800,000	68,800,000	68,800,000	68,800,000
Educational labaoratories (Co-op. Res. Act)	[5]	(23,600,000)		(37,200,000)	(33,600,000)	(25,750,000)	(25,750,000)	(25,750,000)	(25,750,000)
Research and developments centers (Co-op. Res. Act)	[5]	(10,800,000)		(10,800,000)	(10,800,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
General education (Co-op. Res. Act)[15]	[5]	(26,951,000)		(45,200,000)	(26,025,000)	(26,950,000)	(26,950,000)	(26,950,000)	(26,950,000)
Vocational education (VE Act of 1963)	35,000,000	(11,375,000)	56,000,000	(16,600,000)	(11,375,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)
Evaluations (Co-op. Res. Act)	[5]	(1,250,000)		(5,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
National achievement study (Co-op. Res. Act)	[5]	(1,000,000)		(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Major demonstrations (Co-op. Res. Act)	[5]	1,000,000		24,300,000	10,250,000	5,250,000	5,250,000	1,000,000	1,000,000
Experimental schools (Co-op. Res. Act)		0		0	0	0	25,000,000	0	[L]
Dissemination (Co-op. Res. Act., sec. 1206 HEA and sec. 303 VE amendments)	[5]	4,226,000		7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
Training (Co-op. Res. Act)	[5]	6,750,000		11,000,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000
Construction (Co-op. Res. Act)	[16]	0		[16]			0	0	0
Educational statistical surveys (Co-op. Res. Act)	[5]	500,000		2,455,000	2,200,000	2,000,000	2,000,000	2,000,000	2,000,000
Total	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
EDUCATION IN FOREIGN LANGUAGES AND WORLD AFFAIRS									
Centers, fellowships, and research (NDEA VI)	16,050,000	15,165,000	30,000,000	21,000,000	15,500,000	15,000,000	15,000,000	15,000,000	15,000,000
Fulbright-Hays training grants (Fulbright-Hays Act)	(5)	3,000,000	(5)	3,500,000	3,500,000	3,000,000	3,000,000	3,000,000	3,000,000
International Education Act	40,000,000	----------	90,000,000	5,000,000	5,000,000	2,000,000	2,000,000	0	0
Total	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)									
Institutional development grants for training, research, and study	(5)	800,000	(5)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Research in foreign education	(5)	200,000	(5)	0	0	0	0	0	0
Total	(5)	1,000,000	(5)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
SALARIES AND EXPENSES									
Program administration	(5)	40,804,512	(5)	58,412,000	46,725,000	43,375,000	43,375,000	42,157,000	42,157,000
CIVIL RIGHTS EDUCATION									
Training for school personnel and grants to school boards (Civil Rights Act IV)	(5)	9,250,000	(5)	14,533,000	11,833,000	11,900,000	17,150,000	10,500,000	10,500,000
Technical services and administration (Civil Rights Act IV)	(5)	1,547,000	(5)	1,967,000	1,967,000	1,850,000	2,850,000	1,500,000	1,500,000
Total	(5)	10,797,000	(5)	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
COLLEGES FOR AGRICULTURE AND AND THE MECHANIC ARTS									
Grants to States (2d Morrill Act)	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
PROMOTION OF VOCATIONAL EDUCATION ACT, FEB. 23, 1917									
Grants to States (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
STUDENT LOAN INSURANCE FUND									
Higher education and vocational student loans: Loans purchased upon default by student borrowers (HEA IV-B)	(6)	0	(6)	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
HIGHER EDUCATION FACILITIES LOAN FUND									
Operating costs (HEFA III):									
Commission on sales of participation certificates	(6)	0	(6)	0	0	0	0	0	0
Interest expense on participation certificates	(6)	4,875,000	(6)	4,800,000	4,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Administrative expenses	(6)	0	(6)	0	0	0	0	0	0

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	Fiscal year 196		History of 1970 budget, Office of Education						
			Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
HIGHER EDUCATION FACILITIES LOAN FUND—Continued									
Loans to higher education institutions (HEFA–III)	400, 000, 000	100, 000, 000	400, 000, 000	150, 000, 000	50, 000, 000	0	0	0	0
Total	400, 000, 000	104, 875, 000	400, 000, 000	154, 800, 000	54, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000

SUMMARY OF FISCAL YEAR 1970 HISTORY—FOOTNOTES

[1] Includes advance of $1,010,814,300 appropriated in the 1969 Labor-HEW Appropriation Act.
[2] House did not consider $9,825,000 for Indian children not yet authorized.
[3] House did not consider $230,000 for Indian children not yet authorized.
[4] Includes supervision which is funded under title V, ESEA.
[5] Indefinite.
[6] For new awards plus continuous cost.
[7] $25,000,000 authorized from fiscal year 1959 through duration of act.
[8] Includes $49,991,000 for George Barden and supplemental acts.
[9] Specific authorization represents amounts only for technical assistants to carry out functions of National Advisory Council.
[10] Authorization included under grants to States, pt. B, Vocational Education Act of 1963.
[11] Included under research and training appropriation.
[12] Excludes $1,100,000 which is included under research and training appropriation.
[13] Includes library research which is shown under research and training.
[14] House did not consider $60,000 for Indian children not yet authorized.
[15] General education combines these prior year activities: General education research, demonstration and development, library improvement research, and educational media research.
[16] $100,000,000 authorized over a 5-year period through fiscal year 1970.

Mr. MONTOYA. Mr. President, a glance at the tabulation will show that the amounts in the House-passed H.R. 13111 are $1 billion, $25 million over the budget request and approximately $600,000 over the fiscal year 1969 appropriation. The resolution we are introducing today would permit the Office of Education to expend funds at the greater level in H.R. 13111 until Congress completes action on the appropriation bill.

As you know, Mr. President, Congress has not yet completed action on fiscal year 1970 appropriations for programs in the U.S. Office of Education. As I pointed out on September 10 when I sponsored a joint resolution (S.J. Res. 148) providing similar school aid relief to federally impacted areas, the unavoidable delay in appropriations causes much uncertainty and many difficulties for education agencies which must function for several months not knowing the total amount of funds with which they have to operate. The continuing resolution presently in effect authorizes the Department of Health, Education, and Welfare, among other agencies, to expend funds at last year's rate or the President's fiscal year 1970 budget request, whichever is the lesser. A review of the above tabulation will show that this is simply not adequate.

The House-passed H.R. 13111 provides, as I have stated, for education programs, funds of more than $1 billion over the President's budget request. I feel confident that the Senate will uphold, and even increase, the amounts voted by the House. In light of the nearly assured action of Congress to amend the President's budget request, the present continuing resolution represents the imposition of an unnecessary hardship on federally funded education programs. This interim funding procedure is creating havoc with most school budgets and is particularly harmful to school programs involving vocational education, education for the handicapped, aid for educationally deprived children, aid to federally impacted areas, and direct loans for college students. We in Congress must not penalize the schools for our own unavoidable procedural inefficiencies.

If we do not enact this joint resolution promptly, Mr. President, we will, in fact, be penalizing our schools and our Nation's children. Unless we act now, schools will necessarily be forced to make drastic cuts in services, personnel, equipment, materials, and other vital areas. This will have the resultant effect of a poor quality education. Let us demonstrate our commitment to quality education by enacting this resolution and freeing the necessary funds for all education programs.

The resolution we are proposing is identical with one introduced in the other body, cosponsored by 227 Members of the House. Debate on that will be occurring today. I am hopeful that that measure will be adopted by the House today. By evincing our strong support for the measure now being introduced, we can assure our colleagues in the House of our collective support for meeting the educational needs of our children and schools thus enabling them to avoid any specious argument to the contrary which may be offered by those who have not assessed the depth of our commitment.

I am very pleased to state that the resolution, which has strong bipartisan support, is one which can command the allegiance of all Senators of both parties. I wish to thank my colleague, the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, and and my colleague, the Senator from West Virginia (Mr. RANDOLPH), senior member of the Committee on Labor and Public Welfare, and my colleague, the Senator from New York (Mr. JAVITS), ranking Republican member of the full committee, for joining with me at this time in presenting this resolution to the Senate on our behalf and on behalf of all those who have joined us in cosponsoring this measure.

Mr. President, this measure affects every State in the Nation and it affects every program administered by the U.S. Office of Education. Some programs would be assisted more than others, some States more than others. But in the final analysis, all States and thus children and scholars throughout the Nation will benefit if this measure is enacted.

Mr. President, a State-by-State breakdown of the various levels of funding involved may be found in the CONGRESSIONAL RECORD of October 21, 1969, at pages 30711–30768. All States will benefit in the end. Quality education will be enhanced.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the joint resolution.

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

The joint resolution (S.J. Res. 163) to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," introduced by Mr. MONTOYA (for himself and other Senators), was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 101(b) and section 101(d) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes," approved June 30, 1969 (83 Stat. 38), in addition to the sums appropriated by such joint resolution, such additional sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the Department of Health, Education, and Welfare for the fiscal year 1970, as may be necessary for carrying out programs and projects and for making payments to State and local educational agencies, institutions of higher education, and other educational agencies and organizations, of the amounts to which they would be entitled for the fiscal year 1970 pursuant to the provisions of those paragraphs captioned "Office of Education" in

the bill, H.R. 13111, which passed the House of Representatives on July 31, 1969, entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

Mr. PELL. Mr. President, I should like to take this opportunity to commend the junior Senator from New Mexico (Mr. MONTOYA) for taking the leadership role in seeking to meaningfully fund our current education programs. And I am pleased to join with him as a cosponsor.

