search, and J. Franklin Gaskill, President of Jeanes Hospital.

The Center is located on land made available by the trustees of Jeanes Hospital, American Oncologic is connected to Jeanes by an enclosed bridge.

The Fox Chase medical complex is a multimillion dollar project developed as a major cancer center which combines laboratories and medical facilities of each organization for both basic and clinical research, and hospital facilities for the diagnosis, study and treatment of cancer patients.

Each institution retains its name and autonomy, and the status of the separate professional and administrative staffs is not affected by the affiliation.

The goal of the Fox Chase Medical Center is to mount a coordinated attack on cancer by placing at one location the very best in resources, knowledge, talent and patient care.

American Oncologic's facilities and long experience in caring for cancer patients is complemented by the excellent general hospital facilities of Jeanes Hospital, and the highly developed basic cancer research programs of The Institute for Cancer Research, enabling each institution to broaden the scope and effectiveness of its services.

The highly specialized 50-bed hospital shares many services with Jeanes and I.C.R. on a 40-acre tract in the Fox Chase section of Philadelphia.

Institutional overtones were cast aside in the design in favor of an environment that unites the patient with nature and gives a feeling of harmony, hope, and reassurance.

Stress has been placed on creating privacy for patients while offering a home-like atmosphere to boost the patient's morale.

The unusual shape of the building lends itself to an excellent arrangement of interior spaces with bedrooms divided into small groups of no more than six two-patient rooms on each segment of the three nursing floors. Every unit is served by lounges, solariums, terraces.

The hospital is flexible enough to permit shut-ins a high degree of selectivity in the privacy they seek. Bedrooms look out upon landscaped grounds and wooded areas. Each bedroom has a door opening onto a continuous terrace.

Because most of the hospital's activities center on the care of out-patients, facilities will accomodate 30,000 annual visits by out-patients.

Three waiting rooms for out-patients surround the two-and-one-half story lobby. Focal points of the lobby are clusters of sculptured metal leaves—a gift from the women's board—suspended from the ceiling, and tubs of live plants suggesting an arboretum. A multi-colored glass skylight illuminates the central court area.

The hospital's walls are of colored stucco, to match Jeanes. Clay tile roofs reinforce the building's residential character. The basic structure is reinforced-concrete with waffle slabs.

During the fiscal year ended June 30, 1969 American Oncologic admitted 1,239 patients, representing a 42 per cent increase over the previous year. Patients received 17,546 days of nursing care, and the average patient stay was 14.2 days.

A 14 per cent increase was registered by 9,045 out-patient visits, and cobalt treatments, which came to 7,558, increased by 11 per cent over the previous year.

Other services included 3,632 X-ray diagnostic studies for 2,866 X-ray diagnostic patients, 56 radium placements, 614 isotope procedures, 47,457 laboratory studies and 1,199 operations.

The hospital is accredited by the Joint Commission on Accreditation of Hospitals, and is approved by the American College of Surgeons as one of nine cancer hospitals in the country.

ROY WHITTON'S ANSWER TO "VIETNAM MORATORIUM DAY"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1969

Mr. BRAY. Mr. Speaker, there were many and varied reactions to Vietnam moratorium day last October 15, and the most fitting and unusual I have seen to date was initiated and put into practice by Mr. Roy Whitton, of Greenfield, Ind.

As the Indianapolis Star of October 10, 1969, gave his plans:

Roy Whitton, general manager of FM outlet WSMJ in Greenfield, has his own answer to Vietnam moratorium day, October 15. He will broadcast a series of editorials, one every 60 minutes that day during the hours he is on the air.

Only the editorials will be "The National Anthem," "The Battle Hymn of the Republic," "Yankee Doodle," etc.

I wish Hanoi could have heard WSMJ that day. Roy Whitton's attitude was much more indicative of general American sentiment, I am sure.

SENATE—*Thursday, October 30, 1969*

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

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

Almighty God, who holdest in Thy hand the souls of the righteous; we give Thee thanksgiving and praise for all the generations of the faithful, who have served Thee in godliness and love, with patriotism and unselfish devotion, and who dwell forever in Thy presence. We bless Thee for all who have enriched the world with truth and beauty, who have labored in the service of their fellows, who have done great and noble things for Thee, and transmitted to us a gracious heritage. We bless Thee for all near and dear to us in sacred memory, fathers and mothers, brothers and sisters, for those who have helped and defended, loved and cherished us. Grant that all the good we have seen and known in them may continue to inspire and guide us.

Make us aware of that unseen cloud of witnesses before whom the race of life is run that we may be worthy of their labors, and when we have fulfilled our time make us partners with them in Thy kingdom everlasting. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 29, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 27, 1969, the President had approved and signed the following acts:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation of Public Broadcasting; and

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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.

FEDERAL COMMUNICATIONS COMMISSION

The bill clerk read the nomination of Dean Burch, of Arizona, to be a member of the Federal Communications Commission.

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

The bill clerk read the nomination of Robert Wells, of Kansas, to be a member of the Federal Communications Commission.

Mr. HART. Mr. President, during the course of the Senate Commerce Committee hearings on the nominations of Dean Burch and Robert Wells to the Federal Communications Commission, questions were raised with respect to the views of the nominees on employment practices and on media concentration.

Nothing in the replies from these two gentlemen indicated any previous lead-

ership on their part in opening of employment opportunities. In their new role, and in light of the concern now voiced in this area, I hope they will provide that leadership.

The new Commissioners should know that some of us on the Commerce Committee will continue our interest in this matter and in the subject of media concentration, and will look to their performance in the key positions they will now occupy.

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

Mr. DOLE. Mr. President, Mr. Wells is a close personal friend, and I can attest both to his high integrity and to his professional competence. He is a man of dedication, understanding, and intelligence, and will serve with highest distinction on the body responsible for the regulation of our vital communications systems. He has considerable experience in the broadcast media, and the publishing field.

During his distinguished career he has demonstrated a continuing dedication to his community. He has been president of the Garden City Junior Chamber of Commerce, and Rotary Club; he served as moderator of the Garden City Community Church; and he is a past chairman of the Kansas Forestry, Fish and Game Commission; and member of the Kansas Joint Council on Outdoor Recreation. Perhaps the finest testament to Bob Wells' character and contributions to his community and State was that he was named outstanding young man of the year for Kansas.

The presence of men such as Bob Wells in positions of high governmental authority is one of the greatest assurances we, as Senators, can provide the American people that the public interest will be served first, wisely, and fairly.

Mr. President, I commend the Senate for its wisdom in confirming the nomination of Mr. Wells as a member of the Federal Communications Commission.

AMBASSADORS

The bill clerk read the nomination of Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi, and the nomination of John F. Root, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

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

INTER-AMERICAN DEVELOPMENT BANK

The bill clerk read the nomination of Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank.

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

INSPECTOR GENERAL, FOREIGN ASSISTANCE

The bill clerk read the nomination of Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance, and the nomination of Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance.

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

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The bill clerk read the nomination of Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill clerk read the nomination of Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—COAST GUARD

The bill clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

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.

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.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT PROCUREMENT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 474.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JACKSON, Mr. RIBICOFF, and Mr. MUNDT conferees on the part of the Senate.

SALE AND EXCHANGE OF TRIBAL LAND ON THE ROSEBUD SIOUX INDIAN RESERVATION, S. DAK.

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 73.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 73) to amend the act entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota," which was to strike out all after the enacting clause, and insert:

That the Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", be and the same is hereby amended by adding a section 3 reading as follows:

"SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian member of the Rosebud Sioux Tribe at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser."

SEC. 2. The Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", is further amended by adding a section 4 reading as follows:

"SEC. 4. The provisions of this Act shall not apply to the foreclosure of a mortgage or a deed of trust which is then owned by an individual Indian."

Mr. MANSFIELD. Mr. President, S. 73 passed the Senate on August 13 and passed the House on October 21. The purpose of the proposed legislation is to

amend the act of December 11, 1963 (77 Stat. 349), which authorized the sale or exchange or mortgaging of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, by adding a section 3 to the act. The new section provides that any lands mortgaged under the authority granted in section 2 of the 1963 act shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of South Dakota. It further provides that any land redeemed or acquired at a foreclosure or sale by the Rosebud Sioux Tribe will be taken in the name of the United States in trust for the tribe, and any land purchased by an individual Rosebud Indian at such foreclosure sale may, with the consent of the Secretary of the Interior, be taken in trust for the individual Indian purchaser.

The House has amended the bill to add a new section 4 to the 1963 Rosebud Act which provides that the foreclosure procedure contained in S. 73 with respect to mortgages on Rosebud tribal land will not apply if at the time of foreclosure the land subject to the tribal mortgages is owned by an individual Indian. In that event, a foreclosure will be governed by the act of March 29, 1956, which specifies the procedure for foreclosing a mortgage on individually owned Indian trust land.

This amendment does not change the purpose or intent of S. 73 as passed by the Senate, and the sponsors of the measure have no objection to it. I move that the Senate concur in the House amendment.

Mr. GRIFFIN. Mr. President, the majority leader assures me that this matter has been cleared with the minority.

Mr. MANSFIELD. Yes. It agrees with the intent and purposes of the sponsors. They have no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for approximately 15 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Delaware is recognized for 15 minutes.

AUSTIN, TEX., REAL ESTATE TRANSACTION QUESTIONED

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to a highly questionable transaction wherein real estate with a real value of over $2 million was given away in the last 90 days of the Johnson administration.

Between October 21, 1968, and January 20, 1969, a group of Texans—Mr. J. C. Kellum, Mr. Roy A. Butler, and Mr. Frank C. Erwin, Jr., formed a nonprofit corporation and then received a free gift from the Government of 26½ acres of choice real estate in the center of Austin, Tex. A low value of $642,000 was used, but actually this valuation was far too low, since in the Government files at that same time was an earlier appraisal which showed a valuation on this same land of over $2 million. As if that were not enough, in addition to receiving this gift of land, this same group was approved for large cash grants from the Department of Health, Education, and Welfare and for Federal Housing Administration loans totaling over $8 million to build a nursing home and apartments on this same project. FHA loans are not supposed to be for more than 90 percent of the construction cost. To provide the necessary 10 percent downpayment, the group pledged as collateral the land which the Government had just given them plus the proceeds of three cash grants awarded them by HEW totaling nearly a half million dollars. This meant that the group would have no money invested in the $10 million project.

The files indicate that these liberal transactions were arranged upon orders from the White House, and official approval was given by the Secretary of Health, Education, and Welfare, who overrode the strenuous objections of subordinates who recognized this deal as a land grab in which the interests of the Government were not being properly protected.

I shall review the chronology of these transactions and let the record speak for itself.

First the President developed the idea of establishing a geriatric center in Austin, Tex. The project was originally supposed to have the sponsorship of the University of Texas; but the university soon withdrew, and then a group of individuals formed a so-called nonprofit organization and proceeded with the plans.

On October 29, 1968, there was a special meeting at the White House to discuss this project. Present were Mr. M. Nimetz, special assistant to Mr. J. Gaither, representing the President; Dr. Thomas McCarthy, National Center for Health Services, Research and Development; Mr. H. R. Moskof, president, Committee of Urban Housing; Mr. T. Ray Ogden and Mr. C. L. Tilley, of Brooks, Barr, Graeber & White, of the Washington and Austin offices, respectively; Mr. A. H. Dilly, vice chancellor for health affairs, University of Texas, Austin; Mr. A. D. Grezzo, Chief, Elderly Nursing Homes and Medical Facilities Branch, FHA; and Mr. J. A. Cunningham and Dr. Milton L. Bankoff, both of Division of Medical Care Administration, Public Health Service.

The purpose of this meeting was to develop a definitive program in response to the President's request for a new and innovative nursing home for Austin, Tex., as soon as possible.

The representatives of the University of Texas expressed their desire to cooperate completely with the President; however, they insisted on a permanent well-built building which would be operated according to high standards.

In view of the local bed situation—1,500 nursing home beds in Austin, which has a population of 200,000 and a new medicenter of 225 beds—and the low amount of financial reimbursement under current Texas regulations it was decided at this meeting that the maximum building size should be 250 beds for the nursing home.

The National Medical Association Foundation—NMAF—program was discussed in depth, and it was decided to use the NMAF plan of a continuum of care with construction of a nursing home to be followed by construction of housing for the well-elderly as rapidly as possible. Both were to be included in the master plan for the site which was to be approved as soon as possible so that construction could be begun by December 25, 1968.

The group at the October 29 meeting was told that 26 acres of Federal land then being used as a fish hatchery and located five minutes east of the center of Austin, Tex., was available. That was prime land and had been valued at $2 per square foot, or over $2 million, but later when transferred this valuation was arbitrarily reduced to $642,000. There appears to be no justification for this lower appraisal.

After much discussion at this October 29 meeting this Federal site was chosen. Significantly as of the date this property—consisting of two tracts—one of 5.79 acres and one of 20.704 acres—was selected, it had not even been declared surplus, nor had the Texas group filed their organization papers.

Two weeks later, on November 15, 1968, the 20.704 acres plus an easement of .390 acres, for a total of 21.094, was conveniently reported as excess to the needs of the Interior Department, and 4 days later, on November 19, 1968, it was declared surplus. This property was not screened for use by other Federal agencies as is required by the law.

Meanwhile a new group took over. On this same date, November 19, 1968, the Austin Geriatrics Center, Inc., was formed under the Texas Nonprofit Corporation Act with directors and incorporators as follows:

Directors: Frank C. Erwin, Jr., Roy A. Butler, and J. C. Kellam.

Incorporators: Burnell Waldrep, Richard C. Gibson, and William R. Long.

On November 20, 1968, Mr. Sol Elson, Director of Surplus Property, sent a memorandum to Mr. Donald F. Simpson, Assistant Secretary for Administration, giving a status report on the surplus property situation and raising questions which needed to be answered in order to meet timetables set by his superiors—namely, to get this transaction cleared before January 20, 1969. In this memorandum Mr. Elson outlined their problem as follows:

First. They had not yet received an application, so they did not know what the proposed program was.

Second. They had no knowledge regarding the nature of the corporation that was to get the property or its financial ability.

They assumed it would be eligible as a nonprofit organization. Since the construction was going to be fully subsidized by the Federal Government and since the operation might have to be subsidized Mr. Elson felt serious doubt might exist as to the financial feasibility of the project unless there were a pledge for underwriting continuing long-term operations

by some financially responsible organization. He requested additional information so that they could meet the administration's wishes.

On November 22, 1968, their application was filed and sent to Mr. Sam G. Wynn, Regional Representative, Office of Surplus Property Utilization, HEW.

On November 26, 1968, the remaining 5.79 acres were reported as excess to the needs of the Interior Department, and the following day, November 27, 1968, Mr. Donald Simpson, Assistant Secretary of Health, Education, and Welfare, gave Secretary Wilbur Cohen a report promising that the property would be ready for delivery by December 11, but Mr. Simpson raised a question as to whether publicity of the transaction would be appropriate.

On November 29, 1968, the 5.79 acres, which on November 26 had been declared excess to the needs of the Interior Department, was officially declared surplus. Again there was no screening of other Federal agencies as to its possible use.

On December 6, 1968, Secretary Cohen advised the President that as of December 2, 1968, the 26.5 acres had been officially declared surplus by the General Services Administration, that it had been assigned to HEW for disposal, and that he would be ready to deliver the deed to the Austin group on December 10, 1968, at 2 p.m.

On December 10, 1968, the signed deed was delivered to the Texas group with a provision therein for a right of reverter for 30 years if:

First. The property were not used continuously for health and health research purposes in accordance with the application and "the supplement thereto."

Second. The center sells, rents, encumbers, or transfers the property without the consent of HEW.

Third. The center fails to report yearly to HEW.

Fourth. The center violates the Civil Rights Act.

The Texas group did have one problem regarding its ability to pledge the property as collateral to obtain financing from the FHA. This was soon resolved by the execution of a consent agreement on January 10, 1969, which allowed them to use this property, which was costing them nothing, as collateral for an $8 million low-interest Government loan.

The plan was for the center to build a large facility, which meant a large loan and a fair amount of equity money. This could be difficult for the center from a practical standpoint. From a technical standpoint HEW had the right to revert if the center mortgaged without first obtaining the Department's consent; however, if the center could comply and had private financing without FHA help it could be difficult to refuse such consent.

Assuming the Department of Health, Education, and Welfare refused to consent it would be possible for the center to abrogate the condition subsequently by paying to the Department $642,000 the low GSA appraised figure.

While $642,000 was the appraisal figure used for the transfer of the property to the Texas group, actually at the time of the transfer the agency files showed that earlier the same land had been appraised at well over $2 million. I found no basis for the lower valuation except to make this giveaway transaction appear less odorous.

As mentioned earlier, in addition to the free land this Texas group needed some cash. They were applying for $8.5 million in loans, and the Government required that they furnish 10 percent collateral.

The land they had received as a gift, while actually worth $2.2 million, has been accepted at a low appraisal of $642,000 and therefore would not cover the required 10 percent—the Government loans are supposed to be for only 90 percent of the construction costs.

Again HEW came to the rescue. On January 8, 1969, Mr. Thomas McCarthy, the Deputy Director of the National Center for Health Services Research and Development, wrote the Chief of the Contract Branch requesting that a contract be awarded the center in the amount of $150,000 with a 12-month period of performance. Mr. McCarthy claimed that the center had unique, important, and predominate capabilities to do the work they sought to undertake and that therefore it was impractical to secure competition by formal advertising. I suppose what he really meant was that only 12 days remained before the administration would be out of office and that they did not have time for competitive bids.

On the following day, January 9, 1969, the center was invited to submit a proposal, which was done on January 10 by Mr. Frank C. Erwin, Jr., president of the center. The total estimated cost was $150,000, and articles of the center were attached indicating it to be a nonprofit corporation incorporated on November 19, 1968. I might add that they did not have tax-exempt status even though they so indicated on that proposal.

On January 13, 1969, Mr. William W. Brownholtz, Chief, Cost Advisory Branch, Office of Financial Management, submitted to the Chief of Contract Operation Section, Procurement Division, Health Services and Mental Health Administration—HSMHA—an adverse report recommending against giving this contract to the center. He commented that the contract was to be a cost reimbursement type and that the organization was not ongoing and has not established an adequate accounting system to implement the contract. He also noted that the contract contemplated charging many overhead costs to the contract program. This naturally would be inappropriate if the center also carried on activities unrelated to the contract program as they would have the benefit of overhead cost payments made through the contract. He felt the center should file a security bond.

On January 14, 1969, Mr. Samuel J. Dick, contracting officer, likewise submitted an adverse preaward onsite evaluation. Some of the points raised in his report were as follows:

First. The center had no legal domicile, but Mr. Erwin suggested that his office address in Austin be used.

Second. The center had no assets other than the property deeded to them by the Federal Government.

Third. FHA mortgage negotiations had not been concluded, but the center hoped to break ground by January 23, 1969, and commence construction in February. The center therefore did not have facilities to perform the contract and would not have them until the nursing home was built.

Fourth. The center did not have an administrative staff or employees. Mr. Erwin was to select an administrative staff and a director of research, and the center hoped to obtain consultants.

Fifth. The center did not have an adequate accounting system or controls to administer a Government contract.

Sixth. The center did not have financial capacity or other resources to perform the contract, nor had it demonstrated the ability to obtain such financing. The center felt advance payments would be necessary for operating capital.

Seventh. The center had no prior contracts or experience.

Eighth. The contract contemplated was for 1 year, which was not within the ability of the center, and it hoped a 2- to 3-year contract would be considered.

In this report of January 14, 1969, it is clear that Mr. Dick felt that the center did not meet the standards of the Federal procurement regulations and recommended that the contract not be awarded.

On January 15, 1969, the following day, a synopsis was published in the Commerce Business Daily indicating that the center was the sole source for the program by reason of its unique plans and capabilities and that there therefore would be no competition.

On that same day, January 15, 1969, Mr. J. Keesler, Chief, Procurement Branch Office of Procurement and Material Management, HSMHA, wrote a memorandum to the Deputy Administrator attaching Mr. Dick's memorandum of January 14. He reviewed the file with Mr. Weiner, Office of the General Counsel, and Mr. William Brownholtz, Office of Financial Management, and pointed out that they all agreed that the contract should not be awarded to this Texas group.

But White House pressure was on, and no attention was paid to any of these adverse reports.

On January 17, 1969, HEW signed the contract in the amount of $150,000.

Three days later, January 20, 1969, a government-guaranteed loan in the amount of $2,283,800 was approved for the 168-bed nursing home with the San Antonio insuring office issuing a commitment under section 232—project No. 115–43011–NP.

This loan application carried the notation that the closing requirements of about $227,000 would be cared for by HEW grants.

On January 20, 1969—the same day—a second government-guaranteed loan for $6,350,000 was approved under section 236 for a 363-unit project designed for the elderly with 20 percent rent supplement units—project No. 115–44008–NP–SUP.

In addition to the gift of land, this group during the same 90-day period received approval of a series of grants: From HEW, $150,000; and from HUD $298,582 interest reduction payment—

Section 236—and $58,779 in rent subsidies.

These advance cash grants and the free land received from HEW were the only security advanced as representing the sponsors' 10 percent security for the $8.5 million Government loan.

Thus here we have the Government, in cash grants and free land, furnishing collateral for their own loans.

Mr. President, an examination of this transaction clearly shows that the free gift of this land and the approval of these cash grants and these $8.5 million in loans were obviously political decisions, and as the result of this last-minute scramble to get just one more grab from the Federal Treasury the taxpayers stand to lose millions.

To illustrate just how bold this deal was, I call attention to a memo signed by Secretary Cohen on January 16, 1969, just four days before leaving office.

On January 15, two adverse reports had been received, recommending against the approval of the HEW grants and the transfer of this land to this Texas group.

On January 16, 1969, Secretary Wilbur J. Cohen dictated a memorandum for the file indicating that he had personally reviewed the files, that he knew Mr. Frank Erwin, one of the directors of the Texas group, to be a man of integrity, and that he personally had discussed the project with the officials of the University of Texas who had assured him of their support of the center. Based on said assurances, he was approving the project. There is a hand-written note in the Department files on a route slip, which states:

1. Sign all three copies.
2. Sign memorandum for the record saying you reviewed, and so forth, and therefore approve the project.
3. Ship whole package to Lewis, and we will get a man on a plane to Texas to get them to sign before January 20.

Mr. President, I question not only the propriety but the legality of this multi-million-dollar giveaway transaction wherein all rules governing the disposition of Government property were ignored. Grants were made and loans were approved for this group in a manner which underscores bureaucratic contempt for the American taxpayers. This transaction cannot remain unchallenged.

I am today requesting the Department of Justice to investigate this transaction and take whatever steps are necessary to protect the interests of the Government and to recover this property. Meanwhile I am suggesting that all Government agencies which approved any grants or loans to this group stop all disbursements until the Department of Justice has had an opportunity to act.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on observations on problems encountered in resolving weaknesses in State right-of-way acquisition activities, Federal Highway Administration, Department of Transportation, dated October 29, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the Common Council of the City of Buffalo, N.Y., praying for the deescalation of the war in Vietnam; to the Committee on Armed Services.

TEMPORARY EXTENSION OF AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949—REPORT OF A COMMITTEE (S. REPT. NO. 91-500)

Mr. PROXMIRE, from the Committee on Banking and Currency, reported an original joint resolution (S.J. Res. 164) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949, and submitted a report thereon, which report was ordered to be printed, and the joint resolution, by unanimous consent, was amended and passed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SCWEIKER, from the Committee on Armed Services:

Robert Louis Johnson, of California, to be an Assistant Secretary of the Army.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of seven general officers in the Army and Marine Corps. Included in this group is the nomination of Lt. Gen. Lewis Blaine Hershey for appointment to full general in connection with his assignment as Manpower and Mobilization Adviser to the President. I ask that these names be placed on the Executive Calendar.

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

The nominations were placed on the Executive Calendar, as follows:

Brig. Gen. Sylvester T. DelCorso, Army National Gaurd of the United States, for promotion to major general, U.S. Army;

Douglas J. Peacher, and sundry other officers, for promotion in the Marine Corps Reserve; and

Lt. Gen. Lewis Blaine Hershey, Army of the United States, to be assigned to a position of importance and responsibility designated by the President, in the grade of general.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,125 appointments and promotions in the Army in the grade of lieutenant colonel and below, 986 promotions to commander in the Navy, 3,406 promotions to major in the Air Force, and 274 appointments and promotions in the Marine Corps in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

John W. Alber, and sundry other officers, for promotion in the Marine Corps;

William L. Nichols, and sundry other officers, for promotion in the Regular Army of the United States;

Thomas C. Adams, and sundry other officers, for promotion in the U.S. Navy;

Lorenza T. Baker, and sundry other staff noncommissioned officers, for appointment in the Marine Corps;

Gerald D. Badinger, and sundry other persons of the Navy enlisted scientific education program, for appointment in the Marine Corps;

John P. Lewis, and sundry other persons, for appointment in the Regular Army;

Francis A. Copeland, and sundry other persons, for appointment in the Regular Army of the United States;

Burnis G. Allardyce, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Richard L. Freeman, and sundry other scholarship students, for appointment in the Regular Army of the United States; and

Edward F. Abbey, and sundry other officers, for promotion in the Regular Air Force.

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. BYRD of West Virginia:

S. 3094. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60; to the Committee on Finance.

By Mr. TYDINGS:

S. 3095. A bill for the relief of Lourdes T. Chiong (XXXXXXXXXXX; to the Committee on the Judiciary.

By Mr. NELSON:

S. 3096. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for an identification system for prescription drugs for human use; to the Committee on Labor and Public Welfare.

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

By Mr. PERCY (for himself, Mr. SCOTT, Mr. BIBLE, Mr. MATHIAS, and Mr. DOLE):

S. 3097. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

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

By Mr. PELL:

S. 3098. A bill to provide an equitable system for fixing and adjusting the rates of

compensation of wage board employees; to the Committee on Post Office and Civil Service.

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

By Mr. PROXMIRE:

S.J. Res. 164. A joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; considered and passed.

(The remarks of Mr. MANSFIELD when the joint resolution was reported appear later in the RECORD under the appropriate heading.)

S. 3096—INTRODUCTION OF THE DRUG IDENTIFICATION ACT OF 1969

Mr. NELSON. Mr. President, today I am introducing legislation to establish a uniform coding system for all prescription drugs to make immediate identification of a drug possible in cases of accidental or intentional overdose.

Immediate identification of a drug could mean the difference between life and death when a young child or mentally disturbed person takes an accidental or intentional overdose.

Symbols and numbers should be imprinted on each and every drug today to tell what drug it is, who made it and what strength it is.

The National Drug Identification Act would require all prescription drugs—tablets and capsules—to bear a specific designation assigned by the U.S. Department of Health, Education, and Welfare to indicate the name of the drug, the name of the manufacturer, the dosage and the manufacturer's lot number.

Such a plan was endorsed recently by Health, Education, and Welfare Secretary Robert Finch after reviewing a recent blue ribbon report on prescription drugs.

With an identifying code on every tablet and capsule, proper treatment or antidote could be administered without delay in the case of an overdose.

The tremendous increase in the number of different drugs now being dispensed to the American public clearly points to the need to have a national system of drug identification. More than 8,000 different prescription drugs are now available.

The code system would make it possible for a physician to identify a drug prescribed by another physician in a different city or State and could help in avoiding potential errors or substitution in medication.

Hospitals and nursing homes would benefit by being able to collect already distributed by unconsumed drugs and return them to their pharmacies for future use.

Several large pharmaceutical companies have already initiated coding systems by stamping designations on individual tablets and capsules.

Drug firms could use the coding system to facilitate the recall of unsafe or ineffective drugs as well as improving information on sales, marketing, and standardizing designations for prepaid plans, insurance claims, welfare programs, and data processing.

Under this plan, a comprehensive drug code index would be compiled by the Department of Health, Education, and Welfare and distributed to hospitals, nursing homes, poison control centers, State and local health departments, physicians, and pharmacists. The Department recently released details on a voluntary drug code system, which could form the basis for his expanded drug identification plan.

I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

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

The bill (S. 3096) to protect the public health by amending the Federal Food, Drug and Cosmetic Act to provide for an identification system for prescription drugs for human use, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Identification Act of 1969".

DECLARATION OF POLICY

SEC. 2. For the purpose of protecting the public health the Congress hereby finds and declares that there is a vital need to provide for the ready identification of prescription drugs in order to facilitate drug recalls and prevent drug mixups. Identification of drugs is also necessary so that the proper treatment or antidote can be quickly administered when such drugs are accidentally ingested. Clear and distinct coding of prescription drugs in interstate commerce without the corresponding identification of drugs in intrastate commerce would seriously depress and burden interstate commerce in drugs. Therefore the Congress further finds and declares that the identification of drugs in intrastate commerce is necessary to make the identification of drugs in interstate commerce effective.

SEC. 3. The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 503 the following new section:

"Identification Code for Prescription Drugs

"SEC. 504. (a) All drugs subject to section 503(b)(1) of this Act shall individually bear a logotype, symbol, or other identifying mark which shall be conspicuously and legibly placed on such drug and clearly identifying the manufacturer, compounder, processor, or other source of such drug. Such manufacturer, compounder, processor, or other source of such drugs shall register such logotype, symbol, or other identifying mark with the Secretary. The Secretary may refuse to register or revoke such registration if such logotype, symbol, or other identifying mark does not, in the opinion of the Secretary clearly identify the source of such drug.

"(b) In order to prevent drug mixups, facilitate drug recalls, and provide for the ready identification of drugs accidentally ingested by children so that the proper antidote or treatment can be quickly administered, all drugs subject to section 503(b)(1) of this Act shall individually bear in a conspicuous manner, a code, which if known, would show the identity of the particular drug, and the strength (dosage form) of such drug. Such code shall use only numbers or letters (or any combination thereof) in accordance with regulations which the Secretary is hereby authorized to promulgate.

"(c) The Secretary may, pursuant to regulations, establish a uniform code or system of coding for the purposes of this section and may require registration and advance approval of a code prior to its use in accordance with this section.

"(d) The Secretary may, pursuant to regulation, when he deems it to be in the public interest, require that the code also identify the particular lot from which the drug was manufactured in addition to the information required in subsection (b) of this section.

"(e) The manufacturer (or other source) of a drug subject to section 503(b)(1) of this Act shall make available upon request to all persons licensed to administer or dispense such drugs an index to the code required pursuant to this section which shall list the drugs, strength (dosage form) or any other information which the code may be required to identify pursuant to this section which such numbers, letters (or combination thereof) represent.

"(f) The index to the code required to be made available shall identify the trade name and established name (as defined in section 502(e)(2) of this Act) of the drug together with the applicable code numbers, letters or combination thereof.

"(g) Registration of a logotype, symbol or other identifying mark, or an identification code (including coding for manufacturing lot numbers) as required pursuant to this section or regulations promulgated under this section shall be registered (together with an index to such code as required pursuant to subsection (e) of this section) with the Secretary as an appendix to the registration required under Section 510 of this Act, unless the Secretary shall designate otherwise.

"(h) No person shall manufacture, process, sell, deliver or otherwise dispose of any drug subject to section 503(b)(1) of this Act which does not bear (1) a logotype, symbol, or other identifying mark which is properly registered with the Secretary pursuant to subsection (a) of this section, and (2) a code of numbers, letters (or any combination thereof) which shall identify the source, name, and manufacturing lot number of such drug as required under this section.

"(i) No person shall manufacture, process, sell, deliver, or otherwise dispose of any drug which is marked with a code, if the numbers, letters (or combinations thereof) which are used do not correspond with the designation for such product in the index of such code.

"(j) The Secretary shall exempt from the operation of this section (1) drugs in liquid or ointment form and (2) any other drug or class of drugs if it is impracticable for such drug to bear an identifying mark or code because of the size, composition or other relevant aspect of such drug: *Provided,* That no exemption shall be granted under this section if, in the opinion of the Secretary, such exemption would be inconsistent with the protection of the public health.

"(k) The Secretary may authorize manufacturers, compounders and processors of drugs subject to section 503(b)(1) of this Act to comply with this section by placing the logotype, symbol or other identifying mark and the coding required by this section on individual packets or packages containing no more than one capsule or tablet."

SEC. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(r) The manufacture, compounding, processing, sale, delivery, or other disposition of a drug in violation of section 504."

(b) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof the following:

"(p) If it is a drug subject to section 503(b)(1) of this Act and fails to bear a logotype, symbol or other identifying mark or an identification code in accordance with the provisions of section 504 of this Act."

SEC. 5. Section 301(o) of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 331(o)) is amended by inserting "(1)" immediately after "(o)" and adding at the end thereof the following:

"(2) In the case of a drug subject to section 503 (a)(1) of this Act which is distributed or offered for sale in interstate commerce, the failure of the manufacturer,

packer or distributor thereof to maintain for transmittal, or to transmit, to any person licensed by applicable State law to administer or dispense such drug a copy of an index to the code required pursuant to section 504 of this Act, if such person has made a written request for such index."

ADDITIONAL COSPONSOR OF BILL

S. 2676

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of Mr. BYRD of West Virginia be added as a cosponsor of S. 2676, to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes.

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

ADDITIONAL COSPONSORS AND REMOVAL OF COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 163

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of Senate Joint Resolution 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".

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

Mr. BYRD of West Virginia. I also ask unanimous consent that at the next printing of the resolution, the name of the Senator from Texas (Mr. TOWER) be removed from the list of cosponsors.

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

FURTHER AMENDMENT TO H.R. 13270, THE TAX REFORM BILL IN BEHALF OF SMALL BUSINESS

AMENDMENT NO. 258

Mr. MANSFIELD. Mr. President, on behalf of the distinguished senior Senator from Alabama (Mr. SPARKMAN), I submit an amendment which he intends to propose to H.R. 13270, the tax reform bill. I ask that the amendment be printed, and that it be appropriately referred.

The reintroduction of the amendment is made necessary by the technicalities involved in the reconsideration of the investment tax credit matter by the Senate Finance Committee. I also ask unanimous consent that Senator SPARKMAN'S statement of explanation be printed in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the statement of the Senator from Alabama (Mr. SPARKMAN) will be printed in the RECORD.

The amendment (No. 258) was referred to the Committee on Finance.

The statement of Mr. SPARKMAN is as follows:

AMENDMENT TO H.R. 13270 TO PRESERVE INVESTMENT TAX CREDIT FOR SMALL BUSINESS

Mr. SPARKMAN. Mr. President, I re-offer an amendment to continue the 7% investment tax credit for small and independent business firms, and ask that it be appropriately referred.

The text is identical to Amendment No. 71 previously proposed to H.R. 12290. Reintroduction is necessary at this time as an amendment to H.R. 13270 so that this matter may be properly before the Finance Committee during current consideration of the repeal of the tax credit as a part of the Tax Reform bill.

Basically, my amendment provides that the tax credit would be continued for small firms, individual businesses, and farmers up to a level of $150,000 of investment.

There would be a limitation to a single claim for a group of affiliated corporations, and an allowance for companies defined as small business which acquire, beyond the $150,000 level, certifiable air and water pollution control equipment, crime control facilities, and improvements required by Federal health and safety statutes under short-term deadlines.

My arguments for continuation of the tax credit for small business are summarized in the remarks of June 12 ("The Investment Tax Credit—Its Relation To The Balance Of Payments And Small Business;" Congressional Record, Page 15582), July 14 (Introduction of Amendment #71; Congressional Record, Page 19395), and July 31 (Remarks; Congressional Record, Page 21561).

Mr. President, the financial and market power of large corporations competing with new, local and independent business are enormous and are used.

The balance of U.S. trade has become increasingly precarious.

Growth capital for young firms is as scarce and expensive as I have ever seen it.

Retaining the tax credit for small business is an action the Senate can take, which would help in each of these areas. It would make small businesses more competitive and dynamic, and therefore a greater factor in both our domestic and international commerce.

If we are serious about wishing to make it possible for new firms to enter an industry, to grow, and innovate new products and better services, the Congress must back its philosophy with action in the tax field, among others.

Adoption of such a provision would be a vote of confidence for the free enterprise system, and against corporate giantism which has already gone so far in this country.

I hope the Finance Committee will take up this amendment. I submit that the recommended figures are not magic numbers. I would urge and welcome serious consideration of any changes which the Committee felt were wise, so that when the amendment is later called up on the floor, the Senate may have the benefit of the Committee's judgment on how preserving the credit for small firms can be balanced realistically with the necessity of combating inflation and the revenue requirements of the Treasury.

AMENDMENT TO THE TAX REFORM BILL IN BEHALF OF SMALL BUSINESS

AMENDMENTS NOS. 259 AND 260

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Small Business Committee, the Senator from Nevada (Mr. BIBLE), I submit two amendments he intends to propose to H.R. 13270. I ask unanimous consent that the text of the amendments be printed and that they be appropriately referred.

I ask also that the statement of the senior Senator from Nevada in support of these amendments be printed in the RECORD at this point.

The PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the statement of the Senator from Nevada (Mr. BIBLE) will be printed in the RECORD.

The amendments (Nos. 259 and 260) were referred to the Committee on Finance.

The statement of Mr. BIBLE is as follows:

TWO TAX REFORM AMENDMENTS OF IMPORTANCE TO THE NATION'S SMALL BUSINESS COMMUNITY

Today I am submitting two amendments to H.R. 13270, the proposed Tax Reform Act of 1969.

As chairman of the Select Committee on Small Business it is appropriate that I call attention to a number of features of the pending tax reform legislation that have generated concern within the small business community.

It bears repetition that the 5½ million small business enterprises are the backbone of many communities and the Nation's free enterprise system. They are a major factor in employment, growth and price competition.

For these reasons, it has been the declared objective of the Congress over many years, and by many pieces of legislation; to encourage and foster the development of small business. It seems to me that as the Senate moves ahead with its consideration of the far-reaching tax reform legislation of 1969, special care must be taken to be sure that the national policy to foster and promote small enterprise is furthered and not undermined by actions we take in this tax bill.

There has been an outcry in favor of closing what are generally—and sometimes loosely—termed "loopholes" in the tax structure. Stated otherwise, the demand is for a restructuring of the tax laws to bring as much relief as possible to our lower and middle income taxpayers, and to assure that the inevitable tax burden is fairly shared by all taxpayers throughout the nation. I applaud this objective, and I look forward to advancing it by Senate action on the tax reform bill, H.R. 13270.

My first amendment relates to the proposed repeal of the 7% investment tax credit. My second amendment relates to section 401 of H.R. 13270 as passed by the House, which deals with "Multiple Corporations." I greatly appreciate the introduction of these amendments on my behalf by the distinguished Senator from Montana (Mr. Mansfield).

MULTIPLE SURTAX EXEMPTION AMENDMENT

I will speak to the second amendment first.

As explained in the House Committee's Report, present law taxes corporations at the

rate of 22% on the first $25,000 of taxable income and at 48% on taxable income in excess of $25,000. The lower rate is commonly referred to as the "surtax exemption," and was originally adopted in 1950 in a specific effort to benefit small business. The Ways and Means Committee reports, however, that contrary to the original intent of the law large corporations have been able to gain considerable tax benefits through the use of large numbers of affiliated and commonly controlled corporations.

Existing law seeks to curb the ability of a large enterprise to split up its operation into smaller corporate units in order to obtain the benefit of multiple surtax exemptions by providing that a "controlled group" of corporations is entitled to only one such exemption. At the same time, however, the law provides that instead of taking the single exemption, a controlled group may elect for each of its members to take a surtax exemption if each member corporation pays an additional 6% tax on the first $25,000 of its taxable income.

According to the Committee, this election to take individual exemptions and pay the added 6% is generally desirable where the group has a combined taxable income of $32,500 or more. Evidently, the result has been that some very prosperous large corporate enterprises have split their operations into smaller corporate units in order to take advantage of the surtax exemption. The Treasury Department reports that in too many cases groups of affiliated corporations are arranged so that most of them have less than $25,000 of income with the result that almost all of the income of what is in fact a large-scale business is claimed to be taxable at reduced rates. (22% plus 6% or 28% in contrast to the regular corporate surtax rate of 48%).

The purpose of Section 401 of the House-passed bill, and the purpose of my amendment, will be to combat this kind of tax avoidance. The surtax exemption was designed to help small business, not to provide a tax shelter for large corporate enterprises. To achieve its objective, the bill provides that a group of corporations under common control would be allowed only one surtax exemption. The present election to take the exemption and pay the 6 percent penalty would be done away with. Under the House version, this new limitation would be phased in over an 8-year period, and under a change recently announced by the Senate Finance Committee the phase-in would be accomplished over a 5-year period.

Mr. President, there can be little question that this approach to the problem would effectively end the abuse of the surtax exemption by big business. But what will it do to *small* businesses? Here we have a tax provision that was originally fashioned to help small enterprise, but because it has been abused by *big* business we are being asked to take a step which will mean its virtual abandonment. Somehow, this doesn't seem right. It seems to run contrary to the national policy to *encourage* small business. Voices from within the small business community say we are on the verge of throwing the baby out with the wash water.

Certainly, there is cause for concern over the multiplication of corporations where the purpose is to avoid a fair share of taxation. However, there are a number of perfectly valid and legitimate reasons why bona fide small businessmen throughout the country use multiple corporations. They do it to limit their liability—a perfectly proper reason for separate incorporation. They do it to provide incentives to employees. The establishment of profit-sharing arrangements in local corporations encourages efficient management. They do it to meet the requirements of State law.

Consider a small family-owned business in a multi-jurisdictional setting such as exists here in the Washington area. If it is to keep pace with its market, the business will ordinarily want to expand into the neighboring jurisdictions of Maryland and Virginia. State laws differ. State taxation differs. There may be very good reasons—having nothing to do with any effort to avoid taxes—for separately incorporating such branch operations. The same considerations would apply to any small business located near a state line, in one of the smaller states, and in other multi-jurisdictional metropolitan areas. My amendment would protect existing and future independent firms in the legitimate exercise of this small business provision.

HISTORY OF CONGRESSIONAL CONCERN IN THIS AREA

In past years, when I was chairman of the Subcommittee on Taxation of the Select Committee on Small Business, we published a report summarizing the legitimate use of a limited number of multiple surtax exemptions. Senate Report 397 of August 15, 1963 stated at page 7:

"Your committee strongly supports the proposal to restore the surtax exemption to small business. However, any measure designed to accomplish this should take into account the fact that some small firms use the multicorporate form of organization for sound business reasons. Provisions should be made to permit such firms to enjoy the full benefit of the surtax exemption. This might be accomplished by limiting surtax exemptions to a number which would more realistically reflect the small business operating pattern. Further, the limitation should not be applicable in those instances where the multicorporate form is required by law or Government regulation."

By way of further history, proposals to eliminate or limit the number of surtax exemptions were before the Congress during consideration of the Revenue Acts of 1951 and 1964. In 1951, the Senate rejected the proposed elimination of multiple surtax exemptions. The Finance Committee reasoned that to do so "could result in substantial injury to many businesses whose present corporate organization has not been motivated by tax avoidance." (Sen. Rept. No. 781, 82nd Cong.) In 1963 the Treasury proposed that corporate groups under common ownership be limited to a single surtax exemption. Again, the proposal was turned down. In explaining its action, the House Committee stated its belief that there are legitimate business reasons for the use of separate corporations; that such corporations should generally be recognized as separate taxpayers; and that they should retain the benefit of the use of multiple surtax exemptions. (H. Rept. 749, 88th Cong.)

I suggest that this history of Congress' past refusal to limit multiple surtax exemptions is pertinent to the Senate's consideration of the present legislation.

In testimony before the Finance Committee again last month, representatives of retail merchants, the taxicab industry, the LP Gas industry and others—all of which include many family-owned and other legitimate small business firms—expressed serious concern over the proposed virtual elimination of the surtax exemption for bona fide small multi-corporate business ventures.

AMENDMENT OFFERS A REASONABLE MIDDLE GROUND

Mr. President, the amendment I am proposing at this time would constitute a simple modification of the proposal contained in Section 401 of H.R. 13270. The present law allows practically unlimited surtax exemptions. The House bill would limit the members of a controlled group of corporations to one single exemption. My amendment is a reasonable middle ground, reducing the number of exemptions to not more than five (5).

My thought is that any group of commonly controlled corporations would be entitled to up to 5 surtax exemptions and could allocate them at will. As I have said, the record before the Finance Committee indicates that the limitation contained in the House bill will have a severe tax impact on many truly small businesses. It would end tax abuses by large corporations, but at too great a cost to small business. It raises a very basic question respecting its compatibility with our small business policy.

I am not wedded to the five (5) exemptions provided in this amendment. There is no magic in the number. The 1964 Annual Report of the Select Committee on Small Business recommended a "reasonable" number. My present feeling is that such a limitation would curb the tax abuses being perpetrated by some big businesses, and continue to provide meaningful benefits for small, independent and family owned enterprises making legitimate use of a multi-corporate business structure.

INVESTMENT TAX CREDIT AMENDMENT

My amendment on the Investment Tax Credit has two basic provisions: The first would preserve the investment tax credit up to a level of $25,000 of investment; the second would limit the credit benefits to those businesses earning less than $1 million a year.

This measure has been put forward on several occasions this year. It was originally placed before the Ways and Means Committee on May 20, 1969. It was brought before the Senate as an amendment to H.R. 12290 on July 18. Re-introduction at this time is necessary because the fate of the tax credit will be finally determined as part of the Tax Reform bill now being considered by the Committee on Finance.

The facts and figures supporting a small business exemption to the tax credit repeal are set forth in detail in my testimony to the Committees on Ways and Means and Finance in support of the earlier proposals. A brief excerpt from my floor remarks of July 18 summarizes these contentions:

This bill is vitally needed to save the small business community of this country from the triple credit squeeze which I described in my remarks of June 25.

In the private money markets interest rates are at record levels and any liquidity that remains is rapidly drying up.

The Small Business Administration business loan programs were cut back 58½ percent in the years ending June 30, 1969, below the levels authorized by the Congress, and requests for the coming year are at rockbottom.

The repeal of the investment tax credit would thus be the third pressure to fall upon small firms this year.

The tax credit is particularly important, because we know that small business relies on its internally retained earnings for two-thirds or more of its growth capital. The credit mechanism thus allows these firms to keep more of the money which they have already earned. That makes them less dependent on outside sources of capital for which they must compete with the giant national corporations.

The present credit squeeze has meant that increasing burdens are being piled on the back of small and independent businessmen this year; I just do not know how long they can continue to take this kind of a beating.

CAN ESTABLISH CREDITABLE RECORD

It is my hope that the Committee on Finance will grasp this opportunity of extending needed assistance to the Nation's small business community by a sensitive decision favoring a small business exemption of the type offered by myself, Senator Sparkman, Senator McGovern, and other Members of this body. To do so would establish a sound record of concern on these questions, which are so important to so many individual businessmen, farmers, and owners of small corporations.

I believe these points made over the years

and reinforced by current testimony warrant very careful consideration. The need to support and encourage small business has not diminished over the years. If anything, it is greater than ever. I daresay we all want tax reform, but in an attempt to reform tax abuses by *big* business we ought to be extremely careful to avoid undermining our support of small business.

Mr. President, the two amendments offered today are to help focus attention on the problems of small business during our deliberations on the tax bill both in the committee and here on the floor of the Senate after the bill is reported. I am well and gratefully aware of the broad sympathy all of my colleagues have for the problems of the small independent businessman.

Other Senators have made proposals for changes in the tax bill to accommodate the special needs of these businesses. Other proposals will be forthcoming. All are welcome. I think there is no better time to be watchful of small business interests than during the consideration of this historic tax legislation. The subjects addressed by these two amendments are significant to small business, to our economy, and to the free enterprise system. I commend them to each of my colleagues for thoughtful consideration.

NOTICE OF HEARINGS ON S. 2846—THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1969

Mr. KENNEDY. Mr. President, I am pleased to announce on behalf of the distinguished chairman of the Senate Subcommittee on Health, Senator YARBOROUGH, and myself that on November 10 and 11, 1969, the subcommittee will hold public hearings on S. 2846, the "Development Disabilities Services and Facilities Construction Act of 1969." That bill, which I introduced in August and which is cosponsored by Senators YARBOROUGH, NELSON, EAGLETON, CRANSTON, and JAVITS, is designed to provide a substantial new program of Federal financial assistance for the mentally retarded and other persons afflicted by developmental disabilities. In the course of the coming hearings, we will receive testimony from a number of public officials, private citizens, and representatives of organizations and institutions familiar with the needs and aspirations of the retarded.

We know that the scope and level of funding of our current programs are far too narrow to meet the demand for services and facilities for the retarded in all parts of the Nation. I believe that the hearings will help us chart the course toward a more effective Federal program for the future.

On Monday, November 10, the first witnesses at the hearings will be representatives of the Department of Health, Education, and Welfare, who will testify on the status of our current Federal programs for the retarded, and will present the administration's recommendations with respect to the pending legislation. On Tuesday, November 11, the first witnesses will be representatives of the National Association for Retarded Children. Early next week, I intend to announce a complete list of witnesses for the hearings.

Because of the wide interest generated in the pending legislation, it may not be possible for all of those who have expressed an interest to appear in person to testify before the subcommittee. Nevertheless, because of the importance of this legislation, I hope that all interested citizens and organizations will take this opportunity to submit their views to the subcommittee.

MESSAGE FROM THE PRESIDENT ON CONSUMER AFFAIRS AND PROTECTION (H. DOC. NO. 91–188)

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President on consumer affairs and protection. The Parliamentarian has advised the Chair that this message will touch upon the jurisdiction of at least four standing committees of the Senate.

Without objection, the message will be printed in the RECORD without having been read, and will be referred to the Committees on Government Operations, Judiciary, Commerce, and Labor and Public Welfare.

The message from the President is as follows:

To the Congress of the United States:

Consumerism—Upton Sinclair and Rachel Carson would be glad to know—is a healthy development that is here to stay.

That does not mean that *caveat emptor*—"let the buyer beware" has been replaced by an equally harsh *caveat venditor*—"let the seller beware". Nor does it mean that government should guide or dominate individual purchasing decisions.

Consumerism in the America of the 70s means that we have adopted the concept of "buyer's rights."

I believe that the buyer in America today has the right to make an intelligent choice among products and services.

The buyer has the right to accurate information on which to make his free choice.

The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.

The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

This "Buyer's Bill of Rights" will help provide greater personal freedom for individuals as well as better business for everyone engaged in trade.

The program I am outlining today represents the most significant set of Presidential recommendations concerning consumer interests in our history. Specifically, I propose:

—A new Office of Consumer Affairs in the Executive Office of the President with new legislative standing, an expanded budget, and greater responsibilities. This will give every American consumer a permanent voice in the White House.

—A new Division of Consumer Protection in the Department of Justice, to act as a consumer advocate before Federal regulatory agencies in judicial proceedings and in government councils.

—A new consumer protection law which would be enforced by the Department of Justice and United States Attorneys across the land. Such a law would also better enable consumers either as individuals or as a class to go into court to obtain redress for the damages they suffer.

—Expanded powers for a revitalized Federal Trade Commission, to enable it to protect consumers promptly and effectively.

—A newly activated National Commission on Consumer Finance to investigate and report on the state of consumer credit.

—Expanded consumer education activities, including government review of product-testing processes, a new *Consumer Bulletin*, and the release of certain government information regarding consumer products.

—Stronger efforts in the field of food and drug safety, including a thorough re-examination of the Food and Drug Administration and a review of the products on the "generally regarded as safe" list.

—Other reforms, including an expansion of consumer activities in the Office of Economic Opportunity and greater efforts to encourage the strengthening of state and local programs.

To their credit, producers and sellers have generally become far more responsible with the passing years, but even the limited abuses which occur now have greater impact. Products themselves are more complicated; there is more about them that can go wrong and less about them that can be readily understood by laymen. Mass production and mass distribution systems mean that a small error can have a wide effect; the carelessness of one producer can bring harm or disappointment to many. Moreover, the responsibility for a particular problem is far more difficult to trace than was once the case, and even when responsibility for an error can be assigned, it is often difficult to lodge an effective complaint against it.

All too often, the real advantages of mass production are accompanied by customer alienation; many an average buyer is intimidated by seemingly monolithic organizations, and frequently comes to feel alone and helpless in what he regards as a cruelly impersonal marketplace. In addition, many of the government's efforts to help the consumer are still geared to the problems of past decades; when it is able to act at all, government too often acts too slowly.

Fortunately, most businessmen in recent years have recognized that the confidence of the public over a long period of time is an important ingredient for their own success and have themselves made important voluntary progress in consumer protection. At the same time, buyers are making their voices heard more often, as individuals and through consumer organizations. These trends are to be encouraged and our governmental programs must emphasize their value. Government consumer programs, in fact, are a complement to these voluntary efforts. They are designed to help honest and conscientious businessmen by discouraging their dishonest or careless competitors.

NEW OFFICE OF CONSUMER AFFAIRS

One of the central roles in present government efforts in the consumer rights field is performed by the President's Special Assistant for Consumer Affairs and those who work with her. This position has been created by Presidential order rather than by statute,

however, and it is neither as visible nor as effective as it should be. It is important that both the prestige and the responsibility of this office be strengthened.

I am therefore asking the Congress to establish within the Executive Office of the President a new Office of Consumer Affairs to play a leading role in the crusade for consumer justice. This Office and its director would have central responsibility for coordinating all Federal activities in the consumer protection field, helping to establish priorities, to resolve conflicts, to initiate research, and to recommend improvements in a wide range of Government programs. The Office would advise the President on consumer matters and would alert other government officials to the potential impact of their decisions on the consumers' interests. It would receive complaints from individual consumers and refer them to appropriate agencies or to the businesses concerned.

The new Office of Consumer Affairs would not work solely within the Executive Branch of the Government, however; it would continue to carry out other assignments which the Special Assistant to the President for Consumer Affairs now performs. For example, when called upon, it would assist in the legislative process, testifying at Congressional hearings, and consulting with individual Congressmen. It would aid schools and media in educating the public in consumer skills. The new Office will continue the constructive interchange of information which the Special Assistant has established with businesses and industries, and carry forward its assistance to State and local consumer protection programs.

As I will explain in greater detail later in this message, I am also asking the Special Assistant for Consumer Affairs to undertake specific surveillance responsibilities in the area of product safety, to review the government's policy concerning the release of its own information on consumer products, and to publish a new Consumer Bulletin on a regular basis. When the new Office of Consumer Affairs is established, it would take over these and related duties.

A new Office of Consumer Affairs would be a focal point for a wide variety of government efforts to aid people who buy. I urge the Congress to grant it the legislative standing and the added resources necessary to do this work effectively.

A DIVISION OF CONSUMER PROTECTION AND A NEW CONSUMER PROTECTION LAW

A second important structural reform which I am recommending is the establishment by statute of a new Consumer Protection Division in the Department of Justice. This Division would be headed by an Assistant Attorney General and would be staffed by lawyers and economists. It would be adequately financed and given appropriate investigative power so that it could effectively ascertain consumer needs and advance consumer causes. The head of the new Division would act, in effect, as the consumers' lawyer representing the consumer interest before Federal agencies, in judicial proceedings and in government councils.

I also propose that Congress arm this new Consumer Protection Division with a new law—one which would prohibit a broad, but clearly defined, range of frauds and deceptions. The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal.

The role of the new Assistant Attorney General for Consumer Protection would be similar to that of the Assistant Attorney General who heads the Antitrust Division in the Department of Justice. Just as the Antitrust Division enforces the antitrust laws and intervenes in various governmental proceedings to preserve competition, so the Consumer Protection Division would enforce consumer rights and intervene in agency proceedings to protect the consumer. In enforcing these rights, the Assistant Attorney General for Consumer Protection would also have the assistance of United States Attorneys throughout the country. Their power to take quick and effective action under the new statute would be particularly important for protecting low-income families who are frequently victimized by fraudulent and deceptive practices.

Effective representation of the consumer does not require the creation of a new Federal department or independent agency, but it does require that an appropriate arm of the Government be given the tools to do an effective job. In the past a lone Justice Department lawyer—the Consumer Counsel—has attempted to carry out a portion of this task. Our proposal asks that the new Division of Consumer Protection be adequately staffed and independently funded, as is the Antitrust Division, so that it can vigorously represent the interests of the consumer and enforce the newly proposed legislation.

The new Assistant Attorney General and his Division would, of course, work closely with the Office of Consumer Affairs, the Federal Trade Commission, and State and local law enforcement agencies.

CONSUMERS IN THE FEDERAL COURTS—INDIVIDUAL AND CLASS SUITS

Present Federal law gives private citizens no standing to sue for fraudulent or deceptive practices and State laws are often not adequate to their problems. Even if private citizens could sue, the damage suffered by any one consumer would not ordinarily be great enough to warrant costly, individual litigation. One would probably not go through a lengthy court proceeding, for example, merely to recover the cost of a household appliance.

To correct this situation, I will recommend legislation to give private citizens the rights to bring action in a Federal court to recover damages, upon the successful termination of a Government suit under the new consumer protection law.

This measure will, for the first time, give consumers access to the Federal courts for violation of a federal law concerning fraudulent and deceptive practices, without regard to the amount in controversy. Under Federal court rules, consumers would have the right to sue as a class and not only as individuals. In other words, a group of people could come into court together if they could show that the act in question affected all of them. This is a significant consideration, for it would allow a number of citizens to divide among themselves the high costs of bringing a lawsuit. Although each person's individual damage might be small, the cumulative effect of a class complaint could be significant and in some circumstances could provide a significant deterrent to expensive fraud or deception. At the same time, the fact that private action must follow in the wake of a successful government action will prevent harassment of legitimate businessmen by unlimited nuisance law suits.

THE FEDERAL TRADE COMMISSION

The problems of the American consumer first became a central matter of Federal concern in the late years of the nineteenth century and the early years of the twentieth. One of the important elements in the Government's response at that time was the establishment in 1914 of the Federal Trade Commission, an independent body which was designed to play a leading role in the fight against unfair and deceptive trade practices. While new legislation has given the FTC additional and more specific duties, there has been increasing public concern over the Commission's ability to meet all of its many responsibilities. I believe the time has now come for the reactivation and revitalization of the FTC.

The chairman-designate of the FTC has assured me that he intends to initiate a new era of vigorous action as soon as he is confirmed by the Senate and takes office. A report prepared at my request by a commission of the American Bar Association should help considerably in this effort, for it presents a valuable description of the problems which face the FTC and the ways in which they can be remedied. I urge the FTC to give serious consideration to these recommendations. I have also asked the Bureau of the Budget to help with the revitalization process by supervising an even more detailed management study of this commission.

I am particularly hopeful that a number of specific improvements in the FTC can be quickly accomplished. For example, the Commission should immediately begin to process its business more rapidly so that it can reduce its unacceptably large backlog of cases. I also believe that it should seek out new information on consumer problems through more energetic field investigations, rather than waiting for complaints to come in through its mailrooms or from other government agencies. This initiative could begin with pilot field projects in a limited number of cities, as the ABA task force has suggested. Whatever the strategy, I would hope that it could be accomplished through a more efficient use of existing personnel and finances; if that proves impossible, added funds should later be appropriated for this purpose.

Administrative reforms will provide only part of the answer, however. I believe the Commission should also consider the extent to which Section 5 of the Federal Trade Commission Act, broadly interpreted, may be used more effectively to cope with contemporary

consumer problems. This is the section which gives the Commission its legislative mandate to move against unfair or deceptive practices. The language of this section might well provide an appropriate instrument for policing more effectively some of the more prevalent abuses described by the ABA task force study.

Even if the Commission does apply Section 5 more broadly, however, there remains a question about its jurisdiction which the Congress should promptly resolve. Past FTC enforcement activities have been inhibited by a Supreme Court decision of some twenty-five years ago, holding that activities "affecting" interstate commerce were not subject to FTC jurisdiction since the language of the law was limited to activities "in" interstate commerce. This means that there is a doubt at present concerning the FTC's ability to consider many unfair and deceptive practices which have a nationwide impact but are local in terms of their actual operation.

I am therefore recommending that the Congress amend Section 5 so as to permit the FTC to take action concerning consumer abuses which "affect" interstate commerce, as well as those which are technically "in" interstate commerce. This amendment would make it clear that the FTC has a jurisdiction consistent with that of several other Federal agencies and commissions. The purpose of the amendment is to clarify FTC jurisdiction over cases which have true national significance; it should not be interpreted in a way which burdens the Commission with a large number of cases which are of only local importance.

One of the most important obstacles to the present effectiveness of the FTC is its inability to seek an injunction against an unfair or deceptive business practice. The result of this inability is an unacceptable delay between the time a harmful practice is discovered and the time it is ended. Often two years will pass between the time the FTC agrees to hear a complaint and the time it issues its final order and another two years may pass while the order is reviewed by the courts.

I recommend that the Congress remedy this situation by giving to the Federal Trade Commission the power to seek and obtain from the Federal courts a preliminary injunction against consumer practices which are unfair or deceptive. The judicial process includes safeguards which will assure that this authority is fairly used. Courts will retain their usual discretion to grant or deny an injunction in the light of all the consequences for both the accused and the plaintiff. Parties will, of course, retain their right to a fair hearing before any injunction is issued.

NATIONAL COMMISSION ON CONSUMER FINANCE

The buying public and businessmen alike have been concerned in recent years about the growth of consumer credit. Twenty-five years ago the total consumer credit outstanding was only 5.7 billion dollars; today it is 110 billion dollars. The arrangements by which that credit is provided are subject to government supervision and regulations, an assignment which has recently become increasingly complex and difficult. For this reason a National Commission on Consumer Finance was established by law in 1968. It was instructed to review the adequacy and the cost of consumer credit and to consider the effectiveness with which the public is protected against unfair credit practices.

The National Commission on Consumer Finance should begin its important work immediately. I will therefore announce shortly the names of three new members of the Commission, including a new chairman, and I will ask the Congress for a supplemental appropriation to finance the Commission's investigations during the current fiscal year. I look forward to receiving the report of the National Commission on Consumer Finance in January of 1971.

CONSUMER EDUCATION—INFORMATION ON PRODUCT TESTING

No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and *knows what to make of that information.* The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

This Administration believes that consumer education programs should be expanded. Our study of existing consumer education efforts in both the public schools and in adult education programs has been funded by the Office of Education and will report its results in the near future.

The Special Assistant to the President for Consumer Affairs is focusing many of the resources of her office on educational projects. One new project which I am asking that office to undertake is the preparation and publication, on a regular basis, of a new *Consumer Bulletin.* This publication will contain a selection of items which are of concern to consumers and which now appear in the daily government journal, *The Federal Register.* The material it presents, which will include notices of hearings, proposed and final rules and orders, and other useful information, will be translated from its technical form into language which is readily understandable by the layman.

The Government can help citizens do a better job of product evaluation in other ways as well. First, I recommend that Congress authorize the Federal Government to review the standards for evaluation which are used by private testing laboratories and to publish its findings as to their adequacy, working through appropriate scientific agencies such as the National Bureau of Standards. Laboratories presently issue quality endorsements, of one kind or another, for a wide variety of products. Some of these endorsements have meaning, but others do not. It would be most helpful, I believe, if the testing procedures on which these endorsements were based were evaluated by Government experts. Manufacturers whose products had been tested under Government-evaluated testing standards would be allowed to advertise the fact. If no testing standard existed or if the standard in use was found to be inadequate, then the appropriate agency would be authorized to develop a new one.

Secondly, I propose that we help the consumer by sharing with him some of the knowledge which the Government has accumulated in the process of purchasing consumer items for its own use. Government agencies, such as the General Services Administration and the Department of Defense, have developed their own extensive procedures for evaluating the products they buy—products which range from light bulbs and detergents to tires and electric drills. As a result of this process, they have developed considerable purchasing expertise; in short, they know what to look for when they are buying a given product. They know, for example, what general types of paint are appropriate for certain surfaces; they know what "checkpoints" to examine when a piece of machinery is being purchased. The release of such information could help all of our people become more skillful consumers. I am therefore asking my Special Assistant for Consumer Affairs to develop a program for disseminating general information of this sort and to carry on further studies as to how the skill and knowledge of Government purchasers can be shared with the public in a fair and useful manner.

FOOD AND DRUGS

The surveillance responsibilities of the Food and Drug Administration extend not only to food and drugs themselves, but also to cosmetics, therapeutic devices, and other products. Both the structure and the procedures of the FDA must be fully adequate to this sizable and sensitive assignment, which is why this Administration has made the FDA the subject of intensive study.

I have asked the Secretary of Health, Education, and Welfare to undertake a thorough reexamination of the FDA, and I expect that this review will soon produce a number of important reforms in the agency's operations. This study is taking up several central questions: What further financial and personnel resources does the FDA require? Are laboratory findings communicated as promptly and fully as is desirable to high Administration officials and to the public? What should be the relationship of the FDA to other scientific arms in the government? What methods can bring the greatest possible talent to bear on the critical questions the FDA considers?

There are a number of actions relating to FDA concerns which should be taken promptly, even while our study of that institution continues. For example, I have already asked the Secretary of Health, Education, and Welfare to initiate a full review of food additives. This investigation should move as fast as our resources permit, reexamining the safety of substances which are now described by the phrase, "generally recognized as safe" (GRAS). Recent findings concerning the effects of cyclamate sweeteners on rats underscore the importance of continued vigilance in this field. The major suppliers and users of cyclamates have shown a sense of public responsibility during the recent difficulties and I am confident that such cooperation from industry will continue to facilitate this investigation.

I also recommend that the Congress

take action which would make possible, for the first time, the rapid identification of drugs and drug containers in a time of personal emergency. When overdosage or accidental ingestion of a drug presently occurs, a physician is often unable to identify that drug without elaborate laboratory analysis. Many manufacturers are already working to remedy this problem on a voluntary basis by imprinting an identification number on every drug capsule and container they produce. As many in the industry have urged, this simple process should now be required of all drug producers, provided they are given suitable time to adjust their production machinery.

Another important medical safety problem concerns medical devices—equipment ranging from contact lenses and hearing aids to artificial valves which are implanted in the body. Certain minimum standards should be established for such devices; the government should be given additional authority to require premarketing clearance in certain cases. The scope and nature of any legislation in this area must be carefully considered, and the Department of Health, Education, and Welfare is undertaking a thorough study of medical device regulation. I will receive the results of that study early in 1970.

OTHER PROPOSALS

THE OFFICE OF ECONOMIC OPPORTUNITY

The problems which all American consumers encounter are experienced with particular intensity by the poor. With little purchasing experience to rely upon and no money to waste, poorer citizens are the most frequent and most tragic victims of commercial malpractices. The Office of Economic Opportunity is therefore establishing its own Division of Consumer Affairs to help focus and improve its already extensive consumer activities for poorer Americans. The nationwide network of Community Action Agencies can be one instrument for extending consumer education into this area.

HELPING THE STATES AND LOCALITIES

An important segment of consumer abuses can be handled most effectively at the state and local level, we believe provided that each state has a strong consumer protection statute and an effective mechanism for enforcing it. Several States set examples for the Federal government in this field: every State should be encouraged to explore the need for an adequately financed Division of Consumer Protection as a part of its State Attorney General's office. Both the Special Assistant for Consumer Affairs and the Federal Trade Commission can do much to help States and localities to improve their consumer protection activities. The codification of state consumer protection laws which the Special Assistant is now conducting promises to be a useful part of the States in this effort.

GUARANTEES AND WARRANTIES

Consumers are properly concerned about the adequacy of guarantees and warranties on the goods they buy. On January 8, 1969, a task force recommended that the household appliance industry disclose more fully the terms of the warranties it provides. It recommended that if, at the end of one year, voluntary progress had not occurred, then legislative action should be considered.

In order to evaluate the industry's recent progress, I am today reactivating that task force. It will be chaired by my Special Assistant for Consumer Affairs and will include representatives from the Department of Commerce, the Department of Labor, the Federal Trade Commission, the Department of Justice, and the Council of Economic Advisors. I am asking the task force to make its report by the end of this year and to comment on the need for guarantee and warranty legislation in the household appliance industries and in other fields.

PRODUCT SAFETY

The product safety area is one which requires further investigation and further legislation, as the hearings of the National Commission on Product Safety have already demonstrated. I am asking my Special Assistant for Consumer Affairs to provide continued surveillance in the area of product safety, particularly after June 30, 1970, when the National Commission on Product Safety is scheduled to complete its work. And I am also instructing the appropriate agencies of the government to consult with the Commission and to prepare appropriate safety legislation for submission to Congress.

Finally, I am asking the Congress to require that any government agency, in any written decision substantially affecting the consumers' interest, give due consideration to that interest and express in its opinion the manner in which that interest was taken into account. I would also note that the major review which will be conducted this December by the White House Conference on Food, Nutrition, and Health will provide further welcome advances in the protection and education of the American consumer.

Interest in consumer protection has been an important part of American life for many decades. It was in the mid-1920's, in fact, that two of the leading consumer advocates of the day, Stuart Chase and F. J. Schlink, reached the following conclusion: "The time has gone—possibly forever—" they wrote, "when it is possible for each of us to become informed on all the things we have to buy. Even the most expert today can have knowledge of only a negligible section of the field. What sense then in a specialized industrial society if each individual must learn by trial and error again and forever again?" It was clear at that time and it is clear today, that the consumer needs expert help. The consumer has received some of that needed help through the years, from a variety of sources, private and public.

Our program is a part of that tradition. Its goal is to turn the buyer's Bill of Rights into a reality, to make life in a complex society more fair, more convenient and more productive for all our citizens. Our program is fair to businessmen and good for business, since it encourages everyone who does business to do on even better job of providing quality goods and services. Our action is intended to foster a just marketplace—a marketplace which is fair both to those who sell and those who buy.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1969.*

TEMPORARY EXTENSION OF THE AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 164, which was reported earlier today.

The PRESIDENT pro tempore. The joint resolution will be stated.

The LEGISLATIVE CLERK. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "October 31, 1969" and inserting in lieu thereof "December 31, 1969."

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the joint resolution the following section:

SEC. —. The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Comptroller of the Senate shall be deemed his successor as a disbursing officer, under his bond as Comptroller, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

Mr. MANSFIELD. Mr. President, this joint resolution has been cleared with the distinguished President pro tempore of the Senate and with the distinguished minority leader. It is for the purpose of making clear that there will be no vacant step, so to speak, in the line of succession and that the office of the Comptroller which the Senate has agreed to confer on one of its most effective and efficient officials, Mr. Robert Brenkworth, is of a nature which applies only to Mr. Brenkworth and is in recognition of his extraordinary service to the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The joint resolution 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 joint resolution.

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

THE TAX REFORM-TAX RELIEF MEASURE

Mr. MANSFIELD. Mr. President, as the end of this month approaches it is appropriate to take notice of the significant achievement obtained by the Senate Committee on Finance. From all indications, the Finance Committee is meeting its timetable to the Senate and the country by reaching on schedule the completion of its work on the tax reform/tax relief package. It can be no more fitting at this time to single out the chairman of that committee and its ranking member—Mr. LONG and Mr. WILLIAMS of Delaware—to convey to them and to the full membership of the committee the deep gratitude of all of us. Quite frankly, the significance and magnitude of their achievement cannot be too highly praised.

During these past 8 weeks it has been written how fully the committee has devoted itself to this task. Meeting early each morning, staying throughout the entire day and on into the evening, the Finance Committee performed a task that in the early stages appeared almost impossible. By ordering the report on this bill tomorrow, the committee will crown one of the greatest efforts I have ever witnessed in this body.

It is fully understood that the committee and its staff require some time—perhaps 2 weeks or so—to put this achievement into final form; to work out the complex technicalities; to cross the t's and dot the i's. What is important is that the matter is coming in under the wire. There is an enormous technical difficulty that remains; that of putting the committee judgments through the technical strainers of the tax code.

What is important also is that this effort demonstrates again that when Members of the Senate on both sides of the aisle join to establish a goal—as did the Finance Committee members in pledging last July to report tax reform by the end of October—the performance is assured regardless of the measure of the task.

I, personally, am deeply grateful. And I know I speak for the Senate in saying that, the chairman, the ranking member, and every Senator assigned to the Finance Committee deserve our thanks for the hard work performed over these past months in meeting this commitment to the Senate and the country.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. On behalf of the chairman of the committee and its members, I express appreciation for the remarks of the majority leader. The committee and its members have worked diligently on the bill. We hope to have final action by tomorrow night. We are advised by the staff that they can have the bill and report ready so that it will be on the Senate Calendar not later than 1 week from next Monday, which will be the 10th of November.

Mr. MANSFIELD. This is extraordinary.

Mr. WILLIAMS of Delaware. I think we can get it ready. Having gotten it this far I join the majority leader in expressing the hope that we can have an early date set for consideration of the bill so that we can dispose of it as promptly as possible and so that we can get it to conference. There is no reason why we cannot dispose of it before we go home for the Thanksgiving recess.

I do not think it will take too long in the Senate. All the reports and committee hearings will be available to any Member of the Senate who wants to study them next week and get ready for the debate the following week.

Mr. MANSFIELD. Mr. President, I am even more encouraged by what the distinguished Senator from Delaware, the ranking minority member of the committee, has just said. The fact that it is possible to get the bill reported out of committee within a week is something I had not imagined in my wildest dream. Again, it demonstrates the dedication to the task the committee has set for itself.

May I assure the Senator from Delaware that I will do my very best to get the tax relief-tax reform bill up for consideration as early as possible and considered in this session, do my very best to get it passed and to conference in this session, and, if possible, get it out of conference and passed this year. The chairman of the Finance Committee, Mr. LONG, has established a reputation as a man of extraordinary talent and energy but he and each member of the Finance Committee have surpassed their previous reputations for extraordinary accomplishment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. We would not have been able to make this progress had it not been for the staff, which has worked even more diligently than the members of the committee. I know the members of the staff have been working 15 or 18 hours a day. Last night it was 2 o'clock when they closed. Then they were here this morning before 9 o'clock. Now, if the Members of the Senate will work equally as hard we can get this bill acted on in the Senate and perhaps even through the conference by Thanksgiving.

Mr. MANSFIELD. I join the Senator in his commendation of the staff, because it was a cooperative effort.

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

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Mr. President, we have before us another example of the unusual leadership of Senator MIKE MANSFIELD. Senator MANSFIELD was very firm in opposing pressure to separate a tax reform bill, so that there would have been action by the Senate on the investment credit and action by the Senate separately on the surtax, but separate from the tax reform provisions in that bill.

I think if we had yielded to that very strong pressure in the Senate and in the country, we would not have a tax reform bill at all. The action, prudence, and leadership of the Senator from Montana in this area is something for which I think the taxpayers should be grateful. If the Senator from Montana had not insisted that those bills stay together, if he had said it was not possible to get the bill this year, it seems to me we would not have gotten it this year. I commend the majority leader for his fine and effective leadership.

Mr. MANSFIELD. I am more than complimented; I am somewhat embarrassed by the Senator's kind words.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. I certainly want to join the Senator from Wisconsin in paying respect to the majority leader. I think everyone knows the high respect in which I hold him. However, I would not want the record to show that the membership of the Finance Committee would not have done its job had not the ultimatum been laid down.

Mr. MANSFIELD. No ultimatum.

Mr. WILLIAMS of Delaware. In fact, I still question the wisdom of the ultimatum by the Democratic Policy Committee. It does not promote good legislation.

As one who for years has been fighting as diligently as anyone for tax reform, I want to assure the Senate that the heat would have been kept on the committee to get a bill out at an early date anyway.

I express the hope that the many Members of the Senate who in the past few months have talked about tax reform will not lose their enthusiasm when they see what tax reform means. We have found that oftentimes, although one makes speeches in favor of tax reform—which everybody seems to favor—when we get down to the actual voting the enthusiasm wanes. The real test will be when we need their support in the Senate.

Almost 100 percent of the membership of this body has made speeches on the need for reform. I hope the same support will be in evidence in the rollcall votes during the consideration of the tax reform bill.

Mr. MANSFIELD. Mr. President, may I say that truer words have never been spoken. The Senator from Delaware has been a spokesman and a leader in this body for meaningful legislation in this particular field.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I say "amen" to that. I do not know of anybody who has worked harder, more honestly, and more effectively for tax reform, both on the Senate floor and in the committee.

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

Mr. MANSFIELD. I yield.

Mr. AIKEN. I will furnish the Senator from Delaware with a copy of a letter I received from a lady who said she is against all kinds of tax reform.

Mr. MANSFIELD. Mr. President, may I say also that in voicing my thanks and gratitude to the distinguished Senator from Delaware, I also want to express my deep thanks and gratitude to the distinguished Senator from Louisiana (Mr. LONG), chairman of the committee, who has done yeoman work and has applied himself diligently and effectively, and always with a time limitation, not imposed by the Senate, only suggested to the Senate committee, so that he could

meet this highly desirable objective which many people thought an impossibility. Again the chairman and the full membership of Senate Finance Committee are to be commended and to them our gratitude and respect is unlimited for this singular achievement.

TOO MANY GI SERVANTS

Mr. COOK. Mr. President, my office has been notified, as have other Senate offices, of the details of the impending military personnel reduction as it affects each of our States. As a consistent critic of excessive and unnecessary Federal spending wherever it is found, including the Department of Defense, I cannot in good conscience object to a cutback just because it happens to affect some personnel who happen to be located in my State.

I am, however, very sorry that these people who are to be cut—at the Blue Grass Ordnance in Richmond, 415 civilians; at Fort Campbell, 117 civilians, and Air Force personnel of 285 military and three civilians; at Fort Knox, 141 civilians; an undisclosed number resulting from the closing of the Naval Reserve Training Center at Covington; and at the Corps of Engineers in Louisville, 27 civilians—are mostly civilians. I would certainly not argue that civilian personnel cutbacks in the Department of Defense are not needed. But if the decision had been mine to make, I would have made the initial spending reductions elsewhere, by eliminating some outlandish military practices.

For example, Jack Anderson, in his "Washington Merry-Go-Round" column of October 28, 1969, in the Washington Post, reported:

> General officers are now authorized one enlisted aide for every star, no questions asked. All told, 700 able-bodied men are assigned by the Army to pick up after its royalty.

Anderson goes on to report that:

> The Army, for example, quietly revised regulation 614–16 this summer to create "mos ooh, enlisted aide".

He further alleges that the Joint Chiefs of Staff chairman, General Wheeler, has nine soldiers assigned to his home and that Army Chief Westmoreland has eight GI servants.

The article also relates that General Wheeler's home is—

> Replete with file cabinets, personnel rosters, telephones and assorted bureaucratic paraphernalia, along one wall hang white mess jackets, formal butler jackets, and black chauffeur uniforms.

And to top it off, the men report to Mrs. Wheeler as well as to the general. If these facts are true, this disgraceful practice should be terminated immediately.

I would like the people of Kentucky to know that I do not live like this at the taxpayer's expense, and to my knowledge no other Senator does either. I drive my own car to work and I buy my own gasoline. I drive my own car to all those receptions that both the politicians and the generals must attend, and I find a place to park myself, while they arrive in their chauffeur-driven limousines, are let out, and are picked up after the reception is over. My wife does have someone to help her do the housework 2 or 3 days a week but I pay for it. I give my wife the money for groceries, and she drives herself to the store and buys them. We pay our own phone and utility bills. I could go on and on. I even pay $3 a week to have my grass mowed. But, Mr. President, I believe I have made my point. I want to emphasize that I am not complaining. I think Senators and Representatives should continue to do these things for themselves. But I also think generals should have to do the same. Until such time as these privileges are specifically authorized by act of Congress, such practices should immediately cease.

It is not by law that military top brass are allowed to convert military personnel to their own personal use; it is by military regulation and custom.

Mr. President, I often wonder why many of the higher military and civilian echelons in the Pentagon are mystified by public outrage at some of their practices. A simple application of commonsense would tell them that the taxpaying citizen will not tolerate this kind of special privilege much longer at his expense.

Mr. President, I have great faith in our military might, and, for the most part, I have confidence in our military men. But the American people have now served notice: It is time to put the military house in order.

I ask unanimous consent that the relevant parts of the columns, "The Washington Merry-Go-Round," written by Jack Anderson and published in the Washington Post of October 28 and 29, 1969, be printed in the RECORD.

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

[From the Washington Post, Oct. 28, 1969]

GENERALS ALLOWED MORE GI SERVANTS

(By Jack Anderson)

Despite high draft calls and long lamentations over manpower needs, the armed forces have quietly given their official blessings to the use of GI servants for general officers.

The employment of enlisted men to shine boots, brew coffee and clean toilet bowls for the brass hats isn't exactly new. In the past, a soldier would be pulled from the ranks and briefed on the benefits of "volunteering" as a general's flunky. Then he would be issued a mess jacket, handed a broom and put to work.

But now the armed forces have made boot polishing and toilet cleaning a specialty. They have established training courses, written manuals and offered careers in the care and feeding of brass hats.

The Army, for example, quietly revised regulation 614–16 this summer to create "Mos Ooh, enlisted aide." At first, this column was told that access to the regulation was on a "need to know basis"—in other words, classified.

This turned out to be a slight exaggeration, and a copy was obtained through channels after a two-week game of ring-around-the-rosy with Pentagon officials.

ELITE SERVANTS

According to the revised regulation, general officers are now authorized one enlisted aide for every star, no questions asked. All told, 700 ablebodied men are assigned by the Army to pick up after its royalty.

Few military specialties are more demanding. The aspiring GI servant must have an aptitude score of 90 or higher, a "driver battery test score of 95 or higher" and "no prior record of military or civilian offenses indicative of unfavorable traits of character, personality or behavior."

Once accepted, applicants are given basic enlisted aide training—an eight-week cook and baker's course at Ft. Lee, Va.

The Joint Chiefs' chairman and the Army Chief of Staff apparently need to be preened, pomaded and pampered more than the mere run-of-the-mill general. They aren't restricted to one servant per star but are authorized enlisted aides "as required."

Gen. Earle Wheeler, the Joint Chiefs' chairman, requires nine soldiers to keep his house in order. And Gen. William Westmoreland, the Army chief, has eight.

INSIDE WHEELER'S HOME

Wheeler's house staff is supervised by Master Sergeant Donald Taggart, a rehabilitated combat veteran with 23 years service. He has a basement office right in Wheeler's Ft. Myer, Va., home where he can be handy to attend to the whims of the general and his lady.

The office is replete with file cabinets, personnel rosters, telephones and assorted bureaucratic paraphernalia. Along one wall hang white mess jackets, formal butler jackets, and black chauffeur uniforms.

Despite AR 614–16's stipulation that enlisted aides should "further the accomplishment of a necessary military purpose," Taggart and his men answer to the lady of the house as well as the general. The chauffeur uniforms come in handy, for instance, when the Mrs. wants to go shopping.

[From the Washington Post, Oct. 29, 1969]

GI SERVANTS

(By Jack Anderson)

This column reported yesterday how the armed forces press some of their most promising young men into service as cooks, butlers, chauffeurs and handymen for the brass hats.

At Army reception centers, for example, officers have been alerted to watch for bright, attractive recruits who might be worthy to wait on generals. These enlisted aides, as the army delicately calls its GI servants, receive elaborate training at Ft. Lee, Va.

All the services, it seems, like their leaders to live in style. Even the Coast Guard, the runt of the military litter, maintains a large home for its commandant, Adm. Willard J. Smith, in the swank Kenwood section of Chevy Chase, Md.

Mrs. Smith, a delightfully effusive lady with sparkling blue eyes, oversees a three-man staff of enlisted aides. "These men are my best friends," she assured this column. "I don't have to order them around."

CPO Arthur Dizon has been with the Smiths for five years. He supervises the staff, oversees the preparation of meals, and handles the arrangements for parties. One of his more valuable skills is ice sculpting.

The Smith home is equipped with two kitchen ranges, two ovens ("When you're broiling a dozen steaks, one stove just isn't enough"), and two refrigerators—all provided by the taxpayers. Mrs. Smith also found it necessary to request a huge deep freeze to hold "Dizon's ice sculptures."

It was raining the day this columnist visited the Smiths and the family beagle, Tyler, escaped through the front door into the wet afternoon. When Tyler returned one of the enlisted aides hopped to with a clean coast guard-issue dish towel to give old Tyler a rub down.

Rank has its privileges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for approximately 5 minutes.

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

THE LEGISLATIVE RECORD OF THE 91ST CONGRESS TO DATE

Mr. MANSFIELD, Mr. President, I am in receipt of a letter from the distinguished President pro tempore of the Senate and chairman of the Appropriations Committee, Mr. RUSSELL, in which he requsts the Military Construction Appropriations Subcommittee to expedite action on that bill. I am certain that the chairmen of other appropriations subcommittees have received similar requests, because one thing which the distinguished President pro tempore likes to do, as chairman of the Appropriations Committee, is to bring legislation out of his committee to the floor as soon as reasonably possible—not rushed legislation, but only legislation proposed after due consideration.

I am happy to state that the military construction authorization will be considered in committee next Monday.

The hearings on the appropriations for this bill have been conducted. The appropriations bill will be expedited shortly after its receipt from the House.

The appropriation bill for the Departments of State, Justice, and Commerce was marked up by the subcommittee yesterday, and it should be ready for the Senate sometime this week. That indicates some progress, and is in accord with the President's wishes.

Mr. President, there are times when I agree that there is much to be gained by those who lower their voices and refrain from shouting; by those who instead look at the record and search their own minds. This is a time to judge actions—not words. These premises are particularly apt in evaluating the work to date of the 91st Congress.

Without belaboring this point—it has been made before—it simply would have been discourteous for this Congress—a Congress controlled by Democrats—to have run roughshod over the views, ideas, and plans of a new administration of a different party. It would have been most inappropriate for this Congress simply to have processed and digested the programs of the previous administration, including its budget. Every new administration should be afforded the opportunity to submit its proposals for change including even its own budget priorities. The fact that this takes time did not dissuade us from affording this courtesy to the Nixon administration.

That the Nixon administration budget estimates—received in late April—were more than 3 months in coming is to be understood. But so is the fact that the appropriations process implementing that budget commenced nearly 4 months late. A late planting in the spring always causes crop delays in the fall. In fact, the Senate has not even received from the House five of the 13 regular appropriations bills. This year's experience should dramatize at least the need for a change in the consideration of the Government's budgetary matters. Either an adjustment of the Government's fiscal year to coincide with the calendar year should be accomplished; Senator MAGNUSON's proposal to divide the session in two should be adopted; or the myth that appropriations bills must originate in the House should be discarded.

On October 13, 1969, the President sent the Congress the program of his administration. It was heralded as the equivalent of a State of the Union address and in my opinion it could well be so described. In it were enumerated what the President felt to be the most urgent priorities for the Congress and the Nation to consider. That message contained 33 legislative proposals. Using a quantum standard—particularly that standard chosen on October 13 by the President in his message—the Senate must be considered to have achieved significant progress to date. The Senate has passed nine of these programs already and there is every likelihood that the merits of at least 10 more of these proposals will be passed upon during this first session of the 91st Congress. Of the remaining 14 proposals the Senate must await House action on five and the administration is, perhaps understandably, holding up the progress of an additional four proposals because of its failure to present its views or testimony.

For the record, Mr. President, I have a table showing the progress of the President's 33 programs specified in his October 13 address. I ask unanimous consent that it appear at this point in the RECORD.

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

Subject	Message sent	Administration bill sent	Senate action	Comment
Draft reform	May 13	Aug. 13	Senate bills introduced in February and May	Administration views on Senate bills requested from DOD but no answers received.
Welfare reform	Aug. 11	Oct. 2	Must await House action	Hearings underway in House.
Revenue sharing	Aug. 13	Sept. 23	do	All revenue measures must originate in House; tax reform measure preoccupying Ways and Means and Finance.
Postal reform:				
Career postmasters	May 27	May 29	Passed Senate Aug. 12	
Postal Corporations	do	do	Senate committee hearings underway	Senate committee action anticipated this session.
Manpower reform	Aug. 12	Aug. 12	Awaiting departmental reports	9 reports requested—BoB only reply.
Social security	Sept. 25	Sept. 30	House must act first; House hearings underway in Ways and Means through Nov. 13.	Chairman of Finance Committee has publicly advocated an increase in benefits beyond administration proposal to be effective prior to administration proposal.
Grant-in-aid	Apr. 30	May 1	Senate will act this session	Committee will report in November.
Direct election of President		(1)	Jan. 17, introduced; passed House; passed Senate subcommittee.	Senate action possible this session; Senate action assured this Congress.
District of Columbia Government reform	Apr. 28	May 13	Senate bill passed Oct. 1	Embraces District of Columbia Delegate and District of Columbia Home Rule Comm.; both have passed Senate.
OEO reform	Feb. 19	June 12	Passed Senate Oct. 14	
Foreign aid	May 28	June 9		Await House bill.
Mine safety	Mar. 3	Mar. 4	Senate bill passed	Bill that passed originated in the Congress.
Occupational health and safety board	Aug. 6	Aug. 6	Senate committee action late November or early December.	Senate action anticipated late this session or early next session.
EEOC injunction power		(2)	Senate bill introduced June 19—hearings completed—Senate subcommittee markup early November.	
Voting rights	(3)	June 30	Jan. 31 (Senate bill referred to Judiciary)	Await House action.
Food stamps	May 6	July 7	Senate bill passed Sept. 24	
Population commission	July 18	July 25	Passed Senate Sept. 29	
Crime:				
Increased appropriations for organized crime	Apr. 15		Anticipate Senate approval of total request by Nov. 5	Included in State-Justice Commerce appropriations.
Antigambling jurisdiction	Apr. 23	Apr. 29	S. 30 introduced Jan. 15; Senate action early November	Omnibus Crime bill introduced in Senate on Jan. 15 contains this provision. Approval of Senate Omnibus bill S. 30 anticipated this session.
Witness immunity	do	May 12		
Federal crime for local authorities involved in gambling	do	July 11	Passed Senate Sept. 18	
District of Columbia court reorganization	Jan. 31	do	do	
Bail reform in the District of Columbia	do	do	Senate bill passed Sept. 18	
Appropriations increase for narcotics enforcement			Anticipate Senate approval of total request by Nov. 5	Included in State-Justice Commerce appropriations.
Tax reform	Apr. 21	(3)	House bill passed August. Senate action this year	This congressional initiative endorsed by President.
Pornography:				
Antismut	May 2	May 5	Awaiting Administration's views	
Obscene mail	do	May 8	Reported from subcommittee in August	Senate action hopefully this session.
Salacious advertising	do	do	do	
National computer job bank		(3)	No proposal introduced	
Airport development	June 16	June 18	Hearings underway; Senate action this year	
Public transit increase in authorization	Aug. 7	Aug. 11	Senate hearings underway	
Extend unemployment coverage	July 8	July 8	House must act first on revenue measure	

[1] No administration draft.
[2] No draft bill.
[3] None.

Mr. MANSFIELD. In addition to these programs the administration has endorsed or proposed other significant proposals which have passed the Senate. These proposals, in all, number 61. Many of them, of course, originated with congressional initiative. The list is included in another table, and I ask unanimous consent that it appear in the RECORD at this point.

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

LEGISLATIVE PROPOSALS WHICH HAVE PASSED THE SENATE AFTER RECOMMENDATION BY THE PRESIDENT OR ENDORSEMENT BY THE PRESIDENT AFTER CONGRESSIONAL INITIATIVE

Appalachian Regional Development: Public Works and Economic Development Act, extensions.
Appropriations: Agriculture, Interior, Legislative, Treasury-Post Office.
Cabinet Committee on Opportunities for Spanish-speaking people.
Child Protection and Toy Safety Act.
Coal Mine Health and Safety Act.
Coast Guard authorization.
Commission on Population and Growth in America.
D.C. Revenue Act.
D.C. Bail Agency Act Amendments.
D.C. Delegate in the House.
D.C. Home Rule Study Commission.
Educational TV.
Eisenhower Dollar.
Eisenhower historic site.
Export Expansion and Regulation Act.
Federal Criminal Law Reform Commission.
Food Stamp authorization increase.
Food Stamp revision.
Housing and Urban Development Act.
IDA authorization increase.
Interest Equalization.
Intergovernmental Personnel Act.
John F. Kennedy Center.
Johnson historic site.
Joint Chiefs of Staff, reappoint chairman.
Marine Corps Commandant.
Maritime authorization.
Mass Transit Development, D.C.
Medals for American Astronauts.
Medical Libraries.
Metric System Study authorization.
Military Procurement—ABM authorization.
National Council on Indian Opportunity.
National Council on Marine Resources.
National Science Foundation authorization.
Office of Economic Opportunity, revise and extend.
Office of Intergovernmental Relations.
Older Americans Act Amendments.
Peace Corps authorization.
Postmaster appointments—Civil Service.
Public Debt increase.
Reorganization Act extension.
Reorganization of DC Courts.
Reorganization Plan No. — ICC.
Saline Water Conversion.
Space authorization.
Student Loans—Special allowance for lenders.
Surtax extension—through 12/31/69.
Taft historic site.
Unemployment tax collection, accelerate.
Vice President and others salary increase.
Water Quality Improvement Act.
Treaties: Nonproliferation, Vienna Convention, Radio Broadcasting, Fishing Operations, Agreement with Canada, and Offenses aboard aircrafts.

NOTE.—The above list includes specific recommendations as well as reports cleared "in accord" and "consistent with" the President's program.

Mr. MANSFIELD. Finally, I should say that the Senate passed 156 proposals without the request, stimulation and/or the endorsement of the administration. The list includes many significant proposals and I ask unanimous consent that this third table appear at this point in the RECORD.

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

LEGISLATION PASSED BY THE SENATE IN THE 91ST CONGRESS, 1ST SESSION IN ADDITION TO THAT LEGISLATION REQUESTED OR ADOPTED BY THE PRESIDENT

National Commitments Resolution.
Veterans Education and Training Benefits.
Civil Service Retirement.
Presidential Pay Increase.
Mutual Fund Reforms.
Interstate Oil Compact Extension.
Youth Conservation Corps Establishment.
Disaster Relief.
Communicable Disease Control Program.
Foreign Governments Recognition.
Omnibus Judgeship Bill.
Clean Air Act Amendments.
Bankruptcy Commission Creation.
Commission on Balanced Economic Development.—Establishment.
Uniform Relocation Assistance.
National Center on Educational Media for the Handicapped.—Establishment.
National Commission on Libraries and Information Science.—Establishment.
Construction Workers Health and Safety Standards.
Apostle Islands National Lakeshore.—Establishment.
Buffalo National River.—Establishment.
El Dorado National Forest Wilderness Area.—Establishment.
Environmental Quality Advisers Board.—Establishment.
Florissant Fossil Beds National Monument.—Establishment.
Lincoln Back Country, Montana.—Classification as Wilderness Area.
Monomoy Wilderness Area.—Designation.
National Minerals Policy Declaration.
Pelican Island Wilderness.—Designation.
Sawtooth National Recreation Area.—Establishment.
Ventana Wilderness.—Designation.
Wilderness Areas Designated in Michigan, Wisconsin, and Maine.
Durum Wheat Allotments.
Great Plains Conservation Program Extension.
License Fees and Exemptions under Perishable Agricultural Commodities Act.
Marketing Quota Review Committees Membership and Court Proceedings.
Potato Exemptions from Marketing Orders.
Potato and Tomato Promotion Program.—Establishment.
Seed Certification Standards and Procedures.
COMSAT Board of Directors Composition.
Commission for Extension of the U.S. Capitol.—Membership Increase.
Senate Speech Reinforcement System.
James Madison Memorial Building, Library of Congress, Authorization Increase.
Servicemen's Dismemberment Insurance Coverage Extension.
Servicemen's Group Life Insurance Coverage for Extrahazardous Duty.
Legislative Jurisdiction over Lands within Army Establishments.
Servicemen's Group Life Insurance Increase.
Lead Stockpile Disposal.
Submarine Duty Extra Pay.
District of Columbia Court Suits for Tax Collection.
Prohibition of Debt Adjusting in District of Columbia.
Interstate Compact on Juveniles.—Authorization for D.C. Entry.
District of Columbia Judges Retirement.
District of Columbia Unemployment Compensation Act Exemptions.
District of Columbia Conveyance to Washington International School.
Suspensions of Duties: Chicory Roots, Electrodes for Producing Aluminum, Heptanoic Acid, Istle, Metal Scrap, Shoe Lathes, Spun Silk Yarn.
National Gold and Silver Stamping Act Amendment.
Investors Study Extension.
Extension of Regulation of Rates of Intest and Dividends on Time and Saving Deposits.
Small Business Administration Loans Increased Ceiling.
Small Business Investment Act Amendments.
Trust Territory of the Pacific Islands Economic Development Loan Fund.
National Education Association Structural Changes.
New Hampshire-Vermont Interstate School Compact.
Labor-Management Contributions for Scholarships and Child-Care Centers.
Commerce Department Employment of Aliens.
National Zoological Park Police Force.
Park Police Age Limit.
Public Health Service Retirement Benefits.
Travel Per Diem Increase.
Government Procurement Commission—Establishment.
Copyright Protection Continuation.
Disposal of Surplus Medical Supplies.
Public Museums Eligibility to Secure Surplus Property.
Medicaid Revision.
National Commission on Product Safety—Extension.
Housing Programs Temporary Extension.
Paraplegic Veterans Housing Assistance.
Western Hemisphere Immigration.
American Indian Rights.
Cheyenne River Sioux Tribe Trust Holdings.
Flathead Reservation in Montana—Disposition of Award.
Fort Berthold Reservation Trust Holdings.
Indians of California—Compensation for Erroneous Judgment Offset.
Indians of the Pueblo of Laguna Trust Holdings.
Indian Loans.
Long-Term Leases of Indian Lands Outside Boundaries of New Mexico Reservations.
Long-Term Leasing Act Amendments.
National Council on Indian Opportunity Expenses.
Navajo Indian Reservation Road Construction.
Rosebud Sioux Indian Reservation Mortgage Terms.
Patent Cooperation Treaty International Conference Authority.
International Expositions Participation.
Contracts Claims Jurisdiction of U.S. Courts.
Prince Georges, Maryland, County Court Sessions.
Manpower Development and Training for Trust Territory of the Pacific Islands.
American Fisheries Society Centennial Medal.
Diamond Jubilee Year of the American Motion Picture.
American Revolution Bicentennial Commission Extension.
Apollo 11 Commendation.
Baseball Centennial Commemoration.
Carl Hayden Project (Renaming of Central Arizona Project).
Chouteau Lock and Dam, Oklahoma, Designation.
Congressional Space Medals of Honor.
Dartmouth College's 200th Anniversary.
Eisenhower Dam (Renaming Glen Canyon Dam).
Everett Bridge Designation.
Francis Asbury Statue Relocation.

Frederick Douglass Home Increased Authorization.
High Speed Photography Ninth International Congress.
St. Lawrence Seaway 10th Anniversary.
U.S. Diplomatic Courier Service Medals.
Winston Churchill Medal.
Mailing Privileges for Mrs. Mamie Doud Eisenhower.
Proclamations: Adult Education Week, Day of Bread and Harvest Festival, Helen Keller Memorial Week, National Adult-Youth Communications Week, National Archery Week, National Family Health Week, National Industrial Hygiene Week, Professional Photography Week, Von Steuben Memorial Day.
HEW Appointments and Confirmations.
Everglades National Park, Florida, Land Acquisition.
Feasibility Studies of Water Resource Development Projects.
Golden Eagle Program Restoration.
Great Smoky Mountains National Park Road.
Kennewick-Yakima Project Addition.
Kortes Unit, Missouri River Basin, Operation Modification.
Navajo Indian Irrigation Project.—Increased authorization.
Oil and Gas Leases Reinstatement.
Padre Island National Seashore.—Authorization to satisfy judgment.
Parks and Recreation Surplus Property Sales.
Tocks Island Dam Development.
Touchet-Walla Walla Project Authorization.
Upper Niobrara River Compact.
Acquisition of Air Carriers Requirements.
Vessel Construction Differential Subsidy.
Veterans Care in State Homes.
Veterans Dependents' Compensation Increases.
Older Veterans' Medical Benefits.
Veterans Nursing Home Care.
Veterans Outpatient Care.
Veterans Service-Connection Disabilities Presumption.
Veterans' Administration Specialized Medical Resources Utilization.
Veterans Twenty-Year Disability Evaluation.
Jurisdiction Cession over Real Property at Veterans' Administration Center, Fort Harrison, Montana.
Vietnam Era Veterans' Life Insurance.
Aid to Families with Dependent Children.—Limitation repeal.
Care of Repatriated Americans.
Virgin Islands Voting Age.

Mr. MANSFIELD. Mr. President, these tabulations reflect the Senate's progress to date. Statistically, the Senate's work has been significant. I believe, however, that the quality of our work—as evidenced by the exhaustive consideration of the military authorization bill this summer—is the true measure and significance of the Senate in the 91st Congress. By any standard, however, our actions are more meaningful than any words.

Mr. GRIFFIN. Mr. President, I rise to commend the distinguished majority leader for his report concerning the legislative progress being made by the Senate. I shall be very interested in examining the tables which will appear in the RECORD.

However, I wish to say that it is very disturbing and of great concern to me to hear reports that one of the proposals of the administration—one which stands at the very top of its priority list—that of draft reform, may be sidelined in this session of Congress. Reports are circulating, and were mentioned in the New York Times this morning, which indicate that the leadership of the majority party apparently expects that such legislation will not even be considered by the Senate in this session of Congress.

That indication is particularly disturbing in light of the fact that the House of Representatives is considering legislation in connection with President Nixon's draft reform proposal today.

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

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Mr. President, I believe that what the Senator has said is correct. It happens that there are those in the Senate, as well as in the House, who desire a more extensive reform than the President's suggestion of applying the lottery plan to the 19-year-old group.

Mr. President, speaking personally, I am not in favor of the President's suggestion, because I think it continues to penalize a particular group of youngsters and continues other inequities which are evident in the present draft law. As a matter of record, I did not vote for the extension of the draft law. The last time it was before the Senate, because I thought then as I do now, that it is too inequitable. There are too many favored groups.

The result is that the responsibility for serving falls to a large extent upon those in the lower income brackets, those who cannot afford to go to college, and those who cannot afford to pursue certain kinds of graduate work.

Mr. President, in my opinion I would like to see a better draft system put into effect, if there is to be one, which would be more equitable than the system in effect at the present time. I know that President Nixon was not President when the draft law was extended. I know the revisions at that time were few and that the inequities were continued. I therefore felt that I could not or would not vote for it.

I honor the President for trying to bring about some change in this law. It is an indication of his interest. The law is in drastic need for change. When the law is next considered in the Senate, I feel confident a full overhaul will be considered.

I would hope also that in addition to that, the President would use whatever executive authority he has—and I understand that the only statutory limitation is the adoption of a lottery system—to bring about an elimination of the inequities to the extent that young Americans of all colors, creeds, and national origin would be treated equitably and that the existence of favored groups would be done away with.

Getting to the point of the statement of the distinguished acting minority leader, it is my belief that the President's proposal will not be taken up in the Senate this year because it was impossible to achieve a consensus to handle only the President's suggestion by itself and because some Members of the Senate want to go far beyond the President's proposal in the consideration of the draft law.

I point out for the RECORD that I appreciate what the acting minority leader has said, and that what he has said is true.

Mr. GRIFFIN. Mr. President, I appreciate the explanation of the majority leader, although I must emphasize my disagreement.

Probably no one subject, other than the war in Vietnam itself, is of greater concern and is a greater cause for unrest among the young people in our country today than the inequitable draft system now in effect.

We have heard a great deal of complaint about this system in past years, both in and out of Congress. Surely President Nixon has taken a very constructive step in proposing certain basic reforms in the draft system. Some of those reforms, as the majority leader has pointed out, can be achieved by Executive order. However, at least one point in his program—that of providing for the random selection or lottery method of designating those to be drafted—cannot be accomplished by Executive order. At least with respect to this one point, action must be taken by Congress.

I appreciate that some Senators would like to do away with the draft altogether. I am one of those who would like to see the time come when that could be done.

I know that other Senators would like to see a much more drastic or comprehensive reform of the draft law than is proposed by the President. However, what the President has proposed and is trying to achieve this year is a long step in the right direction.

While it is within the power of the majority party—which controls both the Senate and the House of Representatives—to deny consideration of this legislative proposal by the President, of course, the majority party must also bear the responsibility for such denial, if that is their choice.

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

Mr. GRIFFIN. I yield.

Mr. KENNEDY. Mr. President, does the Senator from Michigan realize that 11 major legislative proposals for reforming the draft have been introduced? They have been referred to the Defense Department and the Selective Service System for reports, and yet neither the Defense Department nor Selective Service have responded to or indicated any reaction to any of those proposals.

Does the Senator realize that every one of the proposals that the President of the United States has talked about in terms of draft reform could be accomplished today with the sole exception of abolishing the provision enacted into law in 1967 that prohibits or proscribes a random selection system?

When we had a hearing this morning and listened to the distinguished Director of the Selective Service System, he said in effect that all that had to be done would be to move to a moving age group—which is really a random selection system—and that they could go to that immediately. There is nothing to keep the President from doing these things this afternoon and taking these steps.

So, with great deference, when my friend, the distinguished Senator from

Michigan, suggests here that it is unfortunate that the Democratic Party is holding up all reform of the draft system. I think he is really failing to face up to the realities of the situation. I say that with all due respect.

Mr. GRIFFIN. Mr. President, I thank the distinguished assistant majority leader for his contribution. However, I must, of course, disagree with him.

The fact that the administration has not come back with a report on every bill that every Senator or Representative has introduced in a particular field is no reason, in my opinion, why the leadership should indicate that we are not even going to consider draft legislation in this session of Congress.

I have been in Congress for some 13 years. I have introduced many bills in past administrations. And often times my bills would be there for months and months and months without having any report or indication from the Johnson administration or the Kennedy administration as to what they thought of my proposals. That did not bring the work of Congress to a halt.

The President has expressed his views on draft reforms. He has sent a message to Congress.

There is proposed legislation before Congress. I know that the distinguished Senator realizes that what the President can do by Executive order concerning the selection of draftees is not as desirable or as good as the lottery provision, which must be enacted into law by legislation.

Mr. KENNEDY. Mr. President, with all due respect to my friend, the Senator from Michigan, I feel—and I have spent some time in studying the matter—that there is no difference between moving to selection of the 19-year-olds as the prime age group and instituting a "moving age group" for determining induction sequence—which the administration has said they can do—and moving to random selection. There may be a difference. However, it would be a difference without a distinction.

While we hear our friend the Senator from Michigan talk this afternoon about how distressed our Republican friends are because there will be no draft reform at the present time, we know that the President this very afternoon could provide guidelines for the draft boards around the country on the question of deferments. He could eliminate occupational deferments.

The former Secretary of Labor said that he finds no reason to continue occupational deferments.

Former Commissioner of Education Harold Howe said that he finds no overriding reason for the continuation of educational deferments.

The National Security Council, the entity charged with the responsibility of making recommendations on deferments, indicates that they find no reason for the continuation of occupational deferments.

All the President has to do this afternoon is say that there will be no continuation of occupational deferments and eliminate what has been generally recognized by the experts as one of the glaring loopholes. He could provide counsel for the young people so that they will be able to follow the regulations that govern the system.

It is not the Democratic leadership that is holding up these matters.

The President has the power to initiate recommendations to do this. On this whole host of different areas, the President has the power to do it.

I think the position which has been assumed by the distinguished chairman of the Committee on Armed Services—which he stated to the Senate last month—is the most responsible position that could be assumed, and that is that we are going to have total and comprehensive hearings that are going to consider the whole question of a Volunteer Army and the costs and expenses of what this is going to mean in terms of social and economic conditions in this country.

We have yet to receive the report of the President's Commission that is studying the question of a Volunteer Army. We do not have that information at hand. He has indicated that he wants to get into the whole question of the deferments themselves and to try to give this matter a thorough and comprehensive study, to consider all the alternative programs and alternative service to the young people of this country.

It seems to me that that is the constructive approach, if the President wants to move. I am hopeful that our subcommittee can make recommendations to the administration as to what additional steps could be taken so far as administrative action is concerned that will eliminate many of the inequities.

Mr. GRIFFIN. Obviously, I am very pleased and happy to know that the Armed Services Committee is going to hold hearings and is going to consider this whole subject in depth. It is needed. However, hearings of the nature to which the Senator has referred will not enable Congress to take any action in this session.

Therefore, the pendency of these hearings should not keep the Senate from acting on one vital legislative part of President Nixon's draft reform proposal; namely, to enable him through legislation to use the random or lottery method of selecting draftees.

I do not think we can abandon what is essentially a legislative responsibility by just saying that the President has the power to put a part of his program into effect by Executive order.

The calendar now approaches November 1. Time is growing short.

Although the administration may by Executive order put into effect as much of the President's program as possible if the Congress does not act, that is beside the point.

We should recognize that the leadership of the majority party is refusing to even consider the one vital part of his program of effective draft reform which requires legislation.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator's time has expired.

Mr. KENNEDY. Will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. KENNEDY. I think it is interesting that we have this position expressed by the distinguished Senator from Michigan. What are the other areas of reform—we are talking about reform—besides the elimination of the provision or the restriction to move to a random selection system, which is a system I also support? What are the other areas of reform in terms of the draft about which the Senator is concerned?

Mr. GRIFFIN. I have already indicated that other aspects of President Nixon's draft reform proposal can be put into effect by Executive order. The only thing the administration is asking for from the Congress is to enact the one provision which allows a random or lottery selection of draftees—which the distinguished Senator from Massachusetts is for and has been advocating for a number of years.

I would think the Senator from Massachusetts would be helping us to achieve that goal.

The PRESIDING OFFICER. Does the Senator wish to ask for additional time?

Mr. KENNEDY. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. KENNEDY. The administration has taken the position that they have the power to move to what they call the moving age group, the conveyor belt system. It amazes me, as one who has been greatly interested in reform of the draft system, in view of all the urgency for reform, to hear that there is really a distinction between a conveyor belt system, which the administration says it has the power to do, and the random selection system.

I do not dispute the point of the Senator from Michigan that it is always helpful to have congressional action and to have changes made by congressional consideration. But I think we perpetrate a fraud on the young people of this country if we think we are acting on draft reform just by eliminating four words in the 1967 act and then say that this is reform, because it is not.

If the administration is interested in eliminating some of the inequities which exist in the law at the present time, the fact remains that the American people ought to understand that the administration has the power to do so and that it should do so. If the administration is looking for a sort of debater's point and says, "Well, the Democratic Party really is not interested in reform because it will not act on this particular provision," the administration is not going to convince the young people of this country who are completely familiar with the entire history of this matter and who are completely familiar with the possibilities and the availabilities to the administration.

So we can chat about and assume righteous indignation about the fact the Senate is not going to perform draft reform just by eliminating three words, and we can be outraged by the action that has been taken by the Armed Servvices Committee and the administration.

Mr. President, the Senator is too knowledgeable about draft reform and the changes that can be made not to realize that that really is not an argu-

ment which is going to be convincing to the young people of this country who are most dramatically affected by it.

Mr. GRIFFIN. The Senator from Massachusetts has indicated that, instead of using the lottery or random method of selection, the President, by Executive order, can substitute some other method, which the Senator from Massachusetts referred to as a conveyor belt system, whatever that means. I realize that there are similarities between these two methods of selection, but I also understand that the one that the President could put into effect by Executive order would not be as fair or as equitable to the young people subject to the draft as would be the lottery proposal. In light of the Senator from Massachusetts strong support of the lottery system, I would think he would assist the administration in its implementation.

I am not saying, and I do not think this administration is saying, that the draft reform package, or proposal, which the administration now seeks to put into effect, is the ultimate answer to draft reform.

By taking this limited action, which will be a long step in the right direction, we do not close the door to further consideration in the next session of more comprehensive draft legislation, which the Senator is for. I think that is fine. The committee could go into it. But, in the meantime, I think it should be clear to all that it is those who are in control of this body—not the other body—who are blocking the door even to consider what the President has proposed.

SUPREME COURT DECISION TO END DELAY IN DESEGREGATING PUBLIC SCHOOLS

Mr. KENNEDY. Mr. President, yesterday's decision by the Supreme Court to end the delay in desegregating our Nation's public schools was eloquently presented by James Clayton in the Washington Post today.

Mr. Clayton lists the questions that Americans will ask for years to come—"What does this decision mean; why did the Court wait 15 years to make it, and why did the Court act on October 29, 1969?" No one but the justices can answer those questions definitely, although our daily papers indicate what the answers might be.

This decision begins to respond to the public clamor for equal treatment and impartial justice for all Americans, by striking down the nebulous phrase "all deliberate speed." Our Constitution does not give sanction to delays in any judicial proceedings. There is no reason why "deliberate speed" should have been allowed to hamper this one.

I am pleased to see the decision of the Court and to see that its significance has been properly chronicled by journalists.

I wish to offer, as part of the record, Mr. Clayton's interpretation of yesterday's historic Supreme Court ruling. Therefore, 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:

COURT'S PATIENCE RUNS OUT—ACTION NOW SUPERSEDES "ALL DELIBERATE SPEED"

(By James E. Clayton)

No one who has been listening to what the Supreme Court has been saying could have had any doubt that the day would come when the patience of the justices would be exhausted. Government-imposed segregation in the public schools was doomed on May 17, 1954, and the major subsequent question was how long it would be before the court dropped the other shoe. It was 15 years, 5 months, and 12 days—the time it takes a child, from birth, to reach the senior grades.

The events of those 15 years swirl around now as memories—the phrase 'all deliberate speed," the reports that the South says "never," massive resistance, interposition, Little Rock, New Orleans, Oxford, Boston, Chicago. The names swirl, too—Earl Warren, Thurgood Marshall, John Kasper, Autherine Lucy, James Meredith, Ross Barnett, George Wallace, John Doar. So do the plans for evasion or postponement—tokenism, freedom of choice, school closing, grade-a-year, zone gerrymandering.

That chapter in history now appears closed. The words of the court yesterday were clear. "All deliberate speed" is "no longer constitutionally permissible." The obligation of every school district is "to terminate dual school systems at once." In Mississippi, and presumably elsewhere, schools segregated because of government action are to be desegregated first and opposition talked about second. The era that began with Earl Warren has ended and the era of Warren Burger has begun.

The questions, of course, are what this decision means, why the court waited 15 years to make it, and why it acted on Oct. 29, 1969. No one but the justices can answer those definitively although there are indicators to the answers spread across the pages of the U.S. Reports and of contemporary history.

The impact will be greatest in the South. Most of the dual school systems—one for white children and one for black—in the nation are there and it is those dual systems that the court specifically said must be abandoned. Where such dual systems do not exist, in the District of Columbia, Virginia and Maryland, for example, the message is clear but not so precise. Get on with desegregation, the court said, and forget about that 1955 standard of "all deliberate speed." How that will affect the problems of school segregation in the North except where segregation exists because of a deliberate government policy remains to be seen.

It is easier to see how the court got to this decision. The process was a long one that began even before that day in 1954 when the decision in the case of Brown v. Board of Education came as a thunderclap. It probably began in 1938 when the court, under Chief Justice Charles Evans Hughes, ordered the state of Missouri to provide legal education inside its borders to Lloyd Gaines, a Negro who had been rejected at the University of Missouri solely because of his race.

It continued through 1950 when the court, under Chief Justice Fred M. Vinson, ordered the University of Texas to admit a Negro to its law school and told the University of Oklahoma to permit a Negro student pursuing a doctorate to have a seat in its classrooms and library and to eat in its cafeteria.

It peaked in 1954 when the court, under Chief Justice Warren, said that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

That phase-all deliberate speed—came the next year after the court heard arguments on how it could best implement its 1954 decision. Taking into consideration all the factors involved in desegregation, the court said then, it would require only a "prompt and reasonable start" towards desegregation. School systems could be given time to carry out plans for desegregation as long as "such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." But, the court said, the principle of desegregation would not yield "simply because of disagreement" with it.

Then came the plans, some school systems acting in good faith, others acting to perpetuate segregation, and others not acting at all. These the court left at first in the hands of the federal trial and appellate judges. It stepped in again only when the Little Rock case erupted.

That was 1958 when a federal judge delayed desegregation in light of violent opposition and the state's recalcitrance. The court reversed that decision, saying that hostility to racial desegregation was not a factor a judge could rightfully consider in granting a delay. There might be other factors, it said, but "only a prompt start, diligently and earnestly pursued . . . could constitute good faith compliance."

By 1961, the court, was beginning to express its concern that so little was happening. "Given the extended time which has elapsed," it said, "it is far from clear that the mandate of the second Brown decision . . . would today be fully satisfied by types of plans or programs . . . which eight years ago might have been deemed sufficient."

More plans came and went. But in 1964, when the court reviewed the situation in Prince Edward County, Virginia, where one of the cases decided in 1954 had originated, it found that no steps towards desegregation had yet occurred. "The time for mere 'deliberate speed' has run out," the court said, "and that phrase can no longer justify denying these . . . children their constitutional right . . ."

Four years later, the court repeated the first nine words of that sentence when it decided a case from New Kent County, Va., and italicized the word "now" when calling for a plan that would "work now."

Only eight weeks ago, Justice Hugo L. Black put the situation a little more bluntly. In denying a preliminary order in the case decided yesterday, he wrote, "I fear that this long denial of constitutional rights is due in large part to the phrase 'with all deliberate speed.' I would do away with that phrase completely."

Yesterday, the court did just that, acting unanimously as it has acted in every major school desegregation case. Not once has any of the 18 men who have served on the court since 1954 expressed the slightest disagreement with the principle that "separate education facilities are inherently unequal."

But why yesterday?

The words of the Court over the years demonstrate that patience was running out. Children were not being given access to a right the court had said was theirs because adults were stalling. And every lawyer knows that every judge has a point beyond which he will not go in seeing his orders disobeyed.

The court may also have remembered the 1950s when the Executive Branch gave little support to desegregation efforts and wondered if the words of the present administration, forcefully brought to its attention in the documents of this case, indicated a softening of the posture that had marked Executive Branch enforcement in the 1960s.

Then there is the criticism that the court got 15 years ago when it coined that phrase—all deliberate speed. Some commentators, not all of them advocates of desegregation, said that this was one of the court's mistakes, that there would have been less turmoil if it had not allowed for delay but ordered immediate action then.

There was no particular explanation of what that phrase meant when the court used it, little in its opinion and little in

legal history. The lawyers searched that history in vain to find clues to its meaning that they could use to persuade judges to act or to delay.

Some said the words came via Justice Felix Frankfurter from early English courts. Others said it came from Frankfurter's wide reading, including Francis Thompson's "Hound of Heaven." If it came from the latter, yesterday's burial of it was fitting. Thompson wrote of fleeing from strong feet that beat after him "with unhurrying chase, and unperturbed pace, deliberate speed, majestic instancy." At last, when the race was over, the Voice said to him, "Rise, clasp My hand, and come."

Mr. KENNEDY. Mr. President, I am hopeful that yesterday's decision will encourage the dedicated young men and women who serve in the Civil Rights Division to remain in the Department to carry on the Division's vital responsibilities. Their complaints, I believe, have been legitimate, but now that the Supreme Court has backed up their position, I hope they can see their way clear to stay on, in the national interest.

Assistant Attorney General Leonard indicated several weeks ago that, were the Supreme Court to order immediate desegregation, there would not be adequate staff in the Justice Department to enforce this order. I plan to be in touch with the Attorney General to determine whether or not his Department has sufficient resources and personnel to prosecute the Court order. If not, it is my intention, that when the appropriations bill for the State, Justice, and Commerce Departments reaches the Senate floor, possibly next week, to assist the Department by moving to amend the bill so that the Justice Department can meet its responsibilities. If additional authorization is necessary, I will move to take that step as well.

ADVANTAGES OF RATIFICATION OF THE THREE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, I have attempted to show for almost 2 years now that there are no convincing reasons of law or policy which should prevent the U.S. Senate from ratifying the three human rights conventions concerning genocide, the political rights of women, and forced labor. What we may have lost sight of however, are the positive benefits to the United States which ratification of these three treaties would provide.

Richard N. Gardner, professor of law and international organization at Columbia University summarized the principle advantages to the United States of ratification of the treaties:

> U.S. adherence to the three conventions before us today can make a practical contribution to the basic national interest of our country in promoting human rights around the world.

Mr. Gardner lists four specific advantages to ratification of the three treaties:

1. Our ratification will encourage other nations to adhere to these conventions and implement their provisions in their own territories. This is particularly true of newly independent countries that frequently take U.N. conventions as a model.

2. Ratification will put the United States in a better legal and moral position to protest infringement of these human rights in countries that have ratified the conventions but failed to implement them in practice.

3. Ratification will increase United States influence in the continuing U.N. process of drafting legal norms in the field of human rights. As long as the United States fails to ratify any human rights conventions, its views will carry less weight than they deserve.

4. Ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

Mr. President, these are four very good reasons why the Senate should ratify these three treaties immediately. As the world's outstanding advocate of democracy and individual rights, we cannot afford to be considered hypocritical by failing to recognize these same rights on an international scale. At a time when our basic humanity is becoming increasingly questioned around the world, ratification of these three treaties would provide the world with an unmistakable sign of our renewed resolve to promote human rights both at home and throughout the world. Ratification would promote new confidence in the United States as a truly democratic world power.

For all of these reasons, Mr. President, the time for ratification of these three treaties is now. Let us not delay any longer—the world is waiting for our decision.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

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

THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. SPONG. Mr. President, last year, upon returning from the North Atlantic Assembly, I wrote that there was no end in sight either for the North Atlantic Treaty Organization or for the problems which plague it.

I believe this is still true. Having just returned from another Assembly meeting, however, I feel that problems currently outweight prospects in the alliance.

Decisions on conventional troop levels and overall NATO policy go begging.

While we may attempt to turn our attention to new issues, such as environmental problems, and seek cooperation in new fields, the basis of the alliance is military and political, and pressing questions regarding these areas should be answered first.

The strength and future of the alliance rely on interrelated decisions concerning troop levels, conventional defense, and the policy of flexible response.

Today, there are confusing and conflicting opinions concerning these issues both within and among the nations of the North Atlantic Treaty Organization.

The United States currently has some 300,000 troops in Western Europe; its financial contribution to NATO exceeds $12 billion a year. Despite former President Johnson's withdrawal of 32,000 troops from the NATO force, balance-of-payments problems, inflation and domestic needs, and the cost of troop maintenance are giving rise to increased pressure to withdraw additional U.S. troops from Western Europe.

The demands for additional U.S. withdrawals are fed by the reluctance of many of the NATO allies to increase their conventional contributions to NATO and by withdrawals of forces by other nations, such as the British removal of 5,500 troops and the Canadian withdrawal planned for the fall of 1970.

The desire to divert spending from military operations to domestic programs is an understandable one. But, I do not believe the NATO alliance should relax its conventional efforts, unless the Warsaw Pact nations undertake a similar policy.

In Western Europe, 23 NATO divisions, 1,500 tactical aircraft, and 6,000 tanks face Warsaw Pact strength of 56 divisions, 1,200 tactical aircraft, and 13,000 tanks, exclusive of the Soviet forces in the western part of the Soviet Union. While there may be some debate over the actual relative strengths of the forces, there is little doubt that NATO suffers a deficiency in tanks. And, certainly the lesson of Czechoslovakia is not so long ago that we can ignore the potential of the Warsaw Pact's conventional forces.

Second, the NATO conventional strength is restrained by the fact that France, which sits in the middle of Western Europe, does not participate in NATO military affairs.

Third, NATO forces are hampered by the use of a multiplicity of equipment and materials while the Warsaw Pact nations have uniform, interchangeable weaponry.

And fourth, the anounced Canadian withdrawal of 5,000 troops, despite the reasons and the advance notice given, cannot help but create additional problems in maintaining NATO defenses in the central part of Western Europe.

Troop levels and the maintenance of an adequate conventional force are inseparable from a discussion of the policy of flexible response.

NATO's ultimate strength has always been the nuclear power of the United States and the possibility that the United States will use that power if any of the Alliance members are attacked. This is still true today.

It is also true, however, that the Warsaw Pact nations may engage in tactics which pose threats to the Alliance but which are not severe enough to merit the use of nuclear weapons.

To meet such situations, the United States, since the early 1960's, has advocated a policy of flexible response, a policy which envisions preparedness in conventional and nuclear strength so that a threat may be met with a commensurate response, but not an escalating response.

It is, however, a simple fact that our NATO allies in Europe have never fully accepted the idea of a flexible response. Their failure to embrace it ranges from the belief that any Soviet attack on Europe would be nuclear, not conventional,

and that U.S. nuclear strength would be the telling factor in a confrontation, through the belief that the Soviet Union could overrun Western Europe at will, with either conventional or nuclear weapons no matter what the Western European nations do, to the de Gaullist fear that Europe might serve as a battleground while the United States and the Soviet Union sought to negotiate.

Whatever the reasoning, the policy itself is not credible when the actions needed to implement it are not taken.

The European members of NATO must decide whether or not they are willing to increase their conventional troop strength. Future U.S. troop commitments to NATO will depend on that.

A European decision not to upgrade conventional forces especially if the U.S. reduces its commitment can only mean the end of the flexible response policy. If there is no credible conventional deterrent in NATO, then NATO will not have the option of meeting a conventional threat or a minor incident with a conventional response. The inevitable and unfortunate result is a greater reliance on nuclear power to deter aggression.

In view of the conventional strength of the Warsaw Pact nations, the growth in Soviet seapower in the Mediterranean, the Warsaw Pact invasion of Czechoslovakia, and the likelihood of a greater dependence on nuclear weapons, I do not believe NATO should reduce its conventional options. Instead, it should maintain them at a level which will discourage conventional moves by the Warsaw Pact nations and will allow the NATO nations time for discussion and decision on the use of nuclear weapons should there be a massive conventional attack on Western Europe.

If the alliance does not maintain such levels, it restricts itself to three major alternatives, which do not allow NATO the maneuverability I believe it needs. Either it gambles that any Soviet attack on Western Europe will be nuclear and require a nuclear, if any, response, or it suggests that the NATO alliance is willing to use nuclear weapons when threatened or it faces the possibility that European nations may feel a new need for their own nuclear deterrent, a deterrent separate from the NATO deterrent, a deterrent under the control of the nation which has it.

From its beginning 20 years ago, the North Atlantic Treaty Organization has been a defensive alliance. In arguing for ratification of the NATO Treaty in 1949, Senator Tom Connolly, then chairman of the Senate Foreign Relations Committee, said:

> The Atlantic Pact is not aggressive; it is purely defensive in character. . . . It does not contain any commitment to go to war. It . . . is surrounded by all the solemn obligations against aggression which the United Nations charter imposes upon its members. It comes into operation only when a nation has committed a criminal act by launching an attack against a party to the treaty.

This is still true today.

Neither the United States nor NATO has other than defensive intentions. We would all welcome mutual troop reductions with the Warsaw Pact nations and limitations on the production of nuclear weapons.

Until that time arrives, however, NATO cannot relax. Decisions must be made on conventional military strength and on policy. European members of the alliance must determine whether or not they are willing to increase their conventional contributions—a determination which will directly affect U.S. decisions on maintenance of current conventional levels. I hope that the decisions are in favor of conventional strength, for I believe this is preferable to the alternatives which must almost inevitably result from a failure to act and the absence of a better defined policy.

THE PHILIPPINES: AN EXAMPLE TO NEW NATIONS

Mr. MANSFIELD. Mr. President, the Los Angeles Times of October 29, 1969, contains an article on the Republic of the Philippines, written by Edward W. Mill. Mr. Mill is an educator and a former officer in the U.S. Embassy in the Philippines.

His comments on the situation in the Philippines, written from Manila, are timely, well-balanced, and extremely useful in putting the situation in that nation, with which we have had a close association for so many decades, into reasonable perspective. He reminds us, properly, that the Philippines is a "landmark nation in Asia and Africa" when it comes to the pursuit of democratic processes. He recognizes the imperfections in these processes as they exist in the Philippines and that, by way of balance, we ought to bear in mind that we have a great many imperfections in our own system which we are still seeking to cope with by constitutional amendment and legislation.

As Mr. Mill points out, however, there is another side of the coin which he describes in the following summary:

(1) The Philippines has operated under a single democratic constitution for almost 35 years;

(2) it has consistently held all scheduled elections;

(3) it has had and has the freest press in the world;

(4) the opposition is lusty and open, and nowhere in the world is the party in power, and its president, so ardently and publicly criticized;

(5) despite the intensity of the election campaigns, the defeated party has after each election accepted the mandate of the voters and confined its protests to the courts, and

(6) the education system, into which the country consistently allocates at least 25% of its budget, is deeply committed to the democratic system.

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

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

TOPICAL COMMENT: FREE ELECTIONS—PHILIPPINES EXAMPLE TO NEW NATIONS

(By Edward W. Mill)

MANILA.—Few of the developing nations of Asia and Africa have had anything resembling real free elections. One of the exceptions is the Republic of the Philippines. Since 1946, when the United States granted the Philippines its independence, six presidential and 12 congressional elections have been held. Whatever the defects of these elections may have been, nobody can deny they were conducted in a wide-open manner.

Today the Philippines is once more in the midst of a national election campaign. A president, vice president, eight senators (one-third of the membership), and all 110 members of the House will be selected by voters on Nov. 11.

Two parties, the Nacionalista and the Liberal, seek the support of the electorate, with the central figures in the election being the incumbent president, Ferdinand Marcos, 52, and Sen. Sergio Osmena, Jr., 53. Marcos is strongly bucking tradition: no Philippine president has ever been elected to a second term.

Both Marcos and Osmena have been national leaders for some time and both on occasion have shown considerable independence from party lines. Marcos is tough and a skilled organizer, who presents a public image of great drive and energy. Osmena, son of the second president of the Philippines, bears a famous political name. He is a forceful and experienced campaigner, who excells in hard-hitting attacks against the opposition.

Each man has a strong regional base of support. Marcos is the favorite of the Ilocano areas in northern Luzon and Osmena holds great strength among the Cebuanos of the central Visayan area. Osmena has not hesitated to make a strong ethnic appeal for support to his fellow Cebuanos, who make up the largest group in the islands.

RUNNING MATES IMPORTANT

The vice presidential candidates also figure prominently in the election. Marcos has as his running mate the incumbent vice president, Fernando Lopez, who hails from Osmena's central Philippine area. His Liberal Party rival is Sen. Genaro Magsaysay, whose great advantage appears to be his name. His brother, the late Ramon Magsaysay, was one of the most dynamic and popular presidents of the post-war era.

Critics of Magsaysay label him "No comment Magsaysay," for his alleged verbal shortcomings. But he has been conducting a vigorous campaign and is obviously popular in his own right. Some observers have speculated that the voters might split their tickets, something allowed under Philippine law, and elect a Marcos-Magsaysay team.

It is almost a cliche of Philippine politics to say that personalities are more important than issues in elections. Yet to an observer who has witnessed a number of these elections first-hand, there can be little doubt of the truth of this comment.

Marcos and Osmena, and their teams, are locked in a bitter personal campaign from one end of the islands to the other. Manila probably has the most free-wheeling press in the world, and every charge, countercharge, innuendo and whisper is given the fullest airing. An editorial columnist favoring one candidate recently charged that the other candidate had degraded "the contest for the presidency to the level of a street-walker's quarrel." Most Filipinos deplore the lack of attention to the issues, but campaigners apparently feel that they are giving the people what they want.

To emphasize the personal is not to say that issues are not presented and discussed. Both Marcos and Osmena have tried to underline their commitment to issues.

Marcos has stressed his performance in office and claims to have instilled a new spirit of pride and accomplishment among his countrymen. He points with pride to his infrastructure development program, particularly to the building of roads, schoolhouses and new irrigation works. In full-page ads, headed "11 Pillars of Victory," the Marcos team stresses that more first-class roads and

more schoolhouses were built during the 3½ years of his incumbency "than were built in 65 years from 1900 to 1965." With another four years, Marcos promises to do even better.

In response, Osmena claims that the Marcos record has been highly distorted and that such gains as may have been made have come at vast expense to the people. His number one issue thus far has been the alleged graft and corruption of the Marcos Administration.

Charges of graft and corruption are endemic to Philippine elections. Many of the charges made are wild and exaggerated, but there has been just enough truth in some to make them politically useful for any opposition candidate. Today, Marcos suffers, as did his predecessors, from gossip on this score, with the inevitable "inside" stories making the rounds.

In September, Osmena made a spectacular charge that certain key officials in the Marcos Administration had allegedly received "kickbacks" from various Japanese businessmen, particularly from one Katisu Haruta, in reparations deals with the Japanese. With the press, TV, and radio all on the prowl week after week for the facts in the case, Haruta and a letter which he had allegedly written implicating the Marcos officials threatened to take over the election and sideline many of the basic issues. The Marcos officials responded by suing Osmena for libel, but the charge may have stirred up enough suspicion of the administration to be of some political advantage to Osmena.

The subject of nationalism has become of greater interest in the Philippines in recent years. From changes in the Manila street signs from English to Tagalog, to demands for revisions in the agreements, covering U.S. bases, and to demonstrations against the American Embassy by student groups, there has been evidence of a new feeling of sensitivity and national consciousness.

Much of this new nationalism is probably both inevitable and healthy, although there are those who point to the work of extremist elements in some of its forms. Marcos is seeking to play the role of the vigorous though enlightened nationalist while his forces charge Osmena with only weak advocacy in this regard. For his part, Osmena has accused Marcos of "obsessive nationalism." Neither camp, however, seems ready to plunge very deeply into this issue.

Still another issue, of a somewhat surprising character, is that of the World War II records of Marcos and Osmena.

Despite the belief of most persons that the wartime collaboration issue was a dead one politically, the Marcos camp has made much of its charge that Osmena profiteered during the war through various forms of economic collaboration with the enemy. Featured regularly in the press was a Marcos committee ad, headed: "Can you trust this man?", referring to Osmena's conduct during the war and his trial by the People's Court. Osmena pointed to his exoneration by the People's Court and denounced all attempts to impugn his war record as deceitful and untrue.

There are 66 provinces, 5 sub-provinces, 57 cities, 1,379 municipalities, 36 municipal districts, and over 32,000 barrios in the Philippines scattered over some 7,000 islands. Any candidate for president is expected to be in touch with most of them and to visit as many of them as humanly possible.

The requirements for campaigning will vary from city to barrio, but the personal touch is expected whatever the unit of government may be. In the provincial and rural areas, campaigning becomes especially colorful and hectic. The late President Ramon Magsaysay, a man with close ties to the soil and to the masses, created a style of grassroots campaigning which took him into the remotest parts of the country, and others have sought to follow in his wake.

Provincial and local leaders now look forward to the visits of their leaders and are courted by them ardently. Political ties in the Philippines tend to be quite flexible, and each election witnesses a considerable degree of switching from one party to the other; the visit of the leader will hopefully preserve intact the party organization and even draw members of the opposition to it. Marcos and Osmena have been criss-crossing the country trying to prove that no one was forgotten.

Philippine elections are not only vigorous, they are often marked by substantial violence and threats of violence. This has often taken the form of shootings of individual political workers by rival factions. In a few provinces, some politicians have reportedly formed virtual armies of their own. The Philippine Constabulary is called upon to play a role as peace-keeper that becomes particularly difficult during an election year.

The administration of Philippine elections is in the hands of COMELEC, or the Commission on Elections. It is given wide power to organize and conduct the elections in an honest manner. Private citizen groups have also been active in seeking to ensure free elections. One of the most useful of these is Operation Quick Count. It seeks, as its name implies, to assist COMELEC in providing an immediate tabulation and publicizing of election returns, thus discouraging any distortions of election results.

EXAMPLE IN DEMOCRACY

Despite the imperfections that exist in the election process, the Philippines is still a landmark nation in Asia and Africa when it comes to the democratic way of life. At least six major items of evidence may be cited for this conclusion:

(1) It has operated under a single democratic constitution for almost 35 years; (2) it has consistently held all scheduled elections; (3) it has had and has the freest press in the world; (4) the opposition is lusty and open, and nowhere in the world is the party in power, and its president, so ardently and publicly criticized; (5) despite the intensity of the election campaigns, the defeated party has after each election accepted the mandate of the voters and confined its protests to the courts, and (6) the education system, into which the country consistently allocates at least 25% of its budget, is deeply committed to the democratic system.

Moreover, the armed forces, always a possible rival and claimant to power in the developing nations of Asia and Africa, have in the Philippines loyally accepted the principle of civilian control and supported the free electoral process.

There is little question that the Philippines has its problems and that many of its social and economic ills may become more menacing in the future. Some of the more rampant forms of nationalism are also disturbing both to Americans and to many Filipinos. All this has been well covered in the American press from time to time. Yet when all is said and done, there are few of the newer nations of the world that can make the claims to democratic development that the Philippines can. The elections of 1969 are another testimonial to the vitality of the Philippine system.

SENATE SERVICE DEPARTMENT SUPERINTENDENT JOHN T. "BUCK" CHAMBERS TO RETIRE—BEGAN AND BUILT DEPARTMENT INTO EFFICIENT AND DEDICATED OPERATION—SERVED SINCE 1935 ON CAPITOL HILL

Mr. RANDOLPH. Mr. President, the friend of many Senators and staff members, John T. "Buck" Chambers, Superintendent of the Senate Service Department, is retiring Friday after completing 34 years of Government service. As I talked yesterday with him and his able assistant, E. David Ebert, who also recently retired, I sensed their deep devotion to their duties and responsibilities over the years.

Buck began the Service Department in August 1946 with two employees and the help of the then Secretary of the Senate, Mark Trice. Equipment was added and services performed by the Department increased over the years. There are now 83 employees performing a wide variety of jobs, all designed to aid the Senator in serving his constituency.

I have known Buck, a native West Virginian, for many years and have always found him to be cooperative and diligent. His Department operates 24 hours a day on a first-come-first-served basis. It has been built into an efficient and dedicated operation through the guidance and perseverance of Buck Chambers.

While the volume of work required of the Service Department has grown over the years, it has not gone beyond the capacity of Buck Chambers to cope with these ever-increasing demands. He presides over his Department with efficiency, intelligence, and fairness. Buck has been quick to adopt new methods when necessary, and he has not been hesitant to take advantage of new technological developments when he recognized that they would help him to better serve his constituency, the U.S. Senate.

It is men like Buck Chambers and Dave Ebert, also from West Virginia, men generally unknown to the public, who permit the Congress to better meet its responsibilities to the people. The dedication of Buck, and others like him, who occupy positions of importance within our organization cannot be overemphasized. Without the Buck Chambers and the Dave Eberts, no Senator would be able to perform efficiently the duties expected by our citizens. So, in a sense, it could be said that Buck's responsibilities extend far beyond Capitol Hill—to every corner of the United States—for without him the people of this country would be far less informed about their Government.

I wish for both these gentlemen, as they depart from the Hill, many, many years of joy and happiness.

I know that Buck's plans are to return to his native home in Martinsburg, W. Va., with his wife, Beatrice, there to enjoy the lovely surroundings with their sons, Wayne and Larry, and their grandchildren.

SENATOR BYRD OF WEST VIRGINIA DISCUSSES "WEATHERMAN" FACTION OF SDS

Mr. BYRD of West Virginia. Mr. President, on October 28, 1969, in remarks for West Virginia radio stations, I discussed the "Weatherman" faction of Students for a Democratic Society.

I ask unanimous consent that a transcript of those remarks be printed in the RECORD.

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

Last June, during its national convention in Chicago, the left wing organization known

as Students for a Democratic Society (SDS) was badly splintered as the result of ideological infighting.

A new, extremely violent faction named "Weatherman" emerged from the SDS split and now threatens to engage in terror tactics designed to make all previous acts of hooliganism by SDS look mild by comparison.

Members of the "Weatherman" faction are so violent, in fact, that they find themselves at odds with other young radicals who think "Weatherman" is too hot to handle.

"Weatherman," which wants to pit the nation's youth in violent confrontations with police (whom they call "fascist pigs") will stop nothing short of an all-out revolution aimed at destroying our established institutions.

If the trouble which "Weatherman" stirred up early last month in Chicago is any warning of things to come, then we need to take a very close look at the intentions of these young hotheads.

On the night of October 8, helmeted "Weathermen" led some 300 youths on a wild rampage through the streets of Chicago, smashing windows, damaging automobiles, and battling with police. Sixty of the young hoodlums were arrested and three of them were shot—one critically—by police.