It appears to me that both the Senate and the House have spoken most clearly on the subject of support for education. Early in this session, we, by record vote, exempted education programs from the budget limitation. In August we voted to increase the authorization for the Federal higher education student assistance programs. On the House side, concern for education was clearly demonstrated with the passage of H.R. 13111 at a level far in excess of the requested figure.

I hope that the administration and the Appropriations Committee will take note of what I believe to be the mood of the Senate in full support of education programs. Funding of ongoing projects at last year's level only retards the fine work of the local educational agencies not only in the present school year, but also in the next, for intelligent planning cannot be carried on when the funding level is so uncertain.

In today's Washington Post there appears an editorial which speaks of the need to give education a top priority. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Oct. 28, 1969]

EDUCATION—"THE KEY TO SURVIVAL"

"Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key . . . Education, long the key to opportunity and fulfillment, is today also the key to survival." So said Richard Nixon just a year ago when he was a candidate for the presidency. And he went on to pledge that "my administration will be second to none in its concern for education."

There has been no discernible movement to redeem that pledge. Indeed, in the fierce competition for attention and for federal funds in a period when economy is an administration watchword, education has been treated as a pesky poor relation. The President has come forward with a dramatic new welfare proposal; but he has displayed only indifference to the urgent educational needs set forth by a distinguished urban education task force. He has proposed immense expenditures for a new maritime program designed to "replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world"; but when the House of Representatives during the summer enlarged by a billion dollars the meager appropriation he requested for federal aid to education, he opposed the increase and threatened not to spend it if the Senate should endorse the House action.

The President and his Secretary of Health, Education and Welfare persuaded one of the ablest and most thoughtful educators in the country, Dr. James E. Allen Jr., to leave the New York State superintendency of education and come to Washington as U.S. Commissioner of Education. But Dr. Allen has been accorded scant influence since he came here, as though the administration desired a symbol of excellence rather than a promoter of it.

This country, a pioneer in mass public education, is now second to many of the countries of Europe in literacy, the most elementary index to educational attainment. Calling last month for a campaign to eradicate illiteracy in America, Commissioner Allen pointed to the shameful fact that in large city school systems in this country up to half of the students read below expectation and that about half of the unemployed youth between the ages of 16 and 21 in this country are functionally illiterate.

"Drift and neglect" have been much more—and much more seriously—the portion of the public schools in this country than of the merchant marine. For nearly half a century on one pretext or another—two world wars, two Asian interventions, a depression, an inflation—the public schools of this country have been allowed to sink further and further in arrears of the demands made upon them. School construction has not kept pace with a growing school population; the number and the caliber of teachers—and of the counselors and equipment required to complement the teachers—have lagged increasingly behind the known needs of school children.

The management of public schools is, and should be, a local responsibility. But the long neglect of the school system can be repaired only through a dramatic program of federal financial aid; the resources are simply not now available at the local level. More important still, the drive and innovation and planning for a revitalization of the public schools must come on a nationwide basis.

With the need for federal aid so urgent and so great, it is a tragedy to hear from within the administration phlegmatic talk about concentrating on research instead of on action. It is true, of course, that intensive study of educational needs and aims must continue constantly. But the schools themselves—and the children whose childhood opportunities for education can never recur—cannot now wait upon research. There are plenty of pressing and indubitably constructive uses for the billion dollars of additional money a concerned Congress wants to apply to public education. There is plenty of knowledge in the U.S. Commissioner's office to put that money effectively to work at once.

Mr. HART. Mr. President, I am pleased to cosponsor the resolution introduced by the Senator from New Mexico (Mr. MONTOYA) which would authorize Federal aid-to-education programs be funded at the level approved by the House of Representatives when it passed H.R. 13111 on July 31.

To review the situation briefly the House added about $1.042 billion to the administration's budget request for the Office of Education.

The Senate has not yet acted on the bill, and, as I understand the situation, may not do so for several more weeks.

Because the appropriation bill for the Office of Education has not been enacted for this fiscal year, funds for education programs are made available through a continuing resolution.

Under the terms of the existing resolution, which expires October 31, these important education and library programs are funded at the level of the administration's budget request or the level of the appropriation for fiscal year 1969, whichever is lower.

The Senate is then faced with two questions on education appropriations.

When H.R. 13111 comes to the floor, the Senate should at least match the House figure.

However, to cover the interim period before the Senate takes action on the bill, we should approve Senator MONTOYA's resolution to provide funding at the level of the House-passed bill.

I shall put the case in terms of what is at stake for my State of Michigan.

Michigan's allocation under H.R. 13111 is $105,102,536; under the Nixon budget, $76,521,291.

That is a difference of about $28.5 million, a difference Michigan can ill afford. And I suspect the situation is the same in most other States.

Let me cite just one program, aid to school districts affected by Federal employment—Public Law 874—to pinpoint the effect the Nixon budget has on local school budgets. I chose this program because the Office of Education supplied me with figures listing the cutback in Public Law 874 funds by Michigan congressional districts.

These are the overall figures: $650 million needed to honor full entitlements, and $187 million requested in President Nixon's budget.

Basically, impacted aid goes to schools having three categories of pupils:

First, students whose parents work for the Federal Government and live on Federal property and who go to federally operated schools.

Second, students whose parents work for the Federal Government and live on Federal property, but who go to local public schools.

Third, students whose parents either live on Federal property or work for the Federal Government and who go to local public schools.

It is my understanding the President Nixon's budget eliminates assistance for schools with pupils in the third category.

Mr. President, while many school districts have great need for their full share of this program, this particular cut hits hardest at some of those districts which need the money most—districts in our cities.

The reason is clear. While many city residents may work for the Federal Government, there are few Federal housing reservations within big cities.

For example, under full entitlement Detroit public schools would receive $856,000; under the proposed budget, nothing.

However, let me emphasize the effect of the reduction is not limited to Detroit. The following are the figures by congressional district:

District	Full entitlement	Nixon entitlement
2d	$96,000	$8,000
3d	683,000	105,000
8th	49,000	4,000
9th	67,000	6,000
10th	816,000	500,000
11th	1,946,000	1,200,000
12th	1,115,000	400,000
15th	67,000	0
16th	19,000	10,000

In all fairness, this is not the first administration to seek cutbacks in the Public Law 874 program, and many persons feel that these funds could be spent in a more equitable way.

My point is, however, that as long as the program remains on the books we

should expect school districts hard-pressed to find funds to budget for their full entitlement. To deny that full entitlement greatly complicates the task of drawing up realistic and adequate school budgets at the local level.

Further complicating the situation for local school boards is a refusal by administrations to spend what Congress appropriates.

President Nixon already has announced that he will not spend any funds in excess of this request for the Office of Education.

Mr. President, the administration should spend what Congress appropriates. Otherwise the administration will in effect be ignoring the proper role of Congress in setting national spending priorities.

The case for spending what the House approved is stated clearly in the editorial in today's edition of the Washington Post which the Senator from Rhode Island (Mr. PELL) inserted in the RECORD earlier.

Mr. KENNEDY. Mr. President, as a cosponsor of Senate Joint Resolution 163 I cannot stress enough the importance of this interim measure to assure adequate funding of education programs and to assure that the ultimate will of the Senate is carried out in this regard.

Presently education programs are provided Federal funds only to the level prescribed in the administration's revised budget estimates of April or the 1969 appropriation level, whichever is lower. This provision results in there being no Federal funds available for operating library programs in the elementary, secondary, and higher education areas, the matching grant equipment programs of title III, NDEA; and title VI of the Higher Education Act; guidance counseling, and testing provisions of title V, NDEA, and no payments for category "(b)" pupils under Public Law 874, the impact aid legislation. Grants to local educational agencies under title I of ESEA must operate below the budget estimates level for fiscal year 1970. Cutbacks in vocational education must be made at this time because the 1969 funding level does not permit implementation of the 1968 set-asides simultaneously with the continuation of ongoing programs. Drastic cutbacks are required for many other programs in the field of higher education.

The problem is that back in June, when Congress passed the general continuing resolution for all Federal programs for which appropriations had not then been passed, the House had not yet acted on educational appropriations. Therefore the only specific guide we had for education in fiscal 1970 was the administration's budget request. Subsequently, however, the House passed H.R. 13111, which calls for an increase of more than $1 billion over the administration's budget request. The Senate has not yet acted on H.R. 13111, but there is every indication that the Senate will approve even more than the House-passed figure.

In this situation, it is unrealistic to restrict education expenditures to the outdated figure in the initial budget request. Senate Joint Resolution 163 would correct the situation by directing the Office of Education to spend at the level approved in H.R. 13111, pending final action by Congress on education appropriations.