On the following day, Governor Richard Ogilvie mobilized more than 2500 National Guardsmen, and ordered them to stand by and assist police, if necessary.

Early in the morning of October 9, Bernadine Dohrn—co-leader of "Weatherman"—led about 60 so-called militiawomen in a demonstration at a Chicago park.

After announcing that they were going to march on an Army induction center and destroy it, the women, dressed in helmets and gloves, some armed with lead pipes and wooden clubs, huddled in a tight circle in the park. Displaying Vietcong flags, they made speeches and sang songs. One of the songs reportedly included the words . . . "We love our uncle Ho Chi Minh deep down in our hearts. We love Chairman Mao Tse-Tung."

After the speechmaking and the songfest, the young women marched to the edge of the park on their way to the induction center. When police ordered them to halt, they charged into the officers and tried to kick them below their belts (in their groins).

Police arrested a dozen members of the mob and dispersed the rest. They placed charges of aggravated battery, mob action, and resisting arrest, against those who were taken into custody.

I call attention to this incident because these were only the women of the "Weatherman" faction. One can easily imagine how violent a confrontation with the men would have been.

It is anyone's guess as to how violent and how effective "Weatherman" will become in the weeks and months ahead. But one can expect to see its handiwork on many of the nation's college campuses and especially in our high schools. "Weatherman" also poses a threat in conjunction with the upcoming November peace moratorium. There are already early indications that the November demonstrations may be marked by violence in contrast to the relatively-peaceful October 15 moratorium.

On June 18 in the SDS publication "New Left Notes," "Weatherman" issued a clear call for revolution in the United States. It urged that schools and colleges be forced to close down because such institutions are a hindrance to the world-wide revolution which "Weatherman" believes is occurring.

Finally, the "Weatherman" statement called for formation of a broad-based revolutionary youth movement which will lend active support to black militants—a movement intended to evolve into a secret Marxist-Leninist party of sufficient strength to defeat the United States government by violent means.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 29, the Committee on Finance met in executive session and announced completion of its work on those areas of the tax reform bill which affect amortization of air and water pollution control facilities, amortization of railroad rolling stock, single persons, fraternal beneficiary societies, and related business income of churches.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

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

[A press release from the Committee on Finance, U.S. Senate, Oct. 29, 1969]

TAX REFORM ACT OF 1969—AMORTIZATION PROVISIONS AND TAXATION OF SINGLE PERSONS—COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee on Finance had concluded its work on that portion of the House tax reform bill dealing with the amortization of air and water pollution control devices and railroad rolling stock, and with the income tax treatment of single individuals.

A complete description of the actions taken at today's meeting follows:

Amortization of Pollution Control Facilities.—The Committee agreed to the concept of the House bill of allowing a taxpayer to amortize over sixty months certain certified air or water pollution control facilities. The amortization deduction would be in place of the regular depreciation deduction (but the additional first-year 20 percent depreciation allowance would be available).

The Committee further adopted a recommendation by the Treasury Department that the benefits of this provision be limited to pollution control facilities added after December 31, 1968, to plants which were in operation on that date. The special amortization provision would not be available in the case of facilities included in new plants built in the future. In addition, the Committee adopted a Treasury recommendation that the five-year amortization would be limited to the cost of property with the normal useful life of fifteen years, or less. If the property had a normal useful life of more than fifteen years, the taxpayer would, in effect, treat his facility as if it were two separate facilities. One facility would receive the five-year amortization and the other facility would receive normal depreciation based on the normal useful life of the property. The taxpayer would write off the two facilities concurrently.

The Committee further agreed to a Treasury recommendation that the definition of an eligible pollution control facility would be limited to exclude facilities which serve any function other than pollution abatement. No amortization would be permitted on facilities that only diffuse the pollution and which did not serve to abate the pollution. The Committee also agreed to adopt a Treasury recommendation to make it clear that the amortization provision would apply only to installations which prevent or minimize the direct release of pollutants into air or water in the course of manufacturing operations. Facilities which remove certain elements from fuel (for example, sulphur) that are released as pollutants when the fuel is burned would not be eligible for the amortization.

Further, the Committee adopted a provision which provides that the amortization deduction could only apply to air and water pollution control facilities completed or acquired before January 1, 1975. The Committee also deleted the features which authorize the Secretary of Interior and the Secretary of Health, Education and Welfare to establish effluent standards for water and emissions standards for air. Under this amendment (which conforms to the pattern set by Congress in the Air Quality Act of 1967) the Federal government could set general guidelines which had to be maintained, but in general, the specific standards which would be required would be fixed by the States pursuant to the Air Quality Act of 1967 and the Water Quality Act of 1965.

Amortization of Railroad Rolling Stock.—In connection with the consideration of the provisions of the House bill extending special 7-year amortization treatment to railroad rolling stock, the Committee also reconsidered the action it has previously taken (see Committee announcements of September 19 and October 10) to provide a special transitional exception to the repeal of the 7 percent investment tax credit for certain railroad rolling stock. As a result of its study, the Committee agreed to delete all these provisions from the bill and substitute instead a new incentive plan suggested by the Treasury Department. The principal features of this plan are:

1. 5-year amortization on new rolling stock, including locomotives, acquired after January 1, 1970 available to all railroads and their lessors.

2. 4-year amortization of 1969 equipment acquisition unrecovered costs (rolling stock including locomotives) as of January 1, 1970.

3. Pretermination property eligible for the 7 percent investment credit placed in service in 1970 will be eligible for the amortization write-off.

4. The investment credit life will be determined by the actual useful life of the property and not by the elective amortization period as presently required.

5. On January 1, 1973, the Secretary of the Treasury after consultation with the Secretary of Transportation will promulgate regulations prescribing the particular class of cars which are not in short supply. This determination will preclude that class of car from the amortization write-off.

6. The cost of repairs to existing rolling stock will be allowed as an expense without question where such cost does not exceed 20 percent of the original cost of the unit.

7. Elective amortization of grading and tunnel bores on a 50-year life.

After agreeing to this plan, the Committee further agreed to limit the amortization privilege to property placed in service before January 1, 1975. In addition, it agreed to permit certain railroad equipment acquired pursuant to the Korean War amortization provision (which the House bill would repeal) to continue to qualify for the amortization authorized by that law.

Single Person; Head of Household.—The Committee also agreed to adopt two proposals recommended by the Treasury Department relating to the tax treatment provided for single persons. First, the Committee deleted the House-passed provision which would have extended joint return privileges for widows with dependent children beyond the two years now in existing law. Thus, under the Committee's decision existing law which provides that a widow with a dependent child may file a joint return for two years after the date of the spouse would be retained.

Second, the Committee adopted the Treasury recommendation which would provide a new tax rate schedule for single persons. This new schedule, which replaces the provisions of the House bill, would not distinguish between single persons based on whether their age is over or under 35. Instead, it would provide a tax liability for single persons which would not exceed 120 percent of joint return tax liability. Under the Committee's

decision, a head-of-household (this is generally a single person who maintains a household which is the principal residence for himself and a dependent) would continue to receive the same tax treatment that he now enjoys under present law. Under the House-passed tax bill, widows and widowers, regardless of age, and unmarried individuals age 35 and over would have been taxed at rates halfway between those available to married couples and those applicable to other single persons.

Fraternal Beneficiary Societies.—At Tuesday's meeting, the Committee established a separate category (in the provisions defining organizations exempt from income tax) for organizations such as the Masons which operate under the lodge system and which are primarily religious, educational or charitable in nature. A condition to classification in this new category is that the organization not engage in the furnishing of insurance protection to its members. Organizations in this new category were made subject to tax on their unrelated business income but were not brought under the new tax (imposed by the House bill) on investment income of certain categories of organizations.

At today's meeting the Committee agreed to also exclude from the new tax on investment income, other fraternal organizations operating under the lodge system which do provide insurance protection for their members.

Manufacturers Excise Tax.—The Committee also agreed to a technical amendment (substantially incorporating the text of S. 2510) which relates to the calculation of the manufacturers excise tax in situations where a "constructive sales price" must be determined.

RELATED BUSINESS INCOME OF CHURCHES

At Tuesday's meeting the Committee agreed that the operation and maintenance of cemeteries, the conduct of charitable institutions, the sale of religious articles, and the printing, distribution and sale of religious pamphlets, tracts, calendars, books and magazines with substantial religious content done in connection with a church would be treated as related business income of the church and would not be subjected to the tax on unrelated business income even though the document might produce some advertising income.

ABUSE OF UNION POWER

Mr. TOWER. Mr. President, yesterday the Washington Evening Star published a column by that distinguished journalist, David Lawrence, citing one of the most pressing problems that faces us in the maintenance of our Republic.

Mr. Lawrence, who has covered the Washington scene for many years and is the founder of the magazine U.S. News & World Report, points to the inordinate amount of monetary power exercised under our present tax laws by union leaders. He notes a speech this week by the Senator from Arizona (Mr. FANNIN) citing at least two separate instances of recent abuse of union power—the Hal Banks case, in which $100,000 apparently changed hands to keep a union racketeer from being returned to Canada, and the mammoth campaign mounted by the AFL–CIO to keep Judge Haynsworth off the bench.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

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

SPECTER OF LABOR POWER IS RAISED

(By David Lawrence)

Was there "a $100,000 political payoff" by labor leaders in the United States in 1968 when the State Department refused to extradite to Canada a union official who had been arrested and tried there and had fled to this country to escape punishment?

Sen. Paul Fannin, R-Ariz., in a speech to the Senate on Monday, said it appeared to him that the State Department, upon the request of the Department of Labor, declined to return "a convicted labor racketeer" who skipped $25,000 bail and came to the United States after having been convicted of conspiracy to commit assault in a war between rival unions in Canada. The Arizona Senator stated the American authorities picked up the accused at the request of the Canadian government that he be returned to face a perjury charge, inasmuch as assault is not covered under the extradition treaty with Canada. He added that: shortly after the State Department refused to extradite the union chief, "5,000-dollar checks began pouring into various Democratic presidential campaign committees around the country until the total contribution amounted to $100,000—which was reached within a few days."

Fannin declared that last year he had had difficulty getting the exchange of correspondence about the case between the Labor Department and the State Department, but that he had at last obtained copies of the letters, which he inserted in the "Congressional Record" this week.

Fannin commented:

"I do not think it is in the best interests of the American people to have such a bald exercise of the power of union officialdom."

The Arizona senator suggested that the Johnson administration may not have been aware at the time of the circumstances surrounding the episode because since then the payments of $100,000 were made to the Democratic party. He has requested the present secretary of state to review the case and see if the Canadian request is valid, and remarked that perhaps "some leftovers" from the preceding administration are "giving poor advice" on the subject.

Fannin raised the whole matter in connection with the provisions of the tax-reform bill pending in the Senate which deal with tax exemptions of non-profit organizations, including labor unions. He declared that the AFL–CIO treasury, for instance, has been committed "to the destruction of Judge Haynsworth just as labor tried to destroy Judge John Parker 40 years ago." Fannin pointed out that "the special status enjoyed by these union leaders under our tax laws" makes possible a "brash display of monetary power."

The most urgently needed reform, according to Fannin, is the section of the Internal Revenue Code "which permits union leaders to exercise this kind of political power and still retain their tax-exempt status." He said:

"Such preferential treatment is simply not right. Union leaders, in the exercise of their office, should have to abide by the same rule of 'no politics' as applies to all other tax-exempt organizations."

The argument is made on the union side that their political contributions are "voluntary" and that a union member can successfully withstand the pressures if he objects to the use of his dues for political ends with which he may not agree. But this, Sen. Fannin says, "is simply not in accordance with reality."

The subject of political contributions by labor union groups is one that, to a large extent, has been sidetracked by Congress and by the law enforcement agencies, including the Department of Justice. The theory of the labor leaders is that, because the contributions to political campaigns are not compulsory and because the solicitation is conducted by persons who claim they are not acting for any labor union but are operating as a separate committee of citizens, this puts the funds collected from union members supposedly beyond the reach of present laws.

The whole problem, however, has not gotten much attention in the past and is not being given much consideration now. The truth is that, while they may not admit it, many members of Congress are dependent upon labor union support in their political campaigns. There has been a reluctance inside the Executive Branch also to enforce the Federal Corrupt Practices Act, which prohibits labor unions or corporations from making contributions in national political campaigns.

LEGAL SERVICES AMENDMENT TO S. 3016

Mr. CRANSTON. Mr. President, I wish to speak about the amendment to S. 3016, offered by my distinguished colleague from California (Mr. MURPHY), which would eliminate the OEO Director's authority to override a Governor's veto of a legal services program. The amendment was adopted during the debate on extending the Economic Opportunity Act nearly 2 weeks ago.

The Director of the Office of Economic Opportunity on October 16 stated that he intended to oppose this amendment strongly in the House.

However, conflicting reports have reached me whether the administration seriously intends to try to head off this or a similar amendment in the House version of the EOA extension bill.

I view this amendment as a threat to the very life of legal services programs as effective counsellors for the poor. The amendment would permit the very governmental "establishment" which often has been responsible for the grievances of the poor to determine the type of legal assistance to which the poor would be entitled. This possibility becomes even more egregious when that establishment is denying to a poor client rights and privileges guaranteed to him by the Constitution or by local, State, or Federal law.

Also involved is the integrity of the attorney-client relationship—the ability and sworn obligation of the attorney to devote his unswerving energies within ethical limits to the vindication of his client's rights and interests.

The legal services program is the backbone of the antipoverty program, and the total cost is comparatively small, especially in light of the resulting highly favorable cost-benefit ratio. Permitting a Governor's veto without recourse to review within the Executive Office of the President would drastically and perhaps fatally weaken that entire program.

This threat was recognized the past summer in an American Bar Association resolution that deplored "any action or statements by any governmental official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provides legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represents clients in mat-

ters involving claims against a government entity or individuals employed thereby."

Similar statements on the independence and obligation of a legal services lawyer were expressed in a 1967 resolution of my own State bar's board of governors. Mr. President, I ask unanimous consent that the full text of that resolution be printed in the RECORD at the conclusion of my remarks after the other insertion.

There being no objection, the resolution was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, it would be a grave misfortune if the administration were to stand silently by while the legal services program is gutted by an amendment upon which there was no testimony and no discussion in committee, and no clear explanation and very little debate on the floor of the Senate. Therefore, I have written to the President expressing my concern about the future of the legal services program and appealing to him to strongly support the continued independence and integrity of that program. I urged President Nixon to oppose the Murphy amendment, in order to clear up the confusion about the administration's position which existed during floor consideration and was reflected in the ensuing vote on that amendment.

Much of the effectiveness of our antipoverty efforts depends upon our ability to sustain the underlying faith of the poor in the fairness of the Government "establishment." To a significant degree, the poor have not been able to challenge that establishment.

Legal services programs have begun to restore confidence in the ability of the system to respond appropriately to legitimate demands by all its citizens, regardless of economic status. In California, the 37 legal services programs and 90 offices have been diligent and effective counsellors for the 138,236 poor clients they have served in the first 9 months of this year. Berkeley Neighborhood Legal Services has handled an average of 74 cases per week. The San Francisco Neighborhood Legal Assistance Foundation averages 1,150 new cases a month in its six offices, and during the 1968 fiscal year more than 25,000 clients were directly benefited by legal assistance rendered in over 10,000 cases by California Rural Legal Assistance. Approximately 85 percent of CRLA's cases continue to be conventional service cases, such as adoptions, wage attachments, and used car problems. The San Mateo County legal services program represented poor clients in 39 very significant suits during the first 6 months of 1969.

It is imperative that we "keep the faith" by insuring that legal channels remain open to the Nation's poor. The amendment of the Senator from Wisconsin (Mr. NELSON), allowing Presidential review of a gubernatorial veto of a legal services program, is the very least that is acceptable.

In my letter to the President, I said that Senator MURPHY'S amendment seemed to be exactly the kind the President opposed in his October 13, 1969, message to Congress, in which he urged a 2-year extension of the Economic Opportunity Act "without crippling amendments." I stated the strong hope that the President would express his support for the continued independence and integrity of the legal services program by his active opposition to an absolute gubernatorial veto of legal services programs.

Mr. President, I ask unanimous consent that the text of my letter to the President be printed at his point in the RECORD.

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

OCTOBER 30, 1969.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: My purpose in writing today is respectfully to urge you to remove any ambiguity regarding your position on the Legal Services program by expressing your firm support of the continued independence and integrity of that program and actively opposing an absolute governor's veto over Legal Services programs. A provision for such a veto was added to the Economic Opportunity Act by Senator Murphy's amendment to S. 3016, which passed the Senate on October 14 and is now pending before the House Education and Labor Committee.

A statement from you is urgently needed before the confusion that led to passage of a possibly fatal amendment in the Senate is tragically repeated in the House.

I was extremely encouraged by your August 11, 1969, announcement of the strengthening and elevation of the Office of Legal Services to "take on central responsibility for programs which help provide advocates for the poor in dealing with social institutions." You pointed out "the sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens" and identified as the goal of the Legal Services program the assistance of the disadvantaged among us in making their needs known and having them met by these institutions.

And I wish to commend you on your statement in your October 13, 1969, Message to the Congress urging a two-year extension of the Economic Opportunity Act "without crippling amendments."

That the amendment in question would be "crippling" is clear from the American Bar Association's expression of grave reservations over any restriction upon the independence of the Legal Services program in providing a full range of legal services to the poor. The President of the ABA stated on October 13 in a letter to Senator Mondale, in opposing "any amendment to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures. . . . we should not deny to the poor access to the courts in any legitimate area affecting their interests," including specifically "legal action against government agencies in seeking significant institutional change. . . . " This opposition was first expressed in the August, 1969, ABA resolution deploring "any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provides legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby."

I know that you as an attorney share the sensitivity of the Bar Association to the importance of preserving the integrity of the attorney-client relationship.

During hearings before the Subcommittee on Employment, Manpower and Poverty on June 4, 1969, OEO Director Rumsfeld stated that he believed a suit against an agency of the federal, state or local government could be helpful in encouraging such an agency to be more responsive and to fulfill its statutory obligations more effectively. Two days after passage of S. 3016, Director Rumsfeld released a statement that he would "strongly oppose this amendment in the House."

However, at the time of the floor debate on S. 3016, the Administration's position on Senator Murphy's amendment was unclear. And, despite Director Rumsfeld's October 16 statement, this ambiguity continues because of the circulation of conflicting reports regarding the type of actions to be taken by the Administration in connection with consideration of the extension of the Economic Opportunity Act by the House of Representatives. This same ambiguity of Administration desires may lead to House passage of the amendment, if you do not personally intervene.

As a prospective Senate conferee on this bill, I respectfully urge that you give careful consideration to the devastating effect on the poverty program as a whole and on the faith of the poor in the responsiveness of government which would be produced by the enactment of an amendment permitting an absolute governor's veto of a Legal Services program in his state.

Sincerely,

ALAN CRANSTON.

EXHIBIT 1

RESOLUTION ADOPTED BY THE BOARD OF GOVERNORS OF CALIFORNIA, OCTOBER 20, 1967

Whereas, it has come to the attention of the Board of Governors of the State Bar of California that certain legislative proposals have been or may be made in the Congress of the United States affecting the program of legal services for the poor under the Economic Opportunities Act, including a proposal that no agency under such program be permitted to bring any action against any public agency of the United States, any State, or any political subdivision thereof; and

Whereas, the principal functions and responsibilities of the State Bar of California, being an integrated bar association with approximately twenty-nine thousand members, are to aid in all matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice, and to maintain the high legal and ethical standards of the legal profession to the end that the public interest be served and promoted by members of that profession; and

Whereas, in furtherance of these responsibilities the State Bar of California has heretofore expressed its approval in principle of the legal services program under the auspices of the Office of Economic Opportunity, has urged the Congress to continue its authorization and approval of such programs, and commends the Congress for its continued support thereof; and

Whereas, the State Bar of California, while recognizing that there are inherent in the day to day operations of such programs various social, moral and economic issues as to which reasonable persons including responsible officials of our State and Federal Government may and do differ and as to which this State Bar expresses no opinion, nevertheless believes that the public interest demands that lawyers give faithful and vigorous advice and representation to their clients and that legislation affecting such duty should not be enacted; now, therefore, it is

Resolved that The State Bar of California expresses grave concern that certain of the proposed legislative changes relating to the subject legal service programs may seriously

impair the independence and obligation of a lawyer to his client, and to that extent are unwise and inimical to the public interest, and therefore urges that any such legislative proposals be defeated; and it is

Further resolved that it is the view of The State Bar of California that eligibility of indigent persons to receive legal representation by lawyers serving in programs operated under the Office of Economic Opportunity should not be made to turn upon the party or entity as to whom a potential client may have a legal problem or claim, and that while The State Bar of California does not approve of the seeking out, instituting and maintaining of any class suits by such lawyers except as they affect the rights of a particular client who has voluntarily and in good faith sought legal representation under such a program and further, does not approve the institution or maintenance by such lawyers of any and all kinds of suits or claims against various and sundry agencies of the federal, state or local governments relating to various types of moral, social or economic problems affecting large classes of persons other than the particular client, this State Bar believes that an outright legislative prohibition of all such actions would be clearly contrary to the public interest and urges the Congress of the United States not to enact any such legislation.

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

Mr. BURDICK. Mr. President, I invite the attention of the Senate to a telegram I have received from members of the faculty at the School of Law of the University of North Dakota. The telegram refers to the October 15 letter written by Vern Countryman, of the Harvard Law School, to the editor of the New York Times. Professor Countryman has questioned the value of the American Bar Association's Committee on the Federal Judiciary's report on the appointment of Judge Haynsworth to the Supreme Court. The undersigned members of the North Dakota Law School faculty concur in the views expressed by Professor Countryman.

Mr. President, I ask unanimous consent that the telegram and the letter be printed in the RECORD.

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

OCTOBER 25, 1969.

Hon. QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.:

We share, and recommend to you, the views concerning the value of the ABA Judiciary Committee's endorsement of Judge Haynsworth nomination to the Supreme Court expressed by Professor Vern Countryman in his letter to the editor of the New York Times, Oct. 21, 1969.

Dean Robert K. Rushing, Professor Ross C. Tisdale, Professor Robert E. Beck, Associate Professor Alan Karabus, Associate Professor William Fisch, Assistant Professor Lee Teitelbaum, Assistant Professor Leland Bull, Jr., Assistant Professor Joseph Goldberg, and Assistant Professor Richard Kuhns, University of North Dakota School of Law.

COMMITTEE'S "CONFLICT"

TO THE EDITOR: A majority of the American Bar Association's Committee on the Federal Judiciary has approved President Nixon's nomination of Judge Clement Haynsworth to the Supreme Court of the United States despite the evidence that Judge Haynsworth participated in the decision of a number of cases in which he had a conflict of interest.

The fact that the chairman of the A.B.A. Committee, Lawrence E. Walsh, himself holds his appointment from President Nixon as special deputy to the Paris peace talks suggests that a majority of the committee does not recognize conflict of interest when it sees one.

VERN COUNTRYMAN,
Harvard Law School.

CAMBRIDGE, MASS., *October 15, 1969.*

THE ROLE OF AMERICAN BUSINESS MANAGEMENT IN INDONESIA

Mr. McGEE. Mr. President, the largest investment committed to Indonesia today comes from the United States. This is a fact which gives to American business management an important role in Indonesia, where a virtual new start in domestic private enterprise was begun in 1966. But this role is matched, we are told in a recent speech delivered to the American Management Conference, by the picture of social progress in America. In that speech, Julius Tahija, chairman of the Pacific Indonesia Businessmen Association's Investment Promotion Council, observed:

The governments and peoples of the developing countries look to the monetary success of the United States. However, they also watch to determine the happiness and individual fulfillment that that money has given to your people.

Mr. President, Mr. Tahija's speech points up some very thoughtful point on the civic and political role of American business and how that role, in both the United States and foreign countries, affects developing nations.

I ask unanimous consent that the text of his remarks to the American Management Conference be printed in the RECORD.

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

ON THE NEW INDONESIA: JOINT VENTURE OPERATIONS AN INDONESIAN CONCEPT

(By Julius Tahija)

During the Pacific Industrial Conference in Sydney in April 1967, sponsored by the S.R.I., I stated:

". . . The Indonesia of today is a challenge to the established Private Business World that we, participants to this Conference, represent.

"Will we take up the challenge?

"We who live with the current problem in Indonesia each day see clearly this challenge. However, sometimes it seems to us that a large part of the business and political leaders of this world who preach the virtues of democracy and free enterprise, hesitate. They hesitate to display the vary moral courage, self-confidence and enterprising spirit of the private entrepreneur. Are they interested in investing their judgment, their thoughts, time and money in the developing nations? Such investment, as you are well aware, is vital and indispensable to keep this world truly free."

At that time, I would not have dared to predict the tremendous response of international Private Enterprise to this challenge. The success so far in attracting Overseas and Governmental investment and aid to Indonesia should also be attributed to what has been expressed by His Excellency, Sultan Hamengku Buwono IX at the S.R.I. Djakarta meeting on August 2, 1967, and implemented by the Indonesian Government:

"No matter how great the desire of the outside world to help Indonesia and however important overseas credit and foreign investment, the overcoming of our economic weakness and especially our economic development must be based on the determination to surmount these problems with our own forces, beginning by putting our own economic house in order ourselves."

This we have now begun to accomplish. First we have had the foreign Investment Law in January 1967. Now inflation is out very sharply.

The result has indeed been most gratifying, to see what has taken place in the field of foreign investment in Indonesia.

In order to ensure social and political stability while promoting Foreign Investment in Indonesia, the Government in Indonesia has wisely also promulgated and is implementing a Domestic Investment Law. It is important that the growth of Overseas investment goes hand in hand with the development and growth of domestic private capital and expertise. After all, private enterprise, whether domestic or foreign, operates on the same basic principles.

It is vital that small and large indigenous businesses have the opportunity to flourish as well as foreign and joint ventures. This is a prerequisite for a strong political stability with the citizen of Indonesia feeling and experiencing in his own life the advantages of the free economic system, in better opportunities to provide more for his family. This is the objective of private enterprise truly built on a firm foundation.

When the events in October 1965 took place, private enterprise in Indonesia was almost non-existent. It was only a matter of time before private enterprise would have been totally annihilated. Having gone through so much frustration, intimidation and anxiety, private enterprise in Indonesia now does appreciate the fact that the present Indonesian Government, headed by President Suharto, is offering every possible facility and opportunity for private enterprise to actively participate in the development of Indonesia's economic growth.

This opportunity offered to us, brings simultaneously certain responsibilities to the private sector, irrespective whether Foreign or Domestic. The newly born Indonesian business world and management hopes to share in and benefit from the experience gained by the American Management. It is for this reason why we welcome the seminar of A.M.A., the meetings organized by S.R.I. and the activities of N.I.C.B.

At present the largest investment committed in Indonesia comes from the U.S.A. This means that American Management will play an important role in Indonesia. In fact, American Management has exercised a great influence in the promotion of private enterprise all over the world. That American Management has been successful in expanding American business interest where private enterprise is welcomed, is beyond any doubt.

In a way it has been a blessing in disguise that the domestic private enterprise in Indonesia had to start almost over again since 1966 with new methods, new perspective, new goals.

American Management in Indonesia can contribute very much by sharing her experience with the newly born private enterprise in Indonesia.

There is a completely new relationship emerging between the business world and the world in which we live. The businessman is no longer only responsible for the economics of his enterprise. He can no longer think just of the profit picture this year and next.

Let us now take the case of considering a joint venture in Indonesia today. The businessman must consider that the policies he

makes today will take into account the growing vitality and economic and political awareness of the Indonesian people and of Indonesia's place in the world in the years ahead. As Indonesia grows economically, developing her resources, as her people learn the skills and knowledge of the business world, so the Indonesian people will become very acutely aware of what is fair to them, what is a "good deal" for them in joint ventures.

Thus it is vital that the joint ventures which are made today are contracts which five or ten years from now will still look fair to the Indonesian people when the economic situation will be far brighter. Today, as there is such an immediate necessity for fertilizer plants. consumer products and other basic manufacturing industries to cut down on the large imports of these necessary products, Indonesia, might be pressed to accept contracts which, though in the deep need today may look fairly good, will not be so in the light of probably a better economic future of Indonesia in 5 or 10 years. Then the people of Indonesia may say, how could you make this contract, it is not fair to us *now* and that might cause political problems. So we must all look ahead.

As private businessmen we all naturally need to make a profit. That is basic to the free enterprise system. But today there are also other considerations. As the world is changing so rapidly, profit to be sustained, may have to be less quickly made. Business must become more enlightened to ensure that there will be steady profits within a favorable political climate in the years ahead.

Even in the United States this appears to be true.

The businessman's environment holds him responsible for the general welfare of the environment in which he operates. Unless the people of any community can physically enjoy, directly or indirectly, the benefits created by the presence of business ventures operating in that community, the days of private enterprise are limited.

The business world is being called upon to participate in many activities of national concern that previously have been the exclusive domain of government—social, educational, and other non-profit developments. No longer is it enough to be imaginative and inventive in our technological research, but we have to be competitively creative in meeting the challenge of our new environmental responsibilities, if we wish to realize the maximum potential of our business.

Some managers do either ignore or overlook this new relationship between the business world and the world we live in. They are heading for trouble and will fall by the wayside, because the "Good Old Days" of profit, with no considerations for political and human factors, are gone.

However, I know there are a substantial number of managers who do comprehend current developments and react most positively.

Perhaps now we should take a look at the role of American Management not only in the developing areas such as Indonesia but also their overall policies within the U.S. For whatever actions American business takes in the United States will very much affect the developing countries. The methods and creativity of American Management have been responsible for the success of American business established in other countries.

This success has left a great impact in many of the host countries and has been responsible for the fact that the host countries and their people do expect much from the American Management, such American expertise, efficiency, foresightedness, inventiveness, etc. To the host countries American Management reflects the basic thinking and aspirations of the American nation and people.

Current political, social and economic developments in the world, but particularly in the U.S., have raised such questions as:

"How are conditions within the U.S., today and tomorow? How much do events here have an impact on us outside the United States who do believe in the cause of private enterprise and democracy?"

Management starts at the birth of an individual. The kind of family and social environment in which a young person is brought up will have a major effect on how perceptive a human being and businessman he will be in the future.

What role is being played by the American Management in surmounting the problems in the U.S.A. such as the inflationary trend, minority problems, the seemingly uncontrolled expression of emotions, but most of all, the overcoming of disunity?

Unity is one of the strongest characteristics we do most admire in the American people. In no other management but the American Management can everyone concerned express his views so freely, but once a decision has been made, everyone including those who have held a different opinion, will loyally and without reservation implement the decision. The team work and team spirit without suppressing certain democratic principles, are the most commendable features of American Management.

It is in this human and social field within which we feel that Amercian Management not only can, but must operate to keep free enterprise free in today's world.

Many of us outside the U.S. count on the success of American Management in solving within the U.S. these domestic, social and economic problems.

The governments and peoples of the developing countries look to the monetary success of the United States. However, they also watch to determine the happiness and individual fulfillment that that money has given to your people.

Naturally, we Indonesians and other developing peoples must ourselves adapt the free enterprise example of the United States to our own mores and culture. It is a necessity of which we in Indonesia are very conscious, that we meld our Indonesian family living, spirituality, and culture into the best of the modern developments. Only in this way can we try to give our people, as best possible, within all our human frailties, in government and in businesses, the best of both worlds. That is our responsibility.

However, as we are only beginning to build our foundation of a better economic and business structure in Indonesia, some of the present cultural and social developments in the U.S., despite the high standard of economic living may give new ammunition to those who are staunch opponents of free enterprise.

So you see what happens in the United States does affect us in the immediate future, as to how enlightened you are and how much you look to the long run stability of society.

Thus your enlightened social business policy in the United States and in other developing countries at this time will keep free enterprise alive in the years ahead and it is a necessity for the long term survival of not only American business, but also private enterprise in this world.

We believe that the free enterprise system with a full social consciousness, modified by each country to meld with its indigenous culture is the best system to give the most food and work and leisure time to the people. Always there are inequities, as we are all human. As the late Jack Kennedy said, "Life is not fair." But let us together try to make life as fair as possible. Since we do have a common goal and objective, we need the help of each other. We need your expertise and monetary assistance now and you need our vitality and stability for the future.

I hope you understand why we are intensely interested in the conditions in the United States today and in the future of the American Nation. We cannot remain indifferent in this respect since any weakening in American unity and stability also affects us who do believe, as you do, in private enterprise and democracy.

Thank you.

IMPRESSIONS OF LIFE IN A COMMUNIST SATELLITE COUNTRY

Mr. COTTON. Mr. President, it is often disheartening to pick up a newspaper or listen to a political speech taking the line that it is wrong to be anti-Communist. Such propagandists explain that what we have today are both good Communists and bad Communists, those in the white hats and those in the black hats, much like the typical American western film. Great emphasis is put on the so-called Soviet-Sino split, and so the President, Senators, and Representatives are told to build more bridges.

The simple truth is that the Communist way of life is totally foreign to anything Americans can ever imagine. Firsthand contact closely illustrates that point. A constituent has written to me after spending 10 days in Hungary. I believe his impressions of that oppressed nation are worth reading and will be helpful in understanding what it is really like to be under Communist domination.

I ask unanimous consent that the letter from Mr. J. Malcolm Swenson, of Concord, N.H., be printed in the RECORD:

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

JOHN SWENSON GRANITE CO., INC.,
Concord, N.H., October 10, 1969.

Senator NORRIS COTTON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: You certainly receive enough mail directed to specific legislation, so that you do not need such general letters as the one I am writing. I hope you read it, however, because it contains the impressions of a New Hampshire man to a ten day stay in Hungary, this summer. It was my first trip to the Country, although I had spent a considerable amount of time, including education, in Austria, and had read quite a bit about Hungary's history and politics. However, the impressions that now seem important to me could not come from my reading. For me, they had to be sensed. It was, perhaps, the difference between reading about a funeral and being there.

Although Hungary enjoyed a quite high standard of living prior to 1945, it now looks like a Country recovering from the *first* World War. Most of the buildings, roads, and even the subway cars in Budapest were built before 1914, and are now unkempt. Hungary used to be one of Europe's major agricultural countries, but its fields now appear poorly cared for, and food is in limited supply, even in the major hotels. Consumer goods, in general, are in very limited supply and of poor quality.

A few Hungarians live very well, but they tend to be Communist politicians or scientific and academic people. My wife and I stayed at a Communist "showplace" hotel on Lake Balaton near Budapest. Just after we arrived, a meeting of the Party Central Committee in the City ended and brought an influx of Communist officials to the hotel, wearing silk suits and driving Mercedes. (New Mercedes, except for one Chevy, seemed to be the choice of Party Officials, and carried the special Party "A"

plate. The few civilian cars were considerably older and more modest.) Although we saw this new elite, we had virtually no contact with it. At the hotel, people just did not speak to other people. They had a great fear of speaking to the wrong person or saying the wrong thing. This condition produced silent dining rooms and beaches, crowded, but silent. It was not a very gay atmosphere. For example, the waiters would rotate so the same one could not serve you twice and possibly become acquainted with a Westerner. If a waiter would have a second contact with you, he would be accompanied by a security man when at the table.

Almost entirely, the common people were very friendly, or as friendly as they could be under the circumstances. The ones we could talk to were very anti-Russian and very pro-American and Austrian. German is spoken widely as a second language, more so than English in the Province of Quebec. Speaking German, and a few words of Hungarian, we could make contact with people, and visited several in their homes. The Hungarians are very likeable, warm and hospitable, and it is depressing to see them suffering under Russian occupation. We visited one fellow in Budapest who was a strong Catholic, anti-Communist. Although he has a degree in Civil Engineering, he is not allowed to practice it, and lives with three branches of his family in one small apartment. His parents and wife were in bad health and not far from death. They were not people the Regime cared much about providing with medical attention. Most of their suffering came from their determination to follow their religion. I could only think of the Biblical films which show Christians being martyred by the Romans, and thrown to the lions. In Hungary today, it is not all that different.

Although the Engineer was a Catholic-Monarchist with strong opinions, his opinions were no stronger than those of teenagers and students we met. One university student, and students are relatively privileged within the Communist Society, asked if we were fighting in Viet Nam because we wanted missile sites there to launch an attack on Russia. When we explained that was not the case, he was terrifically disappointed. Another teenager with whom we spoke at length was, along with many other Hungarians, thrown into a railroad car, guarded by Russians, and kept for two days without food during the Czech crisis last August. His dislike of the Russians, and his feeling for a Hungary he had never known, was intense. His feeling was for a Hungarian kingdom which has not existed in fact since 1918. However, after dictatorship and Russian occupation, the Hapsburg government has remained, in the minds of the people, a good government. So much so, that any display of its double-eagle symbol is forbidden, even in antique shops. It is interesting to see the Russians, and Hungarian Communists, feel threatened by a Monarchy from past centuries. But they have provided no alternatives to it, other than misery and fear.

As we could determine, those gifts of horror remain in Hungary only because of the Russian occupation. The Russians are very much in evidence in the Country, with snappy, well equipped troops, contrasting with the relatively poorly equipped and sloppy Hungarian ones. We seemed to constantly run across them, from tank units in the fields to garrisons in the towns. From one experience we had with them, they really seem to be disappointingly brainwashed. From our own, and friends' experience, they are apparently told all the Western tourists in the Country are spies. On the way back from Budapest one evening, passing through the Russian garrison town of Székesfehérvar, we stopped to pick up a woman standing in a heavy rain. We thought she would be Hungarian, but she turned out to be a Russian, apparently the wife of one of the soldiers. She saw the Austrian plate on the car and, after she was inside, said (in mixed Russian and German), "You are with the German Military Commission. Austria is bad. We have many partisans here and will shoot you. Go back to Austria". I frankly did not dare mention I was an American, lest she die of shock on the back seat. It is unfortunate, however, to think that her ideas were probably typical of those of the soldiers there. It was one of several unnerving experiences.

There are, of course, many security police in the Country, and there were several at the hotel. Since it was, at times, almost empty they did not have many people to watch, and watched us. Late one night, we had supper in a room, empty except for the waiters, a gipsy band, a table of security police (some wearing dark glasses), and us. I think we were watched enough by them to convince some of the hotel workers that we were spies. On several occasions, they would whisper, "God be with you", or "please be careful on the rest of your mission", to us. It was somewhat unsettling, as was the hotel in general.

We were, finally, quite anxious to leave and after exhortations from Hungarian acquaintances not to forget them but to remember they are not Communists, only an occupied people, we left for the border. As we approached it, several miles away, we passed men sitting on corners at the roadside, recording our car and license number. Shortly afterwards, we were stopped by machine gun armed soldiers at an opening in a strip of mined land and barber wire. After that check, we proceeded on through open country with watch towers, until we came to the border station, and a log barricade. This barricade was lifted and we drove forward just far enough to face another log barricade. Then, the first barricade was lowered behind us, sealing in our car. With fellow guards watching from small towers at the station, border police then searched the car, even checking to see if the engine compartment had been modified to hold an escapee. It was good to cross the Austrian border.

I did not find it possible to go to Hungary without becoming more anti-communist. As an economic organization, Communism appears ridiculous, and it is a fantastic oppression of the human spirit. It is significant that while we try to correct our social problems in America, with varying degrees of success, the creation and maintenance of human suffering is virtually part of government policy under Communism.

I am afraid there will be no easy settlement of our differences with it.

Sincerely yours,

J. MALCOLM SWENSON,
President.

REDUCTIONS IN FEDERAL FUNDS FOR EDUCATION PROGRAMS

Mr. CRANSTON. Mr. President, last spring the administration recommended substantial reductions in Federal funds for education programs which, I believe, threaten to undermine past Federal commitments to provide meaningful financial assistance to State and local educational agencies and libraries. In July, the House spurned the administration's recommendations by passing H.R. 13111, which restored most of the proposed cuts. That measure is now pending before the Senate Committee on Appropriations.

In the meantime, funds for the office of Education have been provided by a joint resolution on the basis of either the fiscal 1969 appropriation or the administration's revised budget estimates for fiscal 1970, whichever is lower. Consequently, programs for which the administration recommended a lower budget than that approved in fiscal 1969 have been operating at the lower level, and programs for which the administration made no budget recommendation have been in effect repealed temporarily.

Should the administration's proposed cuts be adopted, California would receive less than two-thirds of the Federal funds which it received in fiscal 1969. In fiscal 1969, California received $290,911,305 in Federal funds. Under the administration's proposed budget, that share would drop to $189,793,034. What particularly disturbs me, however, is that, under the terms of the current joint resolution, the proposed cuts are presently in effect and are causing severe financial hardships to school districts, colleges and universities, and public libraries across the country. Among the hardest hit programs are those which provide Federal funds to local school districts in federally affected areas; to State education agencies and institutions of higher education for the acquisition of library materials and resources; to colleges and universities for the construction of facilities; and to State education agencies for the acquisition of equipment and minor remodeling of schools and for counseling, guidance, and testing of elementary and secondary schoolchildren. In addition, Federal outlays for public library services and for the construction of libraries have been substantially curtailed.

Mr. President, on October 28, the Senator from New Mexico (Mr. MONTOYA) introduced Senate Joint Resolution 163 which provides much needed funds to the Office of Education to counter the restrictive effect of the current joint resolution continuing appropriations for fiscal 1970 to the Department of Health, Education, and Welfare. That resolution, which I have cosponsored, would amend the current joint resolution by incorporating the provisions of H.R. 13111 insofar as they relate to the budget of the Office of Education. It is difficult, today, to imagine anyone seriously disputing the high priority which must be assigned to education. Senate Joint Resolution 163 is an important step forward in reestablishing that priority. The House, under the able leadership of Representative JEFFERY COHELAN, of California, took this step on October 28. I, therefore, ask Senators to join the House in their concern over federally assisted education programs by supporting this indispensable measure.

JUDGE CLEMENT F. HAYNSWORTH, JR., AND THE AMERICAN TRIAL LAWYERS ASSOCIATION

Mr. COOK. Mr. President, I wish to put to rest finally any remaining sentiment there may be in the Senate that the poll conducted recently by the American Trial Lawyers Association has any validity whatsoever in regard to the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court.

Yesterday the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking minority member of the Committee on the Judiciary, outlined quite well

the deficiencies of the poll as a device for use by an organization in its deliberation over whether to endorse a Supreme Court nominee.

I wish only to add my feelings on this matter, as expressed in a letter to Mr. Leon L. Wolfstone, the president of ATLA, which I sent earlier this month, upon learning that his organization might conduct a public opinion poll upon the subject of this Supreme Court nomination.

I ask unanimous consent that my letter to him be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 15, 1969.

Mr. LEON L. WOLFSTONE,
President, American Trial Lawyers Association, Seattle, Wash.

DEAR MR. WOLFSTONE: I have been informed that there will be a Board of Governors meeting of your association to consider the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court.

First, let me express my complete dismay that your group would jump into this controversy at such a late date. I am sure that many of your membership has been following the evolving "fair-trial-free-press" discussions. In my opinion, Judge Haynsworth is being tried by the press. I believe most of your membership would agree that this is fundamentally unfair. Your announcement of related interest in this nomination has made a significant contribution to the efforts of those who would defeat this nomination through unfounded and exaggerated accusations in the press.

In addition, the device of polling a substantial portion of your membership to decide whether to endorse Judge Haynsworth is patently ridiculous and unfair. This is similar to taking a Gallop poll to determine whether the people support a politician. Supreme Court Justices are not elected but appointed. There is simply no way the lawyers you may poll will be able to render an informed judgment about this information because they have heard only one side—the press side. They will not have the opportunity to read the record and consider all aspects dispassionately.

If you feel you must get into the act at this late stage, I would suggest that you appoint a committee as has the American Bar Association. A committee would be able to study the record and render an informed judgment. Supreme Court nominees should not be approved nor should they be defeated on the basis of public opinion polls. As a lawyer, I urge you to pursue this matter in a fair and judicious manner.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, no indictment of the procedure employed by ATLA could be more crushing than that given by one of its own board members, who was called upon to participate in this travesty. Mr. Charles M. Leibson, of my own State of Kentucky, is a member of the board of governors of this organization. He attended the meeting which preceded the public announcement of the poll results and the unfavorable decision on Judge Haynsworth.

Mr. Leibson relates in his letter to me that—

It was my opinion then, and it is my opinion now, that the results of the poll should not have been published, because it is inherent in such a poll that it can be no more than trial by accusations heard or seen on the news media—

He continues—

In conclusion, I believe it would be unfair to Judge Haynsworth if his nomination should be acted upon on any other basis than the sworn testimony of record before the Senate Judiciary Committee.

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

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

AMERICAN TRIAL LAWYERS ASSOCIATION,
Louisville, Ky., October 27, 1969.

Re Confirmation of Judge Clement F. Haynsworth, Jr.

Hon. MARLOW W. COOK,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I disagree with the action taken by the American Trial Lawyers Association in conducting a poll of some 1,200 of its members regarding confirmation of Judge Haynsworth, and also with the action taken by the ATLA Board of Governors in publishing the results of the poll and in passing a resolution against confirmation of Judge Haynsworth's nomination.

This poll, limited to 1,200 of the 23 thousand plus members, was taken before the meeting of the Board of Governors held last Saturday, October 25, 1969. At that meeting it was my motion that the results of the poll should not even be announced to the Board, let alone to the press or the membership, for the very same reasons you have been quoted as stating in the article appearing in the Courier-Journal this morning, i.e., that it was at best a popularity poll with the members polled necessarily voting (for the most part) on the basis of what they have heard or read in the news media.

My motion was defeated. The results of the poll were announced to the Board, and it is impossible to evaluate the extent to which the results influenced the deliberations of the Board thereafter on the issue of whether we should be for or against confirmation of Judge Haynsworth, or indeed, take no position at all.

It was my opinion then, and it is my opinion now, that the results of the poll should not have been published, because it is inherent in such a poll that it can be no more than trial by accusations heard or seen on the news media. I voted against publishing the poll.

It was my opinion then, and it is my opinion now, that despite the hours spent Saturday in discussing this matter, the Board could not possibly be as well informed as members of the Senate Judiciary Committee, and that we should not express an opinion. I voted against the resolution.

In conclusion, I believe it would be unfair to Judge Haynsworth if his nomination should be acted upon on any basis other than the sworn testimony of record before the Senate Judiciary Committee.

Our ATLA organization is a specialized bar, specializing in trial practice and representing the rights of the injured in court. I am justly proud of our accomplishments in improving and securing justice for the injured. I believe that our organization should have a Committee on Judicial Nominations; that this committee should be consulted before judicial nominations are made; and that it should then advise the Executive department after due deliberations, including consulting our members who have been involved in litigation with lawyers nominated to the bench, or who have tried cases before judges nominated for a higher court, thus having special knowledge of the competency of those being considered. This is the procedure that should have been followed here. Let us both work toward seeing that the government and ATLA use better procedures in the future.

Very truly yours,

C. M. LEIBSON.

Mr. COOK. Finally, Mr. President, we all know what underlies this whole controversy—politics, in that regard, I ask unanimous consent that a letter from Mr. Denzil D. Garrison, a member of ATLA from Oklahoma, to Mr. Wolfstone, be printed in the RECORD, because it suggests the political motivation behind not only the ATLA's decision to become involved, but behind the whole nature of the opposition to Judge Haynsworth.

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

GARRISON, PRESTON & BROWN,
Bartlesville, Okla., October 17, 1969.

LEON L. WOLFSTONE,
President, American Trial Lawyers Association, Cambridge, Mass.

DEAR MR. WOLFSTONE: Enclosed please find my ballot relative to the Haynsworth appointment. To date, I have not seen or heard of anything which should keep the appointment from being approved.

As a member of[1] the Oklahoma Trial Lawyers Association, may I caution you not to allow any hint of "playing politics" to enter in this very delicate matter. The so-called "Bill of Particulars" of Senator Birch Bayh is certainly laughable, to any lawyer who takes the time to study its contents.

In short, Mr. Wolfstone, you may count on my immediate resignation, if this matter is mishandled. I do not intend to lend my name to character assassination for political reasons.

I have great faith that you will not be led by those who would try to use our great and needed organization for narrow political purposes.

Yours very truly,

DENZIL D. GARRISON.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, increasingly the threat to our environment by the widespread and indiscriminate use of persistent pesticides is being recognized. These poisons, and we ought not to forget that they are exactly that, have killed fish and harmed wildlife. Their damaging effects on human health have not yet been proven though there is mounting evidence that the toxic residues of pesticides do indeed pose a threat to our health.

Commonsense should tell us that absorbing such poisons into our body is not healthy.

Sweden and Hungary have already acted to limit the use of certain persistent pesticides. Our own Government, at long last moved by public concern, has called for a gradual phasing out of the most persistent and dangerous types. While I approve of this action, I do feel the Government could have acted sooner and should have acted far more forcefully.

The States also have begun to rec-

[1] Above deletion made at request of the writer of this letter.

ognize the danger and some already have acted. Arizona and Michigan have placed a limited ban on DDT, while, just recently, California banned the use of DDT on 47 crops. In my own State of Maryland, the Governor's Special Advisory Panel on Pesticides has recommended a curb on the use of dieldrin and DDT, two chlorinated hydrocarbons that are particularly damaging.

Mr. President, I ask unanimous consent that a Washington Post article dated October 29 and a Baltimore Sun article dated October 30 announcing these two actions be printed in the RECORD.

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

GOVERNOR'S PANEL ADVISES CURB, BUT NO BAN, ON DDT

(By Michael Parks)

Governor Mandel's special committee to study the effects of DDT and related pesticides has recommended that the controversial chemicals not be banned in Maryland as the Governor suggested but that their use be restricted.

The committee concluded that there is no conclusive evidence showing that accumulations of DDT in man, which the Governor pronounced "alarming," produced any diseases, although pesticides have been found harmful to wildlife.

Instead of passing new laws, the committee recommended that the state enforce a law adopted by the last General Assembly giving the State Board of Agriculture the authority to regulate the use of all pesticides in Maryland.

"NO SUBSTITUTE"

Regulations restricting the use of DDT and dieldrin, another chlorinated hydrocarbon pesticide, to "situations where no substitute is available" are being drafted by the board's pesticide advisory committee.

In suggesting that DDT and related pesticides be completely banned in Maryland, Governor Mandel "would seem to be playing pollution politics," said Dr. Cornelius W. Kruse, chairman of the Governor's Advisory Committee on Pesticides.

"No state in its right mind would pass a law outlawing the use of DDT—they might need it, perhaps to control termites or mosquitoes in an encephalitis epidemic or to treat certain types of flowers and shrubs."

But Dr. Kruse emphasized that the committee's preliminary recommendations to the Governor might be modified by the findings of a federal committee that has been studying DDT since April and is due to report in mid-November.

Dr. Kruse, professor of environmental health at the Johns Hopkins School of Hygiene and Public Health, said that there is little evidence "arrayed against chlorinated hydrocarbons despite all the clamor."

NO MEDICAL HISTORY

"Everybody seems to have some in his body fat—old people, babies, men, women, farmers, city folk. But the consequences are simply not known," he said.

"In addition, there is nothing in the medical history of people who have been exposed to it continually and have built up massive amounts of it in their bodies that shows they have been adversely affected because of DDT.

"On the other hand, it does get into the food chain and causes all sorts of problems in wildlife. In predatory animals, particularly birds, their calcium balance is disrupted. The bone shells of eagles and hawks, for example, become quite brittle."

What problems there are with DDT and related pesticides, Dr. Kruse said, are due primarily to its misuse and overuse by farmers. "The solution seems to be control and restrict the way it is used," he said, "and we have the mechanism to do that."

WILDLIFE EFFECT PROVEN

Dr. Charles P. Ellington, director of the state Board of Agriculture and chairman of its pesticide committee, agreed that there "may be instances where the public health is threatened when DDT or some related pesticide will be needed, where there is no suitable alternative."

He also agreed with Dr. Kruse that the strongest argument for controlling the use of chlorinated hydrocarbon pesticides is their proven harmful effect on wildlife.

"The argument for restricting DDT, which is on its way out anyway, is a conservation one, not a health one," said Dr. Kruse.

DDT, dieldrin and other chlorinated hydrocarbon pesticides do not dissolve like other chemicals, but accumulate on plants and in the bodies of fish, wildlife and eventually man, the amount growing successfully larger on its way up the food chain.

Banning DDT in Maryland, Dr. Kruse said, "is not going to help keep DDT out of our food, which comes from 50 states and a lot of foreign countries. All we can do is try to keep it at tolerable levels, and that's being done."

CALIFORNIA BANS USE OF DDT ON 47 CROPS

(By John Berthelsen)

SACRAMENTO, CALIF., October 28.—The California State Agriculture Department today banned the use of the pesticide DDT on 47 different commercial crops including artichokes, carrots, celery, field corn and peaches.

Table grapes and cotton were not included in the list.

Farm labor leader Cesar Chavez and his United Farm Workers Organizing Committee have complained that vineyard laborers have been poisoned by DDT sprayed on grapes. This brought an exasperated reply from Jerry W. Fielder, head of the Department of Agriculture:

"The UFWOC's statements are exaggerated. We don't permit DDT on grapes when they are formed, and we constantly check them in the market place."

In cotton production, DDT is the only known pesticide that will kill the pink cotton boll worm, and it cannot be discarded at this time, officials said.

The ban on DDT comes just a few months after two California state senators, John Nejedly and Alan Sherman, failed to pass a strong bill banning DDT outright from all California fields. Fielder, who issued yesterday's ban, bitterly opposed the DDT bill. However, he now says:

"I have said from the very outset that our policy is to phase out as rapidly as possible—as soon as we can find a satisfactory substitute."

Michigan's Agriculture Commission has issued a limited ban. And in Wisconsin, a bill banning all but emergency uses of DDT has passed the Assembly and is pending in the Senate.

The new regulations, which go into effect Jan. 1, were proposed last August after the department received the results of a University of California study on the hazards of the pesticide.

The university is now seeking substitutes for DDT and its first cousin DDD. Today's ruling specifies 35 food and forage crops as well as 12 seed crops, including beets, cabbage, lettuce, onions and turnips.

CONSUMER PROTECTION

Mr. DOLE. Mr. President, for some time there has been a growing awareness of the need for more effective action to protect the consumer. We have all shared the frustration arising from an experience with products that, because they are more complicated, are more likely to malfunction. When they prove to be defective, we suffer further frustration by the inconvenience arising from their repair. The very size of industry intimidates us when we seek to have them repaired. Oftentimes, the necessary repairs cannot be made to our satisfaction, and we must live with a product that functions below our expectation.

This problem and others have been recognized by President Nixon in his message on consumerism delivered to Congress today. A declaration of the "Buyers Bill of Rights" is long overdue. Today, I join with the Senator from Illinois (Mr. PERCY) in cosponsoring the Consumer Protection Act of 1969—to broaden the powers of the Office of Consumer Affairs and make it a permanent office at the White House level.

The proposed office would be the consumers' eyes and ears. It would be an office which would oversee operations of other Federal departments and agencies in order that the interests of the public are considered and safeguarded.

The passage of the act alone is not enough. The President has presented a comprehensive approach to our consumer problems. While the President's proposals are intended to protect the buyer, the protection is not to be at the expense of the fair and honest sellers. I urge the Senate to act expeditiously on these proposals and, as President Nixon states:

Make life in a complex society more fair, more convenient and more productive for all our citizens.

HERB CAEN ON VIETNAM

Mr. HATFIELD. Mr. President, when an entertainer like Bob Hope or Red Skelton turns his thoughts to the serious, the impact is great, as we have all observed.

In San Francisco, for more than two decades, Columnist Herb Caen has been a steady diet as he has entertained, punctured the balloons of conceit of the arrogant, and lifted the spirits of the downtrodden. In his column for October 14, 1969, he casts aside his penchant for humor in an eloquent evaluation of the war in Vietman. I ask unanimous consent that his article be printed in the RECORD.

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

SLINGS AND ARROWS

(By Herb Caen)

RICHARD M. NIXON. "I refuse to become the first American President to preside over a military defeat." History has already taken him off the hook: President Madison won that distinction in the War of 1812 (and it might be germane to note that whereas we took a licking in the field, we won a diplomatic victory of sorts in the Treaty of Ghent). That technicality taken care of, Mr. Nixon may now bring the boys home. "How do we get out of Vietnam?" The same way we got in. Ships and planes.

The Hamlet syndrome: This is the week of the Vietnam Moratorium. As the colum-

nists sometimes say, "everybody" is talking about it. The subject is inescapable, even for one whose primary mission is to record jokes and funny saying, to report the graffiti on the sky as it falls. At times like this, I feel like the traditional comedian whose ambition is to play Hamlet—but Vietnam affects the lives of all of us, even comedians. When I occasionally get "heavy" on this tragic affair, the heckling letters pour in: "Who are you to write about Vietnam?" to which the only possible rejoinder is Oscar Levant's classic "Who do you have to be?" The 200 percenters say with baleful pride: "I back our boys in Vietnam." I back them all the way back to the United States. "We must honor our commitments," insist the foreign-policy experts. Fact: the Saigon government never formally requested American fighting men. The Americanization of the war was our idea.

These have been the years of doubletalk and evasions. The language has been devalued into euphemisms and code. In many cases, an American Flag on the windshield means "I support the war and hate hippies," as "Law and order" means "Get them blacks," less elegantly stated. If there were such a thing as a "BTB" button, I would be entitled to wear it: I was against the escalation before Tonkin Bay, the murky incident that has not been satisfactorily explained to this day. But whatever happened, it was answered with "overkill," that recent addition to the vocabulary of Doublespeak, which teaches us that murder is "to terminate with extreme prejudice," forced resettlement is "population control" and defoliation is "terrain control." (Bumper strip: "Would Napalm Convert You to Democracy?) This is not a time for ringing phrases. The most memorable statement to come out of this war may have been uttered by the officer who said "We had to destroy the village to save it."

President Nixon on the Vietnam Moratorium: "Under no circumstances will I be affected by it." L'etat, c'est moi? Shortly before his unhappy demise, Louis XVI asked a Minister: "Do you think a revolt is taking place?" "Why no, Sire," replied the Minister. "It is a revolution." Precise reporting. Off with his head.

We who opposed, volubly, the escalation in 1965 took a beating. We were pariahs, Commies, traitors or worse. According to Mr. Gallup, only about 20 per cent of the American public at that time thought our involvement in Vietnam was a mistake. Now the figure is around 70 per cent and rising, as the cold wind rises. Today, withdrawal from Vietnam is the conservative position, in the best sense of the term. Here is a war that is slowly destroying the United States by meaningless death, attrition, division, inflation, internal revolt—could any radical, in his wildest dreams, have hoped for more? The damage in Vietnam will be repaired eventually; can one be as sanguine about the damage to this country? In the eyes of the world, this essentially benign country has come to be regarded as an insensitive brute: Goliath taking on David. Those of us who opposed the war long ago did so on strict non-ideological grounds. Our sense of decency and fair play was affronted. Vietnam Moratorium is a "signal" (Mr. Nixon is a great believer in "signals") that we still believe America can come home.

"Died for what?" These bitter words, in bronze, are on the East Bay grave of a 19-year-old Marine who was killed in Vietnam. The question is his parents'. The answers could be that he died to make the world safe for Thieu and Ky, to justify the willfulness of the Sage of the Pedernales, to save the inscrutable Oriental face of Dean Rusk, to support the mistakes of computerized Pentagon minds, to defend a meaningless and temporary boundary line, to satisfy the blood lust of safe if not sane old men who watch the war on TV and say "Go, team, go!" as though it were a football game, and who glory in such dinner table jargon as "We oughta take Hanoi out with a nuke." The 19-year-old and countless of his buddies died because we intruded on a domestic fight. As the graffito says: "How many Vietnamese fought in the Civil War?" If there are no more Vietnams, perhaps the young man did not die in vain—small comfort to his parents and the other parents of all the other young men.

Lyndon Johnson called us "Nervous Nellies," we who were heartsick over the needless killing in a war to make the world dangerous for democracy, a war to alienate the young and divide this country more surely than Vietnam is divided. Mr. Nixon calls us "bugouts." To go along with these majestic metaphors—okay, we're nervous and bugged, even by the State Dept. official who says "We went into Vietnam with the best of intentions." Your Tax Dollars at Work on the road to hell.

GOODELL PRAISES NIXON CONSUMER PROGRAM

Mr. GOODELL. Mr. President, consumerism—a fair deal for the consumer in the marketplace—is a basic right in our free society.

Consumers must be protected against fraud and shoddy products; must have access to the information necessary to make an intelligent choice among products; and must have an adequate forum where their legitimate complaints may be heard and rectified.

It is most gratifying that President Nixon has recognized the interests of the consumer in his message today.

The President's message proposes a number of significant reforms which will help make the concept of consumerism a reality.

Particularly beneficial are those of the President's proposal which—

Create a new Office of Consumer Affairs in the Executive office of the President with legislative standing, an expanded budget and greater responsibilities;

Create a new Consumer Protection Division within the Justice Department to enforce Federal consumer protection laws;

Strengthen and broaden the jurisdiction of the Federal Trade Commission, and give it the power to seek injunctive relief in Federal courts against unfair consumer practices.

When these proposals come before the Senate, I will support their enactment.

OPTIMISM IN VIETNAM

Mr. McGEE. Mr. President, Reporter Robert G. Kaiser, of the Washington Post Foreign Service, writes that, despite the many reasons why optimism in Vietnam is considered a risky business, there is a new optimism among American officials on the scene. In a series which began in the pages of the Post on Wednesday, Mr. Kaiser details some examples for this new era of optimism which has, he reports, led many to believe that the Vietcong's revolution in South Vietnam has, in fact, been defeated.

To say that is not to say that the war is over, or that the forces infiltrated from North Vietnam are not capable of launching offensives and prolonging the war. It is to say that in the past 21 months the structure of the Vietcong has been eroded while the government in Saigon has gained substantial strength. It takes into consideration the fact that for more than a year, now, the Vietcong have not made a major effort to challenge the pacification program in the Mekong Delta—that region which many people well acquainted with the situation in Vietnam consider essential. Kaiser wrote that he recently spent 7 days in the delta "walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway."

Mr. President, I believe that Mr. Kaiser's report bears repeating and that it should be weighed carefully by those who are concerned with the progress of the battle in Vietnam.

I ask unanimous consent that the first installment of Mr. Kaiser's series on "The New Optimists" be printed in the RECORD.

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

[From the Washington Post, Oct. 29, 1969]

MANY FEEL VC CAN'T RECOVER

(By Robert G. Kaiser)

APBAC, SOUTH VIETNAM.—Just when anti-war pressure in the United States seems to be escalating sharply, many American officials here are contemplating the tantalizing possibility that the Vietcong's revolution in South Vietnam has been defeated.

Optimism in Vietnam is a discredited philosophy, and its adherents must accept the status of discredited philosophers: One is allowed to believe that the earth is flat, but please, keep it to yourself. Hardly any American official here outside the military establishment will allow himself to be quoted by name as one of the new optimists, though a large number of them subscribe secretly to the faith.

Virtually all these officials have learned to qualify every optimistic judgment with some variation of the standard post-Tet offensive caveat: "Of course, the Vietcong could still surprise us . . ." But many dispense the caveat insincerely, as though it were a kind of intellectual conscience money.

The new optimism has infected much of the American mission here, and it is undoubtedly reflected in the official reports from Vietnam now reaching Washington.

The "fact sheet" on Vietnam issued last week by the White House shows signs of the new mood among U.S. officials in Vietnam.

The basis of the optimism is the apparent situation in the countryside, especially in the Mekong Delta, where a third of South Vietnam's 17.3 million people live. The countryside is more fully "pacified" than at any time since the big-unit war began in 1965.

Roads and waterways that have been impassable for years have begun to buzz with commerce during the last six months. Villages long considered part of the "Vietcong society," sometimes for a generation, are now clearly within Saigon's influence and seem to be thriving on the new relationship.

Hundreds of thousands of citizens have demonstrated some faith in (if not affection for) the Saigon government by moving back to their old hamlets, joining the People's Self-Defense Force and participating in government-sponsored local elections.

The new optimists make a good deal of this apparent progress, but they are not talking about "winning the war." They are optimistic about the prospects of controlling the countryside and eliminating the military and political influence of local Vietcong. But this

would not necessarily affect the North Vietnamese troops still in South Vietnam—still capable of launching offensives and prolonging the war perhaps indefinitely, even if forced to stay close to their Cambodian and Laotian sanctuaries.

INSECURE AREAS

Nor do the new optimists speak with equal enthusiasm about all of South Vietnam. Several northern provinces are still heavily infested with Vietcong; all the northern provinces and those along the western edge of the country—next to Laos and Cambodia—are subject to incursions by the North Vietnamese that could mean insecurity in those areas for years.

But the Mekong Delta is the country's wealthiest and most populous area, and it was the home of the Viet-minh and Vietcong movements in the South. It is often said that whoever can control the plush and productive Delta will eventually prevail.

This corerspondent recently spent seven days in the Delta on two separate trips, walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway.

On such a trip one is repeatedly nudged and told: "VC came out of the tree-line over there and ambushed an RF [Regional Force] company last spring,"—"This is where the [American] province senior adviser was killed"—"three months ago we would have been called crazy even to think about driving on this road"—"You're walking on land that the government in Saigon never controlled until this summer."

GAINS ARE MYSTERIOUS

The rampant optimism is restrained by the mystery of why the past year's progress in pacification was so easily achieved. The Vietcong have made no major effort to challenge pacification in the Delta for more than a year. Government forces have moved into hundreds of supposedly Vietcong-controlled villages without, in many cases, even being shot at. South Vietnamese officials have often been able to go into these areas, organize government programs and run local elections without the slightest harassment.

Have the Vietcong decided not to contest the pacification program? Or are they too weak to cope with it? Both theories have adherents among American and South Vietnamese officials here, though the second is much more popular.

But even those who believe the National Liberation Front has ignored pacification for the time being seem to doubt that an all-out Vietcong effort would now do as much damage as, for instance, last year's Tet offensive.

SAIGON'S GROWING STRENGTH

They reason that during those devastating attacks and in the 21 months since the Vietcong structure has eroded substantially while the Saigon's government's military power in the countryside has grown steadily. South Vietnam has about 100,000 more troops than it had at the time of the Tet attacks.

The boldest of the new optimists are those who contend that the Vietcong are too feeble to make a comeback in the Mekong Delta. But there are a great many officials talking that way, including some of the best-known hands in Vietnam once known for their criticism and pessimism. Though they are optimists now, they are talking only off the record.

"Villages we thought were controlled by a company of VC turned out to have only one or two armed guerrillas" one of these veterans said recently.

VIETCONG INSTRUCTIONS

Another hand, who has been studying the Vietcong for four years, points to captured documents containing instructions to local Vietcong to assassinate fixed quotas of important South Vietnamese officials in the countryside. Despite these instructions, the government has lost very few important officials.

Other officials point to the reports of prisoners and defectors from the Vietcong who say that the enemy's once remarkable organization—the layers of associations and committees built on a tight base of cells—no longer exists in many parts of South Vietnam. In other areas the organization seems to be a parody of its former self. In one village in Dinhtuong Province, the party secretary—an important figure—turned out to be a 16-year-old boy.

The zeal of the revolution also seems dissipated, the new optimist say. "When we fought the French," a 55-year-old Vietcong colonel who rallied to the government told an American official, "the people supported us, they loved us. But these young new cadre don't know how to win the people's support . . ."

DELTA'S ASSUMPTION

All over the Delta one hears that "time is now on our side." It is widely assumed that each week the Vietcong get weaker and the government presence becomes stronger.

The fact that American patience wtih the war could run out before the South Vietnamese are ready to stand alone causes bitterness here. "I wish I could show Sen. McGovern around this province," a Foreign Service official who has been working on an important pacification job said recently. "How could he want us to give up now?"

Men like this one (including senior members of the American mission in Saigon) who have coped with failure and frustration in Vietnam are now exhilarated by the apparent success. Efforts in the United States to ignore or to sabotage that progress anger many American officials here.

"It's good to be back where some constructive work is being done," one senior diplomat said recently after a discouraging trip to America.

The fruits of that work—be they relatively permanent or just temporary—are visible all over South Vietnam. There have always been models of successful pacification, but in the old days those were matched by models of pacification's complete failure. Now that second category is rare indeed.

APBAC'S EXAMPLE

This hamlet of Apbac in Longan Province is a good example of the new model. When one flies over Apbac at 1,000 feet the tall buildings of Saigon are clearly visible rising out of the rice paddies 20 miles off. Longan Province is at the very top of the Delta, but its proximity to Saigon never had much influence on its politics. The area around Apbac has been home for the Vietminh and Vietcong for years.

In 1963 Apbac became famous as the site of a disastrous battle for the South Vietnamese army. Five American helicopters were shot down in that fight, and people in the United States began asking what was going on in Vietnam.

In 1965 the hamlet fell completely under Vietcong control. Many of its residents fled to nearby towns or government-controlled areas to avoid the war, the rigors of life under the Vietcong or both.

ENTERED IN JULY

Government forces entered Apbac this July. Then 600 people lived in this dirty, dilapidated little town or right around it. They were served by four small shops and an old Buddhist pagoda that sits atop the highest hill in Longan Province, a 35-foot mound of Paddy mud.

Popular Force platoons built outposts in the area and by force or default, established security in the area. Revolutionary Development cadre, the black-pajama shock troops of pacification, moved in to begin cheerleading the pacification of Apbac.

The RD cadre are masters of the showy gimmick: They paint South Vietnamese flags beside the front door of every house, put up flagpoles so every family can fly the government flag, build fences and make minor repairs. They also often reopen schools, as they did here.

The Vietcong had destroyed the hamlet's 13-room schoolhouse and used its brick and concrete walls to reinforce their bunkers, so there had been no school in Apbac for four years. When the new government officials announced last summer that they would open a temporary school, they expected about 200 children to turn out, but 523 came the first day from as far as two miles away.

Now a visitor sees young students repeating their lessons in unison and scratching out their arithmetic problems in pen and ink, as the French taught them. Because there had been no school for four years, students 8 to 13 years old are all in the same class.

VILLAGERS RETURN

The large school turnout reflected the influx of former residents of Apbac that began soon after the government took it over. Now at least 1200 people are living here.

At last count there were 18 shops and the government is constructing and repairing buildings. (Damage from the 1963 battle had never been repaired.)

In the first month after government forces entered Apbac and the surrounding villages, 108 Vietcong or their sympathizers rallied to the government. Most of them were unimportant, but one was the old Vietcong hamlet chief. Another 54 suspected Vietcong were arrested.

According to the toothless old monk in the pagoda, Thien Loi, all the Vietcong officials in the area have been killed, arrested, have rallied to the government or have "gone away." Thien Loi, who has lived there for 61 years, told an American visitor he does not expect the VC ever to return.

VC LACKS MUSCLE

Apparently the Vietcong controlled Apbac with just a few cadre and guerrillas.

"But they used to have the muscle on hand to back them up, if they needed backing up," according to Maj. Carl Neely, the enthusiastic American district adviser in the area. "Now they don't have the muscle."

The Vietcong have made no effort to reenter Apbac or to harass the government officials who have been here since July.

There is no evidence that the people of Apbac have become, overnight, devoted followers of President Thieu and his government. But the evidence is plentiful that they are happier with their lot now than they were as recently as the day, three months ago, that Neil Armstrong stepped on the moon.

The war is not over in Apbac. North Vietnamese soldiers are hiding, in groups of six to a dozen, in Longan Province and there are still occasional incidents nearby. But the new optimists in this part of Vietnam cannot see how the Vietcong can regain the dominant position they once held.

THE PESTICIDE PERIL—LXXIII

Mr. NELSON. Mr. President, this morning's Washington Post reports that the White House has ordered immediate restrictions on the use of a herbicide widely used in both the United States and in Vietnam.

The herbicide, 2,4,5–T, has been used on pastures and rights-of-way in the United States and as a defoliant in Vietnam. Recent studies on this herbicide conducted on mice resulted in increased incidence of cancer and malformations in fetuses.

This is apparently another example of a Federal agency using a potentially dangerous pesticide before adequate studies and information assuring its safety are available. In the same announcement, the administration said it was not taking any action on another herbicide 2,4–D, which is placed in the category of "potentially dangerous, but needing further study." It would seem that a lesson should have been learned from the experience of 2,4,5–T and that 2,4–D would be restricted on the basis that it is "potentially dangerous" and does need "further study."

I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

[From the Washington Post, Oct. 30, 1969]

WIDELY USED DEFOLIANT RESTRICTED AS PERILOUS

(By Bryce Nelson)

The White House ordered restricted use last night of a herbicide that has been used extensively in the United States and South Vietnam after it was learned it may be dangerous to animal life.

The White House announced the restriction of the herbicide 2, 4, 5–T, which has been used as a defoliant in Vietnam and on pastures and rights-of-way in this country.

The administration took no action on the use of 2, 4–D, another herbicide widely used in Vietnam, which was labeled "potentially dangerous, but needing further study" in the scientific research conducted by the Bionetics Research Laboratories, Inc., for the National Cancer Institute.

The as yet unreleased studies, conducted mostly on mice, point out two forms of danger—in increasing the incidence of cancer and in increasing the number of malformations in fetuses.

In a prepared statement, White House science adviser Lee A. DuBridge announced:

That the Defense Department will restrict use of 2,4,5-T to areas remote from population.

That the Agriculture Department will cancel registrations of 2,4,5–T for food crops effective Jan. 1, 1970, unless the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods.

The Departments of Agriculture and Interior will stop using 2,4,5–T in their own programs in populated areas or where the residue from use could otherwise reach man.

That the Department of Health, Education and Welfare will complete action on a petition requesting a finite tolerance for 2,4,5–T residues on foods prior to Jan. 1, 1970.

DuBridge, a physicist, said "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

DuBridge said that almost no 2,4,5-T was used by home gardeners or in residential areas.

During the past several months, there have been several accounts in the South Vietnamese press linking birth of malformed babies to the American presence there; some accounts specifically related these birth defects to the U.S. defoliation program.

The herbicide 2,4,5-T is used both for defoliation in Vietnam and for brush control, pasture herbicide and clearance of rights of way in this country. The herbicide and the compound PCNB (pentachlorobenzoic acid) were labeled "probably dangerous" and justifying condemnation because of increased incidence of fetal malformations when administered to mice and rats.

Another herbicide, 2,4-D, which is widely used for defoliation in South Vietnam, was placed in the category of "potentially dangerous, but needing further study" in its effect on fetuses. 2,4-D presents a much more difficult problem for governmental decision since it is one of the six best-selling pesticides in the United States. 2,4-D is used on corn and wheat in this country. Banning it would deprive the U.S. pesticide industry of more than $25 million annually in sales.

REHABILITATION OF THE INDIVIDUAL

Mr. GOODELL. Mr. President, the rehabilitation of an individual—restoring him to a productive role in our society—has become one of our most important domestic challenges. Rehabilitation is necessary for those people who have suffered physical affliction. But rehabilitation is also necessary for those people who have become rootless and disoriented as a result of the chaos in segments of our society.

Many dedicated Americans have devoted their lives to the work of rehabilitation and we owe them a great debt for their services. They have created programs to assist the physically handicapped and the emotionally, mentally, and socially handicapped. In many cases they can bring hope and dignity to the handicapped—hope and dignity when a tragic affliction has caused this spirit to die. Through the success of the rehabilitation process, the individual brings to the society his untapped talents and resources and as a result, a more productive person and a more productive society is created.

On November 3, 4, and 5, my home State of New York is playing host to the annual national conference on rehabilitation.

This is the first time that the conference has been jointly sponsored by the National Rehabilitation Association, the National Association of Sheltered Workshops, and the Association of Rehabilitation Centers. Each of these groups plays a significant role in meeting the challenge of rehabilitation.

The National Rehabilitation Association, with over 35,000 members, includes counselors who advise and guide those in need of help. It has specialists dealing with the handicapped in all areas, including vocational guidance, employment counselor, physical therapists, training specialists, in fact, every person who has worked to bring the handicapped back into the community. We are proud they have found New York State a source of cooperation to them.

To me, one of the most rewarding programs deals with rehabilitation of the severely handicapped. This has been the task of the National Association of Sheltered Workshops. People who are wheelchair bound, others with severe mental retardation or emotional problems, still others with cerebral palsy, and many other severe disabilities such as blindness and deafness have started on the road back through sheltered workshops.

This dedicated group accepts one of the greatest challenges imaginable. It is truly inspiring to see the success they have achieved in restoring dignity to their clients. Some of these workshops have become world famous for their workshops where in some cases they provide life-long employment to the most severely disabled. The most impressive fact is that they have returned tens of thousands of their clients to private economies.

New York State is proud that some of the country's most outstanding workshops are located in the Empire State. We are also proud that this great Association will be joining with its fellow professionals in the National Conference on Rehabilitation.

The third group sponsoring the conference is the Association of Rehabilitation Centers which provides technical advice for rehabilitation facilities helping them improve their services. It runs training seminars in virtually every area related to these facilities. The ARC members do research and development for new techniques for the improvement of rehabilitation facilities and in general strive to improve our programs to meet the needs of those requiring rehabilitation.

At a time when we face our greatest problems in meeting the needs of the socially disadvantaged, it is heartening to note that we have for many years had agencies ready to face new challenges. I am proud that the first joint conference on rehabilitation of these three distinguished groups will occur in New York City next week. While the organizations have met separately in the past, this new joint venture indicates a desire for closer cooperation as we face these new challenges together.

We in Congress have been involved in the rehabilitation of our economy and concerned with our handicapped, our ill and our socially deprived. We should follow the proceedings of the national conference of rehabilitation. Undoubtedly new ideas and recomendations will be forthcoming from the conference which could make our concern and involvement bear greater success.

FOR TRUE PEACE: A LAND REFORM

Mr. SYMINGTON. Mr. President, for years, now, there has been much conjecture as to just what is going on in South Vietnam.

In that connection, I ask unanimous consent that an editorial entitled "For True Peace: A Land Reform," published in the Springfield, Mo., Daily News of October 23, and in turn based on an article written by Mr. Arthur J. Dommen for the Los Angeles Times, be printed in the RECORD.

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

FOR TRUE PEACE: A LAND REFORM

It has been said so many times that it has become a truism:

The only way real peace can come to South Vietnam, peace that is neither Communist-dictated nor Communist-dominated, is to

convince the mass of peasantry that they have a real stake in their government. And the only way to give them that stake is to abolish the system of absentee landlordism by which a mere 16,000 wealthy South Vietnamese own almost three million acres of the country's fertile land.

The land has been fertile in more ways than one. Sixty to 70 per cent of South Vietnam's farmers do not own the land they till, and it is from their dissatisfied ranks that the ranks of the Viet Cong are replenished.

Too often, following hard behind American soldiers after they have cleared an area of the Viet Cong, have come the landlords to reassume ownership and collect back rents. This is the reason that some parts of South Vietnam have had to be "pacified" again and again in the long years of this war.

The only land reform program South Vietnam has ever had is that of the Viet Cong, which has "given" land to millions, writes Arthur J. Dommen in the Los Angeles Times. Its motto has been: "The movement has given you land, give us your son."

If a cease-fire were to be signed between the government and the Viet Cong, this motto would undoubtedly become, "The movement has given you land, give us your vote."

Having once given the Viet Cong their votes, the peasants of South Vietnam would, of course, ultimately find themselves in the same situation as the peasants of China, who were "given" land by the agrarian reformers of Mao Tse-tung. But by then it would be too late to take back their votes.

In the eyes of many Americans, irrespective of their opinions regarding this country's past and present involvement in South Vietnam, President * * * the creation of a truly popular representative government.

Interestingly enough, however, it is the personal initiative of Thieu that has brought the Saigon government close to enacting the first meaningful land reform in its history, reports Dommen.

Last November, Thieu began putting the crimp on landowners by prohibiting local officials and soldiers from assisting landlords in enforcing rent levies. In February, the prohibition was extended to the landlords themselves.

Of even greater interest to Americans, however, is the fact that until recently the U.S. embassy had for years quietly opposed land reform because the landowners were a principal source of political stability in Saigon—"and political stability in Saigon was what counted more than anything else," says Dommen.

Some American officials still fear that Thieu's land reform program will wipe out the rural landed gentry on which the Saigon government depends to carry its writ into the villages, while at the same time falling short of guaranteeing the loyalty of the peasants.

This makes about as much sense as worrying whether a house will stay in one piece when the earth cracks open and swallows it up. Such "stability" in the long run is shortsighted in the extreme.

And we are in the long run right now.

PEOPLE LIKE THE VICE PRESIDENT

Mr. FANNIN. Mr. President, it is surprising how little attention the American people are paying to the detractors of Vice President SPIRO AGNEW.

A Letter to the Editor column from the Evening Star of October 29 is, I believe, more representative of the American people than the writings of some of the snobs who pass judgment on America's leaders in the columns of some of our effete eastern newspapers.

The Vice President of the United States is a man of courage and conviction. He stands for America and what is right for America. He speaks forthrightly and bluntly on America's behalf when such speech is called for.

I am pleased that the American people recognize him for what he is.

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

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

SPIRO AND THE DEMONSTRATORS

SIR. I for one would like to defend Vice President Agnew. To my way of thinking he is about the only politician around who is capable of saying what he honestly feels without first taking a poll. Spiro Agnew—unlike most other politicians—has not yet lost the ability to feel righteous anger.

JAIME ADAMS.

SIR. No one man can always be completely right, and some there are who are not even usually something like half-right. Spiro Agnew is one of these. It is his unfortunate nature that he developed malapropism. But more often than not he says something that is historically and logically correct.

PARKER WILBERN.

SIR. The language about intellectual slobs used by Agnew was to the point and reflects the feelings of a great number of Americans (and voters) who are silent but boiling.

PETER COLEVAS.

SIR. With reference to your editorial, "Agnewmanship," of Oct. 21, I suggest someone must defend our country from the current "smear America" campaign of the news media, politicans and agitators. When did your paper last actively attack those who participated in this latest fad?

WAYNE M. PROCTOR.

ROCKVILLE, MD.

(EDITOR'S NOTE.—To answer the question posed by Mr. Proctor's last sentence, on October 15 The Star editorialized: ". . . What counts is whether the demonstration, regardless of intention, does in fact give encouragement to Hanoi and thereby presumably prolongs the war. The evidence from Hanoi is that this is precisely what the demonstrators are doing. . . ." And on the day following the Moratorium The Star editorialized: ". . . Its (the Moratorium's) effect, if any, will be to stiffen positions on both sides and to delay the process of disengagement that is already under way.")

SIR. Your editorial was too hasty in dismissing Vice President Agnew's excellent New Orelans speech as a venture in "name-calling." The fashionable double standard on extremism has triumphed again, for he is faulted for being as hard hitting in combatting nonsense as one routinely is in fighting the radical right.

TALIVALDIS I. SMITS, Ph. D.

SIR. From your editorial, I assume that in your opinion the Vice President would win more friends for the administration's handling of the Vietnam situation by the use of more saccharin language in his various speeches around the country.

The time is long overdue for ending any form of patience or tolerance with a rowdy and unruly group of protesters, dissenters, and demonstrators who would sell out their country to shield their own cowardly hides.

JAMES F. PERRIN.

SIR. Whether or not one agrees with what Vice President Agnew says, I defend his right to say it his way. He is an admirable anachronism in an age of largely politician-actors orating careful compromises composed by wordsmiths—a strong man who will use strong words about things he feels strongly. It is refreshing to see a politician standing, perhaps not high, but alone. We used to have a lot more of them and never had a greater need.

G. W. HALLGREN.

GAITHERSBURG, MD.

SIR. It is a relief to hear someone tell those aging harlequins on the Ho Chi Minh trail just what they are. In the weird rabble of ill-assorted bad companions drawn together for diverse reasons in the Moratorium we had a mixed bag.

There was the idealist and the importunate; the impudent and the iconoclast; the sorrowing and the cynic; the pedant and the poltroon; the effete and the dilettante; the manipulator and the manipulated; the supercilious, the stupid, and the snob.

It is good that we have a man like Spiro Agnew to call them what they are.

ROY G. TULANE.

CHEVY CHASE, MD.

SIR. Coming right straight out and telling it like it is does not necessarily make one childish! Agnew behaved like an irate parent fed to the teeth with the childishness of his children.

R. S. S.

SIR. Agnew was obligated to no one except the people themselves and is under no compulsion except that of political comity to "clear" a speech with the White House.

CHARLES R. WEEKS.

CHANTILLY, VA.

SIR. How many of us feel the way Agnew spoke out and are afraid to say so! Hooray for Vice President Agnew.

M. M.

SIR. Senator Mansfield is supposed to have said that he is embarrassed over certain remarks made by our Vice President Agnew concerning the October 15 Moratorium and its promoters. Let me state this for the record: Thank God that, if we must suffer humiliation by having men around like the Mansfields, Fulbrights and McGoverns, we at least also have a man like Vice President Agnew around.

OLIVER L. APP.

W. HYATTSVILLE, MD.

SIR. Predictably, Vice President Agnew stuck his foot in his big mouth again—in denouncing the New Left hoods as "professional anarchists" and "impudent snobs." At this late date, it is sad that our highest elected officials display such an abject ignorance of the Marxist "signs of the times" that they can dismiss violent socialist radicals as mere "anarchists and snobs!"

R. K. DAHL.

Sir. Agnew's description of some of the leaders and participants of the Moratorium Day activities was mild compared to what it rightly could have been.

WESLEY BRITTON.

ALEXANDRIA, VA.

SIR. Vice President Agnew hit the nail on the head in his description of the supporters of the Vietnam "moratorium."

WILSON C. LUCOM,
President, United States Anti-Communist Congress, Inc.

SIR. The Vice President was nearer reality, and certainly made more sense to me in his Vietnam posture, than the combined effusions (and confusions) of the pseudo-experts McCarthy, Fulbright, McGovern, Muskie, Kennedy, and others of their ilk.

J. MASON GROVE.

FAIRFAX STATION, VA.

SIR. More power to Vice-President Spiro T. Agnew, who dares to tell the truth, and a ripe Bronx cheer to the "impudent snobs," the "Russian roulette" gamblers with our national security, the architects of appeasement and surrender, and the friends of the universal bolshevist state!

HAROLD RANSTAD.

SIR. Vice President Agnew has a "right" (a word I am beginning to hate) to express his own personal opinion about anything he wants.

MADELYN W. WATSON.

WASHINGTON, D.C.

INCREASED FUNDING FOR ALBUQUERQUE SOUTH DIVERSION CHANNEL

Mr. MONTOYA. Mr. President, I invite the attention of Senators to the urgent need for a flood-control project to protect the residents of Albuquerque, the largest city in New Mexico. The residents in the South Valley of Albuquerque have suffered numerous floods, and are daily exposed to additional flooding. Remedial action must be taken.

As the members of the Public Works Subcommittee of the Senate Appropriations Committee know from my communications with them, there is presently pending before the subcommittee a request for funding for completion of the drastically needed flood-control project for this area of Albuquerque. This is known as the Albuquerque South Diversion Channel.

I have been working closely with the members of the Appropriations Committee—and I am honored to be a member of the committee—in an effort to seek adequate funding for this project. Regrettably, the new administration drastically reduced the budget request for this project at a time when the residents in the area of Albuquerque were undergoing one flood after another. Early this summer there was a heavy flood in the area with terrible consequences, and again, on September 7, heavy rainfall in the area sent water as deep as three feet into the streets and into many homes. An estimated 305 homes, valued at $2,250,000, suffered estimated damage of $107,000. Seven commercial firms, having an estimated value of $3,372,000, suffered damages of $190,000, and public works with an estimated value of $3,486,000 suffered damages of $105,000. Other damages amounted to about $51,000. Thus, the total amount of damages suffered in this, the San Jose area, has been estimated at just under $500,000.

The Corps of Engineers advised me that nearly all this damage could have been prevented had the Albuquerque South Diversion Channel project been in operation. To compound the suffering, it was not just private homes and businesses which were damaged—although this in itself should never have happened as it could have been avoided—but in addition, it is reported that at least 2 feet of water flowed into the lower level of the St. Joseph Hospital where the emergency room is located bringing in mud and silt. A massive effort had to be undertaken in the area by off-duty firemen, by New Mexico rangers, city workers, police, other firemen, and volunteers to evacuate families from the area, and the Red Cross was called in to set up facilities for them.

I repeat, Mr. President, that, according to the Corps of Engineers, all this could have been avoided had the South Diversion Channel project been completed. It seems pennywise and pound foolish to drastically curtail funding for projects such as this when there is so much at stake. As I have indicated, I have been working with the Corps of Engineers, with the Appropriations Committee, and with many local individuals and organizations in an effort to seek proper funding for this project. It is certainly my hope that adequate funding will be provided by Congress.

Mr. President, by way of further testimony as to the urgent need for this project and by way of illustrating the great concern being expressed by the residents of the San Jose area in Albuquerque, I ask unanimous consent to have printed in the RECORD a statement by Mr. Lorenzo E. Tapia, an attorney from Albuquerque, which was presented to the Senate Public Works Appropriations Subcommittee on behalf of residents of the San Jose area, the Albuquerque Economic Opportunity Board, and as special counsel for the members of the model cities board of Albuquerque. I commend Mr. Tapia for the excellent statement which he had presented and certainly support him in his request that Congress appropriate the necessary funds to complete this project immediately.

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

STATEMENT OF LORENZO E. TAPIA, ATTORNEY BEFORE CONGRESSIONAL COMMITTEE AND EXECUTIVE BRANCH OF U.S. GOVERNMENT

It is with great pleasure that I appear before you on behalf of the residents of the South San Jose area, the Albuquerque Economic Opportunity Board, and as special counsel for the Members of Model Cities Board of Albuquerque, New Mexico. May I first express my appreciation to Senators Anderson and Montoya who have so ably represented us in the Senate of the United States, and for their arranging our appearance before this body. Today we are here to support their efforts on behalf of the Albuquerque Channel Diversion Flood Control Project, which they have so ably worked for in recent years.

Mr. Chairman—It has been over fifteen years since the Congress of the United States enacted into law the Flood Control Act of 1954, which authorized the construction of the Albuquerque Channel Diversion Flood Control Project. Funds for the project were not made available until fiscal year 1965, and construction was finally commenced in that year. Congress again appropriated 5 million in 1965 and $15 million in 1966, 1967, and 1968, and a total of 4.5 million is still required to complete the project which will provide partial flood protection for the residents of the South Valley area of Albuquerque, New Mexico. This area is predominately inhabited by persons of Spanish-speaking descent. Most of the residents of this area are descendents of the early Spanish settlers which settled in the Southwestern part of our nation in the early part of the 16th century. The per capita income of the people in the area which is annually affected by intermittent floods, is less than one thousand dollars annually, and a great number of the residents are older persons over the ages of 45 with large families and generally receive low wages and manage to eke out a meager existence. The area which is often damaged by floods is one of Albuquerque's oldest with its substandard homes, lack of properly paved streets, poor sewage and drainage facilities to absorb the water which accumulates in the streets and in the backyards of citizens. These people cannot afford to protect their homes when the floods strike. This same area has been classified as the "target area" to be eventually improved through funds which in the near future, may or may not be available through model cities or urban renewal programs.

There are many factors that contribute to the flooding which occurs during the summer months including lack of proper street drainage facilities and poorly planned and constructed streets. In recent years the construction of a north to south interstate freeway with its five foot draining culverts that virtually point to and pour the water which accumulated on its east side has worsened the situation, sending water rushing onto the west side which is heavily populated by the poorest of families that dwell close to the heart of downtown Albuquerque. It is with these people that we are concerned. Their misery has persisted since before 1954, and has not diminished. To the contrary the property losses have increased and the lives of both young and old have been affected to such a degree that many of the residents who at one time owned their residences in recent years have had to mortgage them to obtain funds to repair their homes after they have been damaged by floods. The number obtaining loans is small as most residents do not have the means to clear their titles in order to meet the lending requirements of banking institutions. Others borrow from high-interest finance companies and many lose their properties because of their inability to meet rising interest rates or too often because it is a choice between owning a home or providing food on their table for their children. Floods have left many people homeless, often without food or clothing to meet their needs, and particularly the needs of their children who too often cannot continue their schooling on a regular basis for lack of something to wear or eat! Homes are no longer fit for occupancy but yet people continue to reside there despite the threat of crumbling floors and walls which they cannot afford to replace or repair due to lack of financial independence. They no longer believe that help is imminent and that their problems will be resolved in the near future. Their despair and misery remains, and will continue to worsen unless the Congress assists the City and State Governments in providing protection for those residing in the affected areas.

The flood of September 1969 left 250 families homeless, and the homes of over 200 families were moderately to severely damaged. Personal losses were enormous and all total damages are estimated in excess of $200,000 not counting the human misery and the unrecorded, personal, and property losses of the residents whose problems are compounded by sub-standard housing, large families, low wages, unemployment, and many more of the ills of our modern society. The people of this area are proud and dedicated people who believe in the ideals of our democratic government and from it they expect no more than what you have accorded other Americans who have suffered similar or comparable disaster.

Perhaps these facts are not shocking to a Congress which has dealt with the problems that plagued the people of Appalachia or areas of West Virginia, but let me say that our problems in many respects are either greater or certainly comparable to those that affected them. Our Nation has been blessed with a bountiful supply of water; but it is not a blessing we can regard with

complacency, and particularly when it causes floods that too often drain the wealth of our country and disrupt the lives of many of its citizens. We hope that Congress will reject a policy which tends to curtail spending at the larger expense of heavy losses in added costs, property damages and even loss of human life and homes. We believe that further delay in providing funds to complete the Albuquerque Channel Diversion Flood Control Project is extremely detrimental to our economic growth, and well-being which detriment the people of our area can no longer endure without losing faith in our governmental structure.

Our problem, I am sure, you will agree is not simply a matter of concern for the people of New Mexico only, but all of us have a stake in providing flood protection under aggressive principles of national leadership first forged by Theodore Roosevelt and subsequently carried forward by the Congress of the United States. We realize that there are other sectors of our nation that have suffered as we have, and we are in complete sympathy with them, yet we urge that this Congress act with vigor and determination, and as it has in the past, remaining cognizant of your goal by providing assistance and relieving misery wherever and whenever possible. We earnestly believe and know that unless the sum of 4.5 million is appropriated to complete this project, the human misery and loss of property will continue. Fifteen years has been too long a time and we urge this body to rectify the ills of a problem which can no longer be neglected or overlooked for even one more year without jeopardizing the lives of your young who are the ones that suffer ultimately.

I want to express my deep appreciation to the Chairman and Members of this committee for the opportunity to appear before you to submit facts that support our request that the Congress appropriate the sum of $4.5 million to complete the Albuquerque Channel Diversion Flood Control Project, which we understand the Corps is ready to undertake as soon as funds are made available. Not only do we urge appropriation of funds but also that you incorporate in the appropriations bill, language that compels or commits the Executive Branch to spend the funds so allocated during fiscal year 1970. If you appropriate funds only to have them tied up in the Executive branch your concern and ours for the immediate problem would otherwise be futile.

MILITARY SPENDING AUDIT

Mr. CHURCH. Mr. President, during the many weeks of debate this summer on the multibillion-dollar military procurement bill, often it became clear additional information sources were needed to assist the Senate.

In addition, the debate highlighted a dilemma that is facing the country today—what are our priorities and national objectives, and how much of our resources should be deployed to achieve these national goals.

Recently, the Senator from Wisconsin (Mr. NELSON) introduced three proposals that are designed to help bridge the information gap and to establish an orderly process of assessing our national priorities.

In an excellent editorial, the Sheboygan, Wis., Press, endorses the Nelson proposals. I ask unanimous consent that the editorial, entitled "Military Spending Audit," be printed in the RECORD.

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

[From the Sheboygan (Wis.) Press, Oct. 22, 1969]

MILITARY SPENDING AUDIT

No doubt Sen. Gaylord Nelson, D.-Wis., will have the united support of the nation's taxpayers in his request for creation of three watchdog auditing agencies to keep lawmakers advised of Pentagon expenditures. He is joined by three other senators and 29 House members in a complaint that Congress doesn't have enough control of the Pentagon.

"If Congress is going to take its responsibility for reviewing military expenditures and challenge the alarming trend of a run-a-way military establishment, it must have its own authoritative, objective source of information," said Sen. Nelson. He said he and his colleagues would introduce bills to create the auditing agencies, all of which would work for Congress but have "maximum access to classified information" at the Pentagon.

Rep. George Brown, D.-Calif., blamed "lack of an authoritative perspective" for the failure of Pentagon critics to substantially cut a $20 billion defense buying bill which recently was passed by Congress. It includes authorization to begin construction of the Sentinel antiballistic missile system. The bill would establish an Office of Defense Review, which Brown said would provide "comprehensive analysis of defense policies and spending."

They also would establish a Joint Congressional Committee on National Priorities to compare military and civilian demands on the budget and a temporary National Security Commission which would study "the militarization of American society and the relationships between employment, private industry and defense spending."

No one will question the objectives of the Nelson programs nor question his concern for adequate defense and national security measures. Neither should anyone disagree with the desire that military spending be done on a business-like and not a spendthrift basis. Some of the deals whereby military expenditures were made on a cost unknown system were scandalous and naturally were resented by taxpayers.

We all want adequate national security, but there is no need for the reckless spending policies that have been exposed in the past. The measures proposed by Sen. Nelson and his colleagues could do much to put a stop to that sort of thing.

THE NEW YORK TIMES AND THE HITLER OF NORTH KOREA

Mr. DODD. Mr. President, the New York Times of October 27, 1969, established an all-time precedent for the American press by printing a full-page advertisement lauding the virtues of Kim Il Sung, the Communist dictator of North Korea.

This blatant piece of propaganda takes the form of an advertisement for the English language edition of Kim Il Sung's biography, printed by the Miraisha Co. in Japan, the official North Korean publishing house.

Every newspaper exercises the right to refuse advertisements whose publication would be offensive to public opinion or contrary to the national interest.

I am confident, for example, that if the KKK submitted an advertisement attacking the American Negroes, or if the American Nazi Party submitted a text saying that Hitler was right about the Jews, the New York Times would refuse to print such advertisements.

I am equally confident that had the Nazi government, before or after Pearl Harbor, sought to place a full-page ad eulogizing Adolf Hitler, the Times would have returned the ad together with the check, with an appropriate comment.

Why, then, does the Times agree to accept a full-page advertisement praising a totalitarian tyrant just as ruthless and just as aggressive as Adolf Hitler?

Because, inevitably, the act of printing the Kim Il Sung advertisement will serve to foster the impression that Communist tyranny is somehow less abhorrent, more acceptable and more deserving of being treated as a legitimate political philosophy than was Nazi tyranny.

I consider the publication of this advertisement an affront to the American people and a violation of the responsibilities of the American press to the American people.

No more groveling or nauseating tribute has ever been written to Joseph Stalin or to any other Communist tyrant.

"Korea Has Produced the Hero of 20th Century, Kim Il Sung," read the headline in massive typeface. And then it went on to say:

> This biography is a history of General Kim Il Sung's ardent love for the people over 40 years; it is a great moving epic about Hero General Kim Il Sung who led to victory the national liberation struggle, unexampled in the history of the world; it is a record of victories and glories in the modern revolutionary movement of Korea.

It can be argued that few Americans will be moved or taken in by this crude and heavyhanded hero worship. Percentagewise this may be true. But I nevertheless find it frightening to think that there are some thousands or even a few tens of thousands of young Americans who have been taken in by propaganda just as crude and just as heavyhanded, and who have been mobilized into the several extremist organizations that follow the Castro line or the Mao Tse-tung line.

After all, it required only a few tens of thousands of extremist fanatics to make the Bolshevik Revolution.

The advertisement raises another question which I find far more disturbing than any immediate impact it may have on the extremist minority in our midst.

By the mere act of printing this advertisement, the New York Times has granted an important measure of respectability to the Communist tyrant who was primarily responsible for the invasion of South Korea; who ordered the capture of the *Pueblo* and the torture of its crew; and who, most recently, ordered the shooting down of an unarmed American reconnaissance plane almost 100 miles off the coast of Korea.

Moreover, we are still at war with Kim Il Sung's North Korea. Nor is this state of war a mere technicality. Having been thrown back in his attempt to conquer South Korea by force of arms, Kim Il Sung has continued his aggression against South Korea and against the United Nations forces by means of terrorism and guerrilla attacks.

Scores of American and Allied soldiers have been killed in these attacks and many hundreds more have been wounded. In addition, hundreds of South Korean civilians have been killed by ter-

rorist infiltrators dispatched to South Korea by Kim Il Sung.

The New York Times owes an explanation to the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the advertisement from the New York Times.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "Tokyo Publisher Aims To Sell Book on Kim Il Sung Worldwide," published in the New York Times of October 30.

While the story did have some critical comments about Kim Il Sung, on the whole the publisher could only have welcomed it as publicity. As any American publisher can confirm, the worst thing that can happen to a book is to be ignored by the press; in terms of sales impact, any article, especially any article of generous size, is something to be welcomed, even if the comments are not altogether laudatory.

Since the rest of the American press, so far as I have been able to determine, has ignored the Kim Il Sung biography, the question naturally arises whether the 15 column-inch article in the New York Times was a part of a package deal with the publisher in return for a $7,000 advertisement.

The New York Times article, after discussing the cult of hero worship, concluded with a sentence that will certainly be in the running for the understatement of the year.

Western sources—

Said the Times correspondent—

believe some of the adulatory anecdotes in the book are of doubtful veracity.

Perhaps most interesting, however, is the fact that the article substantially confirms that the book itself and the New York Times advertisement are part of the Communist propaganda operation. Reporting on his interview with the publisher, the Times correspondent said:

He readily conceded that normally his company . . . would not place such expensive advertising abroad. In this case the General Federation of Korean Residents in Japan, a group loyal to North Korea, bought up the first printing and promised the company a sale of at least 30,000 copies.

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

[Advertisement From the New York Times, Oct. 27, 1969]

KOREA HAS PRODUCED THE HERO OF 20TH CENTURY: KIM IL SUNG—BIOGRAPHY (I)

At last! The long-awaited Biography of Kim Il Sung—Vol. I.

To the people who want to understand the great *Juche* ideas of General Kim Il Sung, the Hero of the 20th century that Korea has produced, together with his brilliant history of revolutionary struggles and exploits, his outstanding leadership and lofty virtues, this biography is an essential book. This is a most important book for those who are interested in the history of modern Korea.

This biography is a history of General Kim Il Sung's ardent love for the people over 40 years; it is a great moving epic about Hero General Kim Il Sung who led to victory the national liberation struggle, unexampled in the history of the world: it is a record of victories and glories in the modern revolutionary movement of Korea.

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Date of Publication: February 1970.

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Date of Publication: April 1970.

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[From the New York Times, Oct. 30, 1969]

TOKYO PUBLISHER AIMS TO SELL BOOK ON KIM IL SUNG WORLDWIDE

(By Takasiti Oka)

TOKYO, October 29.—In a tiny upstairs study crammed with books, a young Japanese editor offered tea to a visitor and talked of plans to make a worldwide best-seller out of a biography of Marshal Kim Il Sung, North Korea's ruler.

The biography, by Paik Bong, is not new, said Shoji Matsumoto, chief editor of Miraisha, which has just published the first volume of a three-volume English translation. What is new are the Japanese and English translations.

What is also new, analysts of Communist affairs here say, is a worldwide campaign to sell the biography and to popularize Marshal Kim as a Communist hero.

In North Korea he is the subject of a "personality cult" rivaling that of Chairman Mao Tse-tung in China. The stocky 58-year-old marshal, who was installed in power by the Russians at the close of World War II, is always referred to with such appellations as the "respected and beloved leader."

RULES WITH IRON HAND

In fact, Marshal Kim rules with an iron hand and has periodically purged high-ranking members of his Government to tighten his personal authority. In the last few years his regime has heightened its military pressure on South Korea and created crises for the United States by its seizure of the intelligence ship Pueblo in January, 1967; the shooting down of an unarmed EC–121 reconnaissance aircraft last April and the holding of three wounded men who were shot down Aug. 17 in a helicopter that strayed across the demilitarized zone.

United States military men in South Korea characterize him as unpredictable and some have even called him a madman.

Last Monday a full-page advertisement costing $6,720 and publicizing the book appeared in The New York Times. Mr. Matsumoto said Miraisha intended to place a similar advertisement in The Times of London and to publicize the book in other Western countries.

The advertisements, as well as arrangements for distributing the biography abroad, are being handled through regular commercial channels, Mr. Matsumoto said.

BIG SALE IS PROMISED

He readily conceded that normally his company, a small but reputable publisher of works mostly in the social sciences, would not place such expensive advertising abroad. In this case the General Federation of Korean Residents in Japan, a group loyal to North Korea, bought up the first printing and promised the company a sale of at least 30,000 copies.

Since North Korea has no official relations with Japan, the federation is its semiofficial

representative here. Police authorities estimate that of 600,000 Koreans residents in Japan, 220,000 to 230,000 are loyal to the North.

The book sells for $6 plus postage abroad or for 1,500 yen ($420) in Japan, Mr. Matsumoto said. Miraisha will pay a 10 per cent royalty on sales to the owner of the copyright, the Committee for the Translation of the Biography of Marshal Kim Il Sung, which is affiliated with the federation.

Western sources believe some of the adulatory anecdotes in the books are of doubtful veracity.

PROMISES TO KEEP

Mr. HART. Mr. President, last year, when Congress established the neighborhood development program in the 1968 Housing Act, we renewed a commitment to help our cities stop the plunge into decay and begin the journey back to sound health.

NDP was designed to "facilitate more rapid rehabilitation and redevelopment of blighted areas on an effective scale."

The quotation is from a compilation of the Housing and Urban Development Act of 1968 prepared by the House Committee on Banking and Currency.

Evidently officials of countless cities believe Congress meant what it said.

The Department of Housing and Urban Development has approved 35 NDP applications and has 287 pending or under active preparation.

According to HUD, $692 million will be needed in new urban renewal funds to meet those applications.

Also, HUD reports the pipeline of pending applications for regular urban renewal funds totals about $1.4 billion.

That means the Department of Housing and Urban Development needs more than $2 billion to meet applications on hand, not counting applications which will be submitted during the course of year.

Congress is authorized to make available as much as $1,587,000,000, including a special authorization for model cities.

The urban renewal appropriation situation is this:

Congress has approved $750 million in advanced funding for the current fiscal year.

The past and present administrations both asked for $250 million in new money, which would give HUD $1 billion.

The House approved only $100 million, cutting back the total to $850 million. The Senate Appropriations Committee has not yet marked up the bill.

If Congress appropriates less than the full authorization, and the administration spends less than is appropriated, we can add urban renewal and NDP to the long list of promises that the Federal Government makes but never fulfills.

Unfortunately, even the full $1.5 billion is less than we need, for as noted previously, Secretary Romney says he has applications in excess of $2 billion in urban renewal funds—applications that I am sure he would be happy to fill if he possibly could.

In light of the demand, and in view of the growing complaints—many of which are justified—that Government refuses to put its money where its promises are, I would hope the administration might get behind an effort to secure Senate approval of the full $1.5 billion for urban renewal programs.

Even if the administration does not lend its support to such an effort, I will back the Senate Appropriations Committee if it recommends full funding or, if it recommends less, I will attempt to have the difference added on the floor.

Mr. President, to cut funds for our deteriorating cities to accommodate an across-the-board budget cutting is an insensitive refusal to establish spending priorities.

Urban decay does not slow down to accommodate budget reductions. As a matter of fact, the longer we wait to eradicate that decay, the faster it spreads.

Equally important, at a time when many people are questioning the value of Government's commitment to solve domestic problems, we have promises to keep lest we further undermine confidence in Government's willingness and ability to act.

People have a right to expect that when Congress, with considerable publicity, authorizes a program of so many millions or billions of dollars that the funds will be forthcoming. Too often the funds are not, either because Congress does not appropriate them or administrations refuse to spend them.

If indeed rising prices demand that we cut Federal spending, let us establish priorities which do not place the burden of the cut on those least able to pay.

And consider this cruel irony.

In order to make urban renewal a more effective weapon in the fight to restore our cities, Congress establishes the neighborhood development program.

City officials, on their own initiative and sometimes at the urging of Washington, switch applications from the regular urban renewal program. The flexibility of NDP attracts additional applications, which are in part responsible for the backlog of unfunded applications.

One year later, with only 35 applications approved, 287 pending and countless more on the drawing boards across the Nation, the Federal Government, instead of embracing and supporting its own successful creation, is moving to undercut the very flexibility which makes the program so attractive.

Congress can undercut that flexibility by appropriating less than is authorized to support the program.

The administration can undercut that flexibility by spending less than what may be appropriated and by establishing inappropriate guidelines.

For some months city officials have been reporting rumors that HUD was considering this set or that set of guidelines which would seriously restrict the size of projects qualifying for NDP funds.

These city officials are disturbed—disturbed enough to come to Washington last week to present their case to Congress in person.

So the situation is this.

Congress has approved a flexible program for urban renewal, cities have been encouraged to avail themselves of the program, but now in midstream everything has stopped while the department reexamines its guidelines. The cities are worried that changes in regulations may force them to start anew.

Hopefully the decision will be announced soon. There is already enough uncertainty in the Nation's cities without the Federal Government generating more. It is hoped that the guidelines will not destroy the effectiveness of NDP.

Also, it is hoped that Congress will help remove some of the uncertainty by appropriating what it authorized for urban renewal. We, too, have promises to keep.

Mr. President, to better assess the effects of slowdowns or cutbacks in urban renewal programs, several weeks ago I wrote to each Michigan political subdivision which was involved in an urban renewal program or had applied for one.

Nineteen answers have been received, and I think they are informative. I ask unanimous consent that they be printed in the RECORD.

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

CITY OF ALBION, STATE OF MICHIGAN,
October 17, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Albion Urban Renewal Project, Michigan R-85, is authorized through March, 1970, with a gross project cost of $1,772,759.

We will not have the project completed by this time, and are in the process of preparing a request for an extension. Additional funds will also be needed due to the extended time and due to the inflation of costs.

Furthermore, the benefits of the re-development under this project would be greatly enhanced if we could expand the program to acquire the Gale Manufacturing Company foundry property adjoining the project area, since the foundry operation has been abandoned.

Significant accomplishments have been realized under our Urban Renewal program. Additional funds will be needed in 1970 to finish what we have started and to get the benefits from money already spent.

Your very truly,
VICTOR S. BURSTEIN,
Mayor.

CITY OF ANN ARBOR, MICH.,
October 23, 1969.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR PHIL: In response to your letters of October 9 and 13, I would like to report that the City of Ann Arbor strongly endorses your position of support for full funding of model cities and urban renewal, especially the Neighborhood Development Program.

Ann Arbor currently is in the execution phase of a model cities planning grant, with submission of the plan for action phases due in April of 1970. Any cut back or slow down of funding for model cities would open questions of whether or not Ann Arbor would be able to effectively implement its model cities action program once it is determined. The impact on the residents of the model neighborhood would be one of disillusionment and an image of bad faith by the Federal government and the city if expectations for action on neighborhood problems and needs were stopped because of a lack of funds.

Also, in June of this year, Ann Arbor completed the annexation of a 91 acre parcel of land which has about 75 families living in the area. The neighborhood is without water and sewer facilities, improved roads and

many other public amenities. Extensive rehabilitation work is needed on many of the dwelling units and a plan is needed to guide the full development of the area.

The City of Ann Arbor cannot finance all of the needed improvements, nor can the residents bear the burden of being assessed for the many public improvements and the cost of bringing their houses up to code. Having explored possible Federal programs for the area with the Chicago office of HUD, we were advised that the neighborhood development program was the only program really suited to the specific needs in question.

Having communicated the alternative approaches to the residents of the area, they endorsed the plan to seek a Neighborhood Development Program and voiced their willingness to work with the City in developing the application. Word of possible lack of funds or even elimination of the NDP Program came just after the decision was made to apply for such a grant. The only program offering speedy action on the area's problems may now be cut from under us before the application can even be made.

Great delays in beginning programs in the annexed area intensify the potential for serious health and safety problems due to a lack of adequate water and sewer facilities. Having committed itself to early action if the area was annexed, the City is put into an embarrassing situation if it is unable to deliver a good program.

Ann Arbor intends to go ahead and prepare an application for a Neighborhood Development Program on the assumption that adequate funding will allow for approval and implementation of the program here.

We urge you and your colleagues in the Senate to make every effort possible to achieve full funding of model cities and urban renewal. If we may be of any further assistance to your efforts, we would be pleased to respond.

Sincerely yours,

ROBERT J. HARRIS,
Mayor.

DETROIT, MICH.

Hon. PHILIP A. HART,
Senate office Building,
Washington, D.C.

DEAR SENATOR HART: Along with mayors of cities across the Nation, I am deeply concerned about the outlook for financing the immense needs of urban renewal in our communities. A total of $1.587 billion as already been authorized for fiscal year 1970. However, the administration has asked that only $1 billion be appropriated and the House of Representatives has cut that request to $850 million. The Senate has not yet acted on the request but the bill will soon be on the floor.

The Neighborhood Development Program and conventional urban renewal programs are now starved for funding. The Bureau of the Budget has reportedly told the Department of Housing and Urban Development that during fiscal 1970 it may only spend $150 million for new NDPs and $175 million for the 35 cities with approved NDPs. These amounts are grossly inadequate when compared to the already existing demand for $1.2 billion. Pending applications for non-NDP urban renewal presently total an additional $1.4 billion. Clearly, appropriation of the full authorization of urban funds is essential if meaningful progress is to be made in chartering our urban renewal activities.

Detroit has been working for almost a year on the preparation of an application for a Neighborhood Development Program. Citizen involvement has been at a very high level throughout the preparation, and the negative effects of failing to have a Neighborhood Development Program after such involvement by the residents of the proposed 34.5 square mile area would be a most serious blow to the relationship between government and the citizenry. This is particularly true in that portion of the proposed NDP area which is co-terminus with Detroit's Model Neighborhood, the residents of which have been favorably anticipating the benefits to be gained through the NDP in addition to the model neighborhood activities.

Because of the serious nature of the situation, I respectfully urge you to contact Senator Pastore of the Independent Offices Subcommittee of the Senate Appropriations Committee to solicit his support for full funding of urban renewal activities.

JEROME P. CAVANAUGH,
Mayor, City of Detroit.

CITY OF GRAND RAPIDS, MICH.,
October 17, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In response to your letter of October 9, 1969 regarding pending appropriation bills for the urban renewal and model cities programs, we are able to make the following report on the status of local projects.

Besides two urban renewal projects in execution, Grand Rapids has three others in planning for which planning grants totaling $107,000 have been received and capital grants of $5.9 million have been established. Two of the three projects are located in the inner-city and are scheduled for low income family housing re-use. A cut-back in these programs would cause us to fall behind even further in meeting inner-city housing needs.

The local model cities program is in the planning stage under a $161,000 grant and the first year action program should be completed by Spring. Programs will more than likely be developed within the context of funding policies of the past two years. Consequently, reductions in model cities funding in fiscal year 1971 would decrease the financial resources for implementation originally anticipated by the inner-city community and would undoubtedly impair our ability to respond effectively to physical and social problems now being analyzed.

Please let us know if you need additional information or clarification on these matters.

Sincerely,

C. H. SONNEVELDT,
Mayor.

CITY OF GRAND RAPIDS, MICH.,
October 20, 1969.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I have been advised that the Congress has failed to appropriate the approximately $1.6 billion authorized for urban renewal for the fiscal year 1970.

Further, I have been advised that a bill will be coming before the Senate by the end of this week in regard to the appropriations for urban renewal. We in Grand Rapids urge that Congress appropriate the full $1.6 billion for urban renewal, to enable the funding of two urban renewal projects in Grand Rapids which we proposed to submit within the next year. Both of these applications involve projects within the inner city and affect low- and moderate-income families.

The magnitude of the need for urban renewal in Grand Rapids is such that we are constantly losing the battle to eliminate slums and blight. More blighted areas occur than we can eliminate each year under the limited funds available. We currently have approximately 3,100 acres of blighted property within the City of Grand Rapids, and our estimates are that we would require $27,000 per acre in Federal funds for a total of $84,000,000 in Federal funds to eliminate the blight in our Model Cities area.

It is pointed out that this is just for one city of 225,000 persons. Further, our blight is not as severe as in many other older cities. If we are to make any progress in alleviating this problem of blight, it is essential that urban renewal be funded at the highest level possible.

I urge your support in securing the appropriation of the full $1.6 billion available for urban renewal.

Sincerely,

C. H. SONNEVELDT,
Mayor.

CITY OF LINCOLN PARK,
Lincoln Park, Mich., October 24, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR PHIL: In reply to your letter of October 9, relative to full funding by Congress of urban renewal programs, I wish to advise as follows.

On April 17, 1967 the City of Lincoln Park submitted a Survey and Planning Application for our fourth project, the North Fort Urban Renewal Project, No. Mich. R–173. We subsequently advised that this project met all the Federal guidelines, was approved at the Chicago office of HUD, Region IV, and sent to the Central Office in Washington for final approval. Since that time, our Urban Renewal Director has been advised on several occasions that inadequate funding of urban renewal programs is the only reason for the delay in the approval of this project.

Since submission of this Application, the City of Lincoln Park has satisfactorily completed and closed out its first Urban Renewal Project, No. Mich. R–47.

All project activities have been substantially completed for our second project, No. Mich. R–84, and HUD is presently requesting that final action be taken relative to the close-out of this project.

Our third project, No. Mich. R–102 has gone into execution less than a year and a half ago. Since that time approximately 90% of all properties have been acquired in this project, and all other activities are proceeding ahead of schedule.

In addition, on March 8, 1968 the City submitted an Application for Federal Assistance for a Code Enforcement Project, No. E–7, covering two areas of the City. We have also been advised that this project substantially meets all Federal criteria, but has not been approved due to inadequate funding.

In view of the generally slow pace of urban renewal activities throughout the country, I am certain that you can recognize the fine progress that the City of Lincoln Park has made in its urban renewal program. In the event that the pending Application for Survey and Planning Funds for Project Mich. R–173 and/or the Application for Federally-Assisted Code Enforcement Project E–7 are not approved shortly, it may be necessary to institute certain staff reductions of well trained personnel.

In view of the foregoing, it is inconceivable that the City of Lincoln Park's urban renewal efforts be substantially curtailed as a penalty for outstanding progress and efficiency.

Your efforts in obtaining full funding for urban renewal and approval of the above projects would be greatly appreciated.

My very best wishes,

Sincerely yours,

ROBERT A. DEMARS,
Mayor.

LINCOLN PARK, MICH.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.:

The mayor and council city of Lincoln Park strongly urge passage of full 1.6 billion dollars urban renewal funds.

WILLIAM G. SUZORE,
City Clerk.

CITY OF MUSKEGON, MICH.,
October 21, 1969.

Senator PHILIP A. HART,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I have received your letter of October 9, 1969 regarding funds for urban renewal and related programs. I appreciate your continued interest in helping us with our local programs, and once again, emphasize the critical necessity of appropriating the nearly 1.6 billion dollars authorized by Congress for urban renewal, and commend you for your current efforts towards realizing this appropriation. In order to provide requested background information pertaining to the status of HUD programs in the city, I am enclosing a document entitled *Muskegon, Michigan Community Improvement Program* which is in revised copy of a report under the same title given you earlier this year, and dated February 8, 1969.

In reviewing the little progress that has taken place since last February I believe you will be able to appreciate the frustration faced by municipal people in communities like Muskegon, where despite full efforts, we watch daily the situation grow worse, a determination due almost entirely to the effects of present cutbacks and slowdowns in the implementation of the housing and renewal program. To further cut the completely inadequate level of funding now authorized by Congress would be most damaging and irresponsible. It will mean, in Muskegon, that many homes that could be saved today through a rehabilitation program will at some future date become the cause of a complete clearance program. It will also mean that actually hudnreds of Muskegon families will continue to live in substandard and unfit housing for a number of years to come.

Our planning has been sound. We know what our problems are, and how to attack them. Those local programs that have been funded (with your help) are proving meaningful in their sector of the attack front facing our urban problems, yet none will be truly effective unless we can launch the attack in all segments.

Your continued support of community assistance programs will hasten our day of victory.

Sincerely,

WALTER M. BROOKS,
Mayor.

MUSKEGON, MICH., COMMUNITY IMPROVEMENT PROGRAM

We have worked at our Community Improvement Program for a decade.

Workable Program certified since 1958.

Marquette Renewal (Mich. R–5) execution began in 1960.

Housing Condition Survey 1964.

Neighborhood Analysis 1965.

Community Improvement Program 1966 (basis for urban renewal planning, Model Neighborhood and Neighborhood Development Program).

Downtown Renewal Planning (Mich. R–134) 1965.

Housing Commission established 1965.

Application for Survey and Planning funds Froebel (Mich. R–188) 1967.

Model Neighborhood Application 1967 and 1968.

Reservation for 200 public housing units Project Mich. 66–3 1967.

Plans for Downtown revised at request of Regional Office to meet new Federal Guidelines, March 8, 1968.

Submission of Part I Application for Downtown Mich. R–134, May 1968.

Submission of development program for 25 units rehab Mich. 66–1 Aug. 1968.

Referendum affirmation of City Commission adoption of Downtown Renewal Plan Dec. 1968.

Submission of Part II Mich. R–134 Dec. 1968.

Preparation of N.D.P. application Feb. 1969.

Submission of N.D.P. application March 1969.

Part II Mich. R–134 Regional review completed, sent to Washington April 1969.

N.D.P. assigned project number Mich. A–7 April 1969.

25 units rehab HAA Project No. 66–1 approved April 1969.

Submission of application for 200 Housing Commission units of elderly Mich. 66–4 May 1969.

Submission of Turnkey developer 100 Housing Commission units, family Mich. 66–2 May 1969.

Workable Program recertified June 20, 1969.

THE RESULTS OF A DECADE OF WORK

Marquette Neighborhood Development Project (Mich. R–5).

A. Early years project moved slowly due to inadequate local politcial support.

B. Today considered a success:

(1) 300 substandard structures removed—100% relocation success.

(2) 300 homes rehabilitated to standard.

(3) Area today pays more taxes than before renewal.

(4) Neighborhood changed from worst in city to best.

(5) Neighborhood being successfully integrated.

(6) Project resulting in a substantial increase in moderate income housing for the community (170 units 221(d)(3) below market interest financing for remaining 70 units in package in question).

C. Road block to project completion—sale of project land:

(1) 400 single-family lots to be disposed of at a project area market absorption rate of 25 units per year (based on middle income market if financing available)

(2) Absorption rate negatively effected by:

(a) Price competition of privately owned lots in neighborhood.

(b) Integration of neighborhood.

(c) Lack of funds for promised special assistance under the FHA Section 220 program.

(3) Horrendous interest cost faced by the city and the Federal government may be saved by:

(a) being able to provide subsidized low and moderate income housing (our requisition for Section 235 assistance payments for 50 units has been denied) to move into an untouched market.

(b) to convert the project to an N.D.P., settle up on work completed and accordingly reduce project loans.

Downtown Redevelopment Project (Mich. R–134):

A. Planning was slowed considerably due to changes in Federal policy (i.e., national goals) resulting in plan changes.

B. Downtown Redevelopment requires priority consideration and expeditious processing of Part II of the Application for Loan and Grant because.

(1) Importance to the economic future of the Muskegon area:

(a) Economic boost resulting from the physical reconstruction of the area.

(b) The stabilization of the city's Central Business District and the resulting increase in job opportunity and security.

(c) Basic improvement of the city's image affecting the area's ability to attract new business and industry.

(d) Timing now is right for private enterprise—delay could see existing market met elsewhere.

(e) A voter mandate to move the project forward (44% turnout—2 to 1 victory margin for renewal).

Model Neighborhood Program:

A. Application made in 1967 and 1968.

B. Muskegon and Muskegon Heights: only two Michigan cities applying for program not funded.

C. Muskegon program unique in its human, environmental and physical development strategy linkage to the known and foreseeable economic development potential of the area.

D. Have attempted to move ahead on program despite lack of funding:

(1) Froebel Renewal application Mich. R–188 (part of Model Neighborhood and N.D.P. area).

(2) City-Muskegon Area Development Council Housing Program ($140,000 revolving fund to provide seed money for rehabilitation housing).

(3) Training program for rehabilitation helpers.

(4) The development of a private-public sector economic development strategy.

(5) Neighborhood Development Project application (same area as Model Neighborhood area).

(6) The development of an overall housing strategy to substantially increase the supply of low and moderate income housing in the next four years—approximately 1400 units are planned to be developed in a joint public-private effort.

E. Program activities stalled due to lack of funds:

(1) Froebel Renewal.

(2) N.D.P.

(3) Housing subsidies and housing assistance staff.

(4) Basic planning for human resource development programs to meet the demands of new technology mixes in business and industry.

(5) Development of a new educational strategy emerging from Model Neighborhood plan.

(6) Development of a Neighborhood Development Plan based upon individual family plans including continuing caseload inventories and use of "PERT" programming.

WE HAVE HAD HELP

A. Loan and Grant assistance in carrying out the Marquette Neighborhood Project (Mich. R–5);

B. Advance of Planning Funds for the Downtown Project (Mich. R–134);

C. Housing assistance;

D. Over the years we have had excellent cooperation from the administrative and field personnel of the Chicago Housing and Urban Development Regional Office; and

E. Outstanding support and technical assistance from the Grand Rapids Federal Housing Administration insuring office.

WHAT WE NEED TO MOVE AHEAD

A. Approval of Part II of Application for Loan and Grant for Muskegon's Downtown Renewal Program (Mich. R–134) (1).

B. Expeditious processing and approval of Neighborhood Development Program application submitted on March 4, 1969, or if this is not possible.

C. Approval of the Survey and Planning application for the Froebel Neighborhood (Mich. R–188).

D. Approval of Muskegon's Second Round Model Neighborhood Application, or if this is not possible.

E. The provision of staff assistance to assist in the fuller utilization of on-going Federal aid programs in solving the human and physical problems documented in our Model Neighborhood Application.

Muskegon Department of Housing and Urban Renewal.

February 8, 1969.

1st Revision May 2, 1969.

2nd Revision June 23, 1969.

3rd Revision October 20, 1969.

(1) Part II approved late summer '69. City has executed Loan and Grant Contract on its behalf. Still awaiting execution of contract by U.S. Government.

CITY OF SAGINAW, MICH.,
Saginaw, Mich., October 15, 1969.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: In response to your letter of October 9, 1969, I am outlining below the status of urban renewal and code enforcement programs in the City of Saginaw, together with our opinion as to the effect any cutback or slow-down would have on the individual projects.

I. EDDY URBAN RENEWAL PROJECT NO. 1—MICH. R–13

This project is scheduled to be completed December 31, 1969. All expenditures on this project have been made so this should be relatively unaffected by any cutback in urban renewal funds.

II. EDDY URBAN RENEWAL PROJECT NO. 2—MICH. R–67

This project is nearing completion. All land has been acquired and most improvements have been installed. Land disposition is the major activity in this area at the present time. However, due to rising costs on some of the uncompleted public improvements, there is a good possibility that an amendatory application for additional grant funds might have to be submitted to complete this project. Any curtailment of federal funds available for amendatories, therefore, would jeopardize the completion of this project.

III. EDDY URBAN RENEWAL PROJECT NO. 3—MICH. R–197

The City of Saginaw has recently submitted a Survey and Planning Application requesting $186,486 in planning funds to carry out the last project of the Eddy General Neighborhood Renewal Area. This application asks for a reservation of $1,082,839 in capital grant funds. Any cutback or slowdown in urban renewal funds would very seriously hamper our efforts in this project. This is a small project which would complete the renewal of the entire Eddy area; and it is very important to the establishment of a completely renewed neighborhood. Any slowdown in this area might have adverse effect on the remaining Eddy area, which has been completely rebuilt.

IV. SALINA URBAN RENEWAL PROJECT NO. 1—MICH. R–103

The City of Saginaw has recently entered into a Loan and Grant Contract with the Federal Government for the carrying out of this project. At the present time we are in the midst of land acquisition and relocation, and it appears our existing funds will be sufficient to carry out the successful completion of the project. However, with rising costs of public improvements there exists the possibility that in future years an amendatory application for additional grant funds may be needed. If these funds were not available it would certainly slow down progress on this project.

V. CENTRAL BUSINESS DISTRICT PROJECT NO. 1—MICH. R–131

The City has recently completed a Part I Application for Loan and Grant on this project and submitted it to the Regional Office for approval. The capital grant reservation for this project was $3,384,000 when the Survey and Planning Application was submitted in 1964.

During the planning of this project it was evident that this estimate was low due to incomplete plans on which to make an estimate and increased costs. Our Part I Application requests a capital grant in the amount of $8,449,900. This is an increase of $5,015,900 over our regional request. If funds are not made available for increases in capital grant funds for projects in planning, then this would very seriously hinder our efforts at downtown renewal. This is perhaps the most important project to the entire City of Saginaw at this time since the whole redevelopment of our core area depends upon initial federal assistance to get it started. As you know, these projects can be very expensive and are sometimes subject to major changes during planning and execution. In order to carry these projects to their logical conclusion it is important that a steady source of capital grant funds be made available and that increases in existing reservations be anticipated so that execution may not falter half-way through the program. New legislation for additional capital grant funds are very important to this project.

VI. CODE ENFORCEMENT PROJECT—MICH. E–3

The City of Saginaw is in the final stages of completing a very successful code enforcement project; however, because of increased standards for sidewalk repair we had to make an amendatory application for $200,000 additional money for sidewalk repair alone. This program has been approved by the Regional Office and has been awaiting final approval in Washington for almost two months. Part of the problem here, I believe, is the availability of additional funds; and it is apparent that the slow-down has already caught up with this project and that we have been forced to extend the project an additional year.

Along this same line, we have recently submitted an application to the Federal Government for extending these code enforcement projects. This application has been returned to us under the guise of eligibility of the project areas. However, these areas are not that much different from the original code enforcement areas and we have strong reason to believe that lack of capital grant monies to finance new code enforcement projects may be the reason behind this. Thus we feel that additional monies for urban renewal would relieve the objections to this project and get it into execution.

VII. A NEIGHBORHOOD DEVELOPMENT PROGRAM

The City of Saginaw did not submit an application for a Neighborhood Development Program because of the requirements of the Regional Office that we convert certain existing projects to Neighborhood Development Programs before any new areas could be considered by the City. We thought this action was arbitrary; however, we did start an application shortly before the funds for this program were cut off. Now that funds for this program are depleted, we cannot make any applications for new projects. We do, however, feel that the Neighborhood Development Program is very good in theory and would help us considerably in starting new projects in the Salina area and also in the downtown area, which now must wait years before progress can begin. We would very strongly urge that additional funds be made for this program in order to speed up the renewal process in the City of Saginaw.

Your help in achieving additional funds for urban renewal programs would be greatly appreciated.

Sincerely yours,

E. H. POTTHOFF, Jr.,
City Manager.

CITY OF ST. CLAIR SHORES,
October 20, 1969.

Senator PHILIP A. HART,
Washington, D.C.

DEAR SENATOR HART: This letter is in response to your letter of October 9, 1969 regarding the appropriation of funds for urban renewal and other programs by the Senate Appropriations Committee.

The following represents the status of our urban renewal program:

(1) Project No. Mich. R–24 (Residential)—Completed, 1968.

(2) Project No. Mich. R–69 (Industrial)—Completed, 1968.

(3) Project No. Mich. R–122 (Residential)—To be completed by July, 1970.

(4) Proposed Nine Mile-Mack Redevelopment Project (Commercial)—Survey and Planning Stage.

The proposed Nine Mile-Mack Redevelopment Project encompasses approximately 29 acres of predominantly commercial land. Gross Project Costs for said project total $5,200,000 with an anticipated federal grant of $2,900,000.

A Survey and Planning Application was submitted to the Chicago Regional Office for approval and processing was discontinued until a later date because of priority considerations. The obvious effect of any cut back of urban renewal funds will delay if not discontinue further redevelopment efforts in the Nine Mile Mack area by the City and private concerns. The area will ultimately continue to deteriorate.

Speaking for the city officials of St. Clair Shores we thank you for your concern and sincere efforts in trying to obtain the necessary monies needed for the rebuilding of our cities.

Very truly yours,

HAROLD F. SWARTZENBERG,
Urban Renewal Director.

FERNDALE, MICH.

Senator PHILIP HART,
Washington, D.C.:

Ferndale Michigan City Commission urges you to support full appropriation of the authorized 1.6 billion dollars for urban renewal and to convey support to Appropriations Committee. Commission believes full appropriation critical necessity.

RICHARD L. FOSMOEN,
Urban Renewal Director.

BAY CITY, MICH.

Senator PHILIP HART,
Old Senate Building,
Washington, D.C.:

Bay City Commission solicits your support before the Appropriations Subcommittee and on the Senate floor for an urban renewal appropriation for fiscal 1970 equal to the authorization of 1.587 billion.

W. LARRY COLLINS,
City Manager.

LANSING, MICH.

Hon. PHILIP A. HART,
U.S. Senate,
New Senate Building,
Washington, D.C.:

The following resolution was adopted at the regular meeting of the city council, City of Lansing, Michigan, on Monday, October 20, 1969;

Whereas, through urban renewal the provisions of decent housing for low income families and opportunities for equal employment are basic tools in assisting in solving the problems of the cities, and

Whereas, Congress, through the housing acts of 1937 and 1949 and through subsequent amendments of said acts have broadened the scope of the programs to meet the increased needs of the cities, and

Whereas, through such legislation, Congress has held out high, and promising, but still unfulfilled hopes to the communities, and

Whereas, the city council of the City of Lansing has consistently responded to the needs of this community by providing housing for the low income, and

Whereas, a significant impact on the housing and employment needs of this community can not be met without financial assistance from the Federal Government, and

Whereas, it has become clearly apparent that the current budget appropriations are inadequate to meet the needs of the cities, and

Whereas, the City of Lansing is finding

itself completely frustrated in its attempt to receive approval of the most recent NDP application for what is termed a lack of funding, resulting in a projected loss to the City of Lansing of 2,200 positions of employment, and land availability for approximately 600 units for the low and moderate income and

Now, therefore, be it resolved that the city council of the City of Lansing joins with the National Association of Housing and Development Officials, the National League of Cities, and the U.S. Conference of Mayors in calling for an immediate maximum funding in the amount of $1.6 billion for renewal programs, and

Be it further resolved, that a copy of this resolution will be sent to Senator Philip A. Hart, Senator Robert P. Griffin, Congressman Charles E. Chamberlain, Senator Richard B. Russell, Chairman, Senate Appropriations Committee, and to Thomas J. Scott, chief clerk of that important committee.

GERALD W. GRAVES,
Mayor.

CITY OF ROGERS CITY, MICH.,
October 16, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR HART: In answer to your letter concerning Rogers City's status in their Central Business District Renewal Project, the Survey and Planning phase has been completed and we are awaiting approval of the Part II of the Application for Loan and Grant. We have a grant reservation in the amount of $853,835.

Our Plan for renewal of Rogers City has been voted on and passed by the people of Rogers City last spring. While it is a small project compared to some, it is of vital importance to the future economy of this city which stands to lose its commercial tax base and future commercial development if the renewal project is not implemented.

With increasing costs of municipal government, if there is a curtailment of the plans we have for this community improvement by insufficient funding to carry out our program, there is little, if any, immediate future hope of easing the economic plight of our community.

Sincerely,

LEWIS KARSTEN,
Mayor.

CENTERLINE, MICH.,
October 16, 1969.

Senator PHILIP S. HART,
U.S. Senate, Committee on Commerce.:

Cutbacks in the Neighborhood Development Program would have an extremely adverse impact on the City of Warren. Our present and proposed NDP projects involve 35,000 residents, 500 businesses and 9,000 dwellings, spread over 1,500 acres of land. It is one of the largest urban uplift efforts in the State.

Of current projects, one is in full execution, another has just received local approval, and planning is well underway on the third. In addition, we have asked HUD for funds to begin planning four more projects.

The basic thrust of our program is to preserve existing housing through Federal grants and loans for housing rehabilitation. The homes can be saved but only if remedial action is taken promptly. To delay the program could doom it.

I admit the need to cut Government spending. But priorities must be maintained. And none is more pressing than the need to preserve an adequate supply of safe and decent housing. To achieve this goal, NDP is, in my view, the best program ever devised. It would be a true tragedy if NDP is crippled and rendered feeble by a "penny wise and pound foolish" Congress. I laud your efforts to continue full funding of NDP and fervently hope that your view shall prevail. If I can be of further help in any way, please don't hesitate to contact me.

Sincerely,

TED BATES,
Mayor.

CITY OF DEARBORN HEIGHTS,
October 13, 1969.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In your letter of October 9th, 1969, you asked for information concerning Dearborn Heights needs for monies in the Urban Renewal Neighborhood Development Program.

The City of Dearborn Heights has two Urban Renewal Projects and at the present time are stymied. One, MICH–R–127 has been in the acquisition stage for some three to four months but because there is an estimated $175,000 deficit in the funding, we have not been given an okay to go ahead, so, not even one parcel of property has been bought as of this date.

The other, MICH–R–126 is currently in Washington to proceed with acquisition, however, it has been there for sometime and I don't know how much longer it will be there.

The net effect of any cutback or slowdown will only create further problems for our city. The Federal Government has already expended a tremendous amount of money in the planning stages and the people have been held up for five or six years concerning the sale of their property and it is my feeling that unless something is done to speed up the appropriations and get approval where we can secure this property, it will be necessary for us to abandon these projects and this would certainly not be in the best interest of the city and would also cost the Federal Government a considerable amount of money.

I hope the above information is what you were wanting. If I can be of further assistance, please let me know.

Very truly yours,

JOHN L. CANFIELD,
Mayor, City of Dearborn Heights.

CITY OF BENTON HARBOR, MICH.
October 23, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The City of Benton Harbor is currently engaged in a large Urban Renewal Project in the core area of the City and is most concerned with its ability to complete this project on a timely basis and also to honor commitments made to expand the project, because of the current economy drive and proposed cut backs in funding for Urban Renewal and Model Cities Programs. Benton Harbor and Benton Township are also, at this time, submitting final plans for a Model Cities Grant.

Your letter of October 9, 1969, increases our concern and we urge that every effort be made to achieve full funding for the Urban Renewal and Model Cities programs in particular. The City of Benton Harbor finds itself in the position of losing a substantial number of citizens to the suburbs as well as its downtown areas experiencing a loss of a considerable number of merchants. We have the hope and expectation that our first Urban Renewal Project can reverse this situation to some degree and will enable us to attack other problems of deterioration in the commercial and residential areas in the coming year. However, the successful completion of this first project will depend upon increased assistance from the Federal Government because of the enormous increases in costs since the project's inception and the delays we are experiencing in the Department of Housing and Urban Development with current applications.

We greatly appreciate your interest in the problems of the urban area and particularly desire your assistance on behalf of the City of Benton Harbor. Thank you in advance for your consideration.

Very truly yours,

WILBERT F. SMITH, *Mayor.*

CITY OF FERNDALE,
Ferndale, Mich., October 20, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Your letter to Mayor Bruce D. Garbutt relative to the level of financing in Urban Renewal and Model Cities Programs has been referred to this office for reply.

The City of Ferndale is presently engaged in an Urban Renewal Program consisting of two stages—Mich. R–125 and Mich. R–171. Mich. R–125 has been fully funded and is in execution. Mich. R–171, which is an integral part of the total renewal program has received a grant reservation, but is not yet in execution.

A more serious financing problem affects our Concentrated Code Enforcement program. At present, the City of Ferndale has such a program in effect in two areas of the City. Our experience indicated that this program has wide spread public support and is doing an excellent job in upgrading neighborhoods through Housing Code requirements. The City Commission has recently authorized the filing of an application for an additional Code Enforcement grant for two more areas of the City. Utilizing the Code Enforcement Program, we are upgrading our City without the problems usually associated with the total clearance approach of Urban Renewal (i.e. lengthy planning periods, relocation, etc.).

I am uncertain as to whether funds for the Concentrated Code Enforcement Program is included in the appropriations bill now before the Senate Appropriations Committee. If so, we would urge the full funding of these programs so that we may continue our efforts in these programs.