There is no need to detail the overwhelming need for the resolution. In my own State of Massachusetts, the administration budget estimate was $52,123,484, whereas under the House-passed appropriation bill Massachusetts would receive $78,861,707. The holding back of funds has caused uncertainty, confusion, and serious harm to many successful programs and projects which have developed over the years. If funds are frozen out much longer, the damage will be irreversible. For educators must have a realistic basis for planning. The problem is similar in every State in the Union.

Passage of Senate Joint Resolution 163 will give educational administrators assurance that spending will be at least as high as the House-passed level. It will enable them to plan and conduct programs in the most efficient and effective fashion for the rest of the school year.

The Senate has long shown its commitment to education, and I have no doubt whatsoever that we will continue this commitment when we finally act on H.R. 13111. Earlier this year, the Senate voted to exempt education expenditures from the budget ceiling. In August, we voted increased authorizations for student financial assistance programs. As the sponsor of the student assistance amendment, I feel strongly that we must take steps to assure that our intent is not thwarted by the needless and unresponsive freezing of funds. The House-passed appropriations bill, for example, increases NDEA loans from $193.4 million in the administration's budget request to $229 million. Numerous other programs were increased. But funds have not been released.

H.R. 13111, as passed by the House, is a good base to build on here in the Senate. Adoption of Senate Joint Resolution 163 will show that the Senate is willing and determined to work its will on education programs. It will save many projects from withering from lack of funds—funds which Congress surely desires and intends to appropriate.

I urge swift passage of the resolution.

EDUCATION NEEDS FUNDING, NOT PLATITUDES

Mr. CHURCH. Mr. President, today I am happy to join as a cosponsor with the distinguished Senator from New Mexico (Mr. MONTOYA) of Senate Joint Resolution 163 which would allow the funding of education programs at the level authorized by the House of Representatives in H.R. 13111, rather than at last year's budget levels or at the level of the President's budget, whichever is lower, as is the present case.

If our resolution is passed, the administration will be given the opportunity to free more than $1 billion for America's education programs. The breakdown of the increases which will be authorized is described on the attached chart which I ask to be inserted at this point in the RECORD.

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

	Fiscal year 1969		Fiscal year 1970						
	Authorization [1]	Appropriation [2][3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000	$1,470,338,000	$1,761,591,000
School assistance in federally affected areas	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000	95,000,000	95,000,000
Teacher corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000	21,737,000	21,737,000
Higher education	1,689,428,706	808,203,000	1,981,700,000	1,204,732,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
Research and training (special foreign currency)	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000	47,157,000	47,157,000
Civil rights education	(4)	10,797,000	(4)	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,669,358,967	8,923,706,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455	3,327,049,455	4,246,241,455

[1] Includes indefinite authorizations.
[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.
[3] Includes supplementals.
[4] Indefinite.

Mr. CHURCH. Mr. President, $398 million of the increase is for the federally-impacted areas school program which is of tremendous importance to my State of Idaho, which is over 60 percent federally owned.

The impacted areas program is by no means the only program that will be aided if this proposal is enacted. Education programs across the board will benefit.

In recent years, the people of our country have become increasingly aware of the importance of education to our Nation. Concerned citizens and educators from throughout the United States have joined this year in a nonpartisan effort to achieve full funding for all our Nation's education programs. I welcome their efforts and support their goals.

It does us no good to speak of the right of all Americans to read, or the right of all American children to attend a properly equipped school with properly trained teachers if we do not work to make the visions of the phrasemakers a reality in our classrooms.

I have received numerous telegrams and letters from Idaho urging my support for this resolution. Its effect upon planning and implementing education programs in my State would be significant. I ask unanimous consent that a breakdown of the effect of this resolution, if passed, on my State of Idaho, be included at this point in the RECORD.

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

OBLIGATIONS IN THE STATE OF IDAHO

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,095,753	$2,945,733	$3,006,605	$3,006,605	$3,488,547
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	360,311	180,728	151,813	0	180,068
Supplementary educational centers and services (ESEA III)	831,000	858,909	887,072	689,438	855,370
Strengthening State departments of education (ESEA V):					
Grants to States	217,211	283,917	278,803	278,803	278,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	360,587	358,140		0	356,734
Loans to nonprofit private schools		3,048		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,436	64,750	50,000	0	64,139
Subtotal, elementary and secondary education	5,119,298	4,858,558	4,524,293	4,403,649	5,236,994
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,551,000	2,656,000	1,507,000	1,044,000	3,225,000
Construction (Public Law 81-815)		138,100		0	0
Subtotal, SAFA	2,551,000	2,794,100	1,507,000	1,044,000	3,225,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,012	152,981	152,981	152,981
Training programs (EPDA, pts. C and D)	142,113			0	0
Subtotal, education professions development	142,113	135,012	152,981	152,981	152,981
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthing developing institutions (HEA III)	102,500			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,858	162,907	165,865	165,865	165,865
Undergraduate instructional equipment and other resources (HEA VI-A)	62,099	65,468		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	330,390	400,064	206,857	206,857	206,857
Other undergraduate facilities (HEFA I, sec. 104)	854,005	546,443	357,234	0	132,503
Graduate facilities (HEFA II)		800,000		0	0
State administration and planning (HEFA I, sec. 105)	72,046	55,294	55,294	55,294	55,294
Student aid:					
Educational opportunity grants (HEA IV-A)	491,250	64,941	312,549	312,549	230,178
Direct loans (NEDA II)	618,496	809,643	643,087	643,087	921,626
Insured loans:					
Advances for reserve funds		46,098		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	618,851	549,749	575,928	576,046	576,046
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	192,700			0	0
Training programs (EPDA Pt. E)				0	0
Subtotal, higher education	3,508,195	3,500,607	2,316,814	1,959,698	2,288,369
Vocational education:					
Basic grants	1,191,853	1,202,766	1,032,903	1,032,903	1,587,417
Innovation			209,639	209,639	209,639
Work-study	38,980			0	38,960
Cooperative education			213,519	213,519	213,519
Consumer and homemaking education			65,176	65,176	65,176
Subtotal, vocational education	1,230,833	1,202,766	1,521,237	1,521,237	2,114,711
Libraries and community services:					
Grants for public library services (LSCA I)	208,959	208,959	208,959	144,758	208,959
Construction of public libraries (LSCA II)	247,786	131,159	98,141	0	98,141
Interlibrary cooperation (LSCA III)	40,499	40,591	40,591	40,591	40,591
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,051	25,051	25,051	25,051
College library resources (HEA II-A)	88,375			0	0
Librarian training (HEA II-B)	17,392			0	0
University community service programs (HEA I)	116,923	115,079	115,079	115,079	115,079
Adult basic education (Adult Education Act):					
Grants to States	138,479	146,680	153,041	153,041	153,041
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	920,163	707,028	680,371	518,029	680,371

[1] Not available.

OBLIGATIONS IN THE STATE OF IDAHO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$116,982	$116,892	$116,982	$116,982
Teacher education and recruitment	133,155			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,673			0	0
Subtotal, education for the handicapped	234,828	116,982	116,982	116,982	116,982
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9,233			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	9,233	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	39,430	39,430			0
Student loan insurance fund				0	0
Higher education facilities loan fund	12,000			0	0
Total, Office of Education	13,817,093	13,454,483	10,884,678	9,781,576	13,880,40

Mr. CHURCH. Mr. President, in the last decade we have experienced a knowledge explosion of overwhelming proportions. Never has the need for capable teachers been so great. Never have the requirements for updated texts, new lab equipment, special audiovisual aids and modern facilities been so demanding.

To meet the demands that our age places on the minds of our children, we must provide them with the best possible education. Quality education does not come by simply paying it lipservice; it can only come with a massive commitment of public will and funds to achieve that goal. I strongly support this resolution and urge my colleagues to do the same.

Beyond urging the Congress to act favorably on this proposal, I strongly urge the President to implement it upon its passage. It will do education in our Nation no good if, upon passage of this authorization, the President refuses to allow the Department of Health, Education, and Welfare to distribute the funds as he has threatened to do. Such an action on the part of the Executive would totally frustrate the expressed will of the Congress in regard to the expenditure of public funds. Not only would such an act be of questionable constitutionality, but it would have long-term effects upon our educational system which would be impossible to assess.

The Congress and the Executive must work together to assure the continued growth of America's public school system. The passage and implementation of this resolution will aid greatly in achieving that goal.

THE CRISIS IN OUR SKIES—AMENDMENT 138 TO S. 2437

Mr. BOGGS. Mr. President, I rise today to address my distinguished colleagues concerning the crisis in our skies and to solicit their support for my proposed amendment, No. 138 to S. 2437, the Aviation Facilities Expansion Act of 1969.

President Richard M. Nixon, in an address on October 3, 1968, pointed to many of the problems in modern aviation—the lack of planning that has resulted in overtaxed facilities, inconvenience and delay for millions of travelers, and enormous costs to commercial aviation.

The President said:

> These problems are not the result of unforeseen developments.
>
> The strains which vibrant economic growth would place on our existing air transport system were pointed out by expert studies years ago.

Rather than allow this long-term problem to continue to grow, we must now seize upon the opportunity to rectify the situation. A nation that possesses the best aviation system in the world should not allow it to stagnate in confusion and inadequate facilities.

S. 2437, sponsored by my distinguished colleagues, Mr. MAGNUSON and Mr. CORTON, provides for a method of expansion of aviation facilities. This fine legislation also requires establishment of a National Airport System plan which would set forth the type and cost of airport development envisioned as necessary over a 10-year period.

I have proposed an amendment that would accomplish not only a survey of the needs of airports, but of the entire aviation industry. This amendment would require the President to establish a broad-based commission, drawing its membership from State and local government, from business, and from professional aviation associations. Its function would be to determine a long-range plan for aviation and make allowance for orderly and progressive expansion. Its recommendations would be for the consideration of the Secretary of Transportation and the Congress.

There can be little doubt that aviation is in need of coordinated long-range planning. Let us review the present status of the industry and how it arrived at this point.

When the President made his policy statement on air transportation, he noted that in the past 7 years the number of passengers carried by our scheduled airlines increased from 58 to 130 million. During the same period, our general aviation fleet increased from 69,000 to 112,000; and with aviation becoming an attractive recreation, more than 600,000 Americans have pilots' licenses now, and the number is increasing daily.

This remarkable increase has not been matched by solutions to the problems it has caused. In the past, emergency and temporary answers have been found. But now is the time for action—action to accommodate the long-term demands on the system.

Perhaps the problem with air transportation that is most evident to the individual American is the delay that often is involved. Many of my distinguished colleagues, I am certain, have encountered delays that have equaled their time in the air.

The Federal Aviation Administration has sought to combat travel delays, and it is pleasing to note that some progress is being made. But we have no guarantees that there will be no resurgence.

Air traffic controllers are well aware of the dilemma in our skies. In order to deliver travelers to their destinations on or near schedule, they frequently have had to bend regulations.

Recently, the crisis climaxed. To demonstrate the magnitude of the problem, controllers decided to operate "according to the book." The result was extreme delays and even flight cancellations. They went one step farther when a walkout was staged, further congesting the terminals and irritating travelers who otherwise might have flown into a congested, and by now, dangerously overtaxed airport.

Local officials are concerned also because of a lack of guidelines for future development of the regional airport concept. Land for airports is becoming scarce and our hopes for expansion of the system may be determined by land availability in 15 or 20 years. We must be prepared to meet these demands—not in 10 or 15 years—but now. Innovation demands preparation.

The amendment would require that initial planning efforts be completed in 1 year. Hopefully, the Senate will pass this bill by the end of this session and the President will appoint a body that will submit its report by January 1, 1971.

Can the objective of obtaining national air system guidelines be achieved through the existing provisions of S. 2437 without establishment of a special commission? I do not believe so for several reasons, and that is the reason I have offered my amendment.

First, as the bill presently states, the Secretary of Transportation is to prepare and continually update a "national airport system plan," and in the process, to consult "to the extent feasible" with other Federal agencies.

I believe, however, the cooperation of the directly concerned agencies can be obtained far better through joint service on a commission than through discretionary consultation by a single department.

Second, air system guidelines must deal not only with airports but with aircraft, air routes, air traffic control and ground access. Here again, the bill directs the Secretary of Transportation to consult "to the extent feasible with air carriers, aircraft manufacturers, and others in the aviation industry."

Any basic air system decisions, however, have vast economic implications for all sectors of the industry. Such decisions should be made with built-in industry participation.

Third, the bill directs the Secretary to consult with State and regional planning agencies and airport operators. Here again, the judgment of area representatives should be carefully incorporated in these decisions.

Fourth, because of the broad impact of air system decisions on the Federal Government, the air industry and the Nation's major communities, decisions should reflect the judgment of key figures from each of these sectors.

Commissions often produce fat reports and thin results. This amendment incorporates the Commission securely into the procedure for national air system planning by its inclusion in a bill that provides funding for the facilities of the future.

With the imminent prospect of sizable Federal airports and airways' support, the uncertainties concerning future aviation markets and the broad community concerns about new and expanded airports and access, the key ingredients for reaching general agreement on the optimum form of the future air system are present now.

Such agreement can best be achieved by a commission—directed to prepare general guidelines for the coordinated development of airports, aircraft, airways, air service, and ground access.

Mr. President, I urge my colleagues on the Committee on Commerce to consider this amendment to S. 2437 very carefully. Its potential benefit to the aviation industry cannot truly be measured. But it is a beginning to a solution of a problem that distresses all Americans.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my amendment No. 138 for the information of Senators.

There being no objection, amendment No. 138 was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 138

On page 10, lines 21 and 22, strike out "within two years of the date of enactment of this Act" and insert in lieu thereof "prior to January 1, 1971".

On page 10, line 24, after "The plan" insert "shall be prepared and revised with the advice of the Aviation Advisory Commission established pursuant to subsection (d) and".

On page 15, between lines 2 and 3 insert the following:

"AVIATION ADVISORY COMMISSION

"(d) (1) The President, with the advice of the Secretary, shall appoint an Aviation Advisory Commission consisting of members representing the Departments of Transportation, Defense, the Interior, and Housing and Urban Development, the Civil Aeronautics Board, the National Aeronautics and Space Administration, the Air Transport Association of America, the Aerospace Industries Association of America, Airport Operators Council International, the Association of American Railroads, the American Transit Association, the American Automobile Association, the American Trucking Association, the Aircraft Owners and Pilots Association, the Airline Pilots Association, several major metropolitan areas, and the fields of conservation and community development. The President shall also appoint a Chairman for such Commission with the necessary qualifications to lead such Commission in effectively carrying out its functions.

"(2) Such Commission shall—

"(A) advise the Secretary in the preparation and revision of the national air system plan pursuant to subsection (a);

"(B) prepare a long-range national air system plan for at least the year 1980 or the foreseeable needs of the Nation thereafter giving consideration to airport location and size, surrounding land use, terminal arrangements, ground access, airspace use, air traffic control, airline route structure and administrative arrangements, aircraft design, environmental effects, effect on urban areas, and costs of carrying out the plan;

"(C) report an initial such plan to the President and the Congress prior to January 1, 1971, and make any necessary revisions in such plan thereafter and report such revisions to the President and the Congress; and

"(D) make such investigations and studies as are necessary to carry out its functions.

"(3) Members of such Commission who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(4) The Secretary shall engage such technical assistance as may be required to carry out the functions of such Commission, and the Secretary shall, in addition, make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Commission may require to carry out its functions.

"(5) In carrying out its functions pursuant to this subsection, such Commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Transportation and the head of such agency."

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

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

THE NOMINATION OF CLEMENT F. HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, yesterday the American Trial Lawyers Association announced the results of a poll regarding the issue of the confirmation of the nomination of Judge Haynsworth. It is to that subject that I should like to address a few remarks.

First of all, to set the general background, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a news account of that poll as published in the Washington Post for October 27, 1969.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the American Trial Lawyers Association is a very fine professional group. It has a membership of some 24,000 lawyers. They are primarily trial lawyers in plaintiffs' cases and personal injury cases, though not exclusively. They can be defendants' attorneys as well. A great many of them are defense counsel in criminal cases, though there are likewise, I understand, some who are prosecutors. The organization serves a good, constructive purpose. It is helpful in providing programs, seminars and meetings at which workshops are conducted, and lectures and demonstrations employed as a means of instruction. The end product, of course, is supposed to be a lawyer who is better equipped to handle his work as a trial lawyer.

As organizations for members of the bar go, they are a relatively young organization, and do not have the same broad scope in their activities or their purposes that the American Bar Association, for example, has. I would presume—though I do not know what the actual facts are regarding the origin of the American Trial Lawyers Association—that it was felt that by forming a special organization of this kind, they could better serve their purpose of improving their capabilities as trial lawyers by forming an organization of their own,

rather than attaching themselves to some organization already in existence.

Mr. President, when the announcement was made, some time ago, that the American Trial Lawyers Association was contemplating a poll of its members, it was suggested that such a poll, in order to be of real use and benefit, would have to be what we know as a scientific poll, one which would not be just a popularity contest for a given group, but one qualified by a certain degree of standardization, which could meet certain qualifying tests. This was a general statement, made in a friendly way. The suggestion was made that any poll, to be of scientific value and to merit more than cursory attention, would have to be a true sampling of a cross section of trial lawyers; and, of course, that would take some study, because one could not, at random, pick a list of 1,000 or 1,500 lawyers from a membership of 24,000; it would have to be a demonstrably true sampling.

Second, there should be some assurance that those lawyers from that membership roll who are called upon to participate in that poll would have read and familiarized themselves in more than casual fashion with a reliable record of the case. There is a need to respect the requirement that the best evidence should be used; and of course the best evidence, in this instance, would be the published hearings of the Committee on the Judiciary. It is a document which is quite imposing in size, containing about 750 printed pages.

I do not contend, nor do I suggest, that everyone must have read every page in that book in order to be reasonably familiar with the issues and the evidence in the case of Judge Haynsworth. However, certainly the principal witnesses' statements, the briefs and reports of the various witnesses who submitted statements, and certainly the pertinent exhibits contained in these hearings, should be considered and should be reasonably fresh in the thinking of anyone responding to a poll of this kind.

Then, there is a third requirement. In order to be meaningful and useful, those registering opposition to the confirmation of Judge Haynsworth should spell out whether that opposition is based on questions about his philosophy or his ability, or specific doubts about his ethical standards. Those questioning Judge Haynsworth's honesty or ethical position should make that fact clear and specific.