We will provide any additional information which you may desire. Thank you for the opportunity to comment on this matter.

Very truly yours,

J. WILLIAM LITTLE,
City Manager.

CITY OF MUSKEGON HEIGHTS, MICH.,
October 13, 1969.

Re Your letter of October 9, 1969.

Senator PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In March 1969, the Department of Housing and Urban Development made a grant reservation of $1,260,000 for use by the City in the "West Heights" project. Thereafter, we immediately commenced planning activities which would have resulted in a redevelopment plan being submitted to HUD in February 1969.

However, in August 1968, HUD instituted the Neighborhood Development Program. They then urged the City to abandon planning for a conventional "West Heights" urban renewal project and switch to the Neighborhood Development Program. We were advised as late as May 1969 that an NDP application would be approved by HUD 90 days after submission whereas the conventional urban renewal plan could take up to two years for approval.

Therefore, after being informed our grant reservation would not be jeopardized, we commenced NDP planning in May 1969 and would have submitted an application to HUD in September 1969. However, in September 1969, HUD stated they would not accept an NDP application; the City should temporarily

terminate further NDP planning activities; and severe policy changes would emanate from Washington.

Since then, we have attempted to determine the extent of these new policies, but the Regional Office has indicated they are not yet aware of them and are "anticipating a directive any day." We are three weeks away from completing NDP planning and the application submission but cannot proceed further until advised of these new policies.

As a result, no substantial NDP planning has taken place since early September. Yet this is the program best suited for the Heights because of its speed and flexibility. However, if HUD continues not to apprise us of these "severe policy changes," we will be forced into returning to conventional urban renewal and use our grant reservation.

Regardless of the approach we finally use, an excessive delay has resulted. It looks as though the 140 dilapidated dwellings in this project will still be standing next summer. In addition, the City's creditability is suffering because of the delays. Further extensions of NDP or urban renewal are being looked upon with mistrust by the project residents.

Very truly yours,

KENNETH E. HEINEMAN,
Mayor.

CITY OF PONTIAC, MICH.,
Pontiac, Mich., October 23, 1969.

Senator PHILIP HART,
Old Senate Office Building,
Washington, D.C.

DEAR PHIL: I appreciated the opportunity to meet with you on Tuesday to express my deepest concern over the pending urban renewal appropriations bill before the Senate. The ability of this city to meet its responsibilities of its citizens living in the blighted areas of our community depends primarily upon the federal funds made available for urban renewal and Neighborhood Development Programs.

I, therefore, request your support and leadership in obtaining the maximum financial commitment of the federal government to materially assist in solving the existing problems in our city and those of all the other cities in this country. I am requesting that you use your good offices to secure the full appropriation of $1.587 billion authorized for the year 1970.

The City of Pontiac has prepared a Neighborhood Development Program Application covering two substantial areas of the City. The major activities to be carried out in the Neighborhood Development Program areas is the rehabilitation of existing structures, the clearance of major blighting influences, and the general upgrading of such essential public improvements as streets, schools, parks, and utilities.

The first area has been selected because the Pontiac School District has proposed the development of a Human Resource Center which will soon be under construction. The Human Resource Center is a facility which will soon provide elementary education to approximately 2,000 students, facilities for adult education, and vitally needed health programs. Another important factor in the selection of this area was its proximity to the City's existing urban renewal project.

The Neighborhood Development Program will permit the City to provide needed recreational facilities and adjustments to the road system which are essential to the Human Resource Center. If the Neighborhood Development Program is not federally funded, the Pontiac School District will be obligated to divert already committed funds to provide these recreational and street improvements.

The second area is located in the SW section of the City, and is an area in which Harambee Incorporated, an all black nonprofit housing group, has been active. To date they have prepared a development plan for the area, and with a $1.1 million interest-free loan from General Motors Corporation have purchased land for the ultimate construction of more than 500 dwelling units. This will ultimately result in more than $6,000,000 worth of construction in the area during the next few years. It will be the first major building activity which has occured in this part of Pontiac since 400 units of public housing were constructed in 1952. This type of building activity will do much to generate the latent pride of people living in this area.

For this effort to be fully realized it is mandatory that the City, through the Neighborhood Development Program, remove existing scrap yard operations located adjacent to the vacant sites which have been purchased by Harambee, and to rehabilitate the existing housing in the area along with the upgrading of all public facilities.

The City of Pontiac has advanced its scheduled improvements of Crystal Lake and Clinton River so that the problems of flooding can be corrected including the restoration and conversion of Crystal Lake into a swimming and fishing lake. The City estimates the cost of these projects will be $12,000,000.

The City School District has contracted for architectural plans to construct and rehabilitate a senior high school in Pontiac which will cost approximately $20,000,000.

This neighborhood has been severely affected by heavy through traffic on local streets during shift changes at General Motors, due to the inadequacy and lack of through major streets. It is proposed that major street improvements be made in the City so that the major investments in new housing and those in existing rehabilitated housing can be protected.

It is felt that the program which has been developed as part of the Neighborhood Development Program Application for the City meets the objectives which were established as part of the Neighborhood Development Program concept. It is the only feasible way that major sections of our City can be upgraded to the benefit of all citizens living in these areas.

The laws covering urban renewal in the state of Michigan require that Citizen District Councils be established for the purpose of participating as the planning and execution of urban renewal activities. Because of the current uncertainty of the programs, the City has refrained from establishing such organizations. Thus, we do not have a total plan or budget for these areas. We have been able to develop some tentative cost estimates for the first year activity. The projected cost is approximately $3,750,000.

The guidelines which are now being discussed by HUD, particularly those relating to the $1,000,000 maximum grant per community and to require completion in two years, makes it impossible to attack the problem of these areas on a comprehensive area basis.

The financial commitment which is needed in federal funds to carry out the objectives of our proposed Neighborhood Development Program are substantial. However, the City and the Pontiac School District have projects currently operating which are more than ample to meet the City's local share in relation to our requested federal grants.

I have enclosed for your review and use a map relating the Neighborhood Development Program areas with the major public improvements and private developments which are programmed.

Thank you for your continued interest and support in this city's needs.

Sincerely,

WILLIAM H. TAYLOR, Jr.,
Mayor.

ROMULUS TOWNSHIP, URBAN RENEWAL DEPARTMENT,
Wayne, Mich., October 23, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SIR: In response to your letter of October 9, 1969 requesting information on the status of the Urban Renewal Program in Romulus Township, Michigan I am pleased to submit the following:

On March 15, 1968 approval was received to commence Survey & Planning operations for Wayne-Beverly Project No. 1, Project No. Mich R–187. These planning operations were commenced immediately. By February 1969 the Part I Application for Loan and Grant for Mich R–187 was substantially completed. At that time, after consultation with the Regional Office and with the approval of the Romulus Township Board, it was decided to convert all Urban Renewal activities in Romulus Township to the new Neighborhood Development Program approved by Congress in the 1968 Housing Bill. The NDP Area would include the total GNRP Area Mich R–82 and would allow us to proceed on a much broader scale, than under the original Urban Renewal Program. An additional factor involved was that, because of the studies done under Survey & Planning, it was obvious that the Grant Reservation for the first project would not be sufficient to carry out the provisions of the Plan.

On August 19, 1969 the Romulus Township Board of Trustees passed a Resolution approving the submittal to the HUD Regional Office in Chicago of the Neighborhood Development Program Application. Ten copies of this Application along with supporting documents have been submitted and are now on file in the HUD Regional Office in Chicago.

Not long after that Romulus Township received a letter from HUD explaining that, at the present the Federal Government has placed a freeze on all new NDP programs.

When this situation came to our attention we immediately proceeded to evaluate our position, particularly with the possibility of proceeding immediately with the project under the old Urban Renewal Program. We then contacted the officials of HUD Regional Office in Chicago as to the status of our Grant Reservation. We received assurances from HUD that, upon request, this Grant Reservation would be extended as long as necessary. We immediately dispatched a letter to HUD requesting an extension of time to May 1, 1970. We then instructed our Planning Consultants to prepare the necessary Part I and Part II Applications under the old Urban Renewal Program. Fortunately 90% of the work completed to date under the General Neighborhood Renewal Plan, the Neighborhood Development Program, and the Survey & Planning Program, will be applicable. We have also taken steps to assure that those Non-Cash Grants-In-Aid eligible under the GNRP and projected from the NDP are protected. Although the Township has not suffered any actual dollar loss by this latest Federal maneuver we have again suffered a time delay of about 6 to 8 months, time which we can ill afford.

In addition because of this delay we are unable to take full advantage of our Relocation Program. At the present time ready for occupancy is 101 units of Public Housing, 85 Units of Cooperative Housing and Michigan Consolidated Gas Company has committed to build 210 Units of Moderate Income Rental Townhouses. With all this housing available for relocation we can not enter into our Relocation Program because we do not have an approved program nor can we acquire properties.

It is the opinion of Romulus Township that the Neighborhood Development Program, as originally approved in the 1968 Housing Bill, is the best method yet devised to handle the job of redevelopment and re-

newal in a community. And you can be assured of our continued cooperation in any efforts to have this vital program totally funded.

We have been in continual contact with Congressman William D. Ford of the 15th Congressional District and his office will be able to supply you with any additional information you may require.

Very truly yours,

GEORGE WILHELMI,
Urban Renewal Director.

CITY OF MADISON HEIGHTS,
Madison Heights, Mich., October 22, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I am writing in response to your letter of October 9, 1969 requesting information on any pending Federal Aid Applications the City might have. As you will recall, I have communicated with you and our other representatives concerning the status of our Andover Conservation Project Application.

The Andover Conservation Project is a rehabilitation program covering an area approximately 15 blocks in the City and affecting 300 families, This program was initially submitted to the Chicago Regional Office of H.U.D. in the Fall of 1967 as a conventional Urban Renewal Program. During the latter months of 1968, the Regional Office personnel encouraged our staff to convert this application to a Neighborhood Development Program. After an expenditure of several thousand dollars and many hours of work on the part of our Planning Staff, a completed application was forwarded to Chicago in May of 1969. Since that time, as you are well aware, the entire N.D.P. concept has been in jeopardy. We have, therefore, expressed our extreme concern regarding our program, as well as the total concept of the N.D.P.

Now it appears that the various rules and restrictions that are being placed on the Neighborhood Development Program by the Administration in Washington will have a detrimental effect on the original N.D.P. Program. In a telephone conversation with Representative William Broomfield's office in Washington, we expressed our strong objection to the rules that the Administration is suggesting. Due to the indecision on the part of the Federal Agency, we are now forced to consider returning to the conventional Urban Renewal Program and handling the entire project in one proposal. This would mean a substantial setback in the amount of real progress that can be made during the first year and one-half of the program. As you know, under a conventional program, the study stage of Survey and Planning takes approximately six to nine months. This means that actual rehabilitation of the neighborhood in question cannot begin until late 1970 or early 1971.

We are now faced with a crucial problem as we have a non-cash credit in this project of in excess of $200,000, which expired on September 21, 1969. It is our contention that we would have been underway with the conventional program if we had not been encouraged by the Regional Office to convert this program to an N.D.P. Project. Our only hope is that the bill pending before Congress, which you forwarded to me, will receive favorable consideration and non-cash credits for projects that have been submitted will be extended to four years.

We are still faced with the problem of approval of our Conventional Program and/or our N.D.P. Application by the Department of Housing and Urban Development as soon as possible. We can only accomplish the objectives of renewing the neighborhood and creating a better environment for the residents of the area through the assistance of the Federal Government. Any help that you can provide in obtaining an early approval of this program will be greatly appreciated. In the event your office has any questions or desires further information, please feel free to contact me at once.

Sincerely,

MONTE R. GERALDS, *Mayor.*

WHO PAYS FOR DEFENSE?

Mr. HATFIELD. Mr. President, we in Congress have been becoming increasingly aware of our responsibilities in the area of foreign affairs, overseas commitments, and military obligations. Congress has been lax in fulfilling its constitutional obligations in this respect and is in the process of serious self-examination: analyzing its duties and prerogatives, and on this basis, examining and effecting national priorities.

In light of this rather new and recent scrutiny within Congress, I commend to the Senate an article entitled "The Price of War," written by Dr. Bruce M. Russett, and published in the October issue of Trans-Action magazine. Dr. Russett provides a unique perspective of the economic relations between military spending and other spending areas within our country. For my own State, Oregon, Dr. Russett's method of analysis helps to explain further the Federal cutbacks in sectors crucial to our social existence: timber, education, public works, recreation, and construction, to name a few.

Mr. President, I ask unanimous consent that the Trans-Action article be printed in the RECORD.

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

THE PRICE OF WAR

(By Dr. Bruce M. Russett)

"Peace" stocks are up; "war" stocks are down; congressmen scrutinize Pentagon expenditures with newly-jaundiced eyes. Any (New Left) schoolboy can rattle off a list of the top ten defense contractors: General Electric, Boeing, General Dynamics, North American Aviation. . . . Scholars and journalists have worked hard lately, and now almost everyone knows who *profits* from defense spending. But who knows who *pays* for it?

Nothing comes free, and national defense is no exception. Yet curiously little attention has been paid to the question of which segments of American society and its economy are disproportionately sacrificed when defense spending rises. Despite some popular opinion to the contrary, our economy is a good deal less than infinitely expansible. Something has to give when military expenditures take larger bites out of the pie. But when this happens, what kinds of public and private expenditures are curtailed or fail to grow at previously established rates? What particular interests or pressure groups show up as relatively strong or relatively weak in maintaining their accustomed standards of living? And which of them are better able to seize the opportunities offered when international conflict cools off for awhile?

The questions, of course, are implicitly political, and they are important. But the answers have to be sought within economic data. What we want, in a sense, is a "cost-benefit" analysis of war or the preparations for war, an analysis that will tell us not only who most profits from war, but who most bears its burden. Apart from the direct costs in taxation and changes in wages and prices, which I will not go into here, there are the equally significant costs in social benefits, in opportunities foregone or opportunities postponed.

What I want to do here is to examine *expenditures*—by categories of the Gross National Product, by their function and by governmental unit—to see what kinds of alternative spending suffer under the impact of heavy military spending. The necessary data are available for the period 1939–1968, and they allow us to see the effects of two earlier wars (World War II and the Korean War) as well as the burdens of the current Vietnam venture.

First, however, an overview of the changing level of defense expenditures may be helpful For 1939, in what was in many ways the last peacetime year this nation experienced, defense expenditures were under $1.3 billion. With the coming of war they rose rapidly to a still unsurpassed peak of $87.4 billion in 1944. The 1968 figure was by contrast around $78.4 billion, reflecting a build-up, for the Vietnam war, from levels of about $50 billion in the first half of this decade. The raw dollar figures, however, are deceptive because they reflect neither inflation nor the steady growth in the economy's productive capacity that makes a constant defense budget, even in price-adjusted dollars, a diminishing burden.

The graph shows the trend of military expenditures as a percentage of Gross National Product over the past thirty years.

We immediately see the great burdens of World War II, followed by a drop to a floor considerably above that of the 1930's. The Cold War and particularly the Korean action produced another upsurge in the early 1950's to a level that, while substantial, was by no means the equal of that in the Second World War. This too trailed downward after the immediate emergency was past, though again it did not retreat to the previous floor. In fact, not since the beginning of the Cold War has the military accounted for noticeably less than 5 percent of this country's G.N.P.; not since Korea has it had as little as 7 percent.

This repeated failure to shrink the military establishment back to its prewar level is a phenomenon of some interest to students of the dynamics of international arms races and/or Parkinson's Law. It shows up even more clearly in the data on military personnel, and goes back almost a century to demonstrate the virtual doubling of the armed forces after every war. From 1871 to 1898 the American armed forces numbered fewer than 50,000; after the Spanish-American War they never again dropped below 100,000. The aftermath of World War I saw a leveling off to about 250,000, but the World War II mobilization left 1,400,000 as the apparent permanent floor. Since the Korean War the United States military establishment has never numbered fewer than about 2,500,000 men. Should the post-Vietnam armed forces and/or defense portion of the G.P.N. prove to be higher than in the early and mid-1960's, that will represent another diversion from private or civil public resources and a major indirect but perhaps very real "cost" of the war.

Returning to the graph, we see the effect of the Vietnam build-up, moving from a recent low of 7.3 percent in 1965 to 9.2 percent in 1968. This last looks modest enough, and is, when compared to the effects of the nation's two previous major wars. At the same time, it also represents a real sacrifice by other portions of the economy. The 1968 G.N.P. of the United States was well in excess of $800 billion; if we were to assume that the current war effort accounts for about 2 percent of that (roughly the difference between the 7.3 percent of 1965 and the 9.2 percent of 1968) the dollar amount is approximately $16 billion. That is in fact too low a figure, since some billions were already being devoted to the war in 1965, and direct estimates of the war's cost

are typically about $25 to $30 billion per year. The amounts in question, representing scarce resources which might be put to alternative uses, are not trivial.

I assume that defense spending has to come *at the expense* of something else. In the formal sense of G.N.P. proportions that is surely true, but it is usually true in a more interesting sense as well. Economics is said to be the study of the allocation of scarce resources; and, despite some periods of slack at the beginning of war-time periods (1940–41 and 1950), resources have generally been truly scarce during America's wars. Major civilian expenditures have not only lost ground proportionately (as would nevertheless happen from a military spending program financed entirely out of slack) but they have also failed to grow at their accustomed rates, they have lost ground in constant dollars as a result of inflation, or they have even declined absolutely in current dollars. During World War II, for example, such major categories as personal consumption of durable goods, all fixed investment, federal purchases of non-military goods and services, and state and local expenditures all declined sharply in absolute dollar amounts despite an inflation of nearly 8 percent a year.

Some observers argue that high levels of military spending are introduced to take up the slack and maintain demand in an otherwise depression-prone economy. If this were the case, opportunity costs would be minimal. But there is little evidence for that proposition in the American experience of recent decades. Certainly the Vietnam experience does not support it. I assume, *pace* "Iron Mountain," that with the demonstrable public and private needs of this society, and with modern tools of economic analysis and manipulation, full or near-full employment of resources would be maintained even in the face of major cuts in military spending. Because of the skill with which economic systems are now managed in modern economies, defense expenditures are much more likely to force tradeoffs than they were some thirty years ago. Hence the point of my original question, "Who pays for defense?"

I do not argue that defense expenditures are necessarily without broader social utility. Spending for military research and development produces important (if sometimes overrated) technological spill-overs into the civilian sector. The education, skills and physical conditioning that young men obtain during service in the armed forces are likely to benefit them and their society when they return to civilian life. Nevertheless the achievement of such benefits through spill-overs is rarely the most efficient way to obtain them. While scientific research may be serendipitous, the odds are far better that a new treatment for cancer will come from medical research than from work on missile systems. Therefore we must still consider as real costs the trade-offs that appear when defense cuts deep into the G.N.P., though they are not quite so heavy as a literal interpretation of the dollar amounts would imply.

One must also recognize that some civilian expenditures—for health, for education and for research—have been stimulated by Cold War and ultimately military requirements. Such were various programs of the 1950's, when a greater need was felt for a long-run girding of the loins than for more immediate military capabilities. Still, to concede this is far from undercutting the relevance of the kind of question we shall be asking. If civilian and military expenditures consistently compete for scarce resources, then the one will have a negative effect on the other; if both are driven by the same demands, they will be positively correlated. If they generally compete but are sometimes viewed as complementary, the negative correlation will be fairly low.

An evaluation of the relationship of defense and alternative kinds of spending in this country requires some explicit criteria. There is room for serious argument about what those criteria should be, but I will suggest the following:

1. It is bad to sacrifice future productivity and resources for current preparation for war or war itself; insofar as possible such activities should be financed out of current consumption. Such an assumption might be easily challenged if it were offered as a universal, but for the developed countries of North America and Western Europe in recent years it seems defensible. All of them are now, relative to their own past and to other nations' present, extremely affluent, with a high proportion of their resources flowing into consumption in the private sector. Furthermore, for most of the years 1938–1968, the demands of defense have not been terribly great. Since the end of World War II, none of these countries has had to devote more than about 10 percent of its G.N.P. to military needs, save for the United States during the Korean War when the figure rose to just over 13 percent. It is surely arguable that such needs rarely require substantial mortgaging of a nation's future.

a. By this criterion one would hope to see periodic upswings in defense requirements financed largely out of personal consumption, with capital formation and such social investment in the public sector as health and education being insensitive to military demands.

b. Another aspect of this criterion, however, is that one would also anticipate that in periods of *declining* military needs the released resources would largely be *kept* for investment and education rather than returned to private consumption. In a strong form the criterion calls for a long-term increase in the proportion of G.N.P. devoted to various forms of investment, an increase that would show up on a graph as a fluctuating line made up of a series of upward slopes followed by plateaus, insensitive to rising defense needs but responsive to the opportunities provided by relaxations in the armament pace.

2. Another point of view, partially in conflict with the last comment, would stress the need for a high degree of *insulation from political shocks*. A constant and enlarging commitment to the system's social resources is necessary for the most orderly and efficient growth of the system, avoiding the digestive problems produced by alternate feast and famine. Some spending, on capital expenditures for buildings for instance, may be only temporarily postponed in periods of fiscal stringency, and may bounce back to a higher level when the pressure of defense needs is eased. To that degree the damage would be reduced, but not eliminated. In the first place, school construction that is "merely" postponed four years will come in time to help some students, but for four years a great many students simply lose out. Secondly, boom and bust fluctuations, even if they do average out to the socially-desired dollar level, are likely to be inefficient and produce less real output than would a steadier effort.

GUNS, BUTTER, AND STRUCTURES

Calculation of a nation's G.N.P. is an exercise in accounting; economists define the Gross National Product as the sum of expenditures for personal consumption, investment or capital formation, government purchases of goods and services and net foreign trade (exports minus imports). Each of these categories can be broken down. Private consumption is the sum of expenditures on durable goods (e.g., automobile, furniture, appliances), nondurables (e.g., food, clothing, fuel) and services (airline tickets, haircuts, entertainment); investment includes fixed investment in non-residential structures, producers' durable equipment (e.g., machinery), residential structures and the accumulation or drawing down of stocks (inventories); government purchases include both civil and military expenditures of the federal government and spending by state and local units of government. Except for inventories (which fluctuate widely in response to current conditions and are of little interest for this study) we shall look at all these, and later at a further breakdown of public expenditures by level and function.

THE EFFECT OF DEFENSE SPENDING ON CIVILIAN ACTIVITIES IN THE UNITED STATES, 1939–68

	Percent of variation	Regression coefficient	Index of proportionate reduction
Personal consumption: total	84	−0.420	−0.041
Durable goods	78	−.163	−.123
Nondurable goods	04	−.071	−.014
Services	54	−.187	−.050
Fixed investment total	72	−.292	−.144
Nonresidential structures	62	−.068	−.140
Producers' durable equipment	71	−.110	−.123
Residential structures	60	−.114	−.176
Exports	67	−.097	−.115
Imports	19	−.025	−.037
Federal civil purchases	38	−.048	−.159
State and local government consumption	38	−.128	−.105

In the table, the first column of figures—the percentage of variance explained—tells *how closely* defense spending and the alternate spending category vary together—how much of the changes in the latter can be "accounted for" by defense changes. The regression coefficient tells *the amount in dollars* by which the alternate spending category changes in response to a one dollar increase in defense. The proportionate reduction index shows the damage suffered by each category relative to its "normal" base. It assumes for illustration a total G.N.P. of $400 billion, an increase of $25 billion in defense-spending from the previous period, and that the alternative expenditure category had previously been at that level represented by its mean percentage of G.N.P. over the 1946–67 period. This last measure is important for policy purposes, since the *impact* of the same dollar reduction will be far greater to a $100 billion investment program than to a $500 billion total for consumer-spending.

Looking at the table, one can see that, in general, the American experience has been that the consumer pays most. Guns do come at the expense of butter. Changes in defense expenditure account for 84 percent of the ups and downs in total personal *consumption*, and the regression coefficient is a relatively high minus 420. That is, a one dollar rise in defense expenditures will, all else being equal, result in a decline of $0.42 in private consumption.

Of the subcategories, sales of consumer durables are most vulnerable, with 78 percent of their variations accounted for by defense. Spending on services is also fairly vulnerable to defense expenditures, with the latter accounting for 54 percent of the variance. But the negative effect of defense spending on nondurables is not nearly so high, with only 4 percent of the variance accounted for. This is not surprising, however, as needs for nondurables are almost by definition the least easily postponed. Moreover, during the World War II years new consumer durables such as automobiles and appliances were virtually unavailable, since the factories that normally produced them were then turning out war material. Similarly, due to manpower

shortages almost all services were expensive and in short supply, and long-distance travel was particularly discouraged ("Is this trip necessary?"). Hence, to the degree that the consumers' spending power was not mopped up by taxes or saved, an unusually high proportion was likely to go into nondurables.

Investment (fixed capital formation) also is typically hard-hit American war efforts and, because it means a smaller productive capacity in later years, diminished investment is a particularly costly loss. Defense accounted for 72 percent of the variations in investment, which is only a little less than that for defense on consumption, and the reduction of $.292 in investment for every $1.00 rise in defense is substantial. The coefficient is of course much lower than that for defense and consumption (with a coefficient of −.420) but that is very deceptive considering the "normal" base from which each starts. Over the thirty years for which we have the figures, consumption took a mean percentage of G.N.P. that was typically about five times as great as investment. Thus in our hypothetical illustration a $25 billion increase in defense costs in a G.N.P. of $400 billion would, *certeris paribus*, result in a drop in consumption from approximately $256 billion to roughly $245 billion or only a little over 4 percent of total consumption. Investment, on the other hand, would typically fall from $51 billion to about $44 billion, or more than 14 percent. *Proportionately*, therefore, investment is much *harder* hit by an expansion of the armed services than is consumption. Since future production is dependent upon current investment, the economy's *future* resources and power base are thus much more severely damaged by the decision to build or employ current military power than is current inmates, the marginal productivity of capital in the United States is between 20 and 25 percent; that is, an additional dollar of investment in any single year will produce 20–25 cents of annual additional production in perpetuity. Hence if an extra billion dollars of defense in one year reduced investment by $292 million, thenceforth the level of output in the economy would be *permanently* diminished by a figure on the order of $65 million per year.

This position is modified slightly by the detailed breakdown of investment categories. Residential structures (housing) vary less closely with defense spending than do nonhousing structures or durable goods for producers, but its regression coefficient is the strongest and shows that it takes the greatest proportionate damage. Within the general category of investment, therefore, nonresidential structures and equipment usually hold up somewhat better proportionately than does housing. Doubtless this is the result of deliberate public policy, which raises home interest rates and limits the availability of mortgages while trying at the same time to maintain an adequate flow of capital to those firms needing to convert or expand into military production.

The nation's international *balance of payments* is often a major casualty of sharp increases in military expenditures; the present situation is not unusual. Some potential exports are diverted to satisfy internal demand, others are lost because domestic inflation raises costs to a point where the goods are priced out of the world market. Imports may rise directly to meet the armed forces' procurement needs—goods purchased abroad to fill local American military requirements show up as imports to the national economy—and other imports rise indirectly because of domestic demand. Some goods normally purchased from domestic suppliers are not available in sufficient quantities; others, because of inflation, become priced above imported goods. If the present situation is "typical," the Vietnam war's cost to the civilian economy would be responsible for a loss of more than $1.5 billion dollars in exports.

The import picture is more complicated. According to the sketch above, imports should *rise* with defense spending, but in the table the percentage of variance explained is very low and the regression coefficient is actually *negative*. This, however, is deceptive. The four years of World War II show unusually low importation due to a combination of enemy occupation of normal sources of goods for the United States, surface and submarine combat in the sea lanes and the diversion of our allies' normal export industries to serve *their* war needs. To assess the impact of defense expenditures on imports in a less than global war one must omit the World War II data from the analysis. Doing so produces the expected rise in imports with higher defense spending, on the order of +.060. This suggests that the current effect of Vietnam may be to add, directly and indirectly, over $1 billion to the nation's annual import bill. Coupled with the loss of exports, the total damage to the balance of payments on current account (excluding capital transfers) is in the range $2.5—$3.0 billion. That still does not account for the entire balance of payments deficit that the United States is experiencing (recently as high as $3.4 billion annually) but it does a long way to explain it.

THE PUBLIC SECTOR

In the aggregate there is no very strong impact of defense on *civil public expenditures*. The amount of variation accounted for by defense is a comparatively low 38 percent; the regression coefficients are only −.048 for federal civil purchases and −.013 for state and local governments. During the four peak years of World War II changes in federal civil expenditures were essentially unrelated to changes in defense spending. Samuel P. Huntington, however, notes, "Many programs in agriculture, natural resources, labor and welfare dated back to the 1930's or middle 1940's. By the mid-1950's they had become accepted responsibilities of the government," and hence politically resistant to the arms squeeze. If so, the overall inverse relationship we do find may be masking sharper changes in some of the less well-entrenched subcategories of central government budgeting. Further masking of the impact on actual programs may stem from the inability of government agencies to reduce costs for building-maintenance and tenured employees, thus forcing them in dry times to cut other expenses disproportionately.

When relating state and local government expenditures to defense some restraint is required. There really is no relationship except *between* the points above and below the 15 percent mark for defense. During World War II state and local government units did have their spending activities curtailed, but overall they have not been noticeably affected by defense purchases. Quite to the contrary, spending by state and local political units has risen steadily, in an almost unbroken line, since 1944. The rise, from 3.6 percent of the G.N.P. to 11.2 percent in 1968, has continued essentially heedless of increases or diminution in the military's demands on the economy.

When we look at the breakdowns by function, however, it becomes clear that the effect of defense fluctuations is more serious, if less distinct than for G.N.P. categories. I have chosen three major items—education, health and welfare—for further analysis, on the grounds that one might reasonably hypothesize for each that expenditure levels would be sensitive to military needs, and, for the first two, that a neglect of them would do serious long-term damage to the economy and social system of the nation.

All three are sensitive to defense spending, with *welfare* somewhat more so than the others, which is not surprising. In most of this analysis reductions in expenditure levels that are forced by expanded defense activities represent a *cost* to the economic and social system, but welfare is different. Insofar as the *needs* for welfare, rather than simply the resources allocated to it, are reduced, one cannot properly speak of a cost to the economy. Rather, if one's social preferences are for work rather than welfare, the shift represents a *gain* to the system. Heavy increases in military pay and procurement do mean a reduction in unemployment, and military cutbacks are often associated with at least temporary or local unemployment. The effect seems strongest on state and local governments' welfare spending. In fact, the inverse relationship between defense and welfare at most spending levels is *understated* at 54 percent on the chart. At all but the highest levels of defense spending achieved in World War II, the inverse relationship is very steep, with small increases in military needs having a very marked dampening effect on welfare costs. But manpower was quite fully employed during *all* the years of major effort in World War II, so ups and downs in defense needs during 1942–45 had little effect.

THE EFFECT OF DEFENSE SPENDING ON PUBLIC CIVIL ACTIVITIES IN THE U.S., FISCAL YEARS 1938–67

	Percent of variation	Regression coefficient	Index of proportionate reduction
Education: Total	35	−0.077	−0.139
Institutions of higher education	12	−.013	−.146
Local schools	34	−.053	−.125
Other education	19	−.014	−.265
Federal direct to education	16	−.013	−.309
Federal aid to State and local governments for education	08	−.004	−.140
State and local governments for education	24	−.060	−.124
Health and Hospitals: Total	32	−.017	−.113
Total hospitals	30	−.014	−.123
Federal for hospitals	25	−.004	−.130
State and local for hospitals	29	−.011	−.120
Other Health: Total	22	−.003	−.087
Federal for health	06	−.001	−.101
State and local for health	45	−.002	−.078
Welfare: Total	54	.019	−.128
Federal direct for welfare	13	.003	−.493
Federal aid to State and local governments for welfare	17	−.005	−.087
State and local for welfare	30	−.011	−.134

Both for education and for health and hospitals, the relationship to the immediate requirements of national defense is less powerful (less variance is explained), but nonetheless important. Furthermore, the regression coefficient is quite high for education, and since the mean share of G.N.P. going to education is only 3.5 percent for the period under consideration, the proportionate impact of reductions is severe.

A widespread assumption holds that public expenditures on *education* have experienced a long-term secular growth in the United States. That assumption is correct only with modifications. The proportion of G.N.P. devoted to public education has increased by three quarters over the period, from 3.0 percent in 1938 to 5.3 percent in 1967. But it has by no means been a smooth and steady upward climb. World War II cut deeply into educational resources, dropping the educational percentage of G.N.P. to 1.4 in 1944; only in 1950 did it recover to a level (3.6 per-

cent) notably above that of the 1930's. Just at that point the Korean War intervened, and education once more suffered, not again surpassing the 3.6 percent level before 1959. Since then, however, it has grown fairly steadily without being adversely affected by the relatively modest rises in defense spending. Actually, educational needs may have benefitted somewhat from the overall decline in the military proportion of the economy that took place between the late 1950's and mid-1960's. The sensitivity of educational expenditures to military needs is nevertheless much more marked on the latter's upswings than on its declines. Education usually suffers very immediately when the military needs to expand sharply; it recovers its share only slowly after defense spending has peaked. Surprisingly, *federal* educational expenditures are less related (less variance explained) than is spending by state and local units of government; also, local schools at the primary and secondary levels are more sensitive than are public institutions of higher education, whose share has grown in every year since 1953.

Public expenditures for *health* and hospitals are only a little less sensitive to the pressures of defense than are dollars for education. Here again the image of a long-term growth deceptively hides an equally significant pattern of swings. Health and hospitals accounted for a total of .77 percent of G.N.P. in 1938; as with education this was sharply cut by World War II and was not substantially surpassed (at 1 percent) until 1950. Once more they lost out to the exigencies of defense in the early 1950's and bounced back slowly, at the same rate as did education, to recover the 1950 level in 1958. Since then they have continued growing slowly, with a peak of 1.23 in 1967. Thus, the pattern of health and hospitals is almost identical to that for education—some long-term growth, but great cutbacks in periods of heavy military need and only slow recovery thereafter. In detail by political unit the picture is also much the same—despite reasonable a priori expectation, federal spending for this item is less closely tied to the defense budget than is that by state and local governments. It should also be noted that the *impact* of defense on health and hospitals is slightly less severe than on education.

It seems fair to conclude from these data that America's most expensive wars have severely hampered the nation in its attempt to build a healthier and better-educated citizenry. (One analyst estimates that what *was* done to strengthen education accounted for nearly half of the United States per capita income growth between 1929 and 1957.) A long-term effort has been made, and with notable results, but typically it has been badly cut back whenever military needs pressed unusually hard.

It is too soon to know how damaging the Vietnam war will be, but in view of past patterns one would anticipate significant costs. The inability to make "investments" would leave Americans poorer, more ignorant, and less healthy than would otherwise be the case. We have already seen the effect of the war on fixed capital formation. Consumption absorbed a larger *absolute* decline in its share of G.N.P. between 1965 and 1968 than did fiscal investment—from 63.3 to 62.1 percent in the first instance, from 14.3 to 13.8 percent in the second; but given the much smaller base of investment, the *proportionate* damage is about twice as great to investment as to consumption. In most of the major categories of public social "investment," nevertheless, the record is creditable. Despite a rise from 7.6 to 9.1 percent in the defense share between 1965 and 1967, the total public education and health and hospitals expenditure shares went up 4.5 to 5.3 percent and from 1.17 to 1.23 percent respectively. And even federal spending for education and health, though not hospitals, rose. There are of course other costs involved in the inability to *initiate* needed programs—massive aid to the cities is the obvious example. But on maintaining or expanding established patterns of expenditure the score is not bad at all.

The pattern of federal expenditures for *research and development* indicates some recent but partially hidden costs to education and medicine. From 1955 through 1966 R&D expenditures rose spectacularly and steadily from $3.3 billion to $14.9 billion. Obviously such a skyrocketing growth could not continue indefinitely; not even most of the beneficiary scientists expected it to do so, and in fact the rate of increase of expenditures fell sharply as early as 1966—the first year since 1961 when the defense share of G.N.P. showed any notable increase.

Finally, we must note a very important sense in which many of these cost estimates are substantially underestimated. My entire analysis has necessarily been done with expenditure data in current prices; that is, not adjusted for inflation. Since we have been dividing each expenditure category by G.N.P. in current dollars that would not matter *providing that price increases were uniform throughout the economy.* But if prices increased faster in say, education or health, than did prices across the board, the *real* level of expenditure would be exaggerated. And as anyone who has recently paid a hospital bill or college tuition bill knows, some prices have increased faster than others. From 1950 through 1967 the cost of medical care, as registered in the consumer price index, rose by 86.2 percent. Thus even though the health and hospital share of public expenditure rose in *current* prices, the *real share* of national production bought by that spending *fell* slightly, from one percent to about .99 percent. Presumably the difference has been made up in the private sector, and benefits have been heavily dependent upon ability to pay. Comparable data on educational expenses are less easy to obtain, but we do know that the average tuition in private colleges and universities rose 39 percent, and in public institutions 32 percent, over the years 1957–1967. This too is faster than the cost of living increase over those years (not more than 20 percent), but not enough to wipe out a gain for government education expenditures in their share of real G.N.P.

In evaluating the desirability of an expanded defense effort, policy-makers must bear in mind the opportunity costs of defense, the kinds and amounts of expenditures that will be foregone. The relationships we have discovered in past American experience suggest what the costs of future military efforts may be, although these relationships are not of course immutable. Should it be concluded that certain new defense needs must be met, it is possible by careful choice and control to distribute the burdens somewhat differently. If costs cannot be avoided, perhaps they can be borne in such a way as to better protect the nation's future.

THE HAYNSWORTH NOMINATION

Mr. GRIFFIN. Mr. President, this morning I filed with the Committee on the Judiciary my individual views to be included in the committee's report on the nomination of Clement F. Haynsworth to be an associate justice of the Supreme Court.

I ask unanimous consent that a copy of these views be printed in the RECORD.

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

REPORT ON THE NOMINATION OF CLEMENT F. HAYNSWORTH

(Individual views of U.S. Senator ROBERT P. GRIFFIN)

Shortly after Clement F. Haynsworth was nominated to the Supreme Court, I indicated—with some reluctance—a preliminary assessment that the pending nomination should be confirmed.

However, the hearings held subsequently by the Committee on the Judiciary have brought to light a number of matters. On the basis of the hearings, I have concluded that Judge Haynsworth has not demonstrated an appropriate sensitivity to the high ethical standards expected of those who are to sit on the Supreme Court. In that regard I believe he has indicated an unfortunate lack of judgment.

In his Federalist Papers Alexander Hamilton wrote that the judiciary ". . . may be truly said to have neither force nor will, but merely judgment . . ."

If Hamilton's point was meaningful when our Constitution was in the making, it has critical importance today. In these troubled times, public confidence in the judiciary is more essential than ever.

I. GENESIS OF DOUBT

On June 2, 1969, before he was nominated to be an Associate Justice, the nominee testified before the Subcommittee on Improvements in Judicial Machinery as follows:

"Of course, *when I went on the bench* I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement . . ." (Hearings, p. 66.)

Later, on September 17, 1969, when he appeared before the Judiciary Committee as a nominee for the Supreme Court, he found it necessary to admit that his earlier testimony was in error—

". . . to the extent that I said that I resigned from them all when I first went on the bench . . . At the time I appeared, I had no directorships whatever." (Hearings, p. 94.)

The nominee was first appointed to the federal bench in 1957, some twelve years before his subcommittee appearance. At that time he was a director and vice president of Vend-A-Matic. While a member of the court, he continued to be a director of that corporation for six years until October 1963.

The hearing record raises serious doubt as to when the nominee ceased to be vice president of Vend-A-Matic.

In his testimony before the Judiciary Committee, the nominee stated:

"My recollection is that I resigned (as vice-president) when I went on the Court in 1957."

Then the nominee went on to acknowledge:

"But the minutes for the next year and the years after that show my being reelected as vice president each year until 1964." (Hearings, p. 91.)

At the annual meetings of the Vend-A-Matic board of directors during the period 1957 through October 1963, the principal business, as reflected in the minutes, was the election of the corporation's officers.

At each of the meetings (January 14, 1958; January 13, 1959; January 10, 1960; January 11, 1961; January 9, 1962; and January 8, 1963), the nominee was duly elected vice president of the corporation. The minutes indicate that the nominee attended each of those annual meetings.

The nominee also acknowledged notice by his signature of each of these meetings on the date thereof. In each case, the minutes recite that the nominee was elected vice president by a *unanimous* vote of all directors present.

Minutes of the board meetings held in 1962 and 1963 are particularly significant because the nominee's wife, Dorothy M.

Haynsworth, was then the Secretary of the corporation. She was paid $1,500 for her services as Secretary and, in that capacity, she prepared and attested to the correctness of the minutes. (Hearings, p. 92)

Despite all the contrary indications reflected in the corporate records, the nominee maintained in his testimony before the Committee that he "orally" resigned as vice president when he first went on the bench in 1957. (Hearings, p. 91)

Concerning his role in the affairs of Vend-A-Matic, the nominee testified:

"I did not have any active duty in that office" (as vice president). (Hearings, p. 91.)

When question was raised in 1963 about the propriety of the nominee's participation in the Deering-Milliken cases, Judge Sobeloff, then Chief Judge of the Fourth Circuit, wrote a letter absolving him of criticism. The letter includes the following paragraph:

"We are assured that Judge Haynsworth has had *no active participation* in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employees of any other company." (Hearings, p. 15.)

A perusal of the corporate records does not leave one with assurance that the nominee "had no active participation" in the affairs of Vend-A-Matic.

The minutes of one board meeting indicate quite clearly what was expected of directors and officers in 1957:

"After the day to day business was disposed of the question was brought up that all the directors were incurring expenses that were not being reimbursed. As it was pointed out that the main sales and promotion work of the Carolina Vend-A-Matic had been done by its directors who are also the officers of the corporation, and that any new locations were the result of many conversations, trips and various forms of entertainment, etc., of potential customers by one or more of the directors and/or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and, practically, without exception, these were the result of the efforts of members of the Board of Directors." (Vend-A-Matic Corp. Minutes, June 3, 1957.)

After the nominee went on the bench in 1957, he continued to serve Vend-A-Matic as a director and (according to its records) as vice president. The minutes of subsequent board meetings do not indicate that the nominee was ever excused or relieved of any corporate responsibilities because of his position as a judge.

Instead of bearing out assurances that there was "no active participation" in the affairs of Vend-A-Matic, the hearings raise serious doubts on that point.

Not only did the nominee continue to attend Vend-A-Matic board meetings, but he also continued to receive the fees regularly paid to directors as compensation for their services on the board.

At one point during the hearings, information was sought concerning the amount of director's fees received.

"Senator TYDINGS. Well, you can supply that report for the record.

"Judge HAYNSWORTH. All right, sir." (Hearings, p. 61.)

Although copies of the nominee's income tax returns were furnished to the Committee, the promised report concerning director's fees does not appear in the hearings record.

As to the highest amount of fees received in any one year, the nominee testified:

"In 1963 the fees were more than earlier years. This was the last—well, no, I resigned—that year I reported $2,600 in director's fees." (Hearings, p. 61)

A newspaper report—which has not been denied—stated that director's fees paid the nominee from 1957 (when he went on the bench) through 1963 totalled $12,270, including director's fees of $3,100 in 1960. (Miami Herald, October 23, 1969)

In his testimony before the Committee, the nominee conceded that he *had* participated in the affairs of Vend-A-Matic.

Judge HAYNSWORTH. My particular interest, as I attempted to indicate, sir, was in its financing and its bank loans. And the only service that I rendered aside from general consideration at some of these weekly meetings was arranging for and keeping a watchful eye upon its finances." (Hearings, p. 60.)

Carolina Vend-A-Matic was characterized as a closely-held informally managed corporation. "We met at lunch. We were informal." (Judge Haynsworth, Hearings, p. 91.)

As the record indicates, Vend-A-Matic relied upon substantial debt financing:

"The CHAIRMAN. Now, your stock in Carolina Vend-A-Matic, that was organized as just a paper corporation with nothing and you put up around $3,000 altogether, is that correct?

"Judge HAYNSWORTH. I did and the remaining four, of course, too. But we started out with very little money.

"The CHAIRMAN. Now, you said you arranged bank financing. But how much of the obligations which were personally endorsed by you and the other stockholders amount to at different times? I know that it varied.

"Judge HAYNSWORTH. Senator, when two of them got concerned about their exposure to financial loss, as I recall endorsed bank loans had gotten in excess of something like $50,000. They were increased after that. They kept on growing, and in 1963, the total bank loans amounted to several hundreds of thousands, but not all of those were endorsed by that time.

"The CHAIRMAN. You say bank loans of several hundred thousand?

"Judge HAYNSWORTH. Yes, but by 1963, they were not all endorsed. We were getting so that it could stand on its own credit and had some credit on its own." (Hearings, p. 43.)

Accordingly, it appears that Judge Haynsworth's role in Vend-A-Matic, however limited, was active, important and perhaps vital to the spectacular success of the company—a company in which his investment of approximately $2,500 in 1950 brought him roughly $450,000 in 1964.

II. PARTICIPATION IN BRUNSWICK AND OTHER CASES

A Federal statute provides:

"Any justice or judge of the United States shall disqualify himself in any case in which he has a *substantial interest.*" (28 U.S.C., Sec. 455.)

On December 15, 1967, the nominee authorized his stockbroker to purchase on his behalf 1,000 shares of stock in the Brunswick Corp. The order was executed on December 26, 1967. (Hearings, p. 263, 264.)

Concerning his holdings in Brunswick, the nominee testified:

"Senator MATHIAS. You consider that your interest (in Brunswick) was *substantial* then?

"Judge HAYNSWORTH. *Yes, I do, without question,* though it was not in the outcome in terms of that, but much more substantial than I think a judge should run the risk of being criticized." (Hearings, p. 305.)

At the time the nominee purchased his 1,000 shares of Brunswick stock, a case was pending before the nominee's court. *Brunswick Corp* v. *Long, et al.*, reported at 392 F. 2d 348.

The case was argued on November 10, 1967—about five weeks *before* the nominee ordered his stock—but the written decision of the court was not issued until February 2, 1968—about five weeks *after* he acquired the stock.

As one member of a 3-judge panel, the nominee made some minor changes and then concurred in an opinion written by Judge Winter. The opinion dated February 2, 1968, decided the case in favor of Brunswick. During the hearings Judge Winter testified as follows:

"I think it may be fairly stated that a case is never decided finally or never put to rest until an opinion has been filed, all post opinion motions have been denied, and the Supreme Court has denied certiorari." (Hearings, p. 243.)

On March 12, 1968, about three months after the nominee's stock purchase, the losing party in the *Brunswick* case filed a motion to extend the time for requesting a rehearing. The motion recited that a copy of the court's opinion had not reached the petitioner until February 27, 1968. On March 26, 1968, an order denying the motion, signed by Judge Haynsworth and Judge Winter, was entered by the court. (Hearings, p. 244.)

Later, on April 3, 1968, another motion to reconsider that order was filed. This motion apparently was misplaced for a time, and was finally denied on August 26, 1968. (Hearings, p. 244, 245)

Judge Winter testified that:

"Judge Haynsworth did prepare the order denying the second set of post-argument petitions." (Hearings, p. 257.)

Since the nominee, by his own admission, considered his interest in Brunswick to be *substantial,* his failure after acquiring the stock to disqualify himself from further participation in the proceedings was an obvious violation of the Federal disqualification statute. Even more disturbing in some respects is the fact that, after acquiring his Brunswick stock, the nominee made no disclosure to his colleagues on the court or to the parties to the case so as to afford them an opportunity to object to his continued participation in the proceedings.

As Judge Winter testified:

"Senator TYDINGS. Did Judge Haynsworth ever discuss with you or any member of the panel during this period that he was about to make a purchase of Brunswick stock?

"Judge WINTER. No; I had no knowledge of it until the matter was brought out before in these hearings." (Hearings, p. 252.)

Not only was there a violation of the Federal statute, but the nominee's continued participation in the *Brunswick* case violated the American Bar Association's Canons of Judicial Ethics. Canon 29 provides in part:

"A judge should abstain from performing or taking part in *any* judicial act in which his personal interests are involved."

The ABA's Committee on Professional Ethics has interpreted the Canon to mean that:

"A judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder." (Opinion No. 170.)

John P. Frank, a distinguished lawyer who is an acknowledged expert on judicial ethics, testified before the Committee that:

"The heavy weight of opinion in America is that if the judge has *any* interest in a corporation which is a party he may not sit." (Hearings, p. 113.)

In fact, Canon 26 even requires a judge to "abstain from making personal investments in enterprises which are apt to be involved in litigation in the court."

Despite this heavy weight of authority and the Federal disqualification statute, the nominee did sit in the *Brunswick* case—and in at least the following five other cases in which he had a stock interest:

1. *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967)

The nominee participated in this decision involving an injured seaman's claim despite his ownership of 300 shares of stock in W. R. Grace & Co., the parent company of Grace Lines, Inc.

2. *Maryland Casualty Co.* v. *Baldwin*, 357 F. 2d 338 (1966)

3. *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966)

The nominee participated in both of these cases despite his ownership of 67 shares of common stock and 200 shares of preferred stock in American General Insurance Co., the parent firm of Maryland Casualty Co.

4. *Nationwide Mutual Ins. Co.* v. *Akers*, 340 F. 2d 150 (1965)

5. *Toole* v. *Nationwide Mutual Ins. Co.*, 353 F. 2d 508 (1965)

The nominee participated in both of these cases despite his ownership of 500 shares of Nationwide Corp., an affiliate company of Nationwide Mutual Insurance Corp.

In light of *Brunswick* and these other cases, it is difficult to understand how the nominee could have assured the Committee Chairman by letter dated September 6, 1969, as follows:

"I have disqualified myself in *all* cases . . . in which I had *a stock interest* in a party." (Hearings, p. 28.)

III. PARTICIPATION IN CASES INVOLVING CLIENTS OF HIS FORMER LAW FIRM

The ABA's Committee on Professional Ethics has interpreted Canon 13 as follows:

"A judge is not prohibited from sitting in a case because his former firm is counsel in such case. However, to avoid any inference of impropriety, the judge should decline to sit . . . *where a regular client of the firm at the time he was a member is a party to the case.* (Opinion No. 594.)

During the hearings, there was testimony that the nominee sat in at least twelve cases involving clients of his former law firm. (Hearings, p. 396–397, 400). Two of the cases listed involved the *Judson Mills* Division of Deering-Milliken Research Corporation. [*Leesona Corp.* v. *Cotwool Mfg. Corp., Judson Mills Division, Deering-Milliken Research Corp., et al*, 308 F. 2d 895 (1962) and *Leesona Corp.* v. *Cotwool Mfg. Corp., Judson Mills Division, Deering-Milliken Research Corp., et al.*, 315 F. 2d 538 (1953)]

During the hearings, the nominee was asked:

"You didn't feel your past relationships with Judson (Mills) and with Milliken was significant enough that when the *Leesona Corp.* case came up in 1962 and 1963, involving Judson (Mills) and Milliken, you should disqualify yourself from the case?

"Judge Haynsworth. The relation was as casual as it could be. And as I said, I never was the lawyer for Milliken." (Hearings, p. 97.)

Nevertheless, the nominee conceded that "clear back to the beginning of the law firm, Judson Mills was a Haynsworth client." (Hearings, p. 97.)

The Martindale Hubbell Law Directory lists Judson Mills as a client of the nominee's former law firm in each of the years from 1931 through 1969. In fact, the nominee's former law firm is listed as General Counsel for Judson Mills in the years 1931 through 1957.

Inasmuch as his former law firm has represented Judson Mills continually since 1931, it is difficult to understand how the nominee could have testified that "there was no reason in past relations I had with Judson Mills for me not to sit on that case." (Hearings, p. 98.)

As the record now stands, it appears that the nominee particapated in numerous cases involving clients of his former law firm. It should be noted that of the twelve cases listed in the record, the nominee decided ten in favor of the clients of his former law firm. (Hearings, p. 400.)

IV. RESOLVING THE DOUBT

Clearly, the record raises substantial and legitimate doubt concerning the nominee's sensitivity to the high ethical standards expected of those who are to sit on the Supreme Court.

It may be argued that the nominee is entitled to a presumption of innocence; and that unless he is proven guilty, he should be confirmed. Such an argument misconstrues the Constitutional role and responsibility of the Senate. For the question before the Senate is not the nominee's guilt or innocence, it is whether he should be promoted to a place on the Nation's highest court.

The central issue was put in focus by a letter which came to me recently from a professor of law who teaches legal ethics to future lawyers and future judges. He wrote:

"In the U.S. district court a jury awards an injured seaman $50 on a claim against Grace Lines—a claim which he thought was worth $30,000. Saddened, he takes his case to the U.S. Court of Appeals. It is not difficult to imagine the bitterness in the heart of this injured seaman when he learns that one of the judges to whom he appealed in vain, was even a small owner of the company that owns Grace Lines.

"By the standards of the market place perhaps Judge Haynsworth's stock holding was trifling. But it looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

"To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only *do* justice—but they shall *seem* to do justice.

"This ancient wisdom finds expression in the Canons of Judicial Ethics providing that a judge's conduct should not only be 'free from impropriety' but from the 'appearance of impropriety.' The importance of the appearance of things is stressed over and over again (Canons 13, 24, 26, 33) culminating in the injunction that 'in every particular his conduct should be above reproach' " (Prof. David Mellinkoff, UCLA, October 20, 1969.)

Although the canons apply to all judges at every level, they should apply most stringently to those who are to grace the Nation's highest court.

Ironically perhaps, the nominee himself suggested the test which is appropriate in this case:

"While I am concerned about myself and my reputation, I much more am concerned about my country and the Supreme Court as an institution, and if there is substantial doubt about the propriety of what I did and my fitness to sit on the Supreme Court, then I hope the Senate will resolve the doubt against me." (Hearings, p. 105.)

Particularly at this point in history, it is essential that substantial doubt in a situation like this be resolved against the nominee—and in the interest of preserving public confidence in our system of justice.

ABUSE OF JUDICIAL DISCRETION

Mr. MONTOYA. Mr. President, the American GI Forum, a Mexican-American veterans' family organization with chapters in 23 States and the District of Columbia, recently brought to my attention certain remarks made by Judge Gerald S. Chargin in the Superior Court of California on September 2, 1969, at the sentencing of a 17-year-old juvenile defendant. I quote in part Judge Chargin's remarks:

Mexican people, after thirteen years of age, think it is perfectly all right to go out and act like an animal . . . We ought to send you out of the country—send you back to Mexico. You belong in prison for the rest of your life for doing things of this kind. You ought to commit suicide. That's what I think of people of this kind. You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people.

* * * * *

Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.

I am astounded that a member of the judiciary should make such statements as those Judge Chargin has been recorded as having made. His remarks evidence a patent prejudice which is reprehensible in any context in our free society. That Judge Chargin speaks with the authority of a judicial officer makes his views considerably more threatening. In one sweep, he has indicted an entire ethnic group—and has thereby illustrated his inability to rule impartially in cases involving Spanish-speaking Americans.

It seems to me to be an intolerable prospect that Judge Chargin should be permitted to continue on the bench in California in the absence of a thorough investigation of his qualifications to serve as a member of the judiciary. I call upon the California Judicial Qualifications Commission to examine Judge Chargin's credentials immediately, and to take appropriate action based upon the findings of such examination. I am also calling upon the American Bar Association to fully investigate Judge Chargin's conduct and his fitness to continue on the bench.

As an attorney for 17 years before entering Congress, I became acutely aware of the critical role the judiciary plays in our society. A society founded upon the concept of equal justice for all certainly cannot tolerate in its judiciary attitudes such as that evidenced by Judge Chargin's calloused remarks.

THE SIU'S POLITICAL GENEROSITY

Mr. FANNIN. Mr. President, on Monday last, I spoke at some length on the inordinate amount of power wielded in political circles by unions which are allowed, under our existing tax laws, to engage in political activity without losing their tax-exempt status.

My mail has been heavy since then, Mr. President, with correspondence—much of it from union members and even former union officials—saying they back the idea that union money should not be used for political purposes. I believe there has been some expression of the same sentiment in other congressional offices.

One retired union member wrote to me to say that he hardly ever heard from his union any more but that they had already communicated with him and told him to write his Senator and ask him to vote against the confirmation of Judge Haynsworth. He said instead he had written to the Senator from Mississippi (Mr. EASTLAND) and asked him to vote for Haynsworth.

It is as I predicted: My amendment to the tax bill (No. 145) will be opposed by union leaders but supported by union members. There is a good reason why this is so, Mr. President. Union members are subjected to subtle coercion—sometimes it is not so subtle—in the collection of "voluntary" political action

contributions. The retired union member who wrote me of his support for Judge Haynsworth asked that I not use his name. He said he wants to live a while longer.

Another letter which came in said that workers in some of the garment unions in New York City are forced to contribute half a day's pay toward political action.

These are just a few examples, Mr. President, I am sure there are many more simply waiting to be uncovered.

As examples of the kind of coercion to which I refer, Mr. President, I should like to quote from an article in the Washington Monthly, by Jerry Landauer, the Wall Street Journal reporter who first uncovered the questionable series of events surrounding the Hal Banks case.

Mr. Landauer notes that Paul Hall, president of the Seafarers International Union—with which Hal Banks was affiliated—collected two salaries from the union simultaneously in 1967. He received $11,056 from the international union and $21,326 from its largest local. In addition, Mr. President, Hall filed personal expense vouchers of $52,470 in 1 year.

Hall stands, according to Mr. Landauer, to become the successor to the presidency of the largest labor coalition in the United States, the AFL–CIO, now headed by Mr. George Meany.

Quoting from Mr. Landauer's article:

Much of the political cash Hall controls comes indirectly from the taxpayers via the Pentagon. The war keeps at least 100 ships busy carrying fuel and supplies to Vietnam. Many of these ships, under charter to the Military Sea Transportation Service, are manned by SIU crews. But not all the seamen are American citizens. Foreigners eager to earn the higher wages paid aboard ships flying the U.S. flag make up a sizable percentage of the crews, and aliens wanting work must open their pay envelopes to the union's persuasive collectors.

Payday aboard the S.S. *Western Planet*, a tanker ferrying fuel from the Persian Gulf to Vietnam, offers a glimpse of how SIU fund-raising operates. American crew members Warren Messenger, Harry Kaufman, Fred Anderson, Luther Dills, and Harry Dorer contributed, respectively, $6, $5, $4, $10 and $14 to the union's special political fund. But 14 aliens gave $1,400—all in sums of precisely $100 each—and a number of Filipino nationals were induced to part with even more: $300 from Eugenio Betingue and $200 each from Jose Belang, A. B. Reyes, Ignace Hernandez, and Guidlerne Echevarria.

The pattern is invariable: only the names change. From among foreigners manning the S.S. *Transglobe*, a ship carrying military vehicles, Hall's agents scooped up $6,750 in one voyage, with such men as Gunvald Larsen, Oddbjorn Fritzoe, and Lars Alvin each 'contributing' $500. Aboard the S.S. *Sea Pioneer*, Tan Joek Kwang ($100), Low Chuen Choek ($100), Lim Bian Seng ($100), Alejandro DeWindt ($200), and Manuel Taguacta ($150) helped swell the union's political fund. From the S.S. *Christopher*, Hall was able to count on large sums from such vigorous trade unionists as Demetre Svolopolous ($100), Seiei Tamashiro ($420), Royoei Higa ($490), Seishin Ikehara ($460) and Motoyuki Nakasone ($440).

Mr. President, there is more, but this points up that either there is coercion going on onboard these ships to get such huge amounts of money from merchant seamen, or there is an interest in American politics among foreign nationals serving onboard SIU-manned ships that borders on the incredible. Possibly these men should be informed of the $100-a-plate fundraising dinners.

They are obviously missing out on a great American political tradition. If this interest is genuine then American political fundraisers have been overlooking a vast untended vineyard.

The other thing that is clear from this, Mr. President, is that the SIU—if this information is correct, and I have great respect for Mr. Landauer's accuracy—is guilty of a violation of the Federal Corrupt Practices Act in failing to report to the Clerk of the House those donations which were more than $100. It seems to me that if the union is not willing to come forward with this information then steps should be taken to see why they are unwilling to do so.

Mr. President, I ask unanimous consent that the article entitled "The Shakedown Cruise," written by Jerry Landauer, and a column on the same subject, written by Ralph Detoledano and published in the Arizona Republic, be printed in the RECORD.

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

THE SHAKEDOWN CRUISE

(By Jerry Landauer)

At first glance the Seafarers international Union scarcely seems to be a promising platform from which to campaign for the presidency of the AFL–CIO. The SIU's membership of 45,000 is relatively small, and its net assets of $462,913 hardly make it a financial giant of organized labor. Furthermore, violence has stained the union's reputation. One vice president was recently convicted of what amounted to terrorism, and opposition from within is discouraged by occasional beatings when the presence of beefy musclemen at union meetings fails to suppress dissent.

To join the SIU costs a minimum of $1,100—$300 in initiation fees, plus at least $800 to cover special assessments. A new man must retroactively pay all assessments levied on the membership since 1940. But it cannot be said that SIU president Paul Hall is singlemindedly devoted to the needs of the unlicensed seamen who pay these country-club-sized fees. He finds time to run hard for the top job in organized labor; to trade heavily on the stock exchanges; to file personal expense vouchers for $52,470 in one year; and to collect, in the same year (1967), two salaries simultaneously—$11,056 from the international union and $21,326 from its largest constituent local.

These and other eyebrow-raising practices of a poor union in a sick industry would surely disqualify a man less glib, brainy, and ambitious than Paul Hall from entertaining aspirations for higher office. But, at 55, he remains a leading candidate to step up when AFL–CIO president George Meany, 75, steps down. Hall's chances have been improving ever since Walter Reuther eliminated himself by withdrawing the United Auto Workers from the labor federation to forge an alliance with the outcast Teamsters. Indeed, Hall may well succeed—particularly if the Vietnam war continues.

Because his enhanced power within the labor movement is largely based on the war, Hall holds at least associate membership in what Secretary of Defense Melvin Laird has rechristened "the military-industrial-labor team." He benefits from the requirements of Vietnam shipping, which swell the SIU membership rolls, and from the war-induced eagerness with which Congress doles out $200 to $300 million a year to keep the merchant marine afloat. More important, the war gives Hall access to large sums of money, enabling him to become labor's leading political financier. His influence reaches not only into Congress and the executive branch, but into city councils and state legislatures as well.

Ironically, to, much of the political cash Hall controls comes indirectly from the taxpayers via the Pentagon. The war keeps at least 100 ships busy carrying fuel and supplies to Vietnam. Many of these ships, under charter to the Military Sea Transportation Service, are manned by SIU crews. But not all the seamen are American citizens. Foreigners eager to earn the higher wages paid aboard ships flying the U.S. flag make up a sizable percentage of the crews, and aliens wanting work must open their pay envelopes to the union's persuasive collectors.

Payday aboard the S.S. *Western Planet*, a tanker ferrying fuel from the Persian gulf to Vietnam, offers a glimpse of how SIU fund-raising operates. American crew members Warren Messenger, Harry Kaufman, Fred Anderson, Luther Dills, and Harry Dorer contributed, respectively, $6, $5, $4, $10, and $14 to the union's special political fund. But 14 aliens "gave" $1,400—all in sums of precisely $100 each—and a number of Filipino nationals were induced to part with even more: $300 from Eugenio Betingue and $200 each from Jose Belang, A. B. Reyes, Ignace Hernandez, and Guidlerne Echevarria.

The Filipino sailors manning the *Western Planet* signed aboard through the SIU hiring hall near Manila. Japanese seamen hired in Yokohama must fork out still larger sums for the right to work on taxpayer-financed ships shuttling to the war zone. Two paydays spaced six weeks apart aboard the tanker S.S. *St. Lawrence*, for example, netted nearly $8,000 for the SIU's political fund, including $500 each from such seagoing political philanthropists as Jintoku Toma, Jinyu Yariku, Tsubio Kohatsu, Seigi Uehara, and Koichi Miyazato. The few American seamen who contributed at all ordinarily tossed in a token $2.

The pattern is invariable: only the names change. From among foreigners manning the *S.S. Transglobe*, a ship carrying military vehicles, Hall's agents scooped up $6,750 in one voyage, with such men as Gunvald Larsen, Oddbjorn Fritzoe, and Lars Alvin each "contributing" $500. Aboard the *S.S. Sea Pioneer*, Tan Joek Kwang ($100), Low Chuen Chock ($100), Lim Bian Seng ($100), Alejandro DeWindt ($200), and Manuel Taguacta ($150) helped to swell the union's political fund. From the *S.S. St. Christopher*, Hall was able to count on large sums from such vigorous trade unionists as Demetre Svolopolous ($100), Seiei Tamashiro ($420), Ryoei Higa ($490), Seishin Ikehara ($460), and Motoyuki Nakasone ($440).

All these rivulets build into a mighty money stream that no other AFL–CIO union, not even the million-member Steelworkers, can match. In 1968 Hall's campaign kitty reached the astonishing sum of $1,028,458. The amount "donated" by foreign sailors may be inferred from the meager contributions recorded for the union brass: Hall and Al Kerr, the union's secretary-treasurer, have not put in anything like $100 each.

The union clearly violates the law. It fails, for one thing, to identify donors of $100 or more, as required by the Federal Corrupt Practices Act; to list them would make mincemeat of the union's claim that all contributors to the political fund are merely "expressing their right to participate in the American political process."

Illegality aside, the spectacle of foreign sailors giving up one-third of their pay to support candidates for political office in an alien land could be regarded as just another example of ingenious union fund-raising if it were not so clearly a result of the Vietnam war—and if it did not cost the taxpayers so many millions of dollars. For whether the hat-passing occurs aboard the *Transglobe*, the *Sea Pioneer*, the *Cosmos*

Trader, the *Western Hunter*, or the *Canton Victory*, money flowing to the $1 million fund follows what might be called a vicious circle: from the federal Treasury to operators of ships chartered by the Pentagon: from the operators to alien seamen in the form of premium wages (men sailing in the war zone receive bonus pay); from the seamen to waiting union collectors; from them to a bank near union headquarters in Brooklyn where the money is deposited in the account of the Seafarers Political Activity Donation Committee; and from that committee, headed by Hall, to politicians who support Hall's objectives. The greatest of these objectives—one shared by maritime management, which winks at Hall's money-raising methods—is the extraction of more millions to subsidize the construction and operation of merchant ships.

Logically, these subsidies ought to be a leading target of the Congressional economy bloc, for, despite the expenditure of $2.6 billion in the last decade. U.S.-flag ships now carry less than six per cent of America's overseas trade. But while the Pentagon budget is being scrutinized as never before, maritime subsidies somehow escape even a cursory critical gaze. On the contrary, Congress often votes more than the executive branch asks for.

House "debate" on the subsidy authorizations for fiscal year 1970 offers a particularly revealing example of the maritime lobby's muscle. Though the recommendations of the House Merchant Marine Committee exceeded budget requests by $124.3 million, not one member rose to challenge the spending splurge. Discussion of the bill on the House floor consumed just six pages of the *Congressional Record;* of the 13 members who spoke, 10 regularly receive campaign gifts from the SIU. In the House Appropriations Committee, shipping subsidies command a sacrosanct status that eludes even the emotion-packed issue of "law and order." Some weeks ago the Appropriations Committee pruned $47 million from the Nixon Administration's crime-fighting budget while adding $164 million to the same bill for ship construction.

Paul Hall and his maritime allies win defensive battles with equal ease. In 1967, the Johnson Administration strained mightily to shift the subsidy-dispensing Maritime Administration from the Department of Commerce to the new Department of Transportation. This was widely regarded as a sensible proposal, since the new department could not be expected to untangle the transportation mess if waterborne commerce lay beyond its jurisdiction. But the SIU opposed the transfer, fearing that control of maritime policy might shift from the maritime lobby ("one of Washington's most powerful subgovernments," according to former Maritime Administrator Nicholas Johnson) to a strong Secretary of Transportation. One swift blizzard of telegrams costing $3,419 (from the SIU political fund) helped to smother the plan; it was overwhelmingly defeated on the House floor.

Such victories are not won by persuasion alone. Since heavy intensification of the war in Vietnam in 1965 (and the inauguration of SIU fund-raising cruises in its wake), the SIU has ladled campaign gifts to no less than 150 Congressional districts. Virtually any friendly Congressman can have $500 or $1,000 merely for the asking. If a Congressman heads a committee important to the SIU, he can count on unlimited cash, as well as union-provided sound trucks, literature, and doorbell-ringers.

In 1966, for example, Hall's political fund pumped no less than $17,000 into the Baltimore campaign of Congressman Edward Garmatz (D-Md.), chairman of the House Merchant Marine Committee; without such massive help (plus at least $25,000 more from other maritime interests) Garmatz might well have lost a tough primary fight. Last year the SIU went all out for Senator Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee; in just the first three months of 1968, six committees working for Magnuson's reelection each received a check for $5,000.

The SIU's clever Capitol Hill operatives also make friends for Hall in subtler ways. Speaker John McCormack generally runs for re-election unopposed, so the union contributes to a McCormack scholarship fund instead. The 52nd Assembly District Democratic Club in Brooklyn is the home base of John Rooney, chairman of the House Appropriations subcommittee handling maritime subsidies; the club regularly receives union checks. Sam Friedel's Crosstown Democratic Club in Baltimore is always short of "walk-around" money to bring out the city's heavy Negro vote; the SIU gladly helps because Friedel is the second-ranking Democrat on the House Commerce Committee.

Further help for friendly lawmakers comes in the form of free campaign literature from a union-owned print shop, called Log Press. In the last campaign the shop churned out $3,200 worth of political propaganda for Congressman Emanuel Celler of New York, chairman of the House Judiciary Committee. Dozens of other Congressmen, from West Virginia to Wyoming, similarly benefited. Every year, too, Hall's union sponsors a trip to New York for Congressmen. To take care of this year's Congressional contingent Hall dipped into the union political fund for $4,925.

The combination of heavy campaign spending and clever lobbying gives Hall a hammerlock on maritime legislation and helps quench whatever Congressional curiosity there may be about the source af all his money. The overflowing political fund, equally important to his campaign for the presidency of the AFL–CIO, gives him easy access to leaders of both parties. In July, for example, no less than a dozen important politicians showed up to address the union's 14th biennial convention at Washington's Statler Hilton Hotel. The luminaries included House Majority Leader Carl Albert (D-Okla.) and Minority Leader Gerald Ford (R-Mich.). In part, no doubt, Ford's appearance was his way of thanking Hall for campaign gifts of $28,000 to the GOP Congressional Campaign Committee. The speeches generated valuable, prestige-building publicity for Hall; Ford's, moreover, was particularly sweet. Ford plugged for the broadening of subsidy payments to cover more of the ships manned by the SIU. He also pledged that the Nixon Administration would not propose building ships in cheaper foreign yards—a step that would weaken shipyard unions allied to the SIU.

Nor does the SIU ignore local politics. It contributes to mayoralty campaigns from Tampa, Florida, to Pompton Lakes, New Jersey; to candidates for district attorney in the Bronx; to campaigners for the General Assembly in Virginia; to municipal judges in Manhattan; to gubernatorial campaigns in Florida, Maryland, Michigan, and New York. The campaign of Eddie Sapir for city councilman in New Orleans suggests the union's extraordinary attention to the details of local politics. There according to secret union records, Paul Hall's men financed a fish fry, sponsored a rally, printed posters, supervised campaign workers, picked up a $600 bill for postage, contributed $3,000 in cash to the campaign, and spent $279.93 to hire "protection service" for the candidate.

Presidential campaigns receive commensurately more. Early last year committees quietly working for Lyndon Johnson's renomination received $50,000 from the SIU. Hubert Humphrey's candidacy gobbled up at least $215,000 more. After the election several dozen labor leaders, including George Meany, retreated to the SIU's spiffy training base at Piney Point, Maryland, to assess the reasons for Humphrey's defeat. But in April of this year Hall's lobbyists unashamedly bought $10,000 worth of tickets to Richard Nixon's festive "victory dinner." So far, the union has little reason to rue Nixon's victory, and it has reason to celebrate his appointment of Helen Delich Bentley to head the Federal Maritime Commission. "The hardest salesmen for the American merchant marine on Capitol Hill," she wrote admiringly, "are those people educated in the SIU-Hall way."

Hall's educational apparatus is formidable indeed. His classroom is the elegantly paneled auditorium of the Transportation Institute, an organization set up by the SIU in downtown Washington to thump the drums for our "citizen-manned" merchant marine (nothing is ever said about those generous foreign sailors). The students, as former newspaperwoman Bentley has written, are members of Congress; the faculty consists mostly of men representing 39 independent unions belonging to the AFL–CIO's Maritime Trades Department, which Hall heads.

One thing to be noted is that many, perhaps even most, of the 39 supposedly maritime-minded unions in the MTD are no more than casually concerned about the state of the merchant marine. The Leather Goods Workers are represented. The Upholsterers belong. So do the Toymakers, the Office Employees, the Carpenters, the Meat Cutters, the Barbers, the Restaurant Employees, the Potters, the Bookbinders, the Grain Millers, the Distillery Workers. But though the leaders of these unions may never have set foot aboard a merchant ship, they have all been pulled into Paul Hall's orbit—by SIU money, by organizing help, or by the supply of burly pickets who help weaker unions beat off Teamster raids. In return, the MTD unions are supposed to vote for Hall when the time comes to choose George Meany's successor.

In Paul Hall's school moreover, the faculty sits back listening while the students speak. Once a week, through most of the year, a member of Congress comes down from Capitol Hill to address what might be called the "military-industrial-labor team" of the maritime industry—assembled MTD leaders, plus guests from the Pentagon and the steamship companies. Speaking to the team need not be taxing. Hall's stable of speechwriters will instantly provide a text for those Congressmen who haven't time to compose their own. And, as Hall himself put it, "there's nothing like an honorarium to make a guy show up." The work can be remunerative, for enough foreign seamen sail SIU ships to let Hall pay $500 or even $1,000 for an hour of any Congressman's time.

HOW SEAFARERS INTERNATIONAL UNION BUILDS POLITICAL CONTRIBUTIONS FUND

(By Ralph de Toledano)

"Voluntary unionism" is a dirty word in labor circles—and a study of the Seafarers International Union will tell you why.

The SIU is a relatively small union—some 45,000 members—but its methods give it more political punch than many of the labor mammoths.

The SIU, for example, poured $215,000 into the Hubert Humphrey presidential campaign last year, after wasting a mere $50,000 in trying to nail the nomination for President Lyndon Johnson.

Then, to show that its heart was in the right place, it bought up $10,000 worth of tickets to a Republican dinner after Richard Nixon had won the presidency.

The SIU's tough president, Paul Hall, draws a salary of $33,382 and in one year added $52,470 in personal expense vouchers, a total of close to $90,000.

No one questions Hall about this, nor does Congress raise the conflict of interest issue when an SIU-pushed subsidy for the maritime industry exceeds budget requests by $124.3 million.

Of course, 10 of the 13 congressmen who spoke up for the increased subsidy receive campaign contributions from the SIU.

But Paul Hall and the SIU are not selfish. In 1966, they contributed $17,000 to one congressman's campaign, in 1968, $30,000 to a senator's, and $3,200 to a powerful House committee.

This year, moreover, the SIU spent $4,952 for a junket by a group of congressmen to New York City.

These are facts generally known. Most unions do this kind of thing, though not so lavishly as the Seafarers. What is not generally known is how this small union raises the cash for this kind of lobbying and campaigning.

Hall gets the money (1) because he runs what amounts to a closed shop, presumably outlawed by labor-management statutes, (2) because Congress is afraid to interfere, and (3) because the union membership, deprived of its rights under the First Amendment to associate or not associate, can do nothing about it.

Now Washington Monthly, a left-of-center publication, comes up with some answers in a piece written for it by Jerry Landauer of the Wall Street Journal.

Landauer points out that it costs a minimum of $1,100 to join the SIU—"$300 in initiation fees and at least $800 to cover special assessments." A new man, he adds, "must retroactively pay all assessments levied on the membership since 1940."

Alien sailors can get work on American ships, which have a much higher pay scale, only through the SIU hiring hall, particularly if they want to get in on the lucrative Vietnamese sea trade. To be hired, therefore, they must sweeten the SIU's special political fund.

Landauer goes down the line naming the ships and the aliens, and listing their "contributions."

On the S.S. Western Planet, alien sailors "contributed" at least $100 each, with some Filipino sailors kicking in as high as $300.

On the S.S. St. Lawrence, aliens contributed $500 each to the "political fund."

On the S.S. Sea Pioneer and the S.S. Christopher, "contributions from alien sailors, collected on pay day right on board ship, ranged from $100 to $500."

Is it any wonder that in 1968 the SIU's campaign chest contained almost $1.03 million?

This sum was largely collected on ships subsidized by the American taxpayer, with aliens paying as much as one-third of their salaries to help elect candidates in a country where they cannot vote.

It is all more than a little illegal—and doubly so since the SIU fails to "identify donors of $100 or more, as required by the Federal Corrupt Practices Act."

It is also a more than unusually sick situation since it gives the SIU, one of the most powerful lobbies in Washington, the muscle to get the House Appropriations Committee to add $164 million for ship construction while it lops $47 million from the Nixon administration's crime-fighting budget, as Jerry Landauer points out.

THE RICH, THE POOR, AND THE TAXES THEY PAY

Mr. KENNEDY. Mr. President, the current issue of the Public Interest contains a significant article by Joseph Pechman that will be of interest to all of us in the Senate who are concerned with the cause of tax justice. In his article, Mr. Pechman, who is the senior economist at the Brookings Institution and one of the most prominent authorities on tax policy in the Nation discusses the principles of tax equity and some of the basic reforms that are needed if our tax laws are to be fair for all our citizens.

Mr. Pechman's analysis deals primarily with the Federal income tax on individuals and corporations, but he also deals with each of the other aspects of our tax system, including estate and gift taxes, the social security payroll tax, and State and local taxes. With respect to tax reform at the Federal level, he emphasizes the need, as he puts it, for us "to deliver—at least—on promises made by both political parties to close loopholes in the income taxes."

According to Mr. Pechman, the highest priority for Federal income tax reform is revision of the tax treatment of capital gains. Other major areas he identifies where reform is needed are: percentage depletion, interest on State and local bonds, personal deductions, tax treatment of the aged and single persons, withholding on interest and dividends, the adoption of a minimum tax, the allocation of personal deductions, the multiple corporate exemption, real estate depreciation, bad debt reserves of financial institutions, and the dividend exclusion. In concluding, Mr. Pechman emphasizes the need to make the tax system more progressive, and urges Congress to make greater efforts to relieve the heavy and unfair tax burden on the poor and on lower income groups.

Mr. President, I believe that Mr. Pechman's article is an important contribution to the debate on tax reform. I ask unanimous consent that it be printed in the RECORD.

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

[From the Public Interest, fall 1969]

THE RICH, THE POOR, AND THE TAXES THEY PAY

(By Joseph A. Pechman)

The distribution of income has always been a hotly debated subject. Whatever has happened or is happening to the distribution of income, some people will always assert that the rich are getting a bigger share of the pie than is "fair," while others will seek to show that this is not the case. Few people, however, bother to find out the facts and fewer still understand what they mean.

The same applies to the tax system. Everybody knows that there are loopholes in the federal tax laws, but few realize that there are loopholes for persons at all income levels. Even fewer have a clear idea about the effects on the distribution of income of closing the more controversial loopholes. And only the experts know the state-local tax structure is in more urgent need of reform than the federal structure.

This article is intended to put these matters in perspective by summarizing the available information. What has happened to the distribution of income before taxes in recent years, and how has the tax system modified it? What's wrong with the national tax system? What reforms are needed to make it a fairer system? What are the chances of getting these reforms? And, beyond such reforms, what would be the shape of a tax distribution that most Americans today might agree to be "fair"?

I. THE DISTRIBUTION OF INCOME

Despite the proliferation of sophisticated economic data in this country, the United States government does *not* publish official estimates of the distribution of income. Such estimates were prepared by the Office of Business Economics for a period of years in the 1950's and early 1960's, but were discontinued because the sources on which they were based were acknowledged to be inadequate. We have data from annual field surveys of some 30,000 households conducted by the Bureau of the Census, as well as from the annual *Statistics of Income* prepared by the Internal Revenue Service from federal individual income tax returns. But both sources have their weaknesses; the Census Bureau surveys systematically understate income, particularly in the top brackets; tax returns, on the other hand, understate the share received by low income recipients who are not required to file. Nevertheless, if used with care, the two sources provide some interesting insights.

Before turning to the most recent period, it should be pointed out that a significant change in the distribution of pre-tax income occurred during the Great Depression and World War II. All experts who have examined the data agree that the distribution became more equal as a result of (a) the tremendous reductions in business and property incomes during the depression and (b) the narrowing of earnings differentials between low-paid workers and higher-paid skilled workers and salaried employees when full employment was reestablished during the war. The most authoritative estimates, prepared by the late Selma Goldsmith and her associates, suggest that the share of personal income received by the top 5 per cent of the nation's consumer units (including families and unrelated individuals) declined from 30 per cent in 1929 to 26.5 per cent in 1935–36; the share of the top 20 per cent declined from 54.4 per cent to 51.7 per cent in the same period. The movement toward greater equality appears to have continued during the war up to about 1944. By that year, the share of the top 5 per cent had dropped another notch to 20.7 per cent, and on the top 20 per cent to 45.8 per cent.

The income concept used by these researchers did not include undistributed corporate profits, which are a source of future dividends or of capital gains for shareholders; if they had been included, the movement of the income distribution toward equality from 1929 to 1944 would have been substantially moderated, but by no means eliminated.[1]

The movement toward equality seems to have ended during World War II, at least on the basis of the available statistics. In 1952, for example, the share of the top 5 percent was 20.5 percent and of the top 20 percent, 44.7 percent. (The differences from the 1944 figures are well within the margin of error of these data, and can hardly be called significant.)

To trace what happened since 1952, we shift to the census data that provide the longest continuous and comparable income distribution series available to us. The best

TABLE 1.—BEFORE TAX INCOME SHARES, CENSUS DATA (PERCENT)

Year	Top 5 percent of families	Top 20 percent of families
1952	18	42
1957	16	40
1962	16	42
1967	15	41

Source: Bureau of the Census. Income includes transfer payments (e.g., social security benefits, unemployment compensation, welfare payments, etc.), but excludes capital gains.

[1] The year 1929 must have been the high point of inequality during the 1920's, so that the distribution of income in the more recent period may not have been very different from what it was in the early 1920's if account is taken of undistributed profits. Unfortunately, the available data for those years are simply not good enough to say much more.

way to appreciate the trend is to look at the figures for income shares at five-year intervals:

The figures indicate that the share of the top 5 per cent declined slightly between 1952 and 1957, and has remained virtually unchanged since 1957; the share of the top 20 per cent changed very little. Correspondingly, the shares of the groups at the bottom of the income scale (not shown in the table) also changed very little throughout the period.

Tax data are needed to push the analysis further. These data are better than the census data for our purposes, because they show the amount of realized capital gains and also permit us to calculate income shares *after* the federal income tax. But the great disadvantage of the tax data is that the bottom part of the income distribution is underrepresented because of an unknown number of nonfilers. Furthermore, the taxpayer unit is not exactly a family unit, because children and other members of the family file their own income tax returns if they have income, and a few married couples continue to file separate returns despite the privilege of income splitting, which removed the advantage of separate returns with rare exceptions.

There is really no way to get around these problems, but the tax data are too interesting to be abandoned because of these technicalities. So, we make an assumption that permits us to use at least the upper tail of the income distribution. The assumption is that the top 10 or 15 per cent of the nation's tax units are for the most part similar to the census family units and the cases that differ represent roughly the same percentage of the total number of units each year. Because we have official Department of Commerce estimates of income (as defined in the tax code) for the country as a whole, the assumption enables us to compute income shares before and after tax for the top 1, 2, 5, 10, and 15 per cent of units annually for the entire postwar period.[2]

The tax series confirms much of what we learned from the census series, and adds a few additional bits of information besides. Here are the data for selected years chosen to represent the three sets of federal income tax rates levied, beginning with the Korean War:

TABLE 2.—BEFORE-TAX INCOME SHARES, TAX DATA
(PERCENT)

Year	Top 1 percent of tax units	Top 2 percent of tax units	Top 5 percent of tax units	Top 10 percent of tax units	Top 15 percent of tax units
1952	9	12	19	27	33
1963	8	12	19	28	35
1967	9	13	20	29	36

Source: "Statistics of Income." Income excludes transfer payments, but includes realized capital gains in full.

According to tax returns, the share of total income, including all realized capital gains, going to the top 1 per cent of the tax units was about the same for the entire period from 1952 through 1967. But the shares of the top 2, 5, 10, and 15 per cent—which, of course, include the top 1 per cent—all rose somewhat. These trends differ from the census figures which show that the entire income distribution was stable. By contrast, the tax data show that the 14 per cent of income recipients just below the top 1 per cent—this group reported incomes between $12,000 and $43,000 in 1967—*increased* their share of total income from 24 per cent to 27 per cent.

If the figures are anywhere near being right, they suggest two significant conclusions:

First, in recent years the very rich in our society have not enjoyed larger increases in incomes, as defined in the tax code, than the average income recipient. Although realized capital gains are included in our figures, they do not include nonreported sources, such as tax-exempt interest and excess depletion; correction for these omissions would probably not alter the results very much, because the amounts involved are small relative to the total of reported incomes. Even a correction for the undistributed profits of corporations wouldn't change the result very much because undistributed gross corporation profits have remained between 10 and 13 per cent of total reported income since 1950.

Second, a change in the income distribution may have occurred in what are sometimes called the "middle income" classes. These classes consist of most of the professional people in this country (doctors, lawyers, engineers, accountants, college professors, etc.) as well as the highest paid members of the skilled labor force and white collar workers. The increase in their share of total income from 24 per cent to 27 per cent, if it actually occurred, represents a not insignificant improvement in their relative income status.

Clearly, this improvement in the income shares of the middle classes could come only at the expense of the lower 85 percent of the income distribution. But this is not the whole story. These figures contain only incomes that are generated in the private economy; they do not include transfer payments (e.g., social security benefits, unemployment compensation, welfare payments, etc.) which are, of course, concentrated in the lower income classes. Correction of the figures for transfer payments might be just enough to offset the increased share of the middle income classes. If this is the case, the constancy of the shares of pre-tax income shown by the census data is fully consistent with the growth in shares of the middle incomes shown by the tax data. And, if this is the explanation of the constancy of the income shares in the census distribution, it means that the lower classes have not been able to hold their own in the private economy; large increases in government transfer payments were needed to prevent a gradual erosion of their income shares.

II. THE EFFECT OF TAXES

Since one of the major objectives of taxation is to moderate income inequality, it is appropriate to ask how the tax system actually affects the distribution of income and whether it has become more or less equalizing. We examine first the impact of the federal individual income tax, which is the most progressive element in the nation's tax system and for which data by income classes are readily available, and then we speculate about the effect of the other taxes in the system.[3]

The Federal income tax

While everybody grumbles about the federal income tax, few people realize that tax rates have been *going down* for about two decades. Even with the 10 per cent surtax, the rates are lower today than they were from 1951 through 1963. Briefly, the history of the tax is as follows: tax rates reached their peak, and exemptions their low point, during World War II. They were reduced in 1946 and again in 1948, when income splitting and the $600 per capita exemption were also enacted. Rates were pushed up close to World War II levels during the Korean War, but were reduced in 1954 and again in 1964. The surtax that became effective for individuals on April 1, 1968, moved the rates only half way back to the 1954–63 levels.

The structure of the tax has been remarkably stable during this entire period, despite all the talk about closing loopholes. The preferential rate on long-term capital gains was enacted in 1942; income splitting became effective in 1948; interest on state and local government bonds has never been taxed by the federal government; percentage depletion dates back to the 1920's; and the deductions allowed for interest charges, taxes, charitable contributions, medical expenses, and casualty losses date back to 1942 or earlier. The 1954 law introduced a 4 per cent dividend credit, but this was repealed in 1964. (As a compromise, the $50 exclusion for dividends, which was enacted along with the credit, was raised to $100.) A few abuses have been eliminated from time to time, but the revenues involved have not been significant.

The single major victory for tax reform occurred in 1964, when the dividend credit and the deductions for state and local taxes other than income, sales, property, and gasoline taxes were eliminated. All told, these revenue-raising reforms amounted to about $750 million, and they were accompanied by revenue-losing reforms of $400 million (mainly the minimum standard deduction which benefitted only those with very low incomes).

Given this history, it follows that the effective tax rates at specific absolute income levels have been going down since World War II. For example, from 1947 to 1967, the effective rate of tax paid by taxpayers with adjusted gross income of $5,000–10,000 declined from 13.8 per cent to 9.5 per cent; for those in the $15,000–20,000 class, the decline was from 24.6 per cent to 14.0 per cent; and above $100,000, the decline was from 57.4 per cent to 39.5 per cent. (These figures understate actual declines because adjusted gross income excludes half of long-term capital gains that were much larger relative to total income in 1967 than in 1947.)

Although such figures are of considerable interest, they are not directly useful for an analysis of the effect of the tax on the income distribution. For it must be remembered that most people moved up the income scale almost continuously throughout this period; under a progressive tax, they would be taxed more heavily as a result of this upward movement. There is a case for the argument that, as incomes rise, it is only "fair" that progressive tax rates—established on the basis of an earlier income distribution that was considered "fair"—ought to go down somewhat. The key question is: how much? Specifically, has the progressive taxation of increased incomes been offset by the reduction in tax rates, or has there been a "surplus" on the side of either income or taxation?

To answer this question, the effective tax rates were computed for the top 1, 2, 5, 10, and 15 per cent of the income tax units, but in this case the full amount of realized long-term capital gains, and also other exclusions, were included to arrive at a total income concept. The data show that, on this basis, average effective tax rates were sub-

[2] People with money always feel poorer than they are, and it might be useful to indicate what kinds of income we are talking about for these various categories. For the year 1967, a taxpayer was in the top 1 per cent if his income (including realized capital gains) was over $43,000, the top 2 per cent if his income was over $28,000, the top 5 per cent if his income was over $18,000, the top 10 per cent if his income was over $14,000, the top 15 per cent if his income was over $12,000.

I would assume that most of the readers of this article, and of this magazine are included among the rich and super-rich. I also assume they will find this hard to believe.

[3] Since the terms are often used loosely, it might be a good idea explicitly to define what *regressive*, *proportional*, and *progressive* taxation mean. A tax is *regressive* when it takes a larger proportion of a poor person's income than of a rich man's, *proportional* when it takes equal proportions of such incomes, and *progressive* when it takes a larger proportion of a rich man's income than of a poor man's.

stantially lower in 1967 than in 1952 for the top 1 per cent, slightly lower for the next 1 per cent, and roughly constant for the next 13 per cent. Note also that the effective rate of tax paid in 1967 by the top 1 per cent, whose before-tax income was $43,000 and over, was only 26 per cent of their total reported income, including all their realized capital gains.

TABLE 3.—EFFECTIVE FEDERAL TAX RATES ON TOTAL INCOME (PERCENT)

Year	Top 1 percent of tax units	Next 1 percent of tax units	Next 3 percent of tax units	Next 5 percent of tax units	Next 5 percent of tax units
1952	33	20	16	14	12
1963	27	20	16	14	13
1967	26	18	15	13	12

Source: "Statistics of Income." Total income is the sum of adjusted gross income and excluded capital gains, dividends, and sick pay.

It is a fairly simple matter to deduct the tax paid by each of these groups from their total income to obtain their disposable income. The results modify the conclusions we drew on the basis of the before-tax incomes in only minor respects. The shares of disposable income of the top 1 per cent remain stable, and the shares of the top 2, 5, 10, and 15 per cent go up from 1952 to 1967. Furthermore, the shares of the "middle income classes"—the 14 per cent between the top 1 and top 15 per cent—rise from 23 to 27 per cent on a disposable income basis, or about as much as on a before-tax basis (Table 4).

We may conclude that the federal individual income tax has moderated the before-tax income distribution by roughly the same proportions since 1952. Thus, while tax rates at any given absolute income level have declined, the effect of progression has just about offset the decline, leaving the relative tax bite about the same in the top 15 per cent of the income distribution. Furthermore, similar calculations suggest that the post-World War II income tax is just about as equalizing as it was in 1941. The tremendous movement upward in the income distribution pushed much more taxable income into higher rate brackets, but this has been offset by the adoption of income splitting and the increase in itemized deductions.[4]

TABLE 4.—SHARES OF TOTAL DISPOSABLE (I.E., AFTER-TAX) INCOME (PERCENT)

Year	Top 1 percent of tax units	Top 2 percent of tax units	Top 5 percent of tax units	Top 10 percent of tax units	Top 15 percent of tax units
1952	7	10	16	24	30
1963	7	10	17	26	33
1967	7	11	17	26	34

Source: "Statistics of Income." Disposable income is total income less Federal income tax paid.

It should be emphasized that the foregoing data omit large chunks of income that are received primarily by high-paid employees of large business firms. Tax-exempt interest and percentage depletion have already been mentioned. In addition, beginning with the imposition of the very high individual income tax rates under the excess profits tax during World War II, methods of compensation were devised to funnel income to business executives in nontaxable forms. The devices used are well known: deferred compensation and pension plans, stock option arrangements, and direct payment of personal consumption expenditures through expense accounts. There is no question that these devices are used widely throughout the corporate sector. But little is known about the amounts involved, and even less is known about the impact on the distribution of income.

A recent study by Wilbur G. Lewellen for the National Bureau of Economic Research concluded that, even after allowance is made for the new compensation methods, the after-tax compensation (in dollars of constant purchasing power) of top executives in industrial corporations was no higher in the early 1960's that in 1940. The more important finding from the income distribution standpoint is that stock options, pensions, deferred compensation, and profit-sharing benefits rose rapidly as a percentage of the executives' compensation package from 1940 to 1955, and then stabilized. The study did not attempt to measure the value of expense accounts, and omitted firms in industries other than manufacturing. Nevertheless, the results of the study suggest that extreme statements about the possible effects of these devices on the distribution of income in recent years are not warranted.

The corporation income tax

The corporation income tax was enacted four years before the individual income tax and it has been a mainstay of the federal tax system ever since. It produced more revenue than the individual income tax in 17 out of 28 years prior to 1941; today, it is the second largest source of federal revenue. The general corporation tax was reduced to 38 per cent after World War II. It was raised to 52 per cent during the Korean War and remained there until 1964, when it was reduced to 48 per cent.

Public finance experts have argued the merits and demerits of a corporation tax for a long time, but the issues have not been resolved. Its major purpose in our tax system is to safeguard the individual income tax. If corporate incomes were not subject to tax, individuals could avoid the individual income tax by arranging to have their income accumulate in corporations, and later on selling their stock at the low capital gains rate, or holding on until death at which time the capital gains pass to their heirs completely tax free. Short of taxing shareholders on their share of corporation incomes (a method which is attractive to economists, but is anathema to businessmen and most tax lawyers) and taxing capital gains in full, the most practical way to protect the individual income tax is to impose a separate tax on corporation incomes.

Some people have argued that a large part or all of the corporation income tax is shifted forward to the consumer in the form of higher prices. On this assumption, the corporation income tax is a sales tax—a very peculiar one, to be sure—and is therefore regressive. But the majority view among tax experts is that the corporation income tax comes out of corporate profits, as was intended, so that the tax is borne by shareholders. Despite the large post-World War II increases in the number of shareholders, stock ownership is still concentrated in the highest income classes. This means that the corporation income tax is, to some extent at least, a progressive tax.

The major change in the corporation tax in the last two decades has been the enactment of more generous depreciation deductions in 1954 and 1962 and of the investment credit in 1962. As a result, despite relatively constant rates, the corporation tax has declined as a ratio to gross corporate profits (i.e., profits before deduction of depreciation) from 33 per cent in 1955 to about 27 per cent in 1967. It rose in 1968 to 30 per cent as a result of the imposition of the 10 per cent surtax. The impending expiration of the surtax and repeal of the investment tax credit will just about offset one another, so that the post-surtax ratio will continue at 30 per cent until the continuously growing depreciation allowances will tilt it downward once again. Thus, although the contribution of the corporation tax to the progressivity of the national tax system has declined somewhat (for economic reasons that most economists regard as persuasive), the contribution continues to be on the progressive side.

Estimate and gift taxes

In theory, estate and gift taxes are excellent taxes because they have little effect on incentives to earn income and, if effective, would reduce the inequality of the distribution of wealth that in turn accounts for much of the inequity in the distribution of income. In practice, the yield of these taxes is disappointing. Tax rates are high, but there are numerous ways to escape them. The result is that the federal government receives little of its revenue from these tax sources—about 1.7 per cent in the current fiscal year. The effective rate of estate taxes on wealth passed each year from one generation to the next must be less than 10 per cent; and the gift tax is even less effective. While these taxes are progressive, they have little effect on the distribution of wealth.

The social security payroll tax

We now turn to the features of the national tax system that, in combination, more than offset the progressivity of the federal income and estate and gift taxes. The social security payroll tax, which is levied at a flat rate on earnings up to a maximum of $7,800 under present law, was enacted in 1935 as the basic method of financing social security on the principle that the workers were buying their own insurance. This idea is doubtless responsible for the widespread acceptance of social security as a permanent government institution in this country; but the insurance analogy is no longer applicable to the system as it has developed. Present beneficiaries received far larger benefits than the taxes they paid would entitle them to—a situation that will continue indefinitely as long as Congress raises benefits as prices and wages continue to rise. The trust funds have not grown significantly since the mid-1950's; the payroll taxes paid by the workers have not been stored up or invested, but have been paid out currently as benefits. When benefits promised to people now working come due, the funds for their payment will be provided out of tax revenues as of that future date.

Nevertheless, the insurance analogy has a strong hold on the thinking of the administrators of social security and the Congressional tax-writing committees. Every time a benefit increase is enacted, the payroll tax rates (or the maximum earnings subject to the tax) are raised, in order to balance out the revenues and expenditures for the next 75 years on an actuarial basis. In a relatively short time, the trust funds begin running large surpluses, which then become the justification for another round of benefit increases by Congress. This requires a further increase in rates for actuarial reasons, payroll taxes are again raised, and so on.

As a result of this process, payroll taxes have been raised seven times since the beginning of 1960. The combined employer-employee tax was 6 per cent on earnings up to $4,800 on January 1, 1960; this year the tax is 9.6 per cent on earnings up to $7,800. Most economists believe that the burden of the employer tax, as well as the employee tax, falls eventually on the workers (either by substituting for larger wage increases or inflating prices). Thus, the federal government has been placing more and more weight on this regressive element of the federal tax system.

[4] But the income tax is surely more equalizing now than it was in 1929, when the top bracket rates were cut to a maximum of 25 per cent. This means that the equalization of the distribution of income between the 1920's and the post-World War II period is even more pronounced on a disposable income basis than it is on a before-tax basis.

State and local taxes

Although the federal tax system is progressive on balance, the state and local tax system is highly regressive. The states rely heavily on sales taxes, while the local governments rely on property taxes. Personal and corporation income taxes account for only about 11 per cent of state-local revenues from their own sources. This situation is disturbing because the state-local tax system is the growing element of the national system. Whereas the federal government has been able to reduce income tax rates several times beginning in 1954, and has eliminated virtually all of its excise taxes, state governments continue to enact new taxes and to raise the rates of old taxes to keep up with their increasing and urgent revenue needs; meanwhile, local governments keep raising the already excessively burdened property tax.

Federal tax receipts have moved within the narrow range of 19 to 21 per cent of the Gross National Product since 1951. By contrast, state-local receipts rose from 7.1 per cent of the GNP in 1951 to 11.9 per cent in 1968. Assuming that state-local taxes respond more or less proportionately to the rise in the national product (a reasonable assumption), the states and local governments must have increased rates by 68 per cent in these 17 years to push up their tax yields to current levels. The net result is, of course, that a greater degree of regression is being built into the national tax system by the states and local governments as they continue to seek for more revenues.

Parenthetically, it might be observed that the "tax revolt" which has been so much in the news of late must have been a reflection of the increasing burden of state and local taxes. The revolt is allegedly concentrated in the "middle income" classes living in the suburbs. In this, there is a paradox: this group probably pays a smaller proportion of its income in taxes than the poor and near poor (see below), but the taxes they have been paying, or recently began to pay, are highly visible. Their incomes have risen sharply in recent years, so that their federal income taxes are higher in dollar amounts despite the 1964 rate reduction. Six states have enacted new income taxes in the past eight years and ten states have enacted new sales taxes; many others have raised the rates of both taxes substantially. Most of the new suburbanites are now paying property taxes directly as home owners, rather than indirectly as tenants, and property taxes have also been rising everywhere. Tax morale was, therefore, generally at a low ebb when the federal government requested more taxes to finance a budget containing $30 billion to fight an unpopular war. Since the request was in the form of a surcharge on those already paying taxes, and did nothing about those who escaped, the existing inequities in the federal income tax at last became evident to large masses of taxpayers who have no difficulty in communicating their unhappiness to their Congressmen.

Summary of the national tax system

It is not easy to arrive at an accurate estimate of the impact of the whole tax system at various income levels. Taxes are reported to different federal, state, and local government agencies. No single agency has the responsibility to compel reporting of taxes on a meaningful and consistent basis. A number of isolated attempts have been made by students of public finance to piece together from the inadequate data estimates of the distribution of all taxes by income classes. These studies were for different years, make different assumptions for the incidence of the various taxes, and use different statistical sources and methodologies to correct for the inconsistencies in the data. Nevertheless, they all arrive at similar conclusions regarding the relative tax loads at different income levels.

The most recent estimates were prepared by the Council of Economic Advisers for the year 1965. They show the distribution of taxes by the income classes of families and unattached individuals, income being defined exclusive of transfer payments. The estimates for taxes and transfers separately, and in combination, are summarized in Table 5.

The following are the major conclusions that can be drawn from these and previously published estimates:

1. Since at least the mid-1930's, the federal tax system has been roughly proportional in the lower and middle income classes, and clearly progressive for the highest classes. Federal income tax data suggest that the preferential rate on capital gains, and the exclusion of interest on state and local bonds and other items from the tax base, have produced some regressivity for the very small group at the top of the income pyramid, say, beginning with incomes of $100,000 or more.

2. State and local taxes are regressive throughout the income scale.

3. The combined federal, state, and local tax burden is heaviest in the very bottom and top brackets, and lowest in the middle brackets. This statement is, of course, based on averages for each group and there are wide variations around these averages for specific individuals, depending on the sources of their incomes, the kind of property they own, and where they live.

4. The poor receive numerous transfer payments (e.g., social security, unemployment compensation, public assistance, etc.) that are financed by this tax system. The net effect of transfers as against taxes is distinctly progressive, because transfer payments make up such a large proportion of total income at the bottom of the income distribution—56 per cent for those with incomes of less than $2,000 in 1965. (To some extent, this progressivity is overstated because the transfers do not always go to the same people who pay taxes, the best example being social security retirement benefits that are received only by retirees—many of whom are not poor—while $1.5 billion of the payroll tax levied to pay for these benefits are paid by the poor.) There is no reason in the abstract, why a nation should not levy taxes on and pay transfers to the same groups; but while the nation wages a war on poverty, it is surely appropriate to consider the possibility of providing additional financial assistance to the poor by *tax reduction* as well as through transfer payments.

TABLE 5.—TAXES AND TRANSFERS AS PERCENT OF INCOME, 1965

Income classes	Taxes			Transfer payments	Taxes less transfers
	Federal	State and local	Total		
Under $2,000	19	25	44	126	[1] −83
$2,000 to $4,000	16	11	27	11	16
$4,000 to $6,000	17	10	27	5	21
$6,000 to $8,000	17	9	26	3	23
$8,000 to $10,000	18	9	27	2	25
$10,000 to $15,000	19	9	27	2	25
$15,000 and over	32	7	38	1	37
Total	22	9	31	14	24

[1] The minus sign indicates that the families and individuals in this class received more from Federal, State, and local governments than they, as a group, paid to these governments in taxes.

Source: Economic Report of the President, 1969. Income excludes transfer payments, but includes realized capital gains in full and undistributed corporate profits.

III. REFORMING THE NATIONAL TAX SYSTEM

The preceding discussion indicates that the agenda for reforming this country's tax system to correct its regressive features is lengthy and complicated. It involves reconstruction of the tax systems at all levels of government, and the development of new forms of intergovernmental fiscal relations. State and local governments need to rely more heavily on income taxes, relieve the poor of paying sales taxes, and deemphasize the property tax. At the federal level, the most important items on the agenda are to alleviate the payroll tax on the poor, to deliver—at last—on promises made by both political parties to close loopholes in the income taxes, and make the estate and gift taxes more effective.

State and local taxes

There are no easy solutions to the state-local problems, given the political constraints under which our federal system operates. At the state level, the trend is for moderate income and sales taxes—34 states already have both, and the number increases every year. Six states have adopted simple per capita credits against income taxes for sales taxes paid (with refunds for those who do not pay income taxes) to alleviate the sales tax burden on the poor. This device eliminates the regressive feature of the sales tax and makes it more acceptable on grounds of equity. Progress on the adoption of state income taxes has been slow, but there has been a new surge of adoptions by the states in the past couple of years as governors and legislators have realized that they cannot get along without the growth-responsive revenues from an income tax.

The states are also beginning to take a more responsible attitude toward their local governments, although the situation is admittedly bad in many parts of the country. More of the states' own revenues should be allocated to local governments through grants-in-aid to prevent the development of city income and sales taxes that tend to drive wealthy taxpayers and businesses to the suburbs. An ideal arrangement, that is already in operation in Maryland for income tax purposes, would be to have statewide income and sales taxes along with modest "piggyback" local taxes—all collected by the state government and subject to state control so that individual communities will not get too far out of line with their neighbors. (As a long-run goal, the federal government should collect state-local, as well as federal, income taxes on the basis of a single return.)

The local governments need to improve local property tax administration to remove the haphazard way in which the tax applies to properties of equal values. The states can help by providing technical assistance and also by forcing the communities to meet minimum standards of administration. Consideration should also be given to the development of new local revenue sources to take some of the pressure off the general property tax. The best alternatives are the "piggyback" income and sales taxes already mentioned, always with the credit or refund for sales taxes paid by the poor.

In addition, it is time to tap the high and rising land values for some of the urgently needed local revenues. The National Commission on Urban Problems, which was chaired by former Senator Paul Douglas, has estimated that land values rose from $269 billion in 1956 to $1523 billion in 1966, or

about $25 billion a year. This tremendous increase in wealth was not created by the landowners but by society as a whole. This is, of course, the basis of the old "single tax" idea that was oversold by the zealots as a complete and final solution to the nation's tax problems, although correct in principle. The revenue potential of special taxes on land values or on increases in land values is modest, but the approach has merit even if it will not solve the financial problems of our cities and suburbs by itself. It would also discourage the hoarding of land for speculative purposes and thereby encourage more efficient use of land in and around the nation's cities.

But there is no hope for the states and local governments, whatever they do on their own initiative, unless the federal government cuts them in on its superior tax resources. It is true that federal grants to states and local governments have increased rapidly in recent years—from $5 billion in fiscal year 1958 to an estimated $25 billion this year—but the need is even greater than that. To satisfy this need, more money will have to be allocated to the categorical grants already authorized for such programs as education, health, welfare, and housing. Also, a federal-state-local income tax revenue-sharing system should be established to moderate the huge disparities in fiscal capacities of the fifty states and to give governors and local officials unrestricted funds that can be used to help solve their own particular problems. The Nixon administration's proposal, based on a plan devised by a Johnson task force, is a good—though modest—beginning.

Mayors and county managers are suspicious of revenue sharing because they have little faith that the states will distribute the funds fairly. To answer this criticism, various formulas have been devised to require the states to "pass through" at least a minimum percentage of the revenue-sharing grants. Disagreement over the details of the "pass through" should not be allowed to delay the adoption of an idea that will relieve some of the fiscal pressure at the state and local levels and, at the same time, provide revenues from a progressive tax that otherwise would be raised mainly on a regressive basis. Ultimately, the federal government should allocate 2 per cent of the federal individual income tax base to revenue sharing, which would amount to $8 billion at current income levels and as much as $12 billion in 1975.

The payroll tax

Much has been said about the need for removing the poor from the income tax rolls, and Congress seems to be prepared to remedy this anachronism. But the more urgent problem is to remove the much heavier payroll tax burden of the poor. The federal income tax bill of the families and individuals who are officially classified as poor is only $200 million a year, as compared with the $1.5 billion they pay in payroll taxes. In addition, the regressive feature of the payroll tax at the higher income levels should be moderated immediately and ultimately eliminated entirely.

Several different approaches might be taken to achieve these objectives.

First, part or all of the payroll tax could be converted into a withholding tax for income tax purposes. No formal change in the payroll tax need be involved; at the end of the year, individuals would receive credit against their income taxes (or a refund if they are not income tax payers) for the amount of payroll taxes paid.

Second, contributions from general revenues might be made, on the basis of a fixed formula, to the social security and other trust funds. Such a possibility was foreseen in the earlier days of social security.

Third, the social security system might be combined with a liberalized and modernized public assistance system or some variant of a negative income tax. The negative income tax payments to the aged in such a system would be financed out of general revenues.

But whatever is ultimately done about the payroll tax as the basic revenue source for social security financing, the poor should be relieved of paying this tax as soon as possible. The principle of a minimum taxable level under the income tax—soon to be raised to the poverty levels—should be carried over into the payroll tax. The Internal Revenue Service is already proficient at handling tens of millions of refunds per year under the income tax; the additional payroll tax refunds would not be an excessive burden.

Federal tax reform

As this was being written, Congress was working hard to complete a tax reform bill. The details of the final legislation are still unclear, but it might be useful to list the most important issues that must be settled, now or later.

1. Revision of the treatment of capital gains is the highest priority item. Profits from sale of assets held more than six months are taxed at only half the regular rates up to a maximum of 25 per cent, but even this tax may be avoided indefinitely if the assets are transferred from one generation to another through bequests. In the case of gifts, capital gains are taxed only if the assets are later sold by the recipient. As a result, billions of dollars of capital gains are subject to low rates or are never taxed.

Capital gains receive favored treatment for two reasons: first, full taxation in a single year of a large realized gain accumulated over many years would be unfair, unless the impact of the graduated income tax rates were moderated; second, too high a rate on capital gains might "lock" most security holders into their present portfolios. The first of these problems could be solved by averaging capital gains over the period they were held. The "lock-in" effect would be moderated by such an averaging provision, and also by taxing capitla gains when assets are transferred, either by gift or at death. Both changes would reduce the advantages of holding on to assets whose values had risen.

A complete reform of the capital gains tax would raise perhaps $8 billion in additional revenues annually, mainly from the top 15 per cent of the income population. But the more likely package—including a lengthening of the holding period from six months to a year and elimination of the maximum 25 per cent tax rate (but not the exclusion of half of long-term capital gains—would yield only about $700 million a year.

2. The toughest issue involves percentage depletion for oil, gas, and other minerals industries. These allowances are similar in many respects to ordinary depreciation. The difference is that the amounts written off as depreciation are limited to the cost of the asset, but percentage depletion can—and does—substantially exceed the amount invested. In addition, an immediate write-off is permitted for certain capital costs incurred in exploration and development, thus providing a double deduction for capital invested in these industries. Most economists who have studied the matter have concluded that present allowances are much too generous.

If the preferential treatment for all the minerals industries were entirely eliminated, revenues would be increased by $1.6 billion a year. If the oil depletion allowance is reduced from 27 per cent to 20 per cent and the other allowances are scaled down proportionately, as seems possible at this moment, additional revenues would amount to about $400 million a year.

3. The tax exemption of interest on state and local government securities is unfair because it benefits only the wealthy. It is also inefficient because the wealthy benefit from the full amount of the interest differential for the tax exemption, which is set by the market at the point where the marginal (and lower income) investor is encouraged to buy tax-exempts. According to one study, the federal government loses $2 of revenue for every $1 of interest subsidy received by the states and local governments. If state-local bond interest were taxed, the revenue could be used directly to help the states and local governments. The estimated revenue gain would be small initially because any legislation that might be enacted would apply only to future issues and a considerable part of the new revenue would be returned to the states in the form of a "sweetener" over and above what the present tax exemption is worth to them.

4. The most irrational and expensive provisions are the deductions for charitable contributions, interest payments, medical expenses, state and local taxes, and other personal expenditures that cut out billions of dollars from the tax base. These deductions are designed to improve the definition of income on which taxes are to be based; in fact, many of the deductions are merely subsidies for particular types of personal expenditures that hardly merit government encouragement.

Deductions for state income taxes do protect taxpayers against excessive rates. There is also some justification for continuing the deduction for sales and income taxes as a device to encourage further state use of these taxes to raise the revenues they desperately need. But the same rationale does not apply to property taxes; [5] and there is certainly no excuse for deducting gasoline taxes, which are levied to pay for benefits received by highway users. The present method of computing the deduction for charitable contributions is also questionable. Limiting the deduction to contributions in excess of, say, 3 per cent of income would encourage larger-than-average gifts to charity and save $1.5 billion of revenue each year. In addition, Congress should repeal the unlimited charitable deduction for those whose taxes and contributions together exceed 80 per cent of their income for eight out of ten consecutive years. This provision has permitted many wealthy people to escape tax entirely by donating appreciated assets on which capital gains tax has not been paid but which are deductible at their full value (including the gain) against other income.

A series of reforms along these lines might bring in revenues in the neighborhood of $5 billion a year. But Congress will probably do very little in this area—except perhaps to eliminate the unlimited charitable deduction which will bring in $50 million annually and to raise the standard deduction (which will added to the erosion of the tax base—at a cost of $1.4 billion—and

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[5] I have omitted the favored tax treatment of homeowners from this list of major tax issues for obvious practical reasons. An individual who rents a house and invest, say, $20,000 in securities yielding 5 per cent is taxable on the $1,000 of interest and dividends he receives. Another who invests the $20,000 in an identical home is not taxable on its rental value (which is income to him, even though he does not actually receive any cash) and deducts his property taxes and mortgage interest. These benefits are worth $8 billion annually to homeowners, but they are sacrosanct. I know of no Congressman who would publicly support elimination of the deductions for property taxes and mortgage interest, let alone the inclusion of the rental values of owner-occupied homes in taxable income. Encouragement of individual home ownership—and, increasingly, apartment ownership—is deeply imbedded in the American political grain, even though its rationale is not nearly as cogent as it used to be.

do nothing to refine the taxable income concept in a manner that would improve interpersonal equity).

5. The federal income tax has been particularly solicitous of the aged. Taxpayers over 65 years of age have an additional exemption of $600, pay no tax on their social security or railroad retirement pensions, and receive a tax credit on other retirement income if their earnings are below $1,524. These benefits are worth more than $3 billion a year. There is every reason to help the aged through public programs, but the tax system is a bad way to do this because it gives the largest amount of relief to those who need it least. It would be better to eliminate these deductions and use the revenue to increase social security benefits for all aged persons. The Kennedy and Johnson administrations recommended a more modest approach that would limit the income tax relief to low-income aged, but not raise any additional revenue.

6. Income splitting was enacted in 1948 to equalize the tax burden of married persons living in community and noncommunity property states. (The former had already been able to split their incomes for tax purposes.) But the provision introduced an unfair discrimination against single people, and reduced taxes by an estimated $10 billion a year. There are ways to eliminate this discrimination without introducing the old communty property problems, but the large revenue loss—which goes almost entirely to married couples with incomes above $10,000—is probably irretrievable. This year, Congress seems to be in a mood to extend half the advantages of income splitting to single people aged 35 years or older and this will cost $650 million a year.

7. A few years ago, the Senate refused to accept a relatively simple House plan to withhold income tax on interest and dividends. Instead, they required information returns by corporations and financial institutions, a copy of which would go to the taxpayer. There was some improvement in the reporting of interest, but not nearly enough (dividends were never underreported very much). The introduction of withholding is the only practical method of recovering the estimated $1 billion of tax that is now lost annually through the carelessness, inadvertence, and dishonesty of taxpayers (mainly in the lower and middle income classes).

8. Although some income tax avoidance will be eliminated by the new legislation, the final bill will not close all the loopholes. As a safeguard to prevent a few wealthy people from taking advantage of the special provisions that would remain, two reforms are now being seriously considered by the Congress. The first would require the allocation of personal deductions allowed to individuals between taxable and nontaxable income sources. Thus, if only half of a taxper's income is subject to tax, he would be entitled to only half his deductions. The second would introduce a minimum income tax at half the ordinary rates on an individual's total income (including all nontaxable sources) or require an individual to pay tax at the full rates on at least half his total income. These revisions would add $800 million of tax revenue a year if the income definition included all sources of income. But they are not a substitute for comprehensive reform, but they will be needed until all the income tax loopholes have been plugged—and that is not likely to happen very soon.

9. The corporation income tax would not be in bad shape if the depletion allowances were modified, but a few technical reforms are also needed. Corporations should not be allowed to reduce their taxes by splitting up into a large number of smaller corporations. (Each corporation has a $25,000 exemption against the corporation normal tax, which is worth $6,500 for each corporation.) Banks and other financial institutions have overly generous allowances for additions to reserves for losses on their loans; these should be made more realistic. Real estate operators should not be allowed to deduct depreciation at accelerated rates and then, when the property is sold, taxed at the capital gains rates on their profits (which is partly the result of the excessive depreciations). These revisions, which are incorporated in this year's reform bill (except that the real estate loophole was kept open for residential construction), would add close to $2 billion a year to the corporation income tax yield. In addition, the $100 deduction for dividends under the individual income tax—worth about $200 million a year in lost revenue—is silly and should be repealed.

10. Taxes on property transferred from one generation to the next are avoided in two ways. First, wealthy people put money in trust funds for their wives, children, and grandchildren that are taxed when they are set up but not when the income passes between generations or when the trusts terminate. It is possible to escape estate taxes for two or three generations in this way. Second, since gift tax rates are much lower than estate tax rates, wealthy individuals can reduce the taxes on their wealth or eliminate them entirely by systematically distributing the assets over a period of years through gifts.

Avoidance through gifts can be reduced by combining the estate and gift taxes into one tax. (An integrated tax would reduce the avoidance through gifts, but not eliminate it entirely, because an individual could earn interest on any tax he postponed.) The trust loophole is more difficult to close, but methods have been devised to tax trust assets once every generation. Another improvement in the estate and gift taxes that would lower rather than raise revenues, would be to permit husbands and wives to transfer wealth freely between them without tax; under present law, half of the transfers are taxable.

The prospects

The long list of needed revisions in our federal, state, and local tax system should convince anyone that the reforms now being contemplated will not make a significant change in the progressivity of the system. Congress could, if it wishes, increase the yield of the present tax system by $25 billion a year, an amount that would be sufficient substantially to relieve the tax burdens of the poor and low-income nonpoor and to lower tax rates clear across the board. Instead, the revenue to be gained from this year's tax reform bill—a Herculean effort by past standards—may be in the neighborhood of $3 billion a year and much of this will be used to reduce the taxes of the "middle" income classes by what amounts to little more than a pittance, while the poor continue to bear much heavier tax burdens.

According to the Council of Economic Advisers, total taxes of those with incomes below $2,000 amounted to $7.3 billion in 1965, of which $4.2 billion were state and local taxes and $3.1 billion were federal. Those with incomes between $2,000 and $4,000 paid another $11.5 billion consisting of $6.8 billion federal and $4.7 billion state-local taxes. The total tax bill of $18.8 billion of those with incomes below $4,000[6] suggests what regressivity really means in a country collecting taxes amounting to about 31 per cent of its GNP.

The classic objection against an attack on tax regressivity has been that there is simply not enough income in the higher classes to do the job. Would a substantial reduction in regressivity require confiscatory rates? To appreciate one of the significant magnitudes involved, suppose the federal government decided to refund all general sales, payroll, and property taxes on housing paid by those who are officially classified as poor. (The remaining taxes are selective excise taxes levied for sumptuary purposes or in lieu of user charges, which could not be refunded in any practical way. After this year, the poor will not pay any federal income taxes.) These refunds would amount to about $4 billion—perhaps three-quarters of the total tax burden of the poor and one-sixth of the burden of those with incomes below $4,000—less than what this year's tax reform bill may give away in higher standard deductions and rate reductions.

What a progressive tax system would look like

It might be thought that such a proposal—to lift three-quarters of the tax burden of the poor—is too timid. Why not go further? That indeed could be done, but only as part of a larger redistribution of the tax burden. After all, it is both inequitable and politically impossible to create a noticeable "tax divide" between the poor (a fluid concept, in any case) and the rest of society. To make the tax system progressive, it would not be enough drastically to reduce the tax burden of the poor; the burdens of the near poor and others at the lower end of the income scale would have to be cut simultaneously. Indeed—again on principles of equity and political feasibility—the relief should be diffused upwards until it benefits, say, the lower half of the income distribution (or, more technically, those receiving less than the median income, which is now in excess of $9,000).

There are a number of ways of modifying the tax system to redistribute the tax burden in this way. The most straightforward—and perhaps even the most practical, given the federal system of government in this country—would be to give taxpayers credits against the federal income tax for a declining percentage of the major taxes they now pay to federal, state, and local governments, except for income taxes. Suppose we make refunds to the poor for the general sales, payroll, and property taxes they pay and permit others to claim credits against their federal income taxes for 75 percent of these same taxes if they are in the $2,000–4,000 class, 50 percent in the $4,000–6,000 class, and 25 percent in the $6,000–8,000 class. (Obviously, refunds would be paid to those with credits larger than their federal income taxes.)[7]

Let us further assume that the taxes paid by those with incomes between $8,000 and $10,000 remain the same, and that the revenues needed to pay for the relief below $8,000 would come from those with incomes above $10,000 in proportion to the taxes they now pay. Again, we need not be concerned with the details of how this can be done. It would certainly be more equitable to close the major federal income tax loopholes first and then raise whatever additional revenue is needed by an increase in the rates above $10,000. Either way, the ratio of total taxes to income for any specific income class could be set at the same figure, although the burden *within* each class would be distributed much more equitably if the loopholes were closed first.

It turns out that, in 1965, the credits (and refunds) would have reduced taxes for those with incomes of less than $8,000 by $19 billion, and this would have required an increase in the taxes paid by those in the

[6] It will be recalled that the income definition we are using for 1965 excludes transfer payments. Hence, this $18.8 billion of tax is paid both by poor and nonpoor families and individuals. The poor alone pay about 30 per cent of this amount.

[7] In practice, we would probably vary the credits for families of different size, but this is a refinement which need not concern us here.

$10,000–15,000 class from an average of 27 per cent to 32 per cent and by those above $15,000 from 38 per cent to 46 per cent, or an average tax increase of about a fifth. The resulting effective rates of tax in this system compare with the rates as they were in 1965 as follows:

TABLE 6.—TAXES AS PERCENT OF INCOME, 1965

Income classes	Present tax system	Alternative tax system
Under $2,000	44	13
$2,000 to $4,000	27	14
$4,000 to $6,000	27	19
$6,000 to $8,000	26	23
$8,000 to $10,000	27	27
$10,000 to $15,000	27	32
$15,000 and over	38	46
Total	31	31

Income includes capital gains, but excludes transfer payments

A glance should convince anyone that this tax system would by no means eradicate taxes at the lower end of the income scale. Most people would regard tax burdens of as much as 13–14 percent for those with incomes below $4,000 and 23 per cent for those between $6,000 and $8,000 as much too high. Yet, the idea of relieving tax burdens for the lower half of the income distribution even in this relatively modest way is clearly impractical; Congress would face a revolt if it tried to raise taxes on incomes above $10,000 by an average of 20 per cent.

Perhaps we exaggerate the difficulties by using 1965 figures? Incomes have risen substantially so that there is much more income to be taxed above $15,000. But state and local taxes have also risen and the degree of regressively in the tax system has been aggravated. On balance, the rise in incomes has probably been more powerful, but not enough to alter very much the general conclusions that we have reached from the 1965 data.

The prospects for making the tax system progressive are more discouraging when one notes the way Congress usually behaves when it reduces taxes. On the basis of past performance, one can predict with certainty that Congress will not limit income tax reductions to the lowest income classes. In 1964, when federal income taxes were reduced by an average of 20 per cent, incomes above $15,000 were given a tax cut of 14 per cent. This year much more than the revenue to be gained from closing the loopholes and repealing the investment credit may be given away in tax rate reductions. Of course, these actions reflect the pressures on the Congressmen. The influence of the groups arrayed against a significant redistribution of the tax burden is enormous and there is no effective lobby for the poor and the near poor.

It may be that, at some distant future date, the well-to-do and the rich will have enough income to satisfy not only their own needs, but also to help relieve the tax burdens of those who are less fortunate. In the meantime, the tax system will continue to disgrace the most affluent nation in the world.

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

Mr. BURDICK. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) is absent from the Senate on official business today. He has requested that the October 21 New York Times article by Warren Weaver and the October 19 New York Times article by Anthony Lewis, both on the Haynsworth appointment, be printed in the RECORD. I ask unanimous consent that the articles be printed in the RECORD.

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

[From the New York Times, Oct. 21, 1969]

THE CASE AGAINST JUDGE HAYNSWORTH: THREE ETHICAL QUESTIONS

(By Warren Weaver, Jr.)

WASHINGTON, October 20.—The case against Clement F. Haynsworth Jr., the South Carolinian President Nixon is trying to place on the Supreme Court, has narrowed down in large measure to three controversial ethical questions.

The Senators who will make the final judgment on the nomination, which is expected to face a close vote within the next two months, must judge each of these questions against three different sets of standards, all somewhat imprecise, and somehow arrive at a single yes-or-no verdict.

The ethical questions are these:

1. Is it proper for a judge to consider a case in which one of the parties is a corporation that is a subsidiary of a corporation in which he is a stockholder?

2. Is it proper for a judge to consider a case in which one of the parties has substantial business dealings with a corporation in which he has a personal financial stake?

Is it proper for a judge to purchase stock in a corporation that has a case pending before him, between the time the decision has been reached privately and its public announcement?

The answers, complicated in any event, depend on which definition of what is "proper" the Senate applies: The controlling Federal statute, the canons of ethics of the American Bar Association or the public's commonsense view of how a judge should behave. None of them are simple or clear-cut.

OTHER OBJECTIONS

These potential conflict-of-interest problems are not the only objections being raised to the nomination of Judge Haynsworth, who is now Chief Judge of the United States Court of Appeals for the Fourth Circuit but they form the underlying basis for the public case against his confirmation.

Some Senators oppose Judge Haynsworth because they believe his decisions have been antilabor or insufficiently receptive to the civil rights cause. Others regard his judicial record as that of a mediocre, even careless, man. Still others feel he has devoted more than a judicious share of his time and efforts to personal business.

Many others, however, strongly back his nomination.

Almost all the Senators with these objections are focusing their public statements on the ethical matters, sidestepping the troublesome question of whether the Senate has the right to disapprove a Presidential nominee just because it disagrees with his political philosophy.

The statutory standard that the Senate must apply to the various questions about Judge Haynsworth is this: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper in his opinion, for him to sit."

Judge Haynsworth's opponents have cited at least eight canons of ethics that they believe the South Carolinian has violated. The principal ones are these:

Canon 4: "A judge's official conduct should be free from impropriety and the appearance of impropriety . . . and his personal behavior, not only upon the bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

Canon 13: "A judge . . . should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor."

Canon 24: "A judge should not accept inconsistent duties . . . which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

Canon 25: "A judge should avoid giving ground for any reasonable suspicion that he is utilizing the powers or prestige of his office to persuade or coerce others to patronize or contribute . . . to the success of private business ventures."

Canon 26: "A judge should abstain from making personal investment in enterprises which are apt to be involved in litigation in the court."

Canon 29: "A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved."

Canon 33: "He [a judge] should in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his . . . business relations . . . constitute an element in influencing his judicial conduct."

THE PUBLIC'S VIEW

The third standard, the public's view of how a judge should behave, cannot be so easily determined. Generally, however, most Senators believe that public pressure dictates that a judge should demonstrate judgment in avoiding any appearance of unethical conduct.

The facts of the three ethical questions that form the core of the Haynsworth case and their interpretation by the judge's supporters and critics are as follows:

Corporate subsidiary questions: In 1967 Judge Haynsworth sat on a case called Farrow v. Grace Lines, Inc., while he held 300 shares of stock in W. R. Grace & Co., the parent corporation of Grace Lines, Inc.

In 1966 the judge sat on a case called Donohue v. Maryland Casualty Company while he owned 200 shares of preferred stock and 67 shares of common in American General Insurance Company, of which Maryland Casualty was a subsidiary.

Opponents of Mr. Haynsworth's nomination contend that both these actions represented violations of the statutory ban on a Federal judge sitting "in any case in which he has a substantial interest" and of Canon 26, on personal investments, and Canon 29, on self-interest.

Judge Haynsworth's supporters maintain that the judge's interest in each instance was not substantial and was not "in the case" but in a corporation not involved directly.

In the Grace Line case, Senator Marlow W. Cook, Republican of Kentucky, argued, if the full claim of $30,000 against the shipping line had been awarded and assessed against the common stockholders, the value of Judge Haynsworth's interest would have been reduced by 48 cents.

HOLDINGS ESTIMATED

In the Maryland Casualty case, Senator Cook called it "highly doubtful that an adverse judgment would have any significant effect" on Judge Haynsworth's holdings, which he estimated at 0.0059 per cent of the preferred stock and 0.0015 per cent of the common stock.

Litigant business relation questions: In 1950 Mr. Haynsworth was an organizer and founder of the Carolina Vend-A-Matic Company, which was to install automatic vending machines in industrial plants and other sites. His investment was $2,400, and he became vice president and a director.

When he went on the Federal bench in 1957, Mr. Haynsworth resigned orally as vice president of the company, he now says, but company records show him continuing in that office until 1963. In any event, he remained as a director until 1963.

In September of 1963 he resigned his directorship in Carolina Vend-A-Matic pursuant to a new requirement for Federal judges promulgated by the Judicial Conference. Seven months later, he sold his stock for about $430,000.

In 1961 and again in 1963 Judge Haynsworth sat on a case called Darlington Manufacturing Company v. the National Labor Relations Board. At that time, Carolina Vend-A-Matic had a $50,000-a-year contract with the Deering-Milliken Corporation, parent company of Darlington. While the litigation was pending, a new $100,000 contract was signed.

Between 1959 and 1963 Judge Haynsworth sat on five other cases in which one of the two litigants were companies that were doing business with Carolina Vend-A-Matic, with the volume of that business ranging from $16,000 to $174,000 a year.

DISQUALIFICATION ISSUE

Critics of Judge Haynsworth contend that he should have disqualified himself from sitting in all these cases, under the Federal statute involving "substantial interest." They also argue that his participation in the decisions and his continued activity in the vending machine business violated all the canons cited above.

Supporters of the judge maintain that he had no duty to disqualify himself in any of these cases because the Vend-A-Matic Company was not itself involved. In fact, they argue, he had a duty to sit.

In the Darlington case, the judge's backers say, his personal interest in the business that Vend-A-Matic did with Deering-Milliken was only $390. In two of the five other cases involving Vend-A-Matic customers, he voted against the customer; in two others, only procedural questions were involved; in the fifth he voted for the customer because the other litigant was guilty of fraud.

Stock holding questions, in 1967 Judge Haynsworth sat on a case called Brunswick Corporation v. Long, which involved a dispute over bowling equipment leased by the manufacturer to the operator of an alley.

The case was decided on Nov. 10; on Dec. 26, a month before the decision was to be made public, Judge Haynsworth bought 1,000 shares of Brunswick stock for about $16,000.

Opponents of Judge Haynsworth say this action was clearly improper under both the Federal statute and the canons of ethics. The judge admits that it was a mistake, something he would not repeat either on the Court of Appeals or the Supreme Court.

CASE HELD UNIMPORTANT

But supporters of Judge Haynsworth argue that the Brunswick case is not significant. The most the corporation could have benefited from a favorable decision was $90,000, and the judge had only bought 1,000 of its 18,480,000 shares. Thus his total maximum profit would have been less than $5.

Attempting to apply the broad standard of public opinion to all these cases, the Haynsworth critics, led by Senator Birch Bayh, Democrat of Indiana, maintain that, collectively they reveal a man not as sensitive to the necessity of maintaining the appearance, as well as the fact, of incorruptibility as a Justice of the Supreme Court should be.

Senator Cook and his allies disagree.

"If we now analyze these cases upon which Senator Bayh relies in terms of these common-sense principles," Mr. Cook said on the floor last week, "I do not think that anyone can seriously doubt that Judge Haynsworth must be given a clean bill of health.

"He not only was not in fact influenced by any personal interest in deciding the cases, but no reasonable person could think that he was influenced by such interest."

[From the New York Times, Oct. 19, 1969]

THE SENATE AND THE SUPREME COURT

(By Anthony Lewis)

WASHINGTON.—In their irritation at the opponents of Clement Haynsworth, some Administration officials are now saying that the issue in the confirmation fight is nothing less than the President's right to appoint Supreme Court Justices. The Senate, they argue, is trying to undermine that prerogative; Senators should support a President's choice for the Court unless he can be shown to be corrupt or incompetent.

But history contradicts that narrow view of the Senate's role. In fact, over the years, the Senate in considering nominations to the Supreme Court has rejected "a proportion far higher than for any other Federal office." So says a leading study, Joseph B. Harris's "The Advice and Consent of the Senate."

In the nineteenth century, when senatorial scrutiny was at its most rigorous, 72 men were nominated to the Supreme Court and eighteen of them—one quarter—failed of confirmation. The eighteen does not include a few others who declined the honor.

Nominees were rejected for a variety of reasons, because of their philosophy or politics or ability or temperament. Some lost in formal votes of the Senate; other nominations were withdrawn in the face of opposition.

President Madison, for example, nominated a Connecticut Collector of Customs, Alexander Wolcott, in 1811, Charles Warren, the great Supreme Court historian, said the general feeling was that Wolcott was a man of "somewhat mediocre legal ability." For that reason a Senate overwhelmingly of Madison's party rejected the nomination, 24 to 9.

GRANT'S NOMINATIONS

Grant tried three times before he could get a Chief Justice confirmed. His first choice—George H. Williams, his Attorney General—was criticized as a "second-rate" lawyer. His second, Caleb Cushing, a former Judge of the Supreme Judicial Court of Massachusetts, was eminently qualified. But Senators were uneasy at the fact that he had been successively a Whig, Democrat and Republican. The opposition eventually found that he had written an innocent letter to Jefferson Davis during the Civil War and used that to rally opinion against him. Both nominations were withdrawn.

Other nominees in the last century were defeated because they were partisan Whigs in Democratic times, or because they had offended Senators, or because in other offices they had followed objectionable policies. No one could read the record without concluding that Senators in those days felt quite free to make their own appraisal of any man chosen to say the last word in our constitutional system.

Today, most Senators would be more sophisticated and more restrained in the use of their confirmation power. Ironic exceptions are Senators Thurmond of South Carolina and Eastland of Mississippi, two of Judge Haynsworth's principal backers, who have not hesitated to oppose anyone suspected of liberal tendencies. They voted against the only three nominees to the Warren Court who were put to a record vote in the Senate, Justices Harlan, Stewart and Marshall.

The question for most members of the Senate in 1969 is not one dimensional. For example, the fact that a nominee is a so-called strict constructionist in constitutional matters would not necessarily make Senators of a different outlook oppose him; it is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds.

The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few would call it a distinguished appointment.

POLICY AND ETHICS

Along with that basic ground for opposition are doubts about policy and ethics. Those who feel the doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law, and that in his commercial dealings while on the bench he has at best shown insensitivity to the appearance demanded of judges.

In short, the argument against Clement Haynsworth is not that he is an evil man, or a corrupt one, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. And any Senator who reaches that conclusion is quite entitled, in precedent and in reason, to oppose his confirmation.

SUCCESSFUL DEVELOPMENT OF STRATEGIC ARMS LIMITATION NEGOTIATIONS IS OUR HOPE, SAYS SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, it is encouraging news that the United States and the Soviet Union have agreed to conduct preliminary discussions on the subject of strategic arms limitations.

No purpose is served by discussing the long delay in coming to this important decision, but there is no doubt in my mind that it has taken much too long. During the period prior to the agreement to begin preliminary talks, one could be excused for wondering if world powers did not understand the horrifying nature of the nuclear arms race.

General of the Army Douglas MacArthur—a man associated with war who probably witnessed the development of armaments as intimately as any person of our century—stated realistically and eloquently the case for nuclear arms limitations:

> Electronics and other processes of science have raised the destructive potential to encompass millions. And with restless hands we work feverishly in dark laboratories to find the means to destroy all at one blow . . . Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.

That our task in the development of substantive arms control talks is only beginning is understood. I think most of our leaders and the people generally of this Nation fully realize this. We harbor no false hope—no illusions—no euphoric optimism—that firm agreements will be consummated in a day or a week or a month. The task of negotiating effective and acceptable limitations on the development of strategic weapons will be arduous and frustrating. But we must have hope and, I emphasize, we must relentlessly strive to achieve this objective.

It is a frightening mistake to view our agreements for talks with Russia as merely another attempt to control the ever-expanding arsenal of nuclear weapons. This endeavor is possibly the most critical undertaking in the history of our Nation and of the world. The final outcome will determine whether the United States and the Soviet Union will be cast into the depressing role of spending more billions of dollars in the future on nuclear weapons; whether our world will be confronted with the stark prospect of nuclear weapons proliferation; whether we will be sentenced to the terrible uncertainty of possible nuclear holocaust;

and whether civilization as we know it will live or die.

Mr. President, as a cosponsor of the resolution expressing the need for a mutual halt to the testing of the multiple independently targetable reentry vehicle—MIRV—I am convinced that this weapons system which possesses destructive capabilities defying imagination must be a critical element in our discussions with Russia. The reports that this will be a focus in the first stages of preliminary talks are encouraging. Control of the development of MIRV must be pressed with a sense of urgency. To accept the proposition that development of MIRV is inevitable does violent damage to the prospects for meaningful negotiations.

Further, I caution—as I have in the past—against falling into the historical pattern of arms control negotiations. It is imperative that the negotiators chart a course away from the timeworn concept of "negotiating from a position of strength." Used by both sides, "negotiating from a position of strength" creates a vicious circle. Every party to a discussion adopting this policy would be expected to continue to escalate armaments to strengthen its position. There is no end to this. On the other hand it does not follow that any country should engage in unilateral disarmament. The United States will not do this—neither will Russia. But it does mean that the time has come to question the assumption that nations are adding to defense and security by increasing more and more the nuclear stockpiles which already contain an overkill capacity.

Our negotiators are able. Their mission is awesome. We share the hope and offer a prayer for their progress.

ONE YEAR OF THE BOMBING HALT

Mr. DODD. Mr. President, tomorrow, October 31, marks the first anniversary of the total cessation of bombing of North Vietnam.

On the occasion of this anniversary, it might be useful to reexamine the arguments that finally induced President Johnson, despite grave personal misgivings, to call off the bombing of the north. And it might be useful as well to take a hard look at the record of negotiations since we made this major concession, for the purpose of deciding whether this decision made a peaceful settlement of the Vietnam war more likely or less likely.

The total cessation came about in two stages.

On March 31, 1968, President Lyndon B. Johnson anounced the suspension of the bombing of North Vietnam, except for a limited area immediately above the DMZ.

This action was taken in response to the growing clamor in this country that we stop the bombing of North Vietnam because only in this way could Hanoi be induced to negotiate a reasonable settlement of the Vietnam war.

It is true that Hanoi did come to the conference table. But there has not been a single iota of evidence to bear out the contention that such a concession on our part would induce Hanoi to negotiate in good faith. On the contrary, the record is clear that Hanoi only hardened its stance subsequent to the partial suspension of bombing in March of last year. Even the major curtailment of our bombing of North Vietnam was rejected as trickery.

During the 1968 presidential campaign, the same critics of American policy in Vietnam again raised their voices, this time to demand the total cessation of the bombing of North Vietnam. Such a concession on our part, they assured us, would lead to peace.