Those three tests can reasonably be applied to such a poll, and I think we might expect that there would be compliance with those tests. Perhaps there are other requirements also; but, in order for the questionnaire to be more than a mere popularity poll, at least these tests ought to be applied.

What are the facts in regard to the poll that was taken? A letter was sent by Leon L. Wolfstone, president, to some 1,204 members of the American Trial Lawyers Association; 715 of them replied, and, according to the reports made and the accounts in the press, 73.2 percent believed that the nomination should be either withdrawn or rejected by the Senate.

What is the basis of the questionnaire which was sent out and the request that was made by the president of those 1,200-odd members of the association?

This poll was conducted on the basis of a letter dated October 15, 1969, addressed to "Dear ATL member," and signed by Leon L. Wolfstone, president. I ask unanimous consent, Mr. President, that the entire letter, together with the ballot attached to the lower part of the same page, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HRUSKA. One interesting fact is that the letter bears the date October 15. The final paragraph reads—and it is in capital letters:

> Your response must be received in Cambridge, Massachusetts, no later than Wednesday, October 22, 1969. Kindly send it to us via airmail.

Mr. President, assuming that the mailing occurred on October 15, it is reasonable to assume that it was not delivered, in any instance, sooner than October 16, and very likely a little bit later than that, particularly if the poll was conducted on a nationwide basis with some regard for geography.

Mr. President, inasmuch as the hearings of the committee were not generally distributed, and other official material was not readily available, it would be reasonable to expect that, upon receipt of this questionnaire, the careful lawyer, if he wanted to get the best evidence in the case, would direct an inquiry to the Committee on the Judiciary, asking for a copy of the hearings or some summary of them, or that he would direct his attention anywhere else he might obtain reliable information.

If he did that, it would hardly seem that the request for such additional information would arrive at the Washington office of the committee, or at the White House, much before the time that receipt of a reply was necessary pursuant to this questionnaire letter, October 22.

The Judiciary Committee staff reports to me that they received one request for the hearings from a lawyer who identified himself as a member of the American Trial Lawyers Association. About 12 requests were received from other lawyers, and three copies were furnished to the American Trial Lawyers Association directly.

So there would not seem to be any great urgent demand, for the members to equip themselves with copies of the hearings. Nevertheless, 715 of them presumably did respond to the questionnaires, with the results that I have already suggested.

It is interesting to observe that the 15th of October this year was on a Wednesday. Between Wednesday the 15th and Wednesday the 22d, there was a weekend. Normally, most professional activity is suspended or cut back during a weekend.

So I would suggest that even on the face of this questionnaire, it hardly would comply with those tests which were generally discussed already in my remarks and which commonsense would dictate. However, there is something even more significant about this questionnaire, and that is the language contained in the two full paragraphs of the letter. They read:

> Although I stated that I would inform you that the full text of the Senate Judiciary Committee hearings on this appointment will be available through the committee and that the position of the White House is available through its legal counsel, some people have informed me that they have endeavored to obtain this information, but without success.
>
> If you experience such difficulty, I respectfully suggest that you respond to this poll basing your response upon—

And, I should like to emphasize this—

> basing your response upon an objective analysis of the information disseminated through the communications media.

The second to the last paragraph then calls for the response not later than October 22. That is a sad commentary upon the operation of an organization that has concerned itself with the major issue of fair trial and free press. There is concern for the rights of defendants because of the tendency for the press, in the exercise of its freedom, to publish information without the total context or sometimes inaccurately or prematurely. Sometimes the information is prejudicial or without foundation or for some other reason inadmissible. There is the collateral problem that great care must be exercised by prosecutors and judges and other officers of the court in disclosing information that would be harmful to the rights of the defendant.

In other words, the problem is that somehow or another, the bias, the prejudice, the untimeliness, or the unfairness of newspaper accounts, whether deliberate or due to a shortage of space, prevents the entire story being told and all of the details being set out.

Whatever the shortcomings are, here we find an association of lawyers being asked to base their judgment and give a decision in the poll on the basis of an objective analysis of the information disseminated through the communications media.

This Chamber has heard a number of expositions on the inaccuracies in the printed record itself. Presumably, that would be reflected in many of the accounts which have been disseminated through the communications media. Perhaps it is in the nature of things that the media cannot, as I have already suggested, give the full copy and cannot give a full explanation of the background, and that, therefore, it cannot be held to strict accountability in that way.

Yet, many of us believe that there has been distortion and there has been emphasis on erroneous information and conclusions during the course of dissemination through the communications media. That has been documented by Senator COOK, myself and others and it will be further documented as we go along.

It seems to me that the tests that commonsense which must apply to a poll in order for it to be a useful reflection of professional judgment have not been met in this case. And I say this in all kind-

liness. After all it was notable and even laudable that the association was, concerned enough to try to ascertain the opinion of its members. However, I submit with due respect that it was not done in a way that would lend great value to the end result.

Mr. President, as far as I know, this is the first time that the American Trial Lawyers have attempted to evaluate nominations to the Federal bench, whether district, circuit or Supreme Court.

If they have done it before, it has not come to my attention.

There is a further fact that is, I think, quite significant. No special interest in the nomination of Judge Haynsworth was shown by the American Trial Lawyers Association until after the hearings had been printed. No official of the association requested to appear at the hearings and testify for the record. No witness from the association has submitted himself to questioning as to the foundation for the organization's opinion, or its validity or its reasonableness.

I grant that every citizen has a right to petition. Every member of the Republic, whether he is a voter or not, has a right to write and say, "I have canvassed a certain group, and here is what they think about Haynsworth or the United Nations or the tariff," or whatever it might be.

However, the right to petition is not at issue here. We want to know what value can be attached to a poll of this kind. In this regard, I should like to call attention to the fashion in which the role of the American Bar Association has developed through the decades with reference to processing and making recommendations of nominations for the Federal judiciary. Their experience goes back a long time. The association is one of the most eminent and oldest and largest and is most diversified in its membership.

As I recall there are as many as 200,000 persons admitted to practice law in the United States. And roughly 140,000 of them belong to the American Bar Association. That does not mean that a recommendation of the American Bar Association represents the thinking of 140,000 people. It does not mean that at all.

On the other hand, the association has developed through these years methods and procedures which allow the Committee on the Federal Judiciary of the American Bar Association to produce a report that would be considered commonsense and that would be considered professional in character.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the testimony before the Judiciary Committee of former Federal judge, former Deputy Attorney General of the United States, Lawrence E. Walsh, an eminent member of the American bar. He is also chairman of the Committee on Federal Judiciary.

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

(See exhibit 3.)

Mr. HRUSKA. Mr. President, this testimony developed in detail what the procedures are of the committee and of the bar association in arriving at its recommendations in regard to the nomination.

I submit that it is a great contrast with the simple taking of a poll without sufficient and assured knowledge on all of the issues at hand.

Again I want to say that I make these remarks with all kindliness toward the American Trial Lawyers Association. I believe that they did make a sincere effort to make some contribution to the dialog. But I also submit, most respectfully, that the effort did not produce anything that will be of great benefit to the evaluation of the issues which are before us. We must examine these issues one by one and evaluate the various witnesses and documents. Some of the most eminent legal authorities in this field have testified during those hearings—scholars and judges, as well as practitioners.

I do believe that is the way to review the evidence, and delineate the issues in a fashion that will allow the Senate to make a final decision in this matter.

Earlier in this statement, reference was made to the trial lawyers demand for documents, such as the hearings or any other documents from the Committee on the Judiciary. I have received information from Mr. Clark Mollenhoff, in the White House, indicating that no copies of his materials were requested by any lawyer identifying himself as a member of the American Trial Lawyers Association. In addition neither the junior Senator from Kentucky nor I received a single request for the memoranda we prepared on the question of Judge Haynsworth's ethics, civil rights, or labor decisions records.

Mr. President, it is hoped that my analysis of the American Trial Lawyers poll, as well-intentioned as the poll might be, will serve aid in its evaluation by my colleagues.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Did I correctly understand the able Senator to say that the American Trial Lawyers Association had not conducted such a poll in connection with previous nominees?

Mr. HRUSKA. So far as my recollection goes, I might inform the Senator from West Virginia that I recall no similar interest in such an event. If there is record of one, I would cheerfully acknowledge it. I might say, further, that I have been serving on the Committee on the Judiciary since 1958.

Mr. BYRD of West Virginia. Did I also correctly understand the able Senator to say that the American Trial Lawyers Association had not appeared before the Judiciary Committee during the hearings, as witnesses for or against the nominee?

Mr. HRUSKA. The Senator from West Virginia is correct in his recollection. That is what the Senator from Nebraska stated.

Mr. BYRD of West Virginia. Did I further correctly understand the able Senator to say that, in response to the questionnaire, 715 replies had been received?

Mr. HRUSKA. Out of 1,200 letters sent out, according to news accounts, including one that was placed in the RECORD a short time ago. That is true; that is the report.

Mr. BYRD of West Virginia. I thank the Senator.