There were even some skeptics who went along with the demand for a bombing halt because they felt it was worth giving a try. If the bombing halt did not work, they said, there was nothing to prevent us from resuming the bombing and increasing the military pressure on North Vietnam.

In yielding to this clamor and announcing the total cessation of bombing on October 31, 1968, President Johnson once again called upon Hanoi to engage in serious negotiations.

Once again the Communists responded as they have always responded, and as they will always respond to every show of weakness or conciliation.

Instead of becoming more reasonable, they became more intransigent than ever before.

It is interesting to note in this connection that the Communists seem to have foreknowledge of the fact that internal political pressures in this country would compel the Johnson administration, despite its previous statements, to agree to the total cessation of bombing without any reciprocal concession from the Communist side.

There is in the files of American intelligence a captured Communist document dated just prior to the bombing halt which instructed party cadres and agitprop teams to prepare the population politically for the bombing halt. It instructed them to say that the bombing halt was a major victory for the Communists, that it resulted directly from the Tet offensive, and that it was another evidence of weakening American morale and will to persist.

The South Vietnamese were to be told that it was another evidence that the Americans were getting ready to pull out and abandon them.

One might have imagined that those who had hoped for a favorable Communist response to the bombing halt would have learned something from the completely negative response that actually did take place. But it almost seems as though appeasement is an incurable affliction of the human will, so that those who urge appeasement are incapable of learning from the lessons of the past or the present.

Today, many of the critics who demanded a bombing halt in the name of peace, have added their voices to those of the extreme left in demanding an immediate and unconditional withdrawal of all American troops from Vietnam.

A year ago they were not prepared to use the word surrender. Today, although they may still bridle a bit at the sound of "surrender," they have made it clear in numerous statements that they are prepared to accept a total American defeat in Vietnam in preference to continuing the war.

Some of them pretend that such a surrender can be managed with honor and without any serious loss of international prestige.

But let no one imagine that we can surrender "on the cheap" or that the Communists will oblige us with some face-saving arrangement.

On the contrary, they will seek to humiliate us to the utmost, to defeat us "stinking," as a top European expert recently put it.

If we now surrender in Vietnam, American honor will be nonexistent.

Our credibility will be zero, with friends and foes alike.

The system of alliances we have so painfully constructed in Europe and Asia will crumble.

Our country will be a thousand times more divided and polarized than it is today.

On every front the Communists will be encouraged to go over to the offensive, and the peace of the world, in consequence, will become infinitely more precarious than it is today.

The clamor for an American capitulation in Vietnam is all the more difficult to understand because all the available evidence indicates that the military situation has never been as favorable to the allied side in Vietnam as it is today.

This estimate is borne out by recent articles that have appeared in the generally skeptical columns of the New York Times and the Washington Post.

It is borne out by the report of the bipartisan group of nine distinguished Americans who went over to Vietnam in the month of August for the Citizens Committee for Peace With Freedom in Vietnam, the so-called Paul Douglas committee.

It is borne out by reports I have received from Americans who have been in Vietnam for 3 or 4 years or even more, as members of the military or as employees of AID.

It is borne out by a report written by Mr. Neil Stabler, Democratic national committeeman from Michigan, a man of impeccable liberal credentials who recently visited Vietnam at his own expense to make an intensive on-the-spot study.

It is borne out by the record rate of defections from the Vietcong, which several weeks ago passed the 35,000 mark for the year 1969.

Finally, I believe that this estimate is also borne out by the fact that the entire Communist propaganda apparatus has been mobilized for a massive assault designed to bring about the disintegration of the home front.

Here, on the homefront, by playing on the divisions in American society and on the desire for peace and on the frustrations which have been engendered by a long war, they hope to be able to achieve a victory which they cannot possibly achieve on the field of battle.

Mr. President, to those who today urge surrender, I say that the Vietnam war must be won and can be won.

It can be won provided we are prepared to resist the clamor for an immediate and unconditional withdrawal, and instead to effect the withdrawal of Ameri-

can forces in a planned and coherent manner that gives our South Vietnamese allies time to equip and train themselves so that they can take over the bulk of the battle.

And so I say that the clamor for appeasement and surrender must be resisted. And I am confident that President Richard M. Nixon does intend to resist this clamor.

Mr. President, I ask unanimous consent to insert into the RECORD a copy of the report of the nine-man task force that was recently sent over to Vietnam by the Citizens Committee for Peace With Freedom.

I also ask unanimous consent to insert a copy of an article by former Under Secretary of State Eugene V. Rostow, which appears in the National Review for November 4.

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

[Memo From Citizens Committee for Peace With Freedom in Vietnam, Aug. 28, 1969]

Attached are the findings and recommendations of a special 9-member, bi-partisan fact finding commission of the Citizens Committee for Peace With Freedom in Vietnam which has just returned from Vietnam, Laos, Thailand and Paris.

The members of the special fact finding commission were: Dr. Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russell T. Lund, President, Lund's, Inc., Minneapolis, and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota, Rabbi Schulem Rubin, New York; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc., Washington; and Abbott Washburn, President, Washburn, Stringer Associates, Inc., Washington.

The Citizens Committee for Peace With Freedom in Vietnam was founded in October 1967 by the late President Dwight D. Eisenhower, Former President Harry S. Truman, Former Senator Paul H. Douglas, and 127 other distinguished private citizens.

[Report of Citizens Committee for Peace With Freedom in Vietnam, Aug. 28, 1969]

FINDINGS AND RECOMMENDATIONS OF SPECIAL NINE MEMBER FACT-FINDING COMMISSION UPON RETURN FROM VIETNAM

FINDINGS

1. Since TET, the enemy in Vietnam has become much weaker, our side much stronger. This is chiefly because of the enemy's staggering losses, General Abrams' small unit spoiling tactics, and the mobilization of the South Vietnamese people which is one of the greatest in modern times.

2. Progress is striking but precarious. Since TET the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. The South Vietnamese Army found its soul at TET and in the mass graves of Hue. Since TET it has won victories, expanded its ground, taken over the defense of provinces and an entire corps area, and inflicted far greater casualties on the enemy than he has upon them. Peasants are returning to the fields, rice production is up, increasing numbers of local elections are being held, the number of defections to our side is increasing and the enemy keeps the fight going in the South by infusion of troops from the North.

3. Yet the enemy retains a kind of initiative through use of his sanctuaries on Laos and Cambodia and north of the DMZ. If he is willing to bleed himself white he can still, for short periods, double American casualties. If American and Vietnamese commanders are not able or are not allowed to deny him access to certain corridors, our casualty rolls could go still higher. Our commanders know this and we were tremendously impressed with their concern to spare American lives.

4. The South Vietnamese must still rely for some time to come upon United States troop lift, air support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable.

5. In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *The policy of reciprocal de-escalation is feasible, provided the withdrawal of U.S. forces is closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion.*

6. To our surprise we found the Vietnamese eager—perhaps over eager for the transfer. The first withdrawals have actually stimulated them. However they see the whole process as gradual, related to their own progress and involving at the end an important American residual logistical presence.

7. President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two—reduction in the enemy's military activity and progress at Paris—the so-called "lull" in the fighting collapsed while we were in Vietnam. We do not believe such "lulls" mean that the enemy is trying to tell us anything, only that he has had to fall back and regroup.

8. As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. They have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, then wants the United States itself to get out unconditionally after having installed a coalition government for the future convenience of Hanoi. There has seldom been a clearer case of a belligerent's trying to recoup at the conference table what he is losing on the battlefield.

9. As a result of all this, a kind of protracted "stand-off" seems to be looming in Vietnam. If the President, the American and South Vietnamese people stick by Mr. Nixon's three criteria and if the South Vietnamese succeed in cementing a political consensus, there is a better than even chance that the "stand-off" will be resolved in favor of peace with freedom. If we pull out prematurely the enemy can reverse the tide running against him, complete his subjugation not only of Vietnam but of adjoining territory and we will have lost more than 38,000 American lives in vain.

10. In Laos and Thailand we became more aware of the possible effect of a premature American withdrawal on other countries in Asia. In Laos we noted that the North Vietnamese invaders' unprecedented success during the rainy season had coincided with the so-called "lull" in Vietnam. In Thailand our visit coincided with the move by the Thai government to reduce the United States forces, a decision which, however conditional and hedged toward gradualness, must give comfort to the enemy.

RECOMMENDATIONS

1. That the substitution of Vietnamese for United States troops take place on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be: "cut and look" not "cut and run."

2. That no time table be proclaimed and that any schedule for planning purposes be flexible.

3. That President Nixon and General Abrams set up an extraordinary commission to assess ARVN progress; and that this commission inquire into whether "Vietnamization" can in fact involve a more rapid rate of modernization and activation than was laid down in schedules before "Vietnamization" became a by-word publicly linked with U.S. force reductions.

4. That American editors and correspondents and USIA give much more coverage to ARVN sacrifices and progress.

5. That the United States continue to urge the Vietnamese government to broaden its base and find new support in the countryside. The object should be a government which can not only prosecute the war but which can also face up to the enemy in the stand-off which will follow United States reductions and can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition Hanoi would like to see imposed without elections.

6. The United States should recognize the political benefit which can accrue from the proposed new land reform program and give appropriate assistance.

7. The United States and South Vietnam should stand firm at Paris for free elections, against a coalition prior to elections, and against unilateral withdrawals (despite the fact that we already seem to have begun them).

8. That the United States, consistent with the accords of 1962, try to expedite the equipment of Laotian forces; and that our stand for reciprocal withdrawal of forces apply to Laos as well as to Vietnam.

9. That the United States give what explanations and assurances as it can to its Asian allies about the purposes and implications of U.S. force reductions.

[From National Review, Nov. 4, 1969]

DISSENT AT YALE: THREE QUESTIONS FOR PRESIDENT BREWSTER AND MAYOR LEE

(By Eugene V. Rostow)

I have great respect for the motives and the methods of those who organized the October 15 Moratorium as a means of focusing thought on the anguishing problems of the conflict in Vietnam. I share the anguish of those who have precipitated this outpouring of concern. Indeed, those who have participated in the making of policy in recent years bear a special burden, a heavy one, in this connection.

The goal of the Moratorium was to induce the United States to withdraw its forces from Vietnam unilaterally, and without making a political agreement with Hanoi. Since I could not accept that goal, I could not join in the movement. But as a member of the Yale community, I feel I should explain the reasons which led me to this conclusion.

A convenient starting point for such an explanation is the statement which President Brewster and Mayor Lee issued on October 9. I find their statement deficient both in what it says, and above all in what it does not say.

Its plea for unilateral withdrawal apart, the main concrete proposals in the Brewster-Lee statement have long been standard features of United States policy, and have been rejected many times, and in many forms, by the authorities in Hanoi. It is not immediately apparent why those proposals should become more attractive to Hanoi because Messrs. Brewster and Lee would couple them to the threat of American withdrawal by a fixed date.

But the irrelevance of the Brewster-Lee plan to the problem of peace in Vietnam is not, to my mind, its chief defect: that defect

is their complete silence on a series of issues on which I believe they owe us a duty to be explicit. A year ago, most of the critics of American policy in Vietnam were sure that a bombing halt would lead to a peace compatible with our treaty commitments. Within the last few weeks, many have cried "enough," and called for unilateral withdrawal. As responsible democratic leaders, President Brewster and Mayor Lee should explain why they think it is in the national interest of the United States to tear up our treaties, and how the course they advocate will affect the security of the United States, and the chance of peace.

From the beginning, an ironic feature of the debate about Vietnam has been that men have created the illusion of dissent, and employed its rhetoric, but wound up by admonishing the government to do in fact exactly what it was doing already. This was true of faculty manifestoes issued at Yale and elsewhere. It was true of the primary campaigns and the general election of 1968, where no candidate, save George Wallace, succeeded in defining a real alternative to the policy being pursued. The Brewster-Lee statement stands firmly in this tradition.

Messrs. Brewster and Lee say they regard it as self-evident that we should withdraw forthwith. But, they concede, "a large body of men of good will in this country . . . are as yet unpersuaded that the national interest would be served by an unconditional withdrawal from Vietnam." Therefore they make a series of proposals designed to achieve their end—withdrawal—but by stages more palatable to the rest of us.

They would have the government urge a ceasefire in Vietnam. They do not mention the fact that the United States and South Vietnam accepted U Thant's ceasefire proposals when they were made, more than a year ago. The idea has been advanced repeatedly by the United States and South Vietnam since that time, in the Paris talks and elsewhere. It has been regularly and categorically rejected by Hanoi. Why should an explosion of sentiment for an American withdrawal induce Hanoi to change its mind?

But the key to the Brewster-Lee plan is "the negotiation of an election schedule, with election supervision by a coalition body in which both sides are appropriately represented." Again, this is an old idea, with long roots in the chronicle of Vietnam peacemaking efforts. President Nixon and his representatives at Paris have recently pressed it again, with the support of the government of South Vietnam. This plan, too, has been turned down repeatedly by Hanoi.

The difficulty with such proposals is that they rest on illusions which the history of the conflict in Vietnam should have dispelled long ago. The moral of that history was clearly drawn last December by Wilfred Burchett, the well-known spokesman for Hanoi, in an interview in New York. Mr. Burchett reported that the Polish peace plan ("Marigold"), on which, like so many others, American officials had lavished hundreds of hours of effort, was a hoax, concocted by "well-meaning friends," but never authorized by Hanoi. There is reason to believe that Mr. Burchett's judgment applies to all the other abortive peace "feelers" of 1965, 1966 and 1967.

In short, what Burchett tells us is that Hanoi never intended to make any concessions whatever in exchange for the bombing halt it tried so hard, and so successfully, to obtain.

There is no public evidence qualifying Hanoi's position that we must accept the NLF as "the sole legitimate representative of the South Vietnamese people." This is the only issue in the war—the only one of Hanoi's peace points" the United States and South Vietnam have not long since accepted. Recent variants of the theme do not modify that policy, for they posit an abandonment of the South Vietnamese constitution, and the government chosen under it, and the formation of a coalition consisting of the NLF, plus a few picked men who have participated in the government or the public life of South Vietnam.

This fact—and it is a fact—makes the Brewster-Lee statement irrelevant at this point. There is no reason to suppose that Hanoi would risk a contested election such as Messrs. Brewster and Lee propose. No Communist Party which had a choice has done so since 1919. And the Brewster-Lee plan would hardly put Hanoi under a pressure to make concessions. And I have seen no estimate of Communist strength in South Vietnam of more than 17 per cent.

But Messrs. Brewster and Lee go beyond the positions of Senator Robert Kennedy, Senator McCarthy and other critics of the Administration in 1968.

During the campaign of 1968, and before, high-minded politicians and journalists were convinced that "real" negotiations, leading to "a fair and honorable peace, compatible with our obligations to South Vietnam," could and would be assured by stopping the bombing of North Vietnam, despite the failure of previous bombing halts to achieve any results whatever. The American people, these men said, are tough and responsible. They will do whatever is necessary to make their word good. But before undertaking such an effort, they want to be sure that every peaceful alternative is tested. All over the world, these critics said, we are told that a bombing halt will lead to peace. Let us find out. If a new bombing halt did not lead promptly to a decent peace, they said, they would advocate a military policy of much greater effort.

Now many who supported this position are, like Messrs. Brewster and Lee, urging that we withdraw our forces at once, and accept the NLF, with or without fig-leaves, as "the sole legitimate representative of the South Vietnamese people." Messrs. Brewster and Lee, as a humanitarian gesture, would provide assistance (but not asylum) for South Vietnamese who would wish to flee under such circumstances.

The shift from bombing halt to unilateral withdrawal is a major transformation in at least the nominal or the admitted aims of the larger part of the opposition to our policy in Vietnam.

On this subject, all Messrs. Brewster and Lee say is that we are incapable of winning this guerrilla conflict in Vietnam, as the British did in Malaya, or the Filipinos did in their country. This is patently in error. The United States could, if it wished, apply far more force than has yet been applied in Vietnam.

The Brewster-Lee statement makes no reference to the security considerations which led President Eisenhower to propose and the Senate to ratify the SEATO Treaty with regard to South Vietnam. It makes no reference to the reaffirmation of this policy by Congress in the Tonkin Gulf Resolution.

Messrs. Brewster and Lee make no reference to Vietnam as part of the long effort, stretching back to Iran in 1946, to Greece and Turkey, to Berlin and to Korea, through which the United States and its allies have sought to construct a new balance of power, and a new system of peace, to replace the system which disintegrated into chaos between 1914 and 1945.

And they express no opinion as to the impact of their proposal on the course of events in many parts of the world, and on the chance for détente, and for peace.

As the *New Republic* points out, in its issue of September 27, a policy of unilateral withdrawal in Vietnam would have unimaginable human consequences, and breach national commitments "too many people prefer to forget."

It could also have political and military consequences which no responsible consideration of our dilemma in Vietnam should ignore.

I should therefore like to put three questions to Messrs. Brewster and Lee:

1. Why do you disagree with the judgment of four Presidents since the early Fifties, reaffirmed many times by Congress, that the independence of South Vietnam is as important to the security of the United States, and to the balance of power it is trying to create, as the independence of South Korea? Do you think the United States was right in insisting on the solution reached in Korea? If so, how do you distinguish the problem we faced in Korea from our problem in Vietnam?

2. Whether you think the national decisions of the last fifteen years about South Vietnam were right or wrong at the time they were made, what would the effect of withdrawal be *now?* The wisdom of our decisions to help the government of South Vietnam, in its effort to resist being taken over by what appeared to be an insurrection aided from abroad, can be debated, and will be debated by historians for many years. Surely many political and military mistakes were made along the way. But the problem of policy now is a different one. Messrs. Brewster and Lee urge that we cut our losses and withdraw at once. What would the costs of such a policy be? And how can they be balanced against its advantages? What conclusions would be drawn, both by our friends and by those who would be our adversaries, if the guarantees of an American treaty, reaffirmed by a joint resolution of the Congress, were proved worthless? What would the impact of such an event be on the fragile balance of tension in Europe, the Middle East, Africa and Asia? Would you approve or resist the use of force to achieve national unification in Germany and Korea? The Germans and the Koreans, after all, were also promised reunion through free elections. How, in your opinion, would Japan respond to this new condition in world affairs? How would the spectacle of American withdrawal affect the course of events in the Middle East and the developing world generally?

3. Would you wish to prevent the tide of feeling that would be involved in a withdrawal from Vietnam from engulfing our policies in Europe, the Mediterranean and the Far East? If so, how would you expect to do so? Do you support or oppose the Mansfield Resolution? Would you keep the fleet in the Mediterranean, and uphold our security arrangements with Japan, Korea, Australia, New Zealand, Israel and a number of other countries? In short, when you talk of "national priorities," do you mean anything more than the policy of isolation—of "America first"—which failed to prevent two World Wars, and the catastrophes that flowed from them?

The foreign policy we have pursued since 1947 is not an optional course, a frivol we can discard because it is costly, or because we want to concentrate on social reform at home. We won't have much elbow room for social progress at home if we have to become a garrison state, isolated in a world of hostility or chaos. In carrying out our foreign policy, from Berlin to Korea and South Vietnam, we are not performing acts of charity for foreigners, but protecting national interests of the United States. No American troops should ever be sent into the field for any other reason.

The national security interest of the United States in the politics of a small, unstable and dangerous world is not economic, or imperialist, or aggressive. It is an interest vital to our hope of surviving as an open democratic society at home. I agree with Senator Fulbright that our national interest in world politics is an interest in securing and stabilizing an open world society, a society of wide horizons, flexible and responsive to human needs, hospitable to a variety

of social systems, but sustained by the discipline of peace.

The only possible foundation for such a society is a balance of power, and the general acceptance of agreed limits on national conflict, as embodied in the Charter of the United Nations.

I do not believe that the chances of concord in this sense would be improved if American treaties lost their deterrent power.

Messrs. Brewster and Lee want to get on with the job of social reform at home. So do I. We hardly lack resources for the task. The economy is growing at the rate of more than $40 billion a year. And our tax rate is less now than it was at the time of Korea. What we lack is a generally shared intellectual perception of the world as it is, and an emotional acceptance of that reality. Messrs. Brewster and Lee speak of Americans as "confused and divided." So we are. Our problem is a conflict within our minds between reality and our collective memory of our formative years as a nation, when we lived in isolation from world politics, protected by the British fleet.

It is natural for Americans to yearn for the effortless security of the nineteenth century. Those who wish to translate nostalgia into policy forget that the British fleet can protect us no longer. Yet they urge a withdrawal of our forces from Asia, Europe and the Mediterranean; a "re-examination" of our commitments; and the abolition or severe reduction of foreign aid. How an American President could retain non-nuclear options in such a posture is never explained. How such a policy could prevent the waves of fear and panic that lead men to feel suffocated, and to strike out, is not apparent. Nor is it explained how this policy differs from that of classic American isolation, which failed to prevent both World Wars.

A balance of power is the only conceivable foundation for peace. The system which kept the general peace between 1815 and 1914 has vanished. If a new balance is to be attained, and secured—and that balance, I repeat, defines our national interest in world politics—we shall have to continue to take the lead in doing so: the pressure against equilibrium is now stronger, more diverse and more difficult to control than was the case in the late Forties.

The anguish over Vietnam should be seen in this perspective. And in that perspective, I conclude, a policy of unilateral withdrawal would be more dangerous to American security than the patient, steady course we pursued in Korea.

A TRIBUTE TO THE LATE SHIGEO SOGA

Mr. FONG. Mr. President, it is with a sad heart that I eulogize a veteran newsman of Hawaii, Mr. Shigeo Soga, who passed away in Honolulu on October 16.

Mr. Soga was a well-known member of the Hawaii press for 40 years. After obtaining his journalism training at the University of Missouri, he returned to his native Honolulu to work for his father's newspaper, the Nippu Jiji—now the Hawaii Times. An editorial staff member of the bilingual newspaper's English section, he rose to become its president, editor, and general manager.

The Sogas—father and son—symbolized the transition in Hawaii's Japanese community from the first generation immigrants to the second-generation, American-born descendants. The elder Soga belonged to the first generation, his son Shigeo, to the second.

Fluent in both the Japanese and English languages, Shigeo Soga contributed his communications talents to the bilingual daily newspaper, just as his father did before him.

Shigeo, who lived to the age of 64, saw in his lifetime the coming of age of the Japanese-Americans, who today occupy prominent places in the political, business, cultural, and social life of Hawaii.

Beyond his role in newspapering, Shigeo Soga was active in many civic and commercial groups, and in youth organizations like the Boy Scouts and the YMCA.

A deserving tribute has been paid him by his fellow editors of the two largest Honolulu dailies. I ask unanimous consent to have printed in the RECORD, the editorials lauding Mr. Soga in the Honolulu Star-Bulletin and the Honolulu Advertiser of October 18.

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

SHIGEO SOGA

Shigeo Soga belonged to the transitional generation in Hawaii which helped to build bridges between the cultures of the East and of the West.

It was a generation essentially conservative and shy, but one which nevertheless began to make the ways of the West acceptable to the children of the East.

Shigeo Soga, who died Thursday, helped to lead his contemporaries into such organizations as the Boy Scouts and the YMCA at a time when few were ready to take the step. Lloyd R. Killam recalls that after months of searching for an eighth boy of Japanese ancestry to charter Honolulu's first AJA Boy Scout troop, it was necessary to get special dispensation to enroll Shigeo, then under age.

On such foundation was built the new citizenship of the Oriental in Hawaii.

As the inheritor of the Hawaii Times, which his father founded as the Nippu Jiji Shigeo Soga spent his life helping to establish the common community for which Hawaii is world-famed.

SHIGEO SOGA

A broad cross-section of the community is saddened by the death of Shigeo Soga, president, editor and general manager of the Hawaii Times, one of Honolulu's two Japanese-English language newspapers.

Soga worked for the Times, founded by his father, from 1929, the year he was graduated from one of the of the nation's leading journalism schools at the University of Missouri.

He also was exceptionally active in community affairs. His interests embraced the Aloha Council of the Boy Scouts of America, the YMCA, the Better Business Bureau, the Community Chest, the Symphony, the Bishop Museum and the Pacific and Asian Affairs Council.

But it was through his newspaper that his greatest service was performed. In recent years, the circulation of the language press has declined, but its importance for many years has been inestimable.

The years of Soga's newspapering were the years of transition of Hawaii, years when her people of Japanese ancestry were following the difficult path from plantation immigrant to political, professional and business leadership.

For the older generation especially, many of whom understood English not at all or only imperfectly, the language press was an essential means of bridging the cultural gap.

Soga, a gentle, quiet, self-effacing man, edited and published his newspaper skillfully and in doing so made a lasting contribution to the development of a new island society.

In later years he acknowledged that here as in other immigrant communities on the Mainland the need for a language press would dwindle as newer generations came to maturity.

He faced that prospect without sadness and, we hope, with characteristic quiet pride in the valuable work he and his father before him had done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS IN THE ADMINISTRATION OF ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous orders, and without prejudice to the Senators under those orders, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 496, S. 2062.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed consideration of the bill.

THE MILITARY DEFENSE OF ALASKA

Mr. STEVENS. Mr. President, today I wish to make a statement concerning the defense of my State of Alaska.

On October 27 I received letters from the Departments of the Navy, Air Force, and Army, concerning cutbacks ordered by the Department of Defense. I ask unanimous consent to have these letters printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, what has happened, pursuant to these letters, is not unique for Alaska. We all know that there have been cutbacks, cutbacks caused by the tightening budget situation and caused, primarily, I feel, by actions taken by Congress in cutting down on military spending—actions which I opposed.

The time has passed when Alaska can talk about the economic impact of the defense establishment in Alaska and use economics as a basis for urging the defense of our State. Not that these actions will not have a severe, personal effect upon the personnel who lose their jobs. That economic impact is real—and one which concerns me greatly.

I am addressing myself today primarily to the results of these three actions. The results are:

The first will close the only naval station that defends 33,000 miles of American coastline.

The second will withdraw the last fighter squadron based in Alaska.

The third will remove from Alaska the two Nike-Hercules sites in central Alaska.

Mr. President, I think the actions which have been announced by the Department of Defense absolutely ignore the strategic importance of Alaska not only to American defense but also to the free world.

In 1935, Gen. Billy Mitchell, who was the most farsighted military air strategist of his day, pointed out the importance of Alaska in a statement he made to the House Committee on Military Affairs.

He said:

> Alaska is the most central place in the world for air. That is true either of Europe, Asia, or North America. I believe in the future, he who holds Alaska will hold the world. I think it is the most important strategic place in the world.

Mr. President, his statement is borne out by the facts.

My home, Anchorage, is less than 4,700 miles by air from almost every major city in the world.

For instance, it is 4,364 miles from Moscow. It is 3,997 miles from Peking. It is 4,491 miles from London. It is 4,697 miles from Paris. It is 4,545 miles from Berlin. It is 4,601 miles from Warsaw. It is 3,373 miles from New York.

Anchorage is closer to our important Pacific base than San Francisco.

Guam, for instance, is 4,670 miles from Anchorage, while 5,870 miles from San Francisco.

Midway is 2,650 miles from Anchorage, while 3,250 miles from San Francisco.

Honolulu is 2,778 miles from Anchorage, while 2,397 miles from San Francisco.

That is the only one of our major Pacific bases that is closer to San Francisco.

Tokyo itself is 3,463 miles from Anchorage and 5,748 miles from San Francisco.

It is no wonder that almost all military effort going to Vietnam goes through my State of Alaska. It goes through Anchorage at Elmendorf Air Force Base there.

Also, Alaska is closer to the Soviet Union and to Chinese territory than any other part of the United States.

We can all remember when the Nation reacted so dramatically to the possibility of Soviet missiles being permanently established in Cuba, which is 90 miles from our shores.

Yet Alaska is only 56 miles from the Soviet Union, and we know that there are permanent missiles across on the other shore.

The U.S. Government has repeatedly recognized the strategic importance of Alaska to defense strategy. In World War II, Japan recognized this, and moved on Attu and Kiska and captured the only American territory that was occupied by the enemy since the British captured Washington in 1814.

Following World War II, the United States made the same tragic error it is making today; namely, beginning to withdraw its military presence from Alaska.

With the outbreak of the Korean war, and the Berlin crisis, the strategic importance of Alaska militarily was again once apparent. Extensive programs of military rebuilding at a tremendous cost to the taxpayers were commenced.

Mr. President, when those of us working for statehood for Alaska came to Washington, President Eisenhower insisted that the military importance of Alaska was paramount even to statehood. We did not obtain statehood until section 10 of the Statehood Act was placed in the act, at the request of President Eisenhower, to recognize the strategic importance of Alaska. That provision gives the President of the United States powers, by executive order, to establish national defense withdrawals in the State of Alaska without regard to marshal law being established there.

I have been repeatedly briefed since I came to the Senate on incursions of Russian aircraft into Alaskan air space. Most of those brieflings have been classified.

For instance, on March 13 of this year, the State Department publicly protested to the Soviet Union about the intrusion of Russian military aircraft, of the Bear class, into Alaskan airspace. The Soviets apologized, in that instance. But I want to point out that that is the only publicly announced intrusion since 1963.

We in Alaska know how often Russian aircraft are testing our air defenses. But now our Department of Defense, ignoring the strategic importance of Alaska, is withdrawing these defenses from Alaska.

The net effect of the announcements made by the Department of Defense will be that there will be no capability for conventional defense of my State. I think this is extremely important when we compare the position of Alaska to that in the NATO countries just described by my colleague from Virginia, and I think it is important to take note of what is happening in Europe in connection with NATO defenses. I shall do so.

Again, let me emphasize that I am not talking about the economic impact of this decision on my State. The economic impact will be very hard upon those who are going to lose their jobs. The total effect on the economy is very small.

What is happening is a complete reversal of years of military strategy for this country. After these cutbacks, there will be no naval operation in my State that is capable of maintaining Navy vessels. There will be no air defense units based in Alaska, which is one-fifth the size of the United States. Of the 14 air defense squadrons in the regular Air Force and the 18 Air National Guard squadrons which defend the lower 48 and Hawaii, not one will be in Alaska. There will be no fighter capability, no conventional air capability, based in Alaska.

Alaska, in effect, is told to live under the nuclear umbrella, and not to rely on conventional weapons.

I have just had the privilege of attending, with other Members of this body, the NATO General Assembly in Europe, where our colleague, the senior Senator from Kentucky, JOHN SHERMAN COOPER, discussed at length the policy of NATO, and where the Senator from Virginia (Mr. SPONG) discussed the policy of "flexible strategy."

In 1966 this policy was adopted by NATO. In a policy statement which was endorsed by all the members of the United States delegation to the North Atlantic Assembly, that assembly was urged that this flexible strategy remain the foundation of the defense of Europe.

Senator COOPER urged the development and maintenance of conventional forces and weaponry, readily available supplies, communications, and capability for mobilization adequate for any stage or level of attack.

This concept of flexible strategy suggests a sustained period of defense in reaction to conventional attack, in contrast to immediate nuclear war.

As Senator COOPER put it once, in Europe at the NATO Assembly, without conventional weapons the nuclear threshold may be crossed immediately in event of attack by conventional forces.

We are now leaving my State of Alaska without conventional defense forces. In other words, while we urge the North Atlantic allies to build up their conventional forces and to rely upon their ability to defend themselves against conventional attack, and not to depend upon America's immediate nuclear response, under the nuclear umbrella concept, we are telling my people of Alaska that we must rely solely upon the nuclear umbrella, and we shall not be concerned with conventional defenses at all. I think this is a policy of retreat from my State that is incomprehensible.

Under the concept of flexible strategy, there are 21 fighter squadrons stationed in NATO countries. They cover 510,058 square miles. My State has 586,400 square miles of American territory, which will not be patrolled by a fighter squadron based in Alaska. We are told that fighters will be detached from California squadrons or south 48 squadrons from other States and sent to our State for use. What they are telling us in the Department of Defense is that they are intending to use 586,400 square miles of Alaska as a landing base, a landing strip operation, instead of as a place of permanent defense.

When we turn to naval operations, a number of American naval installations in Europe to defend European waters as part of the overall NATO defense strategy are apparent to everyone all the way from the Mediterranean to the North Sea. Yet, by the decision of the Department of Defense, there will be not one naval base of operations in Alaska, which includes the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

Mr. President, I am making this statement today because I am extremely disturbed. I am disturbed because on September 12, I heard rumors that the Kodiak Naval Base might be closed. I contacted the Department of the Navy and I was told that no recommendation for the closing of any naval base had been made at that time. Because of the persistant concern of Alaskans, I again contacted the Department of the Navy on September 29, and was again informed, this time specifically, that the Navy had no intention of closing Kodiak. I so informed my constituents. Less than 1 month later, without any prior consul-

tation with me or my colleague, the closing of the Kodiak Naval Base in its entirety was announced.

I may add parenthetically that I specifically requested that the Navy contact me and give me and my colleague (Mr. GRAVEL) the opportunity to present to the Navy Department the reasons for the maintenance of at least one naval station in Alaska, the last one, Kodiak Naval Station. Incidentally, there is the Adak Naval Station which is a station at the end of the Aleutian Chain. It is not a naval station in the sense of Kodiak. It is a strategic location which conducts classified activity.

Either the Navy Department intentionally misled me as a U.S. Senator or the decision to close the Kodiak Naval Station was made within a period of time that could not possibly allow adequate consideration to be given to the factors which underlie such an important decision from the point of view of national security.

I recall the comments made by a former Senator from Kentucky, my good friend, Thruston Morton, when he explained how he had not been told the truth by the Department of Defense; and I now further understand how that incident shaped his feelings and shaped his decisions on the floor of the Senate concerning policies, programs, and proposals put forth by the Department of Defense following the Gulf of Tonkin incident.

The U.S. Coast Guard, which has performed one of the most important and critically important services for our people—search and rescue—has depended upon the Kodiak Naval Station for support facilities, including housing, mess halls, power, water, sewage, and airfields for search and rescue craft. Unfortunately, when we contacted the Department of the Navy concerning the decision to close the Kodiak Naval Station, the Washington officials did not even know that they were closing the Coast Guard's most important functions, as far as search and rescue are concerned, in our State.

The Coast Guard is now faced with an even more serious dilemma. It wants to stay in Alaska, it must stay in Alaska, to perform these very vital search and rescue functions, but its budget does not provide for the operation of the Kodiak Naval Station.

As a result of its effort to save some $8 million now by closing the Kodiak Naval Station, I feel the Department of Defense is going to have to spend a great deal more hereafter to provide these services for the Coast Guard, or it is going to force the Department of Transportation to come to Congress and ask for a supplemental appropriation to continue those activities in our waters.

I have been informed only today that the Department of Transportation is reviewing now, because of this abrupt decision of the Department of Defense, the Coast Guard's entire posture as far as the State of Alaska is concerned. Either it must take the supplemental appropriation route, or it must reduce the services of search and rescue; the Department of Transportation must have more funds or reduce the services that it provides to American fishing fleets and water-borne commerce, as Alaska enters its most important economic expansion since the turn of the century in 1900. What a pity that the Department of Navy did not even consult the Coast Guard before it announced this critical action.

Unfortunately, I must report that I am informed, and I believe reliably, that the Navy Department not only did not consult with me or my colleague after a specific request to do so, but it did not even consult with the Coast Guard concerning what it must do upon the closure of the Kodiak Naval Station.

I think that the decision to close the Kodiak Naval Station is an expensive and inefficient, and very arbitrary, way to run the Military Defense Establishment.

Mr. President, if I had known that the dollars authorized for the ABM would result in a cutback of our conventional defense forces in Alaska, I would have viewed that proposal in a different light, and I want to state now that when the military appropriation bill comes before the Senate, I shall view the appropriation for the ABM very carefully in the light of the decision not to defend my State. I think that the expenditure that is necessary for conventional forces in the United States is just as important as the expenditures we are urging our NATO allies to make to defend their area conventionally before the nuclear umbrella is used there by this country.

I do not understand a military strategy that requires 300,000 American troops to be stationed in Europe while one-fifth of the land area of the United States is to be left essentially without conventional defense forces as we know them.

I also do not understand a military strategy which requires that 500,000 American troops be stationed in Vietnam, a distant southeastern Asian country that I visited this summer, and we all know very much about the activities there, and at the same time leaves one of our own 50 States without the capacity to defend itself against a conventional attack.

In short, Mr. President, the time has come for the Department of Defense to look at its hole card. The time will come when the military will want to come back to Alaska. The military has been in and out of Alaska like a yo-yo. Each time it closes down, it comes back several years later, and sometimes not too many years later, with a tremendous burden on the taxpayers to rebuild Alaska's defenses, because of shortsighted so-called cost savings involved in an economic rather than a military decision.

Alaska has always had excellent relations between its military and civilian components, but the constant instability in the military commitment to Alaska is wearing the edges thin.

Just at a time when Alaska's strategic importance has been further demonstrated by the discovery of the largest proven petroleum reserves in the North American Continent, the Military Establishment of this country says that we are to be left without conventional forces to protect this resource, or to protect the shipping lines that will bring it to the marketplace.

Mr. President, that decision is not only shortsighted, it is foolhardy, and I must say again that I think it will have a tremendous impact on the outcome of the consideration of the military appropriation bill which will be before this body in the very near future.

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

Mr. STEVENS. I yield.

Mr. DOMINICK. I congratulate the Senator for putting some things in very fine perspective, particularly the strategic importance of Alaska to the defense of our country. I think it shows quite clearly the tremendous interest he has in his home State, and how closely he keeps up with the variety of geographical and political considerations affecting his State, and how assiduously he has been following up his efforts, in the interests of his State, to try to conserve its energy and promote its economic resources.

So I congratulate the Senator from Alaska on a fine detailed and forthright statement.

Mr. STEVENS. I thank the Senator from Colorado for his generous comments. I know that he has had an important role in the defense posture of this country.

I do not make the statements I have made here today lightly. I feel that in the final analysis, the action taken by the Department of Defense is an announcement, inferentially, of a tactical decision in the defense strategy of this country that Alaska is not a part of the conventional defense area. It is not quite a decision to abandon Alaska entirely, because, as I have stated, we will still be under the so-called nuclear umbrella. But that is not sufficient. The Japanese had no nuclear weapons when they took a portion of our State and occupied it; and I feel that to determine now that the State of Alaska will be protected only from a nuclear point of view is to be extremely foolhardy. I am constrained to say that it is equivalent to deciding that the area from Seattle to Los Angeles, over to Albuquerque, and then up to Chicago should not have any conventional forces in it.

Either the Department of Defense is going to review this decision or, so far as I am concerned, they are not going to have my support for the continued expenditure of funds either for defense activities in the NATO countries or for this new weaponry that leaves Alaska completely in the position of having to cross the nuclear threshold immediately in the event of an unwarranted and unprovoked attack upon our State by conventional forces.

EXHIBIT 1

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., October 27, 1969.

DEAR SIR: Knowing of your interest in Air Force matters, the Secretary has asked me to inform you of recent decisions affecting our base and unit structure.

On August 21, 1969, the Secretary of Defense announced an additional $3 billion reduction in Fiscal Year 1970 military expenditures. As a part of the Air Force portion of this expenditure reduction, we plan to consolidate, reduce, or close certain Air Force installations and to inactivate, relocate, or

reduce certain Air Force units. Attached is additional information which describes the program adjustments and the planned actions affecting your state or district.

Maximum placement assistance will be provided throughout the Department of Defense to career employees adversely affected by these actions. To the extent possible, any career employee whose job is eliminated by these actions will be afforded another job opportunity. This may involve movement to another installation in a different geographic area. In such cases where the movement is to another Federal position, moving costs will be borne by the Government.

In those actions which result in the closure of a facility, the Office of Economic Adjustment within the Department of Defense stands ready to assist the local community leadership in securing productive civilian utilization of these facilities.

Forty-eight hours after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JOHN J. SHAUGHNESSY,
Colonel, USAF, Chief, Plans Group Legislative Liaison.

DEPARTMENT OF THE NAVY,
Washington, D.C.

DEAR SENATOR: Appreciating your interest in the U.S. Navy, I wish to insure that you are kept informed of current plans and programs of the Department.

Accordingly, I am enclosing a fact sheet on one or more actions planned in your state pursuant to recent announcements by the Secretary of Defense and the Secretary of the Navy concerning the requirement to reduce expenditures for Defense.

It is understood that a whole range of similar actions planned by the Army, Navy and Air Force will be the subject of a public announcement by the Secretary of Defense on Wednesday, October 29.

If you desire additional information, please do not hesitate to let me know. It is always my pleasure to be of service to you.

Sincerely yours,

JOHN D. H. KANE, Jr.,
Captain, U.S. Navy, Deputy Chief.

FACT SHEET

U.S. NAVAL COMMUNICATION STATION, KODIAK, ALASKA

Background and mission

U.S. Naval Communication Station, Kodiak is a tenant of Naval Station Kodiak, which is 7 miles northwest of Kodiak City.

The mission of the U.S. Naval Communication Station, Kodiak, as an activity of the Naval Communications System, is to manage, operate, and maintain those facilities, systems, equipments, and devices necessary to provide requisite communications for the command, operational control, and administration of the Naval Establishment; to manage, operate and maintain those facilities of the Defense Communications System as assigned, and to perform such other functions as may be directed by the Chief of Naval Operations.

Nature of action

Place in an inactive mobilization status. Phasing-out will be accomplished no later than 1 January 1970.

Reason for action

This action is being made in concert with reduction in force levels and necessary defense expenditures resulting from the necessity to comply with the Fiscal Year 1970 expenditure limitation contained in the Fiscal Year 1969 Second Supplemental Appropriation Act, PL 91–47, and the Bureau of the Budget directive to effect an average reduction of 4% in federal civilian employment to achieve the most efficient use of personnel and resources.

Impact of the action

Personnel Data

a. Civilian employees on board as of 1 September 1969, 20.

b. Civilian employees ceiling as of 1 September 1969, 17.

c. Estimated annual salaries of civilian employees, $205,514.

d. Planned reduction of civilian personnel, 20.

e. Number of civilian positions to be transferred to other activities, none.

f. Military personnel allowance as of 1 September 1969:

Officers	13
Enlisted	258
Total	271

g. Estimated annual military salaries, $1,552,290.

h. Predicted military personnel reductions:

Officers	12
Enlisted	235
Total	247

i. Annual expenditure reductions (FY 1971), $2,068,000.

j. Personnel Relocations, none.

Assistance to affected civilians

Career and career-conditional personnel scheduled for separation will be provided all the advantages outlined in the DOD policy on stability of employment for career employees including priority rights to vacancies in other DOD activities, priority for reemployment, and payment of transportation and travel expenses for career employees who must be relocated to other DOD activities. The local office of the U.S. Civil Service Commission, State Employment Service office, and business firms will also be solicited for assistance in locating employment. Personnel will also be advised of retraining programs which are available.

FACT SHEET

NAVAL STATION, KODIAK, ALASKA, AND FLEET WEATHER FACILITY

Background and mission

Naval Station, Kodiak is located on the northeasterly end of Kodiak Island about 270 miles southwest of Anchorage. The mission of Naval Station, Kodiak is to maintain and operate facilities and provide services and materiel to support operations of aviation activities and units of the Operating Forces of the Navy and other activities and units, as designated by the Chief of Naval Operations.

Nature of action

Place in a partial-maintenance status. Phasing-out will commence 1 January 1970 and be completed by 30 June 1970.

Reason for action

This action is being made in concert with reduction in force levels and necesary defense expenditures resulting from the necessity to comply with the Fiscal Year 1970 expenditure limitation contained in the Fiscal Year 1969 Second Supplemental Appropriation Act, PL 91–47, and the Bureau of the Budget directive to effect an average reduction of 4% in federal civilian employment to achieve the most efficient use of personnel and resources.

Impact of the action

Personnel Data*

a. Civilian employees on board as of August 1969, 267.

b. Civilian employees ceiling as of August 1969, 276.

c. Estimated annual salaries of civilian employees, $3,099,600.

d. Planned reduction of civilian personnel, 274.

e. Number of civilian positions to be transferred to other activities, 2.

f. Military personnel allowance as of August 1969:

Officers	91
Enlisted	790
Total	881

g. Estimated annual military salaries, $5,393,000.

h. Predicted military personnel reductions:

Officers	69
Enlisted	634
Total	703

i. Annual Expenditure Reduction (FY 1971), $6,800,000.

j. Personnel Relocations:

Military personnel to be transferred to Adak, 43.

Civilians to be transferred to Adak, 2.

Military personnel to Hawaii, 55; to Seattle, Washington, 7.

Assistance to affected civilians

Career and career-conditional personnel scheduled for separation will be provided all the advantages outlined in the DOD policy on stability of employment for career employees including priority rights to vacancies in other DOD activities, priority for reemployment, and payment of transportation and travel expenses for career employees who must be relocated to other DOD activities. The local office of the U.S. Civil Service Commission, State Employment Service office, and business firms will also be solicited for assistance in locating employment. Personnel will also be advised of retraining programs which are available.

INSTALLATIONS AND ACTIVITY CONSOLIDATIONS, REDUCTIONS, REALINEMENTS AND CLOSURES

DEPARTMENT OF THE ARMY,
Washington, D.C., October 27, 1969.

Information for Members of Congress:

On 29 October Secretary of Defense Melvin R. Laird will announce actions to consolidate, reduce, realign, or close military installations and activities in the United States.

These actions are some of the steps being taken in order to realize the Fiscal Year 1970 Defense expenditure reductions announced by the Secretary of Defense on August 21, 1969. Decision on disposition of most of the real estate and facilities that will be closed will be made later.

I am attaching hereto a list of installations within your constituency which will be affected by this action.

Personnel separated by reduction-in-force or for refusal to accept transfer offers will be provided all the advantages outlined in the DOD policy on stability of employment for career employees, including priority rights to vacancies in other DOD activities, and priority for reemployment. Transportation and travel expenses will be allowed for career employees who must be relocated to other DOD activities. The local offices of the U.S. Civil Service Commission, State Employment Service offices and business firms also will be solicited for assistance in locating employment for those needing it. Personnel will be advised of retraining programs which are available. The services of the Department of Defense Office of Economic Adjustment will be made available to communities affected.

This information is being furnished with the understanding that no announcement will be made either by yourself or by the Department of Defense prior to the Department's public announcement, which will be made at 1100 hours 29 October 1969.

Furnished by: Office, Chief of Legislative Liaison.

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* Includes Fleet Weather Facility and other tenants less Naval Communications Station.

ALASKA

[Dollars in millions]

Activity	Location	Jobs eliminated: Military	Jobs eliminated: Civilian	Annual savings	Completion date
2 Nike Hercules sites	Eielson AFB	254	0	$4.200	Sites will be closed. Units will be inactivated. Complete closure by end 4th quarter fiscal year 1970.

TWO NIKE HERCULES SITES
EIELSON AIR FORCE BASE, ALASKA
(Close Sites)

The two NIKE HERCULES sites (Sites 21 and 22) are listed as Eielson Air Force Base and are located 28 and 31 miles southeast of Fairbanks in the Fairbanks Defense, Alaska. Site 21, consisting of 778 acres of land and facilities acquired at a cost of $4,781,800, was initially occupied in 1958. Site 22, consisting of 1,162 acres of land and facilities acquired at a cost of $5,842,500, was initially occupied in 1959.

The strategic air defense posture is evaluated on a continuing basis in light of current and future enemy threats, weapons characteristics and fiscal considerations. In order to meet directed Fiscal Year 1970 defense expenditure reductions as announced by the Secretary of Defense on August 21, 1969, Sites 21 and 22 were selected for inactivation because it was determined that they contribute least to the overall defense.

Upon completion of this action the installations will be retained for other possible defense requirements. The 127 military personnel at each site will be released for other urgent requirements, the Army end strength will be reduced by 254, and estimated annual savings of $4.2 million will be realized. The action will be completed by June 1970.

ALASKA—ELMENDORF AFB

Action	Manpower changes	Date of change or discontinuation of military mission
Inactivate 317th Fighter Interceptor Squadron (26 F–102 aircraft). Increase F–106 rotational aircraft:		By Dec. 31, 1969.
Military	−783	
Civilian	−67	
Reduction of Headquarters Alaskan Air Command:		
Military	−122	
Civilian	−32	
Activate an Air Rescue and Recovery Squadron with 4 HC–130H aircraft:		By June 30, 1970.
Military	+168	
The reductions above relate to changes in our strategic defensive forces and in our command and control functions. They will result in ultimate annual savings of $8,543,000.		
Net change:		
Military	−737	
Civilian	−99	

The PRESIDING OFFICER. In accordance with the order of yesterday, the Senator from Colorado (Mr. ALLOTT) is recognized for 30 minutes.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may request a quorum call without losing my right to the floor.

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

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

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

AMERICAN PRISONERS OF WAR

Mr. ALLOTT. Mr. President, a most significant announcement was made in Chicago on Monday by the New Mobilization Committee To End the War in Vietnam with regard to American prisoners of war held by the North Vietnamese Government. It is interesting to note that this announcement, reported faithfully on the front page of Tuesday's Washington Post, and characterized by one who participated in the press conference as "a peace feeler" and "an attempt to establish better relations with Washington," has so far failed to evoke little more than a mere "ripple" of comment.

With appropriate fanfare, Mr. William Kunstler, chief defense counsel at the "Chicago eight" riot conspiracy trial, announced that it would only be through the New Mobilization Committee To End the War in Vietnam that we would begin to receive names of American prisoners of war and "possibly other pertinent information" about their condition "as soon as the committee has a chance to set up an office and pass the information along to the prisoners' relatives." Mr. Kunstler had flown to Paris last weekend to meet with Xuan Oanh, a middle-ranking member of the North Vietnamese delegation to the Paris peace talks. As a result of a 2-hour meeting with Oanh, Kunstler announced that it is his understanding that Hanoi is now willing to:

Give to the New Mobilization Committee To End the War in Vietnam a list, "but maybe not at once," of the U.S. prisoners of war held captive by the Government of North Vietnam, although not those held by the Vietcong in South Vietnam;

Release to the New Mobilization Committee To End the War in Vietnam "possibly other information" about the prisoners;

Channel a "regular flow of mail" from the prisoners through the New Mobilization Committee To End the War in Vietnam, although no agreement was reached on handling the mail from the prisoners' relatives to these captives of North Vietnam and the Vietcong.

Mr. President, some observers might feel that this announcement by Mr. Kunstler indicates a kind of "post-Ho" change of attitude with regard to the manner in which Hanoi has chosen to deal with our American prisoners of war. For example, prior to Ho's death, and as recently as June 10, 1969, an article appearing in Hanoi Hnah Dan newspapers, entitled "United States Censured for Distortion on POW Treatment," stated:

> We denounce and protest against the scheme of the U.S. to equate the Vietnamese patriotic fighters detained by the U.S. aggressors with the U.S. pirates caught in the act by the Vietnamese people while piloting aircraft to bomb and strafe the D.R.V.N., committing crimes against the Vietnamese people. These pirates are *war criminals*.
>
> We denounce the U.S. scheme to raise the question of U.S. *air pirates* in order to mislead public opinion in the United States and the world, which is demanding that the U.S. Government stop its war of aggression and bring U.S. troops home.

It is my opinion, however, that Hanoi is making a last, desperate effort to escape public and world condemnation for their continued failure to abide by the Geneva Agreements of 1949. All of the principal parties to the conflict in Vietnam are parties to this convention. South Vietnam acceded to the convention on November 14, 1953, and North Vietnam acceded on June 28, 1957. The U.S. ratification was deposited on August 2, 1955. Simply stated, the Geneva agreements obligate the parties to provide these minimum guarantees with regard to the treatment of prisoners of war:

Identification of all nationals held captive.

Immediate release of all seriously sick or wounded prisoners.

Permit free flow of mail both to and from the prisoners.

Permit the regular inspection by the International Committee of the Red Cross, or other appropriate intermediary, of all detention camps and other facilities in which prisoners are being held.

Mr. President, obviously these minimum standards of humane treatment, recognized by both the Geneva agreement as well as basic international law, are far beyond those suggested by Hanoi through its American agent, the New Mobilization Committee to End the War in Vietnam.

This is not the first time that the Hanoi government has tried to avoid assuming responsibility for the proper treatment of American prisoners of war. On September 10, 1969, U.S. Ambassador Graham Martin observed before the International Red Cross Conference:

> North Vietnam denies universally accepted standards of humanitarian treatment of prisoners and violates the provisions of the Geneva Agreement to which it acceded by:
>
> (1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.
>
> (2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

In addition, of course, Ambassador Lodge has repeatedly reiterated our views with regard to the matter as have the Secretary of Defense and the Secretary of State.

It is tragic to observe, Mr. President, that of the 1,400 American civilian and military personnel who are listed either as prisoners of war or missing in action that 200 of these have remained in a state of limbo for more than 3½ years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

Mr. President, the Geneva Convention of 1949 is based on several centuries of hard, bitter experiences insofar as prisoners of war are concerned. It recognizes the helplessness of such prisoners, their utter dependence on the good will of the captor nation. It takes into account the passions that war arouses against enemy soldiers. It recognizes that practically speaking, prisoners of war are unable to protect themselves and that international law requires that their persons and honor be respected and they be protected from both physical and mental abuse.

Of course, the most mendacious justification for mistreatment or execution of captured soldiers is that they are bandits, or criminals, beyond the help of law. It is absolutely tragic to note how often we have heard this phrase used by the Communist governments to describe prisoners of war under their jurisdiction. Any one or any country daring to oppose Communist ideology is labeled a criminal in order to politicize war or armed conflict. This is not a new effort; and it was because of this that the Geneva agreement deliberately sought to depoliticize the whole question of prisoners of war. The convention holds that men in military uniform are not per se criminals or bandits, no matter what their ideology or political attitude.

The Geneva Convention further attempted to depoliticize the matter by establishing neutral, nonpolitical organizations such as the International Red Cross to oversee that prisoners of war were receiving minimum standards of treatment.

Mr. President, there is no question that the United States and the Government of South Vietnam have played the game according to the international rules. At all times—I repeat that—at all times North Vietnamese prisoners of war held in stockades in South Vietnam have been allowed the four minimum standards, and a good deal more, I might add.

Congress has not been silent on the issue of assuring decent treatment for American prisoners of war now held captive by the Government of North Vietnam and the National Liberation Front. Various resolutions have been offered in both the House and the Senate to galvanize responsible support for the application of appropriate action within a variety of world forums.

But make no mistake about it. Hanoi is busy, too, trying to counter any possible adverse criticism in this matter. The announcement this Monday by Mr. Kunstler is merely part of Hanoi's desperate effort to escape world condemnation for their brutal disregard for minimum standards of humane treatment of prisoners of war. The absurdity of using the New Mobilization Committee To End the War in Vietnam as Hanoi's agent here in the United States cannot, of course, be overdramatized. Unfortunately, however, this absurdity is overshadowed by the real tragedy of the situation: a blatant effort to use American prisoners of war, and their anxious families, as political hostages. I know that all my colleagues in the Senate share my sense of outrage with regard to the matter of using American lives as a trump card in the cruel game of political blackmail. The statement from Chicago Monday afternoon merely proclaims publicly what Hanoi has been saying privately to the families of these prisoners for some time: Deal with antiwar groups if you want any information about your husbands or sons who may or may not be alive in our prison camps. Thus, the tragic threats of political blackmail are woven into the overall fabric of Hanoi's callous deceit and infamous betrayal of a decent regard for humane treatment of prisoners of war. Senators know that when the wives of Americans held by the Government of North Vietnam recently contacted the North Vietnamese negotiators in Paris, they were told by these negotiators that if they really wanted to do something for their husbands, they would be well advised to go back home and work actively with those antiwar groups who were urging the unconditional and immediate withdrawal of all American troops from Vietnam.

What incredible and savage leverage; the quid pro quo: Get behind antiwar efforts if you really want to learn something about your husband or if you really want to have a faint hope of seeing him again. Mr. President, these are our men; they are defenseless; their families are torn between hope and despair of ever seeing them again; and they are being used as political hostages.

I stated in a press conference the other day that I felt the Department of Justice has a responsibility to examine the question of whether or not criminal prosecution should be brought against Mr. Kunstler under the provisions of the Logan Act. So that the record can be made clear on this matter, I ask unanimous consent that two articles in Tuesday's papers be printed at this point in the RECORD, followed by the provisions of the Logan Act as contained in 18 United States Code 953.

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

[From the New York Times, Oct. 28, 1969]

KUNSTLER SAYS HANOI IS READY TO SUPPLY A LIST OF U.S. PRISONERS

CHICAGO, Oct. 27.—North Vietnam was reported today to be ready to hand over a list of United States prisoners of war to the American peace movement.

William M. Kunstler, a lawyer for the Chicago Eight, said Hanoi was also willing to release information about the prisoners' condition and to permit a greater flow of mail to and from them.

Mr. Kunstler returned from a weekend trip to Paris, during which he met with representatives of the North Vietnamese delegation to the peace talks. He made the trip in behalf of David T. Dellinger and Rennard (Rennie) Davis, two of the defendants in the conspiracy trial growing out of the disturbances during the Democratic National Convention here in 1968. Judge Julius J. Hoffman had refused to allow them to leave the country.

Mr. Kunstler discussed the results of his weekend trip at a news conference during the noon recess. His statement recalled a report from diplomatic quarters in Paris late last month that the North Vietnamese had agreed to supply at least some of the prisoners' names.

Mr. Kunstler was asked whether there had been any indication of the number of names that would be on Hanoi's list of prisoners.

"We did not discuss any figures," he said, "but I had the distinct impression that they would include all the American prisoners they hold, although not those held by the Vietcong in South Vietnam." He said he also had the impression that most were fliers.

The United States lists 1,350 men as missing in action and 430 of those as believed to be captured.

The lawyer said he had been told that all the information about and mail from the prisoners would be channeled through an office to be set up by the American peace movement, particularly the National Mobilization Committee To End the War in Vietnam. He said he got the impression that Hanoi was ready to start providing the information as soon as such an office could be established.

Mr. Dellinger, who is chairman of the Mobilization Committee, told newsmen that the committee was already at work on the matter but declined to say how long it would take or where the office would be.

"Rennie Davis and I and Mr. Kunstler are all very much tied up in this trial," he said. "But we have begun consultations with other members of the committee and hope to have results to report soon."

[From the Washington Post, Oct. 28, 1969]

HANOI SAID TO PROMISE POW DATA

(By A. D. Horne)

North Vietnam has promised to give an American anti-war group the names of all U.S. prisoners it holds, the chief defense counsel at the Chicago riot conspiracy trial announced yesterday.

Attorney William M. Kunstler of New York said the New Mobilization Committee To End the War in Vietnam would begin to receive the names and "possibly other pertinent information" about the prisoners as soon as it had set up an office and staff to pass them on to the prisoners' relatives.

Kunstler, who flew to Paris over the weekend for a meeting with a North Vietnamese delegate to the peace talks, said at a Chicago news conference that he also was promised "a regular flow of mail" from the prisoners.

This mail, Kunstler said in a telephone interview, would be routed to addressees by the Mobilization office. The handling of relatives' mail to the prisoners was not discussed in his 2-hour meeting with Xuan Oanh, he said.

Oanh, a middle-rank member of the Hanoi

delegation, has handled many of its public contacts, including meetings this fall with more than 20 wives of U.S. prisoners. The wives were seeking word on whether their husbands were alive.

Kunstler said the North Vietnamese were insistent that anyone who did not want to get prisoners' names and other information publicly could get it privately.

The attorneys said the Mobilization Committee would meet next week in Chicago to decide on the staffing and location of the new office, and that one of its leaders would then go to Paris "to start the flow" of information.

All names will be provided, Kunstler said Oanh told him, "but maybe not at once."

David T. Dellinger, one of the Chicago defendants, said details of the new operation would be announced at a peace rally here on Nov. 15. Oanh had asked to see Dellinger and co-defendant Rennie Davis, but U.S. District Judge Julius J. Hoffman denied both men permission to leave the country and Kunstler went instead.

Dellinger called the North Vietnamese promise "a major friendly act," "a peace feeler" and "an attempt . . . to establish better relations with Washington."

The State Department reserved comment. Earlier in the day, the Defense Department has issued a statement calling it "indefensible" for North Vietnam to delay release of the prisoners' names.

The Pentagon lists 413 identified prisoners in North Vietnam; 918 others are carried as missing in Southeast Asia. About half the missing men are estimated to be prisoners in North Vietnam, making a total of 800 to 900 held there.

Both the State and Defense Departments repeatedly have urged Hanoi to make public a full list of men held, and to comply with the 1949 Geneva conventions to permit free flow of mail and inspections of prison camps by the International Committee of the Red Cross.

U.S. officials estimate that over the past five years letters have been received from only 110 of the prisoners, at a rate of two or three per year from those 110.

North Vietnamese spokesmen have denied any restrictions on the mail flow. However, Kunstler said the prisoners had been allowed to write only "on certain specified holidays," and that Oanh had promised a "much more regular flow of mail."

Kunstler said the information to be given the Mobilization might cover the prisoners' health.

U.S. officials noted that Oanh also had promised the prisoners' wives information about their husbands, but that no family had reported receiving any.

In Paris, where Ambassador Henry Cabot Lodge has raised the prisoner issue at several sessions of the peace talks, the U.S. delegation has been told that wives can write the North Vietnamese delegation for information.

The officials suggested that this new promise, made through the U.S. peace movement, was evidence that Hanoi was "feeling the heat" on the prisoner issue. But they indicated the administration would welcome any information on the prisoners, and would make no move to interfere.

Sen. George McGovern (D–S.D.), meanwhile, said Congress should make clear to Hanoi that continued mistreatment of American prisoners can only produce "a stiffened U.S. attitude toward possible negotiations or withdrawals" from Vietnam. He urged Congress to endorse an International Red Cross resolution calling on all nations to abide by the Geneva Convention on the treatment of prisoners of war.

EXCERPT FROM THE LOGAN ACT

Section 953. Private correspondence with foreign governments.

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controveries with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects (June 25, 1948, ch. 645, 62 Stat. 744.)

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. BYRD of Virginia. Mr. President, I believe the Senator from Colorado is rendering an important service in focusing public attention on the plight of the American servicemen who are being held captive by the North Vietnamese.

Regardless of what view an individual American may take on the wisdom of becoming involved in a ground war in Asia, I think all Americans can agree that those Americans who have been captured and who are now in North Vietnam have been treated—and their families have been treated—in a most inhumane way. The North Vietnamese will not even submit a list, as the Senator from Colorado has brought out, of those who are being held captive, will not permit letters to be sent to them from their families, and will not permit them to write their families. I cannot imagine a more inhumane treatment, both for the men involved and their families, than our prisoners of war have received at the hands of the North Vietnamese.

I should like to mention at this point a joint resolution which was passed by the House of Representatives on October 14. It is House Resolution 910. It was introduced by two Virginia Representatives—Representative WHITEHURST of the Second Congressional District of Virginia, and Representative DOWNING of the First Congressional District.

With the permission of the distinguished senior Senator from Colorado, I should like to read this brief resolution into the RECORD at this point.

Mr. ALLOTT. I would be happy to have the Senator do so.

Mr. BYRD of Virginia. The joint resolution is as follows:

Whereas, the inhuman treatment of our military men who are prisoners of war in North Vietnam is now well documented; and

Whereas, the families of many of these men are not sure whether or not these men are alive; and

Whereas, the citizens of this Nation have a moral obligation to assure these families that they have not been forgotten; Now, Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That November 9, 1969, be declared a national day of prayer and concern on behalf of the American servicemen being held prisoner by the North Vietnamese.

That is House Joint Resolution 910, which was passed by the House of Representatives on October 14.

It is my hope, Mr. President, that the appropriate committee of the Senate will expeditiously consider this resolution and bring it before the Senate for the approval of this body.

Again, Mr. President, I commend the distinguished senior Senator from Colorado for focusing attention on the plight of these prisoners of war. It is inconceivable to me that the Hanoi government would be so callous and so inhuman as to refuse to submit a list of the men they have captured and give their condition.

We hear a great deal about demonstrations with regard to Vietnam. It seems to me that a good demonstration for the people of the United States to engage in would be to demonstrate their disapproval of the way Hanoi has been cruelly handling the American prisoners of war.

I call upon Hanoi to prove they want peace by publishing a complete list of all prisoners, by immediately releasing the sick and wounded, by permitting the International Red Cross to inspect all prisoners, and by the prompt exchange of all prisoners in their custody.

Until these steps are taken, there can be no progress toward an honorable and lasting peace in Vietnam.

I thank the Senator from Colorado for yielding.

Mr. ALLOTT. I thank the distinguished Senator from Virginia for the comments he has voiced here. His comments reflect my views.

As he has said, it is impossible to comprehend the complete lack of morality of any nation, particularly North Vietnam, as demonstrated by its treatment of prisoners and the families of prisoners they now hold. It is totally inexcusable. Those who would support Hanoi by talking about their high morality should look very closely at the question of how Hanoi is treating prisoners of war in spite of its obligation to the Geneva Convention, as outlined by Ambassador Martin. Then, they would realize their words are as shallow as little puddles after a rain.

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

Mr. ALLOTT. I yield.

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

Mr. GRIFFIN. Mr. President, I wish to join the Senator from Virginia in commending the distinguished Senator from Colorado for his very thoughtful, responsible, and excellent statement, which does a great service to this body and to our country. He is exposing and exploding the cruel hoax that Hanoi and its sympathizers seek to perpetrate on the American people, and, unfortunately, on the families of those who happen to be prisoners of war.

Surely, if Hanoi were at all sincere they could demonstrate it most effectively by announcing their adherence to the provisions of the Geneva Convention as the distinguished Senator has already indicated.

I associate myself with the suggestion made by the Senator from Virginia. Demonstrations should be held in this country, not only addressed to the prisoner-of-war situation in general, but also calling upon Hanoi to adhere to the Geneva Convention. That would be a

positive objective and a positive goal which would be in the interest of humane treatment of our prisoners of war.

I believe this is the kind of goal all Americans could agree upon and certainly it deserves the support of all us—including peaceful demonstrations.

I thank and I commend the distinguished Senator from Colorado for service he is performing in the presentation of this statement.

Mr. ALLOTT. I thank the distinguished Senator very much because I value his opinions so very highly and always have. I hope that today we can put this whole question in proper context for the people of the United States.

Mr. President, just before I yielded I had asked unanimous consent, which was granted, to have printed in the RECORD two articles to put the New Mobilization Committee and Mr. Kunstler in the proper framework. I wish to read one section from the United States Code known as the Logan Act. It is section 953 and it is entitled "Private Correspondence With Foreign Governments."

Section 953. Private correspondence with foreign governments.

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined no more than $5,000 or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (June 25, 1948, ch. 645, 62 Stat. 744.)

I have been asked several times, "What about the wives of prisoners who went to Paris to talk to representatives of the Hanoi government?" I particularly call to the attention of those people the last paragraph that I read because they were seeking redress for an injury sustained to them.

Of course, Mr. Kunstler's statement and the involvement of the New Mobilization Committee To End the War in Vietnam does not represent some isolated instance of trying to work the will of Hanoi in this country. We already know that at least two members of the New Mobilization Committee were among the 40 or so people representing anti-Vietnam war organizations, including a delegation from the Democratic Republic of Vietnam—the euphemism for the Government of North Vietnam—when the Stockholm Conference on Vietnam convened on October 12. My colleague, Senator FANNIN, has already pointed out in the CONGRESSIONAL RECORD that the Stockholm Vietnam Conference was also one of the participating organizations in the Communist-controlled World Assembly for Peace held in East Berlin in June of this year.

Mr. President, I ask unanimous consent that two of the resolutions adopted at this conference be printed at this point in the RECORD.

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

[Stockholm conference resolutions]

NOVEMBER 15 DAY OF INTERNATIONAL MOBILIZATION TO END THE WAR IN VIETNAM

Resolution: Adopted October 12, 1969

The Stockholm Conference on Vietnam welcomes the formation of the broadest coalition of U.S. anti-war forces yet known which have joined together in the New Mobilization Committee to End the War in Vietnam to mount a series of massive demonstrations. The Fall Offensive began with demonstrations in Chicago on September 24 in support of the 8 Anti-War leaders on trial for conspiracy. The campaign will continue with the Vietnam Moratorium on October 15 and will culminate in mass national demonstrations in Washington and San Francisco from November 13 to 15. The New Mobilization Committee is committed to the immediate, total and unconditional withdrawal of U.S. forces and war material from Vietnam.

The Stockholm Conference wholeheartedly supports the Fall Offensive and calls for mass demonstrations throughout the world on November 15 to match the unparalleled outpouring of popular opposition to the war now spreading across the United States. All actions on this day of international mobilization should be centered on the demand of the Vietnam Appeal calling for immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam. This is the only basis for bringing the war to a rapid conclusion. In those countries linked to the U.S. war effort there should be demonstrations demanding an end to these pacts of complicity.

We join the New Mobilization Committee in calling for a campaign which will not end on November 15 but will rise in intensity until U.S. aggression in Vietnam is ended and the Vietnamese have won the independence and peace for which they have fought so long.

VIETNAM APPEAL

Resolution: Adopted October 12, 1969

To respect the Vietnamese people's fundamental national rights: independence, sovereignty, unity and territorial integrity—and the right to self determination of the people of South Vietnam.

We demand the immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam.

Mr. ALLOTT. Mr. President, in connection with the first resolution, it will be interesting to observe whether activities are planned and executed to demonstrate at American Embassies in New Zealand and Australia to focus on the fact that these countries are supporting our efforts in Vietnam. In a continued effort to find financial support for the movement, we probably will see—and I predict we will—some kind of a call for a worldwide day of collection, to finance their efforts, at temples and churches in December.

Mr. President, this is the same group that Hanoi has designated as its agent to represent their responsibilities before the bar of world opinion in connection with the prisoner of war issue.

Mr. President, I would like to ask unanimous consent to insert at the conclusion of my remarks an article appearing in Wednesday's Washington Post dealing with the progress of the war in Vietnam.

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

(See exhibit 1.)

Mr. ALLOTT. Mr. President, this article, and the desperate efforts of Hanoi to try to shift the focus of world opinion away from their shoddy performance with regard to the humane treatment of American prisoners leads me to wonder whether or not the battleground has shifted: Is pacification proceeding faster in Chicago than it is in the hamlets of Vietnam? I wonder also if we are going to let our men rot while Hanoi promises to provide "possibly other pertinent information" about the men it has held for as long as 3½ years.