EXHIBIT 1

[From the Washington Post, Oct. 27, 1969]

NOMINATION OF HAYNSWORTH OPPOSED BY TRIAL LAWYERS

(By Spencer Rich)

The embattled Supreme Court nomination of Judge Clement F. Haynsworth Jr. received a new blow yesterday when the American Trial Lawyers Association asked that the nomination be withdrawn or disapproved by the Senate.

The action, taken by the group's board of governors after a study of the Senate Judiciary Committee hearing record and White House documents, followed a poll of ATLA members in which 73 per cent of the 715 persons who responded indicated they favored disapproval or withdrawal of the nomination.

Sen. Marlow Cook (R-Ky.), a leading Haynsworth supporter, discounted the poll results, saying, "That's making a popularity contest of a Supreme Court nomination."

ATLA President Leon Wolfstone said in a telephone interview from Boston that the board's decision was not based solely on the poll but was taken by a vote of the executive committee after extensive discussions Saturday night of the whole hearing record of the Senate Judiciary Committee and related documents.

Wolfstone said the 55 board members present voted by at least two-to-one against Haynsworth after examining charges that Haynsworth, a federal appeals judge for the Fourth Circuit, had ruled on cases in which he had links through stockholdings to companies involved in the litigation.

"The Vend-A-Matic case and Judge Haynsworth's purchase of Brunswick Corp. stock while Brunswick litigation was still before him was disturbing to some and probably to many members of the board," said Wolfstone, though he declined to discuss in detail the reasons for the board's "overwhelming" vote against Haynsworth. (Judge Haynsworth participated in a ruling in the Darlington case while Vend-A-Matic, a company in which he owned a substantial interest, had business with a Darlington subsidiary.)

Wolfstone said the board had adopted a resolution ascribing its recommendations—which it is forwarding to the White House and each member of the Senate—to "belief that public uncertainty in the ethical conduct of any nominee to the U.S. Supreme Court affects public confidence in the integrity of our judicial system."

The board said it was "persuaded upon the record of the hearings before the Senate Judiciary Committee that Judge Haynsworth has failed to demonstrate that sensitivity to the high standards of conduct required and expected of nominees of the U.S. Supreme Court."

Senator Cook said he was "shocked that they would consider a poll as a way to select a Justice of the Supreme Court. None of them read the record, most heard only one side and based their responses to the poll on newspaper accounts."

Cook said he suspected the poll was decisive in determining the board's position.

Wolfstone said at least half the 55 board members who voted had read the entire record and that others had read large excerpts.

The ATLA has about 24,000 members, only one-fifth as many as the much larger and much better established American Bar As-

sociation. Wolfstone announced that a poll would be taken of ATLA after the ABA's Federal Judiciary Committee, in reaffirming an earlier endorsement of Haynsworth, split 8 to 4 on Oct. 12.

"We felt that a committee of 12 whose views were no longer unanimous was not a fair, adequate representation of a cross-section of the lawyers of America," Wolfstone said.

The poll was sent out to 1204 ATLA members, some former officers and other members chosen at random. Of the 715 responses, only 91 favored approval of Haynsworth, while 524 favored disapproval or withdrawal.

In New York, meanwhile the National Bar Association, consisting of 2400 Negro lawyers, reaffirmed its opposition to Haynsworth.

The Haynsworth nomination is expected to come before the Senate in about two weeks, after Judiciary Committee reports are drafted. The committee approved the nomination by a 10-to-7 vote, but the Senate at present appears evenly split.

President Nixon has said that after consideration of the charges against Haynsworth, he is confident the judge is qualified and suitable. The President has indicated he is determined to press for Senate confirmation.

Opposition to Haynsworth in the Senate is led by Sen. Birch Bayh (D-Ind). Much of the key lobbying against him is being done by labor unions. All the judges of Haynsworth's own court, plus a block of former ABA presidents as well as the ABA Federal Judiciary Committee, have endorsed Haynsworth.

EXHIBIT 2

AMERICAN TRIAL LAWYERS ASSOCIATION,
Cambridge, Mass., October 15, 1969.

DEAR ATL MEMBER: Pursuant to a vote taken in a telephonic conference of the Executive Committee, I sent telegrams to the White House and every member of the United States Senate "firmly cautioning (them) against prematurely approving" the appointment and confirmation of Clement F. Haynsworth, Jr., to the Supreme Court of the United States "until and unless all available information is fully and fairly considered and properly evaluated."

I stated that there may have been approval "by a few individual members of this Bar Association," but that our Bar Association "has not yet evaluated or taken a position upon either his appointment or his confirmation".

I pointed out that the American Trial Lawyers Association lauds and approves without reservation the basic concept "that membership of the Supreme Court should be composed of men of unquestionable scholarly ability, and who also have demonstrated they are unquestionably discreet and sensitive in all matters that might undermine public confidence in the integrity of the Supreme Court and its membership, consistent with the need of an independent judiciary".

I further stated that since our Bar Association consists of a "large segment of the knowledgeable trial lawyers of America . . . representing the interest of the public . . ." that I would poll approximately 1,000 members—such as yourself—to obtain their opinions as to whether:

1. The Nomination should be approved;
2. The Nomination should be disapproved; or
3. The nomination should be withdrawn.

The poll will be unsigned and confidential.

Although I stated that I would inform you that the full text of the Senate Judiciary Hearings on this appointment will be available through that committee and that the position of the White House is available through its legal counsel, some people have informed me that they have endeavored to obtain this information but without success. If you too experience such difficulty, I respectfully suggest that you respond to this poll, basing your response upon an objective analysis of the information disseminated through the communications media.

An immediate reply and prompt return of your opinion is urgent since our poll must be completed and evaluated before the Board meets next week. Hence, *Your response must be received in Cambridge, Massachusetts no later than Wednesday, October 22, 1969.* Kindly send it to us via Air Mail.

Your anticipated prompt consideration of this matter is appreciated.

Sincerely,

LEON L. WOLFSTONE,
President.

Please detach! Mail now to:

President Leon L. Wolfstone, American Trial Lawyers Association, 20 Garden Street, Cambridge, Massachusetts 02138.

Check the box of your choice

1. The Nomination should be approved ☐.
2. The Nomination should be disapproved ☐.
3. The Nomination should be withdrawn ☐.

EXHIBIT 3

Our Committee was established many years ago and for the past 18 years it has at the request of the President of the United States or the Chairman of the Senate Judiciary Committee, reviewed the professional qualifications of persons under consideration for appointment to the United States Judiciary. It consists of twelve members appointed by the President of the Association, one from each circuit, and a Chairman appointed at large.

At the request of Chairman Eastland, we have examined into the professional qualifications of Chief Judge Clement F. Haynsworth. Our investigation has consisted of interviews with his judicial colleagues, interviews with a cross-section of district judges and lawyers practicing in the Fourth Circuit and an interview with Judge Haynsworth himself.

These interviews were conducted by Norman P. Ramsey of Baltimore, the Committee member of the Fourth Circuit and his partner, David R. Owen. I also made certain inquiries of my own. The members of the bar from whom comments were received included lawyers from each state in the Circuit and lawyers having different specialties. For example some customarily represent plaintiffs in personal injury cases. Others represent defendants. Two were deans of law schools. Two represent labor unions. One specializes in admiralty work for shipowners, another represents seamen and longshoremen. Two are outstanding Negro lawyers. Others include a past president of the American Bar Association and three members of the Council of the American Law Institute. A sincere effort was made to get candid reports from a representative sample of the bar.

All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability. A few regretted the appointment because of differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.

A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work. As is its practice, the Committee does not express either agreement or disagreement as to the various points of view contained in Judge Haynsworth's opinions.

On September 5, our Committee met in New York to receive these reports and evaluate Judge Haynsworth's qualifications. The members of the Committee were unanimously of the opinion that Judge Haynsworth was highly acceptable from the viewpoint of professional qualification.

The Committee also considered the suggestion which has been circulated that Judge Haynsworth had, on one occasion, failed to disqualify himself in a case in which he was alleged to have had a conflict of interest. Our examination into that case (*Darlington Manufacturing Company* v. *NLRB*, 325 F. 2d 682) satisfied us that there was no conflict of interest and that Judge Haynsworth acted properly in sitting as a judge participating in its decision.

Briefly stated, Judge Haynsworth held a one-seventh interest in Carolina Vend-A-Matic Company, an automatic vending machine company which had installed machines in a substantial number of industrial plants in South Carolina. Among the plants which it serviced were three of twenty-seven owned in whole or in part by the Deering-Milliken Company which was a party to the proceeding before Judge Haynsworth's court. The annual gross revenues from the sales in the Deering-Milliken plants were less than 3% of the total sales of Carolina Vend-A-Matic. The plant involved in the case before the court was not one serviced by Carolina Vend-A-Matic. Judge Haynsworth had no interest, direct or indirect, in the outcome of the case before his court. There was no basis for any claim of disqualification and it was his duty to sit as a member of his court.

Having found no impropriety in his conduct, and being unanimously of the opinion that Judge Haynsworth is qualified professionally, our Committee has authorized me to express these views in support of his nomination as Associate Justice of the Supreme Court of the United States.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

The Senate resumed the consideration of the bill (S. 1508) to improve Judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

Mr. ELLENDER. Mr. President, will the Senator from Nebraska answer a few questions in respect to S. 1508?

Mr. HRUSKA. Surely.

Mr. ELLENDER. I have just consulted with the clerk of the committee, and I am informed that no specific hearings were held on this bill. A series of bills were filed, to replace S. 1506 which was a comprehensive bill pertaining to various aspects of the judiciary. Is that correct?

Mr. HRUSKA. I cannot verify the number, but I am sure that if the clerk informed the Senator to that effect, that is accurate information.

Mr. ELLENDER. He stated that there were no specific hearings on the pending bill but that there was some testimony on this matter in the overall bill, S. 1506.

Mr. HRUSKA. That is probably the case.

Mr. ELLENDER. Why is not the pending bill considered together with the overall bill? What was the idea of rushing it?

Mr. HRUSKA. I do not know that it was a matter of rushing. After all, the overall bill was much more comprehensive—perhaps more controversial. I do not recall all its provisions.

An aspect of this case was selected because of its impact upon an area that was considered more vital and perhaps more pressing than other phases of the subject. It does have a direct impact

upon the greater likelihood of injecting into the Federal judiciary younger, more vigorous judges who would find a career on the bench attractive under the provisions created by this bill, who would not be attracted and who would not go into the Federal judiciary as a career if the bill is not approved. That is the objective and that is the hope of the Judiciary Committee. We believe that we have reasonable basis for thinking that it might have that result.

Mr. ELLENDER. Since the judge is appointed for life and the judicial retirement system is noncontributory——

Mr. HRUSKA. He is appointed to serve during good behavior.

Mr. ELLENDER. Well, for life.

Mr. HRUSKA. In practice, it is for life. The Senator is correct.

Mr. ELLENDER. The Senator from Nebraska has said that the purpose is to attract younger judges. If a young judge is appointed and he retires at age 50, is he still subject to being called to sit on cases, as directed by his superiors?

Mr. HRUSKA. That point was covered in a colloquy earlier today, when the Senator from Florida, who is interested in the same point, had inserted in the RECORD that part of section 371 of title 28 which makes provision for retirement of a judge now after 10 years of service and reaching age 70, or 15 years of service and reaching age 65. In that case, he remains a judge, and he remains qualified to accept assignments from the Judicial Conference or the Administrative Office, as the case may be. That is correct.

Mr. ELLENDER. Under existing law, has the retiree the opportunity to refuse to sit if he so desires?

Mr. HRUSKA. Yes; he has.

Mr. ELLENDER. So that it is possible for a lawyer, let us say, at the age of 25 to be appointed as a Federal district judge and then serve, say, 4, 5, or 6 years on that court, then be appointed to the circuit court of appeals and then the Supreme Court; and so long as he serves continuously for 20 years on the judiciary, irrespective of what court it is, he is entitled to retire with full pay and not be forced to serve unless he desires to do so.

Mr. HRUSKA. That is correct.

On the other hand, in order to complete the record, Mr. President, I think it would be presuming too much upon the good sense, the human nature, the tradition, and the history of the Senate to confirm a man at the age of 25 for such an important post, to serve for virtually a lifetime. It would be unlikely that the Attorney General would report a person of such an age to the President of the United States for nomination to that post. I thought I would mention that in connection with the subject, although I understand what the Senator is driving at. It could be an age of 35 or 40.

Mr. ELLENDER. It is entirely possible for that to happen.

Mr. HRUSKA. It is possible.

Mr. ELLENDER. There is no prohibition.

Mr. HRUSKA. There is no prohibition. It could happen. If he is appointed at 21, I imagine that, under that statute, he could retire at 41.

Mr. ELLENDER. There should be rules and regulations to prevent that. In my own State one cannot be a candidate for judge unless he has served as an attorney for at least 5 years.

Mr. HRUSKA. Yes.

Mr. ELLENDER. That is why I mentioned the age of 25. After that age, he can serve as a district judge. He can be elected, of course, and retire.

But in this case I find it strange that this bill was taken out of the main bill that was introduced and considered and presented to the Senate.

Mr. HRUSKA. There are the hearings on S. 1506. In addition, it should be pointed out that in previous sessions we have considered this matter specifically on this point, as well as the general policy of judicial retirement. That is a policy that has been considered over a long period of time and proven to be something good for the judicial system and the country.

Mr. ELLENDER. Does the Senator mean for young lawyers to retire?

Mr. HRUSKA. No; the general policy of judicial retirement.

Mr. ELLENDER. Yes.

Mr. HRUSKA. The rationale for the system we have is considered to be good and sound for the system and the country. This bill, S. 1503, is a refinement of that general system.

Mr. ELLENDER. Mr. President, I am grateful to the Senator for answering the few questions I have asked. I tried to get the hearings so that I could look into the matter further but I understand the hearings have not been printed and that they are not available. I also learned recently that the Judicial Conference will be meeting on Friday and Saturday and this matter of judicial retirement may be discussed at this meeting. That is why I have asked these questions.

Mr. HRUSKA. I am glad to have been able to respond to the Senator.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, tomorrow the Senate will vote by rollcall, at 12:15 p.m. on S. 1508, a bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The unanimous consent request by the able majority leader also provided for time to be set aside immediately following that rollcall vote for the delivery of eulogies to the late beloved minority leader, Everett McKinley Dirksen, a Senator from the State of Illinois.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 12 minutes) the Senate adjourned until tomorrow, Wednesday, October 29, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 28, 1969:

IN THE COAST GUARD

The following-named regular officers of the Coast Guard for promotion to the grade of captain:

Thomas W. Wolfe	Frederick W. Folger
Frank E. Parker	John V. Caffrey
Norman P. Ensrud	John E. Wesler
James T. Clune	William R. Fearn
Charles B. Hathaway	Charles L. Blaha
Leroy Reinburg, Jr.	Sydney M. Shuman
Walter C. Ochman	William T. Adams 2d
Maxwell S. Charleston	Arne J. Soreng
Paul W. Tifft, Jr.	William H. Stewart
Roger F. Erdmann	Charles E. Larkin, Jr.
Donald F. Hall	Henry A. Gretella
John S. Lipuscek	William S. Schwob
Alfred E. Hampton	Anthony F. Fugaro
Christy R. Mathewson	Benedict L. Stabile
Walter Folger	

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be Major

Brantley, Thomas J., xxx-xx-xxxx
Cobb, James B., xxx-xx-xxxx

To be Captain

Bilberry, Ralph W. E. J., xxx-xx-xxxx
Cook, Rollie D., xxx-xx-xxxx
Conrad, Donald W., Jr., xxx-xx-xxxx
Coulter, Wayne E., xxx-xx-xxxx
Duggan, Lawrence W., xxx-xx-xxxx
Dupont, Robert H., xxx-xx-xxxx
Edmonds, Warren B., xxx-xx-xxxx
Egersdorfer, Rudolph H., xxx-xx-xxxx
Foutz, Vernon E., xxx-xx-xxxx
Geurin, John A., xxx-xx-xxxx
Gregg, William R., xxx-xx-xxxx
Grimes, Paul T., Jr., xxx-xx-xxxx
Harrington, Arnold D., xxx-xx-xxxx
Higginbotham, James L., xxx-xx-xxxx
Hodges, Benjamin F., Jr., xxx-xx-xxxx
Hollwedel, George C., xxx-xx-xxxx
Hopkins, John A., xxx-xx-xxxx
House, Homer C., xxx-xx-xxxx
Hurt, Henley H., Jr., xxx-xx-xxxx
Kimura, David Y., xxx-xx-xxxx
Kimzey, Guy S., xxx-xx-xxxx
Kinne, Theodore L., xxx-xx-xxxx
Lane, Bishop L., xxx-xx-xxxx
Lively, Edmund P., xxx-xx-xxxx
McKenzie, Robert C., xxx-xx-xxxx
Mills, William G., xxx-xx-xxxx
Myers, Lilburn L., xxx-xx-xxxx
Nation, James R., xxx-xx-xxxx
Noyes, Peter M., xxx-xx-xxxx
Pope, Richard L., xxx-xx-xxxx
Pugmire, James H., xxx-xx-xxxx
Ramos, Richard J., Jr., xxx-xx-xxxx
Samuels, Claude C., xxx-xx-xxxx
Schneider, Wyatt L., xxx-xx-xxxx
Shirley, Frank R., xxx-xx-xxxx
Smeltzer, Paul N., xxx-xx-xxxx
Warren, Billy J., xxx-xx-xxxx
Wilson, Richard A., xxx-xx-xxxx
Wolf, Harrison, xxx-xx-xxxx
Woods, Lawrence R., xxx-xx-xxxx
Young, Robert A., xxx-xx-xxxx

To be first lieutenant

Aljets, John W., xxx-xx-xxxx
Angel, Phillip N., xxx-xx-xxxx
Arlauskas, Joseph, xxx-xx-xxxx
Barnes, Brice H., xxx-xx-xxxx
Barthmus, Winfried, xxx-xx-xxxx
Baumgartner, Glenn W., xxx-xx-xxxx
Beaver, John W., xxx-xx-xxxx
Becker, Loren L., xxx-xx-xxxx
Blieberger, Anton G., xxx-xx-xxxx
Bonner, Robert E., xxx-xx-xxxx
Bouault, Louis L., xxx-xx-xxxx
Brauch, Gilbert M. F. J., xxx-xx-xxxx
Bresser, Richard C., xxx-xx-xxxx

Buhmann, William G., Jr., xxx-xx-xxxx
Burke, Gerald W., xxx-xx-xxxx
Burnsteel, Harvey L., xxx-xx-xxxx
Busbee, Walter L., xxx-xx-xxxx
Butler, Eulous S., Jr., xxx-xx-xxxx
Cannon, Robert W., xxx-xx-xxxx
Cembor, William G., xxx-xx-xxxx
Chadderdon, Robert N., xxx-xx-xxxx
Chastain, William M., xxx-xx-xxxx
Chippi, Michael J., xxx-xx-xxxx
Coldren, Lawrence E., xxx-xx-xxxx
Combs, Dudley D., xxx-xx-xxxx
Daly, Thomas H., Jr., xxx-xx-xxxx
Darnell, Richard H., xxx-xx-xxxx
Davenport, David I., II, xxx-xx-xxxx
Dean, William R., Jr. xxx-xx-xxxx
Devens, Robert J., xxx-xx-xxxx
Dewitt, Emmit D., xxx-xx-xxxx
Deutscher, Wayne E., xxx-xx-xxxx
Dodson, Richard M., xxx-xx-xxxx
Dorn, George N., Jr., xxx-xx-xxxx
Dorstewitz,Ellen M., xxx-xx-xxxx
Dougherty, George J., xxx-xx-xxxx
Emerson, Samuel C., xxx-xx-xxxx
English,David T., xxx-xx-xxxx
Evert, Richard H., xxx-xx-xxxx
Farless, Darold W., Jr. xxx-xx-xxxx
Firman,Terrence G., xxx-xx-xxxx
Fleming, Allan F., Jr., xxx-xx-xxxx
Fleming, John W., xxx-xx-xxxx
Foster, Frank C., Jr., xxx-xx-xxxx
Gentle, Howard B., Jr., xxx-xx-xxxx
Glasscock, Charles E., xxx-xx-xxxx
Gramer, Frank E., xxx-xx-xxxx
Gruwell, Joel A., xxx-xx-xxxx
Hallissey, Stephen C., xxx-xx-xxxx
Haralson, John T. xxx-xx-xxxx
Harper, Sidney W., Jr., xxx-xx-xxxx
Hartford, Thomas F., xxx-xx-xxxx
Hattaway, William E., xxx-xx-xxxx
Heffernan, Walter B., xxx-xx-xxxx
Higgins, Charles L., xxx-xx-xxxx
Housley, Robert E., xxx-xx-xxxx
Howell, James L., xxx-xx-xxxx
Ingham, Bruce E., xxx-xx-xxxx
Jantovsky, Anthony J., xxx-xx-xxxx
Johnson, Richard A., xxx-xx-xxxx
Jordan, Charles O., Jr. xxx-xx-xxxx
Kennedy, Ollie D., Jr., xxx-xx-xxxx
Kilcoyne, Robert L., xxx-xx-xxxx
Klein, Warren I., xxx-xx-xxxx
Klippel, Philip B., xxx-xx-xxxx
Knieser, Martial R., xxx-xx-xxxx
Kotch, Michael C., xxx-xx-xxxx
Lawton, John P., xxx-xx-xxxx
Leach, George C., xxx-xx-xxxx
Lesikar, George J., xxx-xx-xxxx
Likens, Wilbur D., xxx-xx-xxxx
Lyles, James H., xxx-xx-xxxx
MacLeod, James F., Jr., xxx-xx-xxxx
Makowski, Eugene F., xxx-xx-xxxx
Martin, Donald L., xxx-xx-xxxx
McGrath, Walter J., xxx-xx-xxxx
Mellick, Paul W., xxx-xx-xxxx
Miszklevitz, Sheridan, xxx-xx-xxxx
Mitchell, Alan S., xxx-xx-xxxx
Mittica, Norman T., xxx-xx-xxxx
Mootz, Eugene D., xxx-xx-xxxx
Moscrip, John Jr., xxx-xx-xxxx
Nichols, John D., xxx-xx-xxxx
Nolte, Juergen, xxx-xx-xxxx
Owens, James E., Jr., xxx-xx-xxxx
Parker, John S., xxx-xx-xxxx
Paterson, Theodore B., xxx-xx-xxxx
Pendleton, William C., xxx-xx-xxxx
Perry, Larry J., xxx-xx-xxxx
Posta, Charles D., xxx-xx-xxxx
Potts, Bruce W., xxx-xx-xxxx
Price, James T., xxx-xx-xxxx
Randall, Herbert E., xxx-xx-xxxx
Retterer, John M., xxx-xx-xxxx
Richtsmeier, Ronald C., xxx-xx-xxxx
Robertson, Michael P., xxx-xx-xxxx
Ross, Edwin S., VI, xxx-xx-xxxx
Schandl, John, xxx-xx-xxxx
Shields, John E., xxx-xx-xxxx
Smith, Henry C., III, xxx-xx-xxxx
Smith, John T., Jr., xxx-xx-xxxx
Smith, Robert H., xxx-xx-xxxx
Smith, William C., xxx-xx-xxxx
Spencer, William A., xxx-xx-xxxx
Sport, William M., xxx-xx-xxxx
Stankovich, Robert J., xxx-xx-xxxx
Steen, David B., xxx-xx-xxxx
Stocker, Ronald W., xxx-xx-xxxx
Strickland, Bryant S., xxx-xx-xxxx
Strunck, William G., xxx-xx-xxxx
Swallow, Gary L., xxx-xx-xxxx
Swisher, Ted A., xxx-xx-xxxx
Tanner, Kenneth P., xxx-xx-xxxx
Tenis, Andrew, xxx-xx-xxxx
Thomason, Jeffrey H., xxx-xx-xxxx
Tidwell, Richard L., xxx-xx-xxxx
Vuaght, John L., xxx-xx-xxxx
Ware, George A., III, xxx-xx-xxxx
White, Richard A., Jr., xxx-xx-xxxx
White, Steven L., xxx-xx-xxxx
Whiteman, James T., Jr., xxx-xx-xxxx
Whitfield, David, xxx-xx-xxxx
Williams, David E., xxx-xx-xxxx
Wilson, Edward B., xxx-xx-xxxx
Wolf, Richard C., xxx-xx-xxxx
Woodall, John B., xxx-xx-xxxx
Wright, Richard H., xxx-xx-xxxx
Zachar, Frank, xxx-xx-xxxx

To be second lieutenant

Adair, Lawrence J., xxx-xx-xxxx
Autz, Remy E., xxx-xx-xxxx
Boudreau, Michael W., xxx-xx-xxxx
Burdick, William L., xxx-xx-xxxx
Clark, Howard W., xxx-xx-xxxx
Cottrell, Walter T., II, xxx-xx-xxxx
Dowdney, Stephen P., xxx-xx-xxxx
Gragg, Larry L., xxx-xx-xxxx
Hawk, Michael E., xxx-xx-xxxx
Huie, Clifford R., xxx-xx-xxxx
Jones, James R., xxx-xx-xxxx
Lennox, Thomas J., III, xxx-xx-xxxx
Lowman, Tommy G., xxx-xx-xxxx
McNulty, John J., III, xxx-xx-xxxx
Michels, George N., xxx-xx-xxxx
Mohasci, Steve G., Jr., xxx-xx-xxxx
Orwin, James P., xxx-xx-xxxx
Peacock, Kenneth W., xxx-xx-xxxx
Peyton, Gaylon A., xxx-xx-xxxx
Piazza, Peter B., xxx-xx-xxxx
Quick, Van B., Jr., xxx-xx-xxxx
Rogers, Jerry A., xxx-xx-xxxx
Siekman, Dwayne K., xxx-xx-xxxx
Skelly, Lawrence E., xxx-xx-xxxx
White, Roland J., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1969:

U.S. ARMY

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Ross Ayers, O378526, General of the line.

To be brigadier general

Col. Jackson Bogle, O461234, Adjutant General's Corps.

HOUSE OF REPRESENTATIVES—*Tuesday, October 28, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

All the paths of the Lord are mercy and truth unto such as keep His covenant and His testimonies.—Psalm 25: 10.

Eternal Spirit, we pause with bowed heads at the opening of another day, lifting our spirits unto Thee, unto whom all hearts are open and all desires known. Teach us so to pray that Thy presence becomes real to us, that we endeavor more earnestly to do Thy will and to walk in Thy paths of peace.

We come disturbed by the problems of this period, burdened by many anxieties, tempted to feel our labor is in vain, and wondering what the future holds for us and for our Nation. We pray for ourselves in these trying times that we may not add to the divisions that divide us by giving way to petty prejudices but by our dedication to Thee and our devotion to our country may increase our unity by an ever-widening spirit of good will.

Give us strength to walk in Thy way, to travel in Thy truth, and to live in Thy light.

We pray in the spirit of Him whose life is the light of men. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1689) entitled "An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the the following title:

H.R. 11959. An act 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 message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1. An act to provide for uniform and equitable treatment of persons displaced