Mr. President, the irretrievable suffering and death of the Vietnam war unites each of us in our constructive efforts to find peace with freedom at the earliest possible date in Vietnam. I think we must dedicate our thoughtful energies, however, to deal with those areas of the war which are retrievable and where suffering and torment can find some practical hope of alleviation. Surely one of these areas is the assurance of adequate treatment for American civilian and military personnel held captive by the government of North Vietnam and the National Liberation Front.

Despite our views with regard to this war—historically or prospectively—many of us have already cosponsored measures during this session of Congress which would make it abundantly clear that the Congress of the United States demands treatment in accordance with the Geneva Agreement for our military and civilian personnel held captive by the Communists.

Mr. President, we know that the President is in the process of preparing his remarks for the important November 3 speech which will outline to the American people Mr. Nixon's views with regard to the future of this tragic conflict. The President will be trying to inform America with regard to his proposals for peace with freedom in Vietnam from his vantage point as Commander in Chief of our Armed Forces. Why cannot we here in Congress embark upon a similar educational effort to inform the American public of the truth with regard to the manner in which our American prisoners are mistreated by the Communists. It seems to me, Mr. President, that the Congress itself is capable of galvanizing support for assuring proper treatment for those Americans who have justifiably, I fear, been called the forgotten Americans of the Vietnam war.

For this reason, I call upon the chairman of the Foreign Relations Committee to convene his committee at the earliest practical date for the purpose of holding public hearings with regard to this issue and with a view toward reporting out any of the many resolutions now pending before the Committee dealing with the question. These resolutions cannot languish when the tide of propaganda sweeps up upon our shores; we cannot remain immobile at a time when the New Mobilization Committee To End the War in Vietnam arrogates to itself the manner in which our fellow Americans shall be dealt with by the North Vietnamese and the Vietcong.

Mr. President, we can do something to help these men, and their anxious

families here in the United States. We must.

EXHIBIT 1

[From the Washington Post, Oct. 29, 1969]

THE NEW OPTIMIST—I: MANY FEEL VC CAN'T RECOVER

(By Robert G. Kaiser)

APBAC, SOUTH VIETNAM—Just when anti-war pressure in the United States seems to be escalating sharply, many American officials here are contemplating the tantalizing possibility that the Vietcong's revolution in South Vietnam has been defeated.

Optimism in Vietnam is a discredited philosophy, and its adherents must accept the status of discredited philosophers: One is allowed to believe that the earth is flat, but please, keep it to yourself. Hardly any American official here outside the military establishment will allow himself to be quoted by name as one of the new optimists, though a large number of them subscribe secretly to the faith.

Virtually all these officials have learned to qualify every optimistic judgment with some variation of the standard post-Tet offensive caveat: "Of course, the Vietcong could still surprise us . . ." But many dispense the caveat insincerely, as though it were a kind of intellectual conscience money.

The new optimism has infected much of the American mission here, and it is undoubtedly reflected in the official reports from Vietnam now reaching Washington.

The "fact sheet" on Vietnam issued last week by the White House shows signs of the new mood among U.S. officials in Vietnam.

The basis of the optimism is the apparent situation in the countryside, especially in the Mekong Delta, where a third of South Vietnam's 17.3 million people live. The countryside is more fully "pacified" than at any time since the big-unit war began in 1965.

Roads and waterways that have been impassable for years have begun to buzz with commerce during the last six months. Villages long considered part of the "Vietcong society," sometimes for a generation, are now clearly within Saigon's influence and seem to be thriving on the new relationship.

Hundreds of thousands of citizens have demonstrated some faith in (if not affection for) the Saigon government by moving back to their old hamlets, joining the People's Self-Defense Force and participating in government-sponsored local elections.

The new optimists make a good deal of this apparent progress, but they are not talking about "winning the war." They are optimistic about the prospects of controlling the countryside and eliminating the military and political influence of local Vietcong. But this would not necessarily affect the North Vietnamese troops still in South Vietnam—still capable of launching offensives and prolonging the war perhaps indefinitely, even if forced to stay close to their Cambodian and Laotian sanctuaries.

INSECURE AREAS

Nor do the new optimists speak with equal enthusiasm about all of South Vietnam. Several northern provinces are still heavily infested with Vietcong; all the northern provinces and those along the western edge of the country—next to Laos and Cambodia—are the subject to incursions by the North Vietnamese that could mean insecurity in those areas for years.

But the Mekong Delta is the country's wealthiest and most populous area, and it was the home of the Vietminh and Vietcong movements in the South. It is often said that whoever can control the plush and productive Delta will eventually prevail.

This correspondent recently spent seven days in the Delta on two separate trips, walking and driving unarmed through areas that an American would not have entered without a company of soldiers when Presidents Thieu and Nixon met last June at Midway.

On such a trip one is repeatedly nudged and told: "VC came out of the treeline over there and ambushed an RF [Regional Force] company last spring,"—"This is where the [American] province senior adviser was killed"—"Three months ago we would have been called crazy even to think about driving on this road"—"You're walking on land that the government in Saigon never controlled until this summer."

GAINS ARE MYSTERIOUS

The rampant optimism is restrained by the mystery of why the past year's progress in pacification was so easily achieved. The Vietcong have made no major effort to challenge pacification in the Delta for more than a year. Government forces have moved into hundreds of supposedly Vietcong-controlled villages without, in many cases, even being shot at. South Vietnamese officials have often been able to go into these areas, organize government programs and run local elections without the slightest harassment.

Have the Vietcong decided not to contest the pacification program? Or are they too weak to cope with it? Both theories have adherents among American and South Vietnamese officials here, though the second is much more popular.

But even those who believe the National Liberation Front has ignored pacification for the time being seem to doubt that an all-out Vietcong effort would now do as much damage as, for instance, last year's Tet offensive.

SAIGON'S GROWING STRENGTH

They reason that during those devastating attacks and in the 21 months since the Vietcong structure has eroded substantially while the Saigon government's military power in the countryside has grown steadily. South Vietnam has about 100,000 more troops than it had at the time of the Tet attacks.

The boldest of the new optimists are those who contend that the Vietcong are too feeble to make a comeback in the Mekong Delta. But there are a great many officials talking that way, including some of the best-known old hands in Vietnam once known for their criticism and pessimism. Though they are optimists now, they are talking only off the record.

"Villages we thought were controlled by a company of VC turned out to have only one or two armed guerrillas," one of these veterans said recently.

VIETCONG INSTRUCTIONS

Another old hand, who has been studying the Vietcong for four years, points to captured documents containing instructions to local Vietcong to assassinate fixed quotas of important South Vietnamese officials in the countryside. Despite these instructions, the government has lost very few important officials.

Other officials point to the reports of prisoners and defectors from the Vietcong who say that the enemy's once remarkable organization—the layers of associations and committees built on a tight base of cells—no longer exists in many parts of South Vietnam. In other areas the organization seems to be a parody of its former self. In one village in Dinhtuong Province, the party secretary—an important figure—turned out to be a 16-year-old boy.

The zeal of the revolution also seems dissipated, the new optimists say. "When we fought the French," a 55-year-old Vietcong colonel who recently rallied to the government told an American official, "the people supported us, they loved us. But these young new cadre don't know how to win the people's support . . ."

DELTA'S ASSUMPTION

All over the Delta one hears that "time is now on our side." It is widely assumed that each week the Vietcong get weaker and the government presence becomes stronger.

The fact that American patience with the war could run out before the South Vietnamese are ready to stand alone causes bitterness here. "I wish I could show Sen. McGovern around this province," a Foreign Service officer who has been working on an important pacification job said recently. "How could he want us to give up now?"

Men like this one (including senior members of the American mission in Saigon) who have coped with failure and frustration in Vietnam are now exhilarated by the apparent success. Efforts in the United States to ignore or to sabotage that progress anger many American officials here.

"It's good to be back where some constructive work is being done," one senior diplomat said recently after a discouraging trip to America.

The fruits of that work—be they relatively permanent or just temporary—are visible all over South Vietnam. There have always been models of successful pacification, but in the old days those were matched by models of pacification's complete failure. Now that second category is rare indeed.

APBAC'S EXAMPLE

This hamlet of Apbac in Longan Province is a good example of the new model. When one flies over Apbac at 1,000 feet the tall buildings of Saigon are clearly visible rising out of the rice paddies 20 miles off. Longan Province is at the very top of the Delta, but its proximity to Saigon never had much influence on its politics. The area around Apbac has been home for the Vietminh and Vietcong for years.

In 1963 Apbac became famous as the site of a disastrous battle for the South Vietnamese army. Five American helicopters were shot down in that fight, and people in the United States began asking what was going on in Vietnam.

In 1965 the hamlet fell completely under Vietcong control. Many of its residents fled to nearby towns or government-controlled areas to avoid the war, the rigors of life under the Vietcong or both.

ENTERED IN JULY

Government forces entered Apbac this July. Then 600 people lived in this dirty, dilapidated little town or right around it. They were served by four small shops and an old Buddhist pagoda that sits atop the highest hill in Longan Province, a 35-foot mound of Paddy mud.

Popular Force platoons built outposts in the area and, by force or default, established security in the area. Revolutionary Development cadre, the black-pajama shock troops of pacification, moved in to begin cheerleading the pacification of Apbac.

The RD cadre are masters of the showy gimmick: They paint South Vietnamese flags beside the front door of every house, put up flagpoles so every family can fly the government flag, build fences and make minor repairs. They also often reopen schools, as they did here.

The Vietcong had destroyed the hamlet's 13-room schoolhouse and used its brick and concrete walls to reinforce their bunkers, so there has been no school in Aphac for four years. When the new government officials announced last summer that they would open a temporary school, they expected about 200 children to turn out, but 523 came the first day from as far as two miles away.

Now a visitor sees young students repeating their lessons in unison and scratching out their arithmetic problems in pen and ink as the French taught them. Because there had been no school for four years, students 8 to 13 years old are all in the same class.

VILLAGERS RETURN

The large school turnout reflected the influx of former residents of Apbac that be-

gan soon after the government took it over. Now at least 1200 people are living here.

At last count there were 18 shops and the government is constructing and repairing buildings. (Damage from the 1963 battle had never been repaired.)

In the first month after government forces entered Apbac and the surrounding villages, 108 Vietcong or their sympathizers rallied to the government. Most of them were unimportant, but one was the old Vietcong hamlet chief. Another 54 suspected Vietcong were arrested.

According to the toothless old monk in the pagoda. Thien Loi, all the Vietcong officials in the area have been killed, arrested, have rallied to the government or have "gone away." Thien Loi, who has lived there for 61 years, told an American visitor he does not expect the VC ever to return.

VC LACKS MUSCLE

Apparently the Vietcong controlled Apbac with just a few cadre and guerrillas.

"But they used to have the muscle on hand to back them up, if they needed backing up," according to Maj. Carl Neely, the enthusiastic American district adviser in the area. "Now they don't have the muscle."

The Vietcong have made no effort to reenter Apbac or to harass the government officials who have been here since July.

There is no evidence that the people of Apbac have become, overnight devoted followers of President Thieu and his government. But the evidence is plentiful that they are happier with their lot now than they were as recently as the day, three months ago, that Neil Armstrong stepped on the moon.

The war is not over in Apbac. North Vietnamese soldiers are hiding, in groups of six to a dozen, in Longan Province and there are still occasional incidents nearby. But the new optimists in this part of Vietnam cannot see how the Vietcong can regain the dominant position they once held.

Mr. DOMINICK. Mr. President, will my distinguished colleague yield to me?

Mr. ALLOTT. I am happy to yield.

Mr. DOMINICK. Mr. President, I am delighted that my colleague has brought up these matters in his speech. It is long past time that we thought of making some comments on this terrible situation. I remember, and I know that my distinguished colleague remembers so well, the anguish we all felt over the crew of the *Pueblo* when they were captured, tortured, and otherwise badly mistreated by that bunch of bandits in North Korea. Here we have a situation which has gone on far longer than that did, and that was about a year before we were finally able to get them out. Some of these men have been there over 3½ years, longer than anyone who was a prisoner of war during World War II, as the Senator has so well pointed out in his speech. Yet, we do not seem even to be able to find out who they are. It seems to me that there must be some leverages and I would ask my colleague what leverages he thinks are available to us. For example, what has the International Red Cross really done? Has it tried anything?

Mr. ALLOTT. I cannot document it, but I am informed that the International Red Cross has tried time and time again to get access to the prisoners, or to get just a list of the names of the men held prisoner, but they have been totally ignored by the Government of North Vietnam. The IRC's efforts to obtain information and access to the stockades where the men are being kept in order to inspect the conditions under which they are held have been equally frustrated by Hanoi.

Mr. DOMINICK. I know, and I know that my colleague knows, that neither in North Korea nor in North Vietnam are representatives of the International Red Cross allowed to appear. They simply will not let them come in. If that is true, then is there another appropriate agency, as is stated in the agreement of the Geneva Convention, which might be able to do that? It is my understanding that there is not another agency which would demand reasonable treatment of prisoners from the North Vietnamese or from the North Koreans. Does the Senator understand it that way?

Mr. ALLOTT. I understand it that way. Petitions and the resolutions have been introduced into Congress to get the United Nations to act. Unfortunately, so far the United Nations has been wholly ineffective in the matter, probably because the Secretariat of the United Nations, for which we once held such high hopes, has been unsympathetic to the petitions and resolutions of the United States. Whether they are unsympathetic or not, the sheer morality of investigating the conditions under which our prisoners are held is something that should commend itself to the membership of the United Nations, and even to the Secretary-General.

Mr. President, my colleague will introduce shortly an article on this very matter by one of these released prisoners of war. I will not do so at this time. But anyone who wants to know what it is really like to be over there as a prisoner of war, should read that article.

Mr. DOMINICK. I was going to ask my colleague about the United Nations, and I am delighted that he has brought it up, because it seems to answer my question before I even get a chance to ask it. I remember on this floor—and I am sure my colleague remembers—that I introduced a bill in connection with the prisoners held by the North Koreans from the *Pueblo*, in which I pointed out that North Korea trades with certain specific eastern Communist countries, and I suggested that we withhold our trade arrangements from those countries until they had put pressure on North Korea in order to force them to let loose of the prisoners.

I wonder whether we should not start to take action on that—diplomatic action—and put some pressure on North Vietnam in order to be able to show that we are not going to sit still while they violate every concept of the Geneva Convention and the general rules of morality and also impress that on the United Nations and the United Nations countries who are members of it by appropriate resolutions.

Mr. ALLOTT. I will answer my colleague by saying this to him, that contrary to the views of some of our more "stardusted" friends, I think we are in a war with a country at this time. When we are losing men, as captives, or missing in action, we certainly are fighting a war. I always disagreed with, and I will disagree to my last dying breath with the policies of former Secretary of Defense McNamara, who would not let us win the war. We went through the same futile action we went through with the Korean war. I might say that this is not just the opinion of the Senator from Colorado but is also the opinion of an awful lot of Senators on the other side of the aisle.

We should leave no tool nor bargaining factor unused in an attempt to force even mere compliance with an international agreement to which the Government of North Vietnam affixed its signature some years ago.

Mr. DOMINICK. I have brought this question up, and I am glad my colleague replied as he did. We just finished passing the so-called Export Expansion Act, after trying to change it so that we would not be giving most-favored nation treatment in a variety of incentives to let people earn the "almighty buck" by trading with Communist-controlled countries of Eastern Europe who are in turn supplying North Vietnam, which is in turn torturing American prisoners of war or giving them inhumane treatment.

I remember being on board one of our carriers when it was conducting a strike against North Vietnam a couple of years ago, and one of its pilots did not come back.

The question was, could they have rescued him before he was caught, because if he was caught, they did not know that he would get back, if ever. They could not get to him in time.

The North Vietnamese have him at this point. It makes chills go up and down one's spine when he talks about any friend, any relative, anybody in the United States. And they just can sit there and, in effect, rock while these thugs do not do anything about giving them reasonable treatment.

I agree with my colleague that we ought to take every possible step we can in this body and elsewhere to try to bring them up at least to the level of human decency.

Mr. ALLOTT. I thank my colleague very much.

I yield now to the distinguished Senator from Michigan (Mr. GRIFFIN), the assistant minority leader, to respond to some statements I made a while ago.

Mr. GRIFFIN. Mr. President, the Senator from Colorado made reference to an article which appeared in the October 29 issue of the Washington Star, entitled "Hanoi Hides Facts, But POW Remembers."

I ask unanimous consent that the article appear in full at the conclusion of the remarks of the Senator from Colorado, at an appropriate place.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. As already suggested by the Senator, I think this article is very shocking. It is based on an interview with Lt. Robert Frishman, who is only one of nine Americans freed from North Vietnam in the past 5 years. He recalls "Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and his fingernails yanked out."

This article goes on and on, describing the experiences of this former prisoner of war, recently released, and tells of others he came in contact with. It is a shocking and very disturbing report on the treatment and conditions facing our prisoners of war.

I also ask unanimous consent that, following the remarks of the Senator from Colorado, an editorial which appeared in the October 30 issue of the Chicago Tribune, entitled "Hanoi's Helpers," be printed in full.

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

(See exhibit 2.)

Mr. ALLOTT. I thank the disinguished Senator for contributing the article and editorial and for his own very well reasoned remarks.

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

Mr. ALLOTT. I yield to the Senator from Florida.

Mr. GURNEY. Mr. President, I have been listening to the presentation by the senior Senator from Colorado of the handling of the prisoners-of-war issue by Hanoi. I think he has done a tremendous service in bringing to the attention of the U.S. Senate and the country the real story, as I see it, behind the attempt by Hanoi to use the Mobilization Committee as a bargaining agent here in this country.

The senior Senator from Colorado has termed it as "absurd," and of course it is. He has used the words "using these prisoners of war as hostages," and that is exactly what Hanoi is trying to do.

It seems to me they are also trying to do something else, which the Senator from Colorado has touched upon, and which I would like to expand upon, too, and that is that by using this method, Hanoi seeks to expand and magnify the importance of the Mobilization Committee To End the War and its work over here. It also seeks to magnify the importance of all the antiwar groups at work in this country. Of course, by doing that, you shackle the President's hands in dealing with Hanoi and trying to bring the war to an end through the powers of the executive branch.

It seems to me that if we recognize in any way this bizarre method of handling our prisoners of war, what we have done is take it out of the hands of the President of the United States and put it in what I would term a town meeting attempt at government. We used to have that sort of government in small communities in New England. When our country was much younger and communities much smaller, it was possible to run our affairs in that way. But it certainly is not possible to conduct the foreign policy of the United States through town meetings throughout the United States, as we had the other day here, and as apparently we are going to have in November also.

It occurs to me that, no matter how well meaning these groups are—and I know that many who participate are well meaning—nevertheless we take the power out of the hands of the President of the United States, and in so doing we jeopardize the whole business of ending this unhappy war in Southeast Asia.

So in bringing to the attention of the Senate today the issue of Hanoi and the prisoners of war and the Mobilization Committee, I think the distinguished Senator from Colorado has indeed performed a most notable service. I would like to associate myself with his remarks wholeheartedly.

Mr. ALLOTT. I thank my distinguished colleague, because he himself had a very distinguished record in World War II, and he knows far better than most people some of the things about which we are speaking today.

I think there is one other thing we ought to say, and that is that we are dealing with a new mobilization committee, something that perhaps will never—and I hope to God it will never—achieve the status of a town meeting, because at the core of that group are not only people who are known to be Communists, but those who have met once or twice with representatives of the Hanoi Government, who have participated in conferences promoted, planned, and devised by the Communist government, and who, without the least bit of shame, proclaim themselves to be militants who are out to destroy our Government.

Now is the time, it seems to me, for those who believe in our country to express themselves. This blatant use of the most helpless people of all—prisoners of a savage, completely immoral, and, as far as humane treatment is concerned, degraded nation—is something that ought to arouse the thoughtful concern of everyone in this country today.

I thank all of my colleagues for participating in this discussion.

I yield the floor.

EXHIBIT 1

[From the Washington Star, Oct. 29, 1969]

THE TOUGH LIFE: HANOI HIDES FACTS, BUT POW REMEMBERS

(By William Delaney)

Long days alone in a tiny, stifling room; a bowl of pumpkin soup twice a day; an open arm wound that stuck to his blanket each night; a fellow officer with cigarette burns on his arms and his fingernails yanked out . . .

Locked in the tortured memory of 28-year-old Navy Lt. Robert Frishman is probably as thorough a report as anyone in America now has on the condition of the 1,320 U.S. servicemen captured or missing in Vietnam action.

Frishman, one of the nine Americans freed from North Vietnamese prisons in the past five years, recalls an anecdote from childhood to describe "the worst" part of his 20 months in captivity.

NOT MUCH IS KNOWN

"When I was a little kid and I did something wrong, my dad would ask, 'Do you want to have a beating, or else you can't go out with the boys in the afternoon.'

"I would always take the beating. The isolation and the solitary confinement is the worst on you."

But neither Frishman nor the U.S. government knows the worst that has befallen those who have not been freed.

In fact, the government does not even know from Hanoi whether these men are today alive or dead.

All it knows, as it cautiously appraises reports of an imminent break in Hanoi's POW silence, is that varying sorts of evidence suggest that at least 414 individuals are probably now in enemy prisons.

The evidence on these "confirmed" prisoners—letters from more than 100 of them, images and voices in North Vietnamese propaganda. U.S. intelligence information, reports from foreign journalists, and first-hand accounts of returnees like Frishman—indicate that the bulk of them are in camps within North Vietnam.

More than 50, however, are believed to be scattered among enemy units in South Vietnam. According to reports from some 40 Americans released or escaped from captivity in the South, these men are not held in camps but individually, at the most in two or threes.

Only last Sunday, the Viet Cong announced that three more of these men would be released but did not say when or where.

As for the 906 Americans missing and unaccounted for, the Pentagon feels that perhaps half of these may be in North Vietnamese prisons.

150 IN LAOS

The rest include some 300 missing in South Vietnam and about 150 missing in Laos.

Of all the 1,320 listed as either POWs or missing, nearly two-thirds are Air Force pilots or crewmen. For the most part they were downed during the 2½-year-long bombing of North Vietnam—which ended a year ago this week.

Many others are Navy pilots, like Frishman.

They include Lt. (j.g.) Everett Alvarez Jr., who was downed Aug. 5, 1964, in the first U.S. air strikes against North Vietnam, during the Gulf of Tonkin crisis.

Alvarez has been captive longest of any of the confirmed POWs, according to the Pentagon.

More than 200 others have been in Communist hands over 3½ years.

Some of the captured or missing men are Army personnel—all of them in South Vietnam or Laos—and the Defense Department believes "a few" Marines are being held in North Vietnam.

As for the conditions in the enemy POW camps, probably the freshest and most thorough information available to the U.S. is that obtained from Frishman and the two other Americans released by Hanoi last August.

Like the six earlier returnees, the latest trio personally saw only a limited number of other Americans (Frishman remembers a total of "around 150" in two camps where he was held).

But what Frishman saw and heard, and smelled and felt, all served to confirm Washington's conviction that not only has North Vietnam failed to honor one basic tenet of the Geneva POW Conference agreement—listing the prisoners, it has also, as Defense Secretary Melvin R. Laird said, "violated even the most fundamental standards of human decency."

For example:

Right after Frishman was shot down by a surface-to-air missile on Oct. 24, 1967, he was driven blindfolded through a gun emplacement and stoned.

He was refused treatment for the elbow wound he initially suffered unless he would agree to give information.

When he passed out, he was taken to a hospital and roped to a stool until he passed out again. ("In two days your feet swell up, and then it creeps up your legs until they're numb . . .")

When his elbow finally was amputated, fragments of the missile remained in his arm. It took six months for the incision to heal because it formed a scab against his blanket each night in the 45-degree winter.

Most of Frishman's time was spent in solitary confinement in 10-by-11 or 14-by-26-foot rooms, where he shivered in the winter and suffered from a heat rash during the sultry summer. Twice a day the prisoners were served pumpkin soup with pig fat in it and some bread.

Most Americans are allowed to read only

North Vietnamese propaganda and to listen to Radio Hanoi.

"They took pictures of me reading Newsweek magazine," said Seaman Douglas Hegdahl of Clark, S.D., who was released along with Frishman. But he said that as soon as the picture was snapped, "they took the magazine away."

GOT SOME MAIL

Hegdahl also confirmed that in a Japanese newspaper photo of him reading "Christmas mail" at the POW camp, the letter he was looking at was dated the previous April 2. He said he got 15 other letters from home, but that packages were rifled if he got them at all.

"Many POWs do not write or receive mail," he said.

The 1949 Geneva Convention permits the exchange of two letters and four cards per month between the POW and his family.

During the five years since Alvarez was captured, a total of only about 800 letters have been received by the families of more than 100 of the POWs. "The mail there really should have been something like 20,000 to 22,000," says a Pentagon source.

Frishman and Hegdahl also said they had no contact with the Red Cross, which is authorized to inspect POW camps under the Geneva Convention.

Most prisoners, they said, are kept in "isolated" situations, some in solitary confinement, some in two- or three-man rooms.

After initial "rough treatment" to obtain military information, the captors later apply pressure to obtain statements that the POWs are receiving "humane" treatment.

Frishman said he was rehearsed before an interview with an Italian journalist. "You try to do what you can to resist that thing, but, like I say, they have ways of forcing you . . ."

A WEIGHT PROBLEM

The North Vietnamese, though "capable of giving good medical care," do only what is necessary to keep the POWs alive. Both Frishman and Hegdahl lost about 50 pounds in captivity.

In contrast to the reports from American POWs, the Pentagon says South Vietnam and the Red Cross have supplied Hanoi with lists of the 28,000 to 30,000 Viet Cong and North Vietnamese prisoners currently being held in six POW facilities in South Vietnam.

The camps are regularly inspected by the Red Cross, and the prisoners regularly receive mail.

Hanoi has been informed that 60 of the prisoners are sick or wounded. But Hanoi has failed to arrange for their return to the North—in some cases for as long as two years.

Over the past five years, more than 400 of the POWs held in the South have been released, partly in hope that such action would inspire a counter-release by Hanoi. That figure does not include the 88 whose release Saigon proposed yesterday.

LAIRD'S DECISION

Only in recent months, however, has the U.S. begun applying the pressure of world opinion to the plight of its enemy-held servicemen.

Acording to a Pentagon spokesman, Laird reviewed the entire POW problem after taking office last January and became increasingly convinced that America's discrete past posture on the matter didn't seem to be obtaining results.

Furthermore, the halt of bombing of North Vietnam and the public forum provided a chance to put pressure on Hanoi. A final factor was a feeling that the families of the men needed reassurance from their government that "they have not been forgotten."

Working closely with the State Department, Laird repeatedly made public appeals to Hanoi to abide by the Geneva convention—to list the prisoners, release the sick and wounded, treat them properly and provide regular mail and impartial inspections of POW camps.

During the summer, Richard G. Capen Jr., deputy assistant defense secretary for public affairs, was dispatched to speak with more than 1,700 members of POW families in 21 U.S. cities to assure them of the government's interest. He also told them the government would no longer discourage any efforts on their part to secure the release of the men.

WOMEN ON THE MOVE

Although feelings among the families are mixed, and some wives fear retaliation against their husbands if they speak out, many of them organized to put the POW plight in the national and international spotlight.

From California to Colorado to Long Island, they have handed out bumper stickers, written countless letters to Hanoi, pleaded with congressmen, corporation presidents and newspaper editors.

In the last six weeks, several of them visited Paris and won assurances from North Vietnamese delegates that they would soon be informed of their husbands' status.

In a third prong of the world opinion against Hanoi attack, delegates at the International Red Cross conference in Istanbul but last month approved, without dissent, a resolution calling on all parties to the 1949 Geneva POW Convention to abide by its tenets.

The resolution, which did not specifically mention North Vietnam, was approved by attending representatives of the Soviet Union and Yugoslavia among other Communist powers. Neither North Vietnam nor its Red Cross society attended.

In addition, American Red Cross officials say they are "greatly pleased" by 11 positive responses to their separate plea to Red Cross societies in 30 countries—including Russia, Yugoslavia, and many neutrals—asking them to appeal to Hanoi in behalf of the Americans.

As for Hanoi's reported new promise last weekend to release all POW names to anti-war militants here, the State Department says it welcomes information "through whatever channel."

But privately, government sources dared not regard the new hope as a sure thing.

"I'M HOPING . . ."

Neither does Candy Parish of Alexandria, who was told by North Vietnamese in Paris 3½ weeks ago that she would soon be told the status of her missing pilot husband, Navy Lt. Charles C. Parish. As of yesterday, she hadn't.

"I'm hoping that something will come of it," she said, referring to the reported new Hanoi move. "It may be that this is the form the answer (promised her) will take."

Remarked one official source close to the POW dilemma: "It's possible that the weight of world opinion played some role in bringing this about. . . .

"But I'm afraid Hanoi is going to stretch it out for every dime's worth of propaganda they can get."

EXHIBIT 2

[From the Chicago Tribune, Oct. 30, 1969]

HANOI'S HELPERS

Sen. Gordon Allott of Colorado has quite properly urged the justice department to look into the legality of Atty. William Kunstler's private dealings with North Vietnamese officials in Paris. Mr. Kunstler, known for his own left-wing affiliations, is one of the lawyers defending the "Chicago eight" against charges of conspiracy in connection with last year's violent anti-war demonstrations in Chicago.

Of all the anomalies of the Viet Nam war, one of the most astonishing has been the spectacle of these latter-day Judases trotting back and forth almost at will, one week dickering with Hanoi over the release of American prisoners and the next week cluttering up our streets with other demonstrators chanting the name of Ho Chi Minh and waving North Vietnamese flags. When Judge Hoffman refused to let David Dellinger and Rennie Davis make the latest trip, Mr. Kunstler hopped over to Paris in their place. As a result, Hanoi is talking of releasing another three prisoners.

To praise these men for obtaining the release of a handful of prisoners [out of as many as 1,400 who may still be alive in communist prison camps] is to ignore the immeasurable damage they are doing in the process. In their selfish desire to win sympathy and support for their own cause in this country, they have allowed themselves to be used by Hanoi for its own propaganda purposes. And they have very likely interfered with the normal pattern of prisoner exchanges just as effectively as the anti-war demonstrations in general have interfered with the peace talks in Paris.

Why should Hanoi waste unnecessary care on the prisoners or discuss routine exchanges when, by rationing out three at a time in response to the self-serving "pleas" of stooges in this country, it can get 10 times as much publicity, arouse false hopes and then frustration among the families of all those who may be prisoners, and at the same time advance the cause of dissent in this country and compound the embarrassment of our government? To Hanoi, a deal like this must seem almost too good to be true.

Mr. Allott argues that this constitutes a violation of the Logan act, which was passed in 1799 after Dr. George Logan undertook a one-man peace mission to try to settle American differences with Napoleon. The law forbids Americans to deal privately with foreign governments "in relation to any dispute or controversy with the United States or to defeat the measures of the United States."

This law has never been tested. It has already been breached in principle by William J. Donovan's tractor deal with Fidel Castro [which had the unofficial blessing of the Kennedy administration]. And the state department has already approved at least one of the recent trips to Hanoi.

All of these things may complicate the legal picture today. But the facts remain clear. In a normal war, these goings-on would not be tolerated for an instant. It is high time to find out whether the Logan act really means what it says. If it doesn't some new way should be found to keep people acting in their own interests from undercutting the government in its foreign relations.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished senior Senator from Colorado for his fine statement on the shameful way in which American citizens are exploiting their own countrymen who are being held prisoners of war by the Communists in order to promote Communist causes.

I hope the Attorney General will promptly answer the Senator's request for information about the possibility of infringements under the Logan Act. In my opinion this is a clear case of someone who is negotiating with representatives of a foreign government with the intent to defeat the measures of the United States. If we look beyond the surface event which they are utilizing; namely, the natural humanitarian desire to alleviate the miserable conditions under which our citizens suffer as prisoners, we see that the real intent of this action is to interfere with the President's negotiations in Paris. In my judgment, Kunstler is aiding and abetting

the Communist cause and helping to build up the broad popular front which is being manipulated in the United States by hard-core Communists.

It is highly significant that Mr. Kunstler demands that the negotiations and letters should be channeled through the New Mobilization Committee. It is disgusting that he is a party to forcing American families, who are seeking only their rights under the International Geneva Conference, to participate in an anti-American and Communist-dominated project.

The New Mobilization Committee represents this hard core, although much of the press attempted to give the impression that the moratorium was organized by the Vietnam Moratorium Committee. The real work was done by the so-called New MOBE.

Testimony taken before the Senate Internal Security Subcommittee indicates the strong Communist participation in the moratorium planning which took place last July in Cleveland at a conference at Case Western Reserve University.

A steering committee of about 20 to 30 members formed the ruling clique at the conference. In effect, the steering committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the steering committee with Communist backgrounds included the following: Arnold Johnson, public relations director and legislative representative of the Communist Party, U.S.A.—CPUSA—Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens—Sidney Okun—leader of the now defunct Revolutionary Workers League; and Fred Haistead, 1968 presidential candidate of the Socialist Workers Party. Moreover, steering committee member David Dellinger, MOBE chairman, declared in a May 1963 speech:

I am a communist, but I am not the Soviet-type communist.

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE cochairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, peace secretary, American Friends Service Committee; Mark W. Rudd, national secretary, Students for a Democratic Society—SDS; Bill Ayers, SDS educational secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, cocoordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff, and Johnson, Folfins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A., or its front apparatuses. Some of these persons were Phil Bart, newly appointed chairman, Ohio CPUSA; Jay Schaffner, WEB DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, national secretary, WEB DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

Mr. President, I intend at a future date to go into this whole question of international Communist inspiration and manipulation of the peace movement here in this country. It is a very complicated process in which thousands of loyal, but confused, citizens participate, and it would take too long at this time to go into that matter. However, I expect to go into this subject on the floor within a few days.

I think it is worthwhile to point out that Mr. William M. Kunstler, who so readily participated in these negotiations with the North Vietnamese Communists, is the same William M. Kunstler who has a long history of involvement both as legal counsel and ideological supporter of many well-known identified Communists and Communist and radical projects.

William Moses Kunstler was born in New York on July 7, 1919. He received a B.A. from Yale in 1949 and a LL.B. from Columbia in 1948. From 1941 to 1946, he served in the Army, including the Pacific Theater of operations, and was released with the rank of major. He has taught at Columbia University, New York Law School, and Pace College. In 1949, he became a law partner in the firm of Kunstler, Kunstler & Konoy, 511 Fifth Avenue, New York City. He was a member of the board of directors in the American Civil Liberties Union in 1964.

In his legal career, Mr. Kunstler has frequently served as counsel to the most radical elements in the so-called civil rights movements and has been an advocate of diminished internal security practices.

He served as an attorney for the so-called Freedom Democratic Party of Mississippi when that group was attempting to unseat the legally elected Mississippi delegation in the House in 1965.

He was the attorney who sought release from prison for the convicted Communist spy, Morton Sobell.

He was the attorney for Dr. Jeremiah Stamler, who was cited for contempt by the House Un-American Activities Committee.

He was the attorney for Jack Ruby, who moved to have Ruby declared insane.

He is legal counsel for the WEB DuBois Clubs, which are clearly identified as the youth arm of the Communist Party, U.S.A., and is the counsel in the DuBois fight with the Subversive Activities Control Board to escape an order to register as a Communist-front organization.

He was involved when CORE Director Floyd B. McKissick and four other civil rights and pacifist militants went to Cambodia to probe charges it was used as a haven for the Vietcong.

Kunstler was the featured speaker at a rally sponsored by the Communist-front group, Citizens Committee for Constitutional Liberties. He appeared on the platform with identified Communists Carl Braden, Frank Wilkinson, and Henry Winston. He was also the counsel for Braden's Southern Conference educational fund.

Kunstler was the attorney for the pro-Vietcong witnesses before the House Committee on Un-American Activities in 1966. At this time, both the witnesses and Kunstler's law partner, Arthur Kinoy, created such a disturbance that Kinoy had to be ejected bodily from the hearing room. Because of Kunstler's behavior himself at this hearing, petitions were sent to the ethics committee of the American Bar Association charging him with encouraging his clients to create disturbances before the House body.

Kunstler was the attorney for Julius Hobson in his suit against the District of Columbia school system.

He was also the attorney for the notorious H. Rap Brown when Brown was held in connection with a Federal firearms violation, after Brown, according to news reports, was the inciter of riots in Maryland.

Kunstler was the attorney for the Mississippi Freedom Democratic Party when that group brought a $500,000 nuisance suit against our esteemed colleague, the senior Senator from Mississippi in 1967.

Kunstler was one of the attorneys for ADAM CLAYTON POWELL during POWELL's disarmament proceedings by the House of Representatives.

In addition, Kunstler signed a petition urging Presidential clemency for identified Communist Carl Braden. He was one of the 25 signers endorsing Justice Black's dissent from the Supreme Court decision of June 5, 1961, requiring the Communist Party to register with the Government of the United States.

Mr. President, the American bar has a long tradition of accepting the defense of the leaders of unpopular causes. I do not for one moment wish any man would be deprived of legal counsel because of his beliefs. However, I think that the extensive record of such defenses established by Kunstler gives us the opportunity to draw the conclusion that he himself has considerable sympathy with the causes with which his clients have been involved. In the jargon of the liberal press, Mr. Kunstler is "committed" to causes which attack the established institutions of the United States. We have here not an isolated case of defense of a few individuals who are not able to get counsel elsewhere. We have instead, a picture of a man who is deeply involved in a movement and is using his legal talents to support the ideological goals of that movement.

His willingness to travel to Paris to negotiate with the enemies of the United States is in harmony with his career. His willingness to come back bearing a

message that the only way Americans can communicate with their loved ones, who are held prisoner, is by cooperating with a Communist front is testimony to his cynical exploitation of normal human emotions.

Mr. President, in my view Kunstler has undertaken these activities with the aim of encouraging Communist propaganda against the Government of the United States, and of giving stature to those who are trying, in the language of the Logan Act, "to defeat the measures of the United States."

Again, I urge the Attorney General of the United States to look into this matter as quickly as possible.

Mr. DOLE. Mr. President, I commend my colleague, the distinguished senior Senator from Colorado, for his incisive and well-considered remarks.

In his usual fashion he has exposed the very core of the issue, and he has brought his keen analytical sense to bear on the facts and realities of this situation.

He correctly sees Hanoi's ploy to gain political advantage from the treatment of American prisoners of war as a sham to avoid the deserved censure of world public opinion.

The Senator from Colorado clearly and forcefully exposes Hanoi's violations of international treaties and agreements in seeking to use American prisoners as political hostages.

I join with Senator ALLOTT in his condemnation of the North Vietnamese and the Vietcong, and I wish to express my gratitude and appreciation for his cosponsorship of my resolution, Senate Resolution 271, which calls on the Communists to make a positive effort to achieve a just and lasting peace.

I also call upon my colleagues and all men of good will throughout the world to serve notice upon the North Vietnamese that their attempts to "wheel and deal" with the lives of prisoners of war will gain them nothing but the sure and stern condemnation such conduct merits.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from Colorado for a most learned and dignified discussion of the issues involved in the prisoner-of-war ploy now being made by the Government of North Vietnam.

He deserves a commendation from the American people, Mr. President, for unmasking—for all to see—the real truth about the so-called New Mobilization Committee to End the War in Vietnam and the way this organization is being used by the Hanoi Communist government to torture American prisoners of war and the members of their families.

This ploy by the Communists is a cruel hoax—nothing more nor less.

The role being played by the so-called New Mobilization Committee will go down in history as a shameful, disgraceful act, serving to intensify and increase the suffering of Americans who already have suffered heavily in physical and mental anguish because of the Communists' cruel treatment of prisoners.

It is clearly a role which fits the Communists' purpose of forcing the relatives of American prisoners of war to participate in the so-called "peace movement" in this country.

You will note, Mr. President, that I have described both the New Mobilization Committee and the peace movement as "so-called." I have done this for a reason. I think it is time we called a spade a spade, and that is what I am going to do.

Both the "New Mobilization" and the "peace movement" which it professes to lead are phony, Mr. President. They are both pro-Communist and anti-American. They are dedicated not merely to getting America to withdraw unilaterally from Vietnam but to bringing about the destruction of the United States of America. They want to destroy our form of government. They are working hand-in-glove with the Communists to do this, and the prisoner-of-war issue as discussed so capably by the Senator from Colorado today makes that clear to even the most naive persons.

The Washington report of the American Security Council for October 21 calls the New Mobilization Committee what it is: "Mobilization for Surrender."

The American Security Council is composed of responsible, intelligent citizens such as former Congressman Walter Judd and Gen. Albert C. Wedemeyer. I hereby request permission, Mr. President, to place the report of the American Security Council in the RECORD so that all who want to learn the real truth about the so-called New Mobilization Committee To End the War in Vietnam can do so.

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

[From the Washington Report, Oct. 21, 1969]

MOBILIZATION FOR SURRENDER

(By William K. Lambie, Jr., administrative director)

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969 a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvements in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council: Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, Le Roy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Steward Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New Uni-

versity Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969, stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-wa. movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

THE FORGOTTEN AMERICANS

Mr. HANSEN. Mr. President, I fully endorse the remarks of the distinguished Senator from Colorado (Mr. ALLOTT) concerning the intolerable situation involving the American troops held prisoner by North Vietnam.

These men have served their country well, but as Colorado's senior Senator points out, they have been called the forgotten Americans. They have not been forgotten by their families, they have not been forgotten by President Nixon, and they have not been forgotten by the Members of the U.S. Senate.

We are grateful to these valiant men for the sacrifices they have made; and we are in a position to reflect our gratitude in this small way by calling attention to the gross mistreatment of these men by Hanoi, to the American people, and to the world. It is our hope that, if world opinion can be brought to bear upon Hanoi, the leaders of the enemy will feel it in their interests to improve the lot of the American prisoners they hold, and to observe the Geneva agreements of 1949, which were ratified by North Vietnam on June 28, 1957.

Despite officially acceding to the Geneva agreements, the enemy in Hanoi has refused to identify the prisoners they hold, there has been no evidence that seriously wounded or sick prisoners are even considered for return, a free flow of mail to and from the prisoners is not allowed, and routine inspections of facilities by international or neutral groups are not allowed.

Often quoted are the meaningful words scrawled on a 17th-century sentry box at the British Empire post of Gibraltar:

God and the soldier, all men adore, in time of danger and not before.
When the danger is past and all things righted,
God is forgotten and the soldier slighted.

In Vietnam, the danger is not past, yet the American soldiers of the air, sea, and land are already called forgotten Americans. Let us not slight them now or ever.

Let us do what we can to insure that these men are not left behind in any withdrawal of American forces from Vietnam, and that the welfare of these Americans be given prominent consideration in any negotiations or policy pursued by the United States.

The Senator from Alaska and the Senator from Colorado are sponsors of Senate Resolution 271, which was authored by the Senator from Kansas. The resolution is before the Committee on Foreign Relations, and it is expected that that committee will hold hearings on the resolution. It urges the enemy to "provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention."

Mr. President, I hope the Senate will give unanimous endorsement to that resolution, and that by standing united the action of the Senate will improve the conditions of those who are called the forgotten Americans of the Vietnam war.

VIETNAM—HELPING PRISONERS OF WAR

Mr. GOODELL. Mr. President, there are many sad chapters to the history of the war in Vietnam. One particularly obnoxious chapter is that concerning the treatment of American prisoners of war by the North Vietnamese and the NLF.

The Geneva Conventions of 1949 sought to humanize the essentially barbarian practices of warfare by providing for the proper care of POW's. The Geneva Conventions was ratified by North Vietnam in 1957.

In spite of this the American POW's have not been granted proper treatment as guaranteed by the conventions. More offensive, however, is the failure of the North Vietnamese Government even to identify its American prisoners. The wives and families of these men and those of many others "missing in action" suffer the daily torment of not knowing. They do not know if their husbands and sons are alive or dead, healthy or sick and wounded.

Senator CRANSTON and I have been joined by no less than 39 other Senators in protesting the inhumanity of North Vietnam's treatment of American prisoners. Regardless of the different views on the war held by Americans, we stand firm in our demand that North Vietnam abide by the Geneva conventions.

Louis R. Stockstill in an article appearing in Reader's Digest, November 1969—condensed from Air Force & Space Digest—writes of what every American can do to change this situation. He suggests a "vigorous letter campaign" to be directed to three different groups. Those groups are: First, individual Congressmen; second, representatives of concerned foreign governments and the press of those nations; and third, Xuan Thuy, chief Vietnam negotiator in Paris.

I ask unanimous consent to have his article included in the RECORD as testimony to what every American can and should do to help eliminate these inhuman practices; also the Goodell-Cranston statement.

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

[From the Reader's Digest, November, 1969]

WHAT YOU CAN DO FOR AMERICAN PRISONERS IN VIETNAM

(By Louis R. Stockstill)

Once a month from her apartment in Arlington, Va., Gloria Netherland walks down a long hallway to the mail chute and deposits a letter. She watches it drop from sight on the first leg of a journey into an unknown void halfway round the world. The letter begins "Dear Dutch." Whether Dutch will receive it is impossible to say.

Gloria and Dutch have been married 18 years, but she doesn't know whether he is alive or dead. For more than two years she has written the monthly letters—six lines each, according to current communist rules. None is answered; none is returned. But, in the pattern of "dreadful uncertainty" that characterizes her life, she never fails to write.

Capt. Roger M. Netherland, shot down over North Vietnam in May 1967, is officially "missing in action"; fliers reconnoitering the site where his plane plunged to the ground believe they heard his voice, but no word has come through since.

Gloria Netherland is but one of hundreds of American wives and parents whose husbands and sons are the forgotten men of the Vietnam war—approximately 1400 men captured or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam. Others are held by the Vietcong in the South. A few are interned in Laos and Red China.

On the shoddy pretext that these captives are "criminals," not POWs, Hanoi will not allow neutral inspections of its prisons—inspections required under the Geneva Conventions, ratified by North Vietnam in 1957 and by 119 other governments since the origination of the Conventions in 1949. In blatant disregard of international rules, Hanoi refuses even to identify the prisoners it holds, to release the sick and wounded, or to allow proper flow of letters and packages, though the Red Cross has tackled the problem again and again.

Evelyn Grubb's only knowledge of her husband, for example, has come from a Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by Maj. Wilmer "Newk" Grubb, was shot down in January 1966. Hanoi gloatingly publicized his capture. Each time Evelyn writes, she sends photographs of their four sons—stapled to the letter so that Newk will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In almost four years, she has received no further official word of her husband.

Until recently, the American public has been provided scant information about American POWs in Vietnam. Now, for the first time, our officials are waging an open fight for the prisoners. The diplomatic maneuverings which previously shielded many aspects of the situation from public view—although perhaps right for that period—have been partially cast aside. The United States is speaking out. Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Our assistance could be crucial.

Here, then, are the sobering facts about the prisoners—the way they are used and abused by Hanoi.

MISERY AND MALNUTRITION

The armed forces have been able to positively identify 401 men as captured (Air Force, 192; Navy, 140; Army, 46; Marine Corps, 23). Some intelligence about these men must be kept secret or couched in guarded language to protect them. Nevertheless, accounts of inhumane treatment have emerged. Consider Navy Lt. (j.g.) Dieter Dengler, who was taken by the Pathet Lao in 1966 and turned over to North Vietnamese soldiers. He was spread-eagled by his captors and left at night to the mercy of jungle insects, repeatedly beaten with sticks for refusing to sign a statement condemning the United States, and tied behind a water buffalo and dragged through the bush. The once 157-pound flier weighed 98 pounds following his escape and rescue.

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Vietcong jungle camps. Prisoners are fed little but rice, and many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed out to empty toilet pails, prisoners are confined in huts, often locked in wooden foot blocks or handcuffs. Barbaric treatment is not unusual. In Hanoi's prisons, men have been kept in a pitch-black room for more than a year, hung from ceilings by their arms, tied with ropes until they developed infected scars, and burned with cigarettes. At least one has had his fingernails ripped from his hands. The broken bones of another, set by communist doctors and still in casts, were rebroken by guards.

Prisoner treatment varies, of course. North Vietnam operates its best-known prison camp—known as the "Hanoi Hilton"—in central Hanoi. Here prisoners are wakened between 5 and 6 a.m. by a gong, followed by a 30-minute Radio Hanoi English-language broadcast of propaganda piped into their cells. At mid-morning they are taken out to empty toilet buckets. At 11 a.m., as much as 19 hours after they last ate, they are fed. Food—picked up on a wooden tray and eaten in the individual cells—consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice. Then, prisoners may "nap" on their bare board bunks until two in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4 and 6 p.m. they are fed the second and final meal of the day.

Prisoners generally are isolated from communciation with more than one or two other prisoners. Many are kept in solitary. Certain prisoners have been allowed on occasion to write to their families, but few letters ever reach home. U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. It is the lone prison that foreign journalists have been allowed to enter.

PATTERNED RELEASE

To date, only a handful of Americans have been released: 16 by the Vietcong, nine by Hanoi. The releases by Hanoi—on two occasions last year and one this August—have all followed a disturbing pattern. First, just three men have been let out at a time, and always accompanied by blatant propaganda. Second, the names of the men to be freed have been withheld for periods of more than a month after the intention to release was announced, thus creating untold agony for thousands of hopeful next of kin. Third, releases are carried out via dissident Americans instead of through the International Committee of the Red Cross.

The release last August illustrates how completely Hanoi milks the prisoner situation for its own purposes. To begin with, it was carried out via a group of eight dissenting Americans—a pacifist, two members of the Students for a Democratic Society, a member of anti-war organizations, a man who had served a stockade sentence for refusing to fight in Vietnam, and three cameramen from an underground movie-making outfit. All but one went to North Vietnam, where they were solicitously entertained for a couple of weeks.

Finally, on August 4, Hanoi named the men who were to be freed. Two were Navy men (Lt. Robert F. Frishman, captured 21 months earlier; and Seaman Douglas B. Hegdahl, imprisoned for two years and four months); the third was Air Force Capt. Wesley L. Rumble, a prisoner for 15 months.

At an airport press conference in Vientiane, Laos, U.S. newsmen described the men as

"pale and gaunt." Lieutenant Frishman, acting as spokesman for the prisoners, selected his words carefully. He said only that he was "happy to be returning home."

"How was the treatment you received while a prisoner?" he was asked.

"I received adequate food, clothing and housing," Frishman replied.

VIEW FROM THE SIDE

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance as they disembarked was deeply saddening. Frishman and Hegdahl were first off the plane. Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men were ashen. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. Frishman had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said. It hung at his left side, the loose sleeve of his jacket emphasizing that the arm was terribly wasted.

A reporter asked Hegdahl how much weight he had lost. He had "no comment." But then Frishman addresssed the microphones: "I lost 45 pounds. Seaman Hegdahl lost 60 pounds."

What about the welfare of the other prisoners still held by Hanoi?

"No comment."

As Frishman turned to leave, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, his chin were sharply drawn, haggard. So were Hegdahl's. Their tightly stretched, almost translucent skin had a corpse-like pallor.

Their "escorts" had nothing but praise for what they had seen in North Vietnam, including Hanoi's "humane" treatment of prisoners. "How many prison camps did you visit?" I asked. After repeated evasions, their leader admitted that he had "no information at all" about any of the prison camps. Nor had they brought any hint that North Vietnam might consider changing its policy on prisoners.

THE PRISONERS TALK

Twenty-five days later, I saw Frishman and Hegdahl at Bethesda Naval Hospital in Maryland. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations, where he was stoned by the populace. When he reached the prison, he was refused medical treatment and told he was "going to die in four hours" unless he talked. When he passed out, he was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm, but failed to remove missile fragments; so it was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets. . . . The scab would come off. . . . The wound would drain again."

Hegdahl, too, had been subjected to solitary confinement for more than a year. He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed had been plundered before he got it. For propaganda purposes he was photographed "reading" a U.S. magazine, which he was allowed to hold "just long enough for them to take the picture."

Frishman was cautioned before his release not to forget that "we still have hundreds of your buddies." But those still imprisoned want the facts out in the open, he said. As one prisoner said to him, "Don't worry about telling the truth. If it means more torture, at least we'll know why we're getting it. It will be worth the sacrifice."

PLAN FOR ACTION

Hanoi's continued lack of compassion has brought rising anger in Congress. In August, 42 Senators banded together in a strong statement condemning North Vietnam for its cruel treatment of the prisoners and their families. The declaration, sponsored by two opponents of our Vietnam policies, Charles Goodell (R., N.Y.) and Alan Cranston (D., Calif.), says that if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure." Those signing the statement included both Democrats and Republicans, and represented 33 of the 50 states.[1]

This sort of initiative is helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, is likely to produce action. A business-as-usual attitude on the part of the American public can only indicate to Hanoi that these men who have given so much to their country have indeed been forgotten.

In my interviews with numerous government officials, with representatives of the Red Cross, members of the armed forces and next of kin of the prisoners, I have asked each person what would be the most effective attack that could be launched. They agreed that dramatic results could come from a vigorous letter campaign directed to 1) representatives of foreign nations and the press of those nations; 2) your Congressmen; and 3) Xuan Thuy, chief North Vietnam negotiator in Paris.

The mail to the foreign nations should urge that pressure be brought to bear on Hanoi to live up to the "spirit" of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should make the same demands. And those individuals who are not in sympathy with the war itself should make it clear that proper treatment of the prisoners is an overriding consideration. All should note that continued intransigence on the part of Hanoi will stiffen the resolve of the American public, not weaken it.

Letters to members of Congress should call for a joint resolution demanding proper treatment for the prisoners and missing men.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards" the position of North Vietnam is "totally inexcusable," says Secretary of State William P. Rogers. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men whom many Americans have forgotten, you can. Your letter could be the one that spells the difference.

If you want to help, send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570, giving your name and address; you will be mailed a list of Washington, D.C., addresses of ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Letters to Xuan Thuy can be addressed to: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France (airmail rate, 20 cents).

[1] On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and and an attempt "to deceive public opinion."

GOODELL-CRANSTON STATEMENT ON PRISONERS OF WAR

Along with Americans everywhere, we too rejoiced with the families of the three servicemen freed from North Vietnamese captivity.

These gallant men emerged from their ordeal physically weakened, but unwavering in their courage and loyalty.

Yet even as we share the joy of their release, our happiness is clouded by the knowledge that 1,365 other American families are still waiting—some for the release of a husband or son, some even for definite word whether a loved one is dead or alive.

For many of these families the North Vietnamese could devise no subtler cruelty than their persistent refusal even to provide a list of names of the prisoners in their custody. Each of us regularly receives poignant letters from parents and wives of the more than 1,000 men who are missing and thought to be prisoners of the North Vietnamese and the more than 300 known to be in custody.

When, they ask, will our men be able to come home?

And, all too often, how can we find out if they are still alive?

It is hard for us to understand how Hanoi can maintain so callous a position. By our own standards, this kind of cruelty imposed on innocent bystanders is both repugnant and virtually unthinkable.

Yet it may be that North Vietnam hopes through such cruel pressure to influence the policy of the United States toward the Vietnam conflict.

If this is their intention, they are doomed to failure. Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt.

Though we may differ in our views on the future course of American policy in Vietnam, we are firmly united in support of the position on our prisoners made clear both by the present Administration and by its predecessor.

In 1967, for example, the United States formally protested mistreatment of American prisoners and urged North Vietnam to observe the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. Equally important, our government asked Hanoi to permit impartial observers to verify its claims that our men were being treated humanely—claims contradicted by a growing body of evidence that prisoners were being subjected to emotional and physical duress.

Indeed, Hanoi had threatened a year earlier to put American prisoners on trial as "war criminals," a clear violation of the Geneva Convention. Fortunately, they were dissuaded from their plans by worldwide protests against this extreme form of inhumane treatment.

Efforts to help our servicemen held by North Vietnam have been pursued with equal vigor by the present Administration. Secretary of State Rogers, Secretary of Defense Laird, and Ambassador Lodge in Paris have all pressed North Vietnam in recent months for compliance with the provisions of the Geneva Convention. In particular, they have urged such basic steps as repatriation of sick and wounded prisoners and the furnishing of a list of men actually in North Vietnamese hands.

This latter, most basic, request was brutally rebuffed by North Vietnamese representative Xuan Thuy in Paris, who flatly refused even to identify the American prisoners held

in his country so long as the United States "continued its aggressive war in Vietnam."

This obvious attempt by Hanoi to capitalize on our deep concern for these men, and to turn it to their propaganda or political advantage, is inhumane and inexcusable.

We urge Hanoi not to be misled by our divergences on policy into believing that we are not united on this issue of simple humanity. Cruelty of the kind being practiced in this instance by North Vietnam can serve only to increase our determination and, in the words of Ambassador Lodge, "cannot have a favorable effect on our negotiations."

We therefore pledge our full support to the Administration in its efforts on behalf of the American servicemen held captive in North Vietnam.

With the Administration, we too ask Hanoi to prove the "humane and generous" policy it claims to follow in treatment of prisoners by naming the men in captivity, by immediately repatriating the sick and wounded, by permitting impartial inspection of prison facilities, by assuring proper treatment of all prisoners, by making possible a regular flow of mail, and by undertaking serious negotiations for the prompt release of all American prisoners in their custody.

And, finally, we urge the governments, the statesmen, and the ordinary men and women around the world who spoke out against "war crime trials" in 1966 to make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law.

Below is the complete list of Senators signing the statement:

Democrats: Birch Bayh, Ind.; Alan Bible, Nev.; Robert C. Byrd, W. Va.; Alan Cranston, Calif.; Thomas F. Eagleton, Mo.; Allen Ellender, La.; Mike Gravel, Alaska; Fred Harris, Okla.; Philip A. Hart, Mich.; Ernest Hollings, S.C.; Harold Hughes, Iowa; Henry Jackson, Wash.; Thomas McIntyre, N.H.; Walter Mondale, Minn.; Joseph Montoya, N. Mex.; Edmund Muskie, Maine; Gaylord Nelson, Wis.; Claiborne Pell, R.I.; William Proxmire, Wis.; Abraham Ribicoff, Conn.; William Spong, Jr., Va.; Joseph Tydings, Md.; and Harrison Williams, Jr., N.J.

Republicans: Gordon Allott, Colo.; J. Caleb Boggs, Del.; Edward Brooke, Mass.; Marlow Cook, Ky.; Peter Dominick, Colo.; Barry Goldwater, Ariz.; Charles Goodell, N.Y.; Robert Griffin, Mich.; Edward Gurney, Fla.; Charles Mathias, Jr., Md.; George Murphy, Calif.; Robert Packwood, Ore.; James Pearson, Kan.; Charles Percy, Ill.; Richard Schweiker, Pa.; Hugh Scott, Pa.; and Strom Thurmond, S.C.

EFFORTS TO MOBILIZE WORLD OPINION AGAINST MISTREATMENT OF WAR CAPTIVES APPEAR TO BE BEARING FRUIT

Mr. MONTOYA. Mr. President, it is indeed heartening to learn that the Hanoi government has indicated a willingness to release a list of American prisoners of war, although it is not yet certain through what channels this most welcome information will be forthcoming. I would certainly hope this report is true, and that it will provide a complete accounting of prisoners of war in Southeast Asia. Anything less would be a cruel hoax upon the families of these men who have been waiting for so long for word as to the fate of their husbands and sons.

I have today communicated with officials of the Defense and State Departments requesting a copy of the list be furnished me as soon as it is available, and that I be kept up to date on progress in the matter.

It appears that our efforts in mobilizing the world opinion against mistreatment of war captives are beginning to bear fruit. This should spur us on to a renewed commitment to press for priority action on this and other such basic humanitarian values.

I am hopeful that the United Nations will assist us by invoking its moral authority and prestige to secure still further adherence to the obligations and humanitarian principles embodied in the 1949 Geneva Convention relative to the treatment of prisoners of war. These include immediate relase of the sick and wounded, permitting all prisoners to receive mail regularly, and allowing captives to be visited by representatives of the International Red Cross or some other impartial observer.

In this connection, I ask unanimous consent to have printed in the RECORD a letter I have received from Ambassador Charles W. Yost, U.S. Representative to the United Nations, relating to the prisoner-of-war issue.

On September 24, 1969, I directed a letter to Ambassador Yost calling for United Nations action in securing more humane treatment for prisoners of war. That letter was printed on page 27098 of the RECORD of September 25.

Ambassador Yost's response of October 2, 1969, indicates that Mrs. Rita Hauser, U.S. Representative to the U.N. Commission on Human Rights, will soon make a major statement on the U.S. position on treatment of POW's in the Social, Humanitarian, and Cultural Committee of the General Assembly. I know all of us look forward to Mrs. Hauser's remarks and share the Ambassador's hope that an appropriate resolution on the matter will also be adopted by the United Nations as quickly as possible.

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

U.S. REPRESENTATIVE,
TO THE UNITED NATIONS,
New York, N.Y., October 2, 1969.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: Thank you for your letter of September 24 in which you set forth your efforts on behalf of United States prisoners of war in Vietnam. I have been deeply concerned about this question as you will note from the attached press release following my meeting last August with wives of American prisoners of war.

Mr. Rita E. Hauser, the United States Representative to the United Nations Commission on Human Rights, has taken a great personal interest in this question. She intends to make a major statement of the United States position on treatment of prisoners of war in the Social, Humanitarian, and Cultural Committee of the General Assembly. This statement will be made during consideration of the agenda item of Human Rights in Armed Conflicts, which should occur in the later part of November. We will also seek adoption of an appropriate resolution.

I hope that the efforts being made in the Congress and here at the United Nations will be successful in persuading the Government of North Vietnam to accord humane treatment to our prisoners of war.

Sincerely,

CHARLES W. YOST.

PRESS RELEASE FROM U.S. MISSION TO THE UNITED NATIONS

Mrs. Bonnie Singleton and Mrs. Joy Jeffrey, representing a newly formed organization of the wives of American prisoners of war, called on Ambassador Charles Yost at the United States Mission to the United Nations today to ask for renewed efforts through the United Nations to obtain the release, on humanitarian grounds, of American prisoners of war held by the North Vietnamese. The call was arranged at the request of Congressman Olin E. Teague of Texas.

Mrs. Singleton is the wife of U.S. Air Force Captain Jerry Singleton, who has been a prisoner since November 5, 1965. Mrs. Jeffrey's husband is Air Force Captain Robert Jeffrey, a prisoner since December of 1965. Both men have been identified as prisoners, but neither wife has ever received any communication from her husband.

In responding to the request of the two wives, Ambassador Yost made the following statement:

I wish to assure you ladies and all members of the newly-formed association of the kin of Americans imprisoned by North Vietnam that the detention of your brave husbands, fathers and sons is a matter of deep concern to the United States delegation at the United Nations.

We have lost no opportunity to bring before the world organization our humanitarian concern for the fate of those held prisoners of war by the North Vietnamese. The refusal of North Vietnam to permit inspection of prison camps by the International Committee of the Red Cross; the refusal to furnish accurate lists of prisoners and information on the state of their welfare, except for isolated propaganda efforts; and the denial of mail and other communications specified by the Geneva Conventions is not only a clear violation of international law, but also a gross denial of human rights.

The United States is making consistent and determined efforts to obtain the release of the men held prisoner. Here at the United States Mission we are assisting that effort in every way available to us. While we cannot unfortunately be confident of early and favorable results, we will persist in our efforts. We believe that the inhumanity of the treatment of these men, the refusal to grant them the internationally recognized privileges of prisoners of war, and the denial to them of fundamental human rights must evoke the concern of member states of the U.N. and of the Secretariat.

HANOI'S MALTREATMENT OF AMERICAN PRISONERS OF WAR

Mr. DODD. Mr. President, the November issue of Reader's Digest, which has just hit the stands, contains an important article captioned "What You Can Do for American Prisoners in Vietnam."

I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. Mr. President, the article quotes Secretary of State Roger as follows:

By any human standards the position of North Vietnam is totally inexcusable. I don't understand why we have not become more excited about the prisoner question.

The Secretary's point is well taken. The fiendish maltreatment and abuse of Americans POW's by the North Vietnamese Communists not only calls for vigorous condemnation by our diplomatic representative; it also calls for a worldwide cry of outrage.

I do not see how any American or any other civilized person who reads this gruesome account of the psychological and physical tortures to which our POW's are subjected can remain morally or emotionally indifferent.

Those who demonstrated in support of the recent Vietnam moratorium carried many placards intended to establish the point that their essential motivation was humanitarian. But I do not recall seeing a single placard which called upon Hanoi to stop abusing American POW's, to agree to the repatriation of the sick and wounded POW's, or to accept international inspection under the Geneva Convention.

To me, it seems that there is something indecent, in fact, something almost suspect about a humanitarianism that is so remarkably one-sided, so full of concern over human suffering on the one side and so indifferent, on the other side, to the monstrous and deliberate torture of American prisoners of war.

I hope that this article will be read by every Member of Congress and by every informed member of the public. I hope, too, that it will serve to move honest humanitarians in every free country to raise their voices in demonstrations and protests, until the North Vietnamese Communist Government agrees to live up to the terms of the Geneva Convention on the treatment of prisoners of war.

EXHIBIT 1

WHAT YOU CAN DO FOR AMERICAN PRISONERS IN VIETNAM

(By Louis R. Stockstill)

Once a month from her apartment in Arlington, Va., Gloria Netherland walks down a long hallway to the mail chute and deposits a letter. She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." Whether Dutch will receive it is impossible to say.

Gloria and Dutch have been married 18 years, but she doesn't know whether he is alive or dead. For more than two years she has written the monthly letters—six lines each, according to current communist rules. None is answered; none is returned. But, in the pattern of "dreadful uncertainty" that characterizes her life, she never fails to write.

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On the shoddy pretext that these captives are "criminals," not POWs, Hanoi will not allow neutral inspections of its prisons—inspections required under the Geneva Conventions, ratified by North Vietnam in 1957 and by 119 other governments since the origination of the Conventions in 1949. In blatant disregard of international rules, Hanoi refuses even to identify the prisoners it holds, to release the sick and wounded, or to allow proper flow of letters and packages, though the Red Cross has tackled the problem again and again.

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To date, only a handful of Americans have been released: 16 by the Vietcong, nine by Hanoi. The releases by Hanoi—on two occasions last year and one this August—have all followed a disturbing pattern. First, just three men have been let out at a time, and always accompanied by blatant propaganda. Second, the names of the men to be freed have been withheld for periods of more than a month after the intention to release was announced, thus creating untold agony for thousands of hopeful next of kin. Third, releases are carried out via dissident Americans instead of through the International Committee of the Red Cross.

The release last August illustrates how completely Hanoi milks the prisoner situation for its own purposes. To begin with, it was carried out via a group of eight dissenting Americans—a pacifist, two members of the Students for a Democratic Society, a member of anti-war organizations, a man who had served a stockade sentence for refusing to fight in Vietnam, and three cameramen from an underground movie-making outfit. All but one went to North Vietnam, where they were solicitously entertained for a couple of weeks.

Finally, on August 4, Hanoi named the men who were to be freed. Two were Navy men (Lt. Robert F. Frishman, captured 21 months earlier; and Seaman Douglas B. Hegdahl, imprisoned for two years and four months); the third was Air Force Capt. Wesley L. Rumble, a prisoner for 15 months.

At an airport press conference in Vientiane, Laos, U.S. newsmen described the men as "pale and gaunt." Lieutenant Frishman, acting as spokesman for the prisoners, selected his words carefully. He said only that he was "happy to be returning home."

"How was the treatment you received while a prisoner?" he was asked.

"I received adequate food, clothing and housing," Frishman replied.

VIEW FROM THE SIDE

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance as they disembarked was deeply saddening. Frishman and Hegdahl were first off the plane. Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men were ashen. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. Frishman had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said. It hung at his left side, the loose sleeve of his jacket emphasizing that the arm was terribly wasted.

A reporter asked Hegdahl how much weight he had lost. He had "no comment." But then Frishman addressed the microphones: "I lost 45 pounds. Seaman Hegdahl lost 60 pounds."

What about the welfare of the other prisoners still held by Hanoi?

"No comment."

As Frishman turned to leave, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, his chin were sharply drawn, haggard. So were Hegdahl's. Their tightly stretched, almost translucent skin had a corpse-like pallor.

Their "escorts" had nothing but praise for what they had seen in North Vietnam, including Hanoi's "humane" treatment of pris-

oners. "How many prison camps did you visit?" I asked. After repeated evasions, their leader admitted that he had "no information at all" about any of the prison camps. Nor had they brought any hint that North Vietnam might consider changing its policy on prisoners.

THE PRISONERS TALK

Twenty-five days later, I saw Frishman and Hegdahl at Bethesda Naval Hospital in Maryland. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations, where he was stoned by the populace. When he reached the prison, he was refused medical treatment and told he was "going to die in four hours" unless he talked. When he passed out, he was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm, but failed to remove missile fragments; so it was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets. . . . The scab would come off. . . . The wound would drain again."

Hegdahl, too, had been subjected to solitary confinement for more than a year. He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed had been plundered before he got it. For propaganda purposes he was photographed "reading" a U.S. magazine, which he was allowed to hold "just long enough for them to take the picture."

Frishman was cautioned before his release not to forget that "we still have hundreds of your buddies." But those still imprisoned wants the facts out in the open, he said. As one prisoner said to him, "Don't worry about telling the truth. If it means more torture, at least we'll know why we're getting it. It will be worth the sacrifice."

PLAN FOR ACTION

Hanoi's continued lack of compassion has brought rising anger in Congress. In August, 42 Senators banded together in a strong statement condemning North Vietnam for its cruel treatment of the prisoners and their families. The declaration, sponsored by two opponents of our Vietnam policies, Charles Goodell (R., N.Y.) and Alan Cranston (D., Calif.), says that if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure." Those signing the statement included both Democrats and Republicans, and represented 33 of the 50 states.[1]

This sort of initiative is helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, is likely to produce action. A business-as-usual attitude on the part of the American public can only indicate to Hanoi that these men who have given so much to their country have indeed been forgotten.

In many interviews with numerous government officials, with representatives of the Red Cross, members of the armed forces and next of kin of the prisoners, I have asked each person what would be the most effective attack that could be launched. They agreed that dramatic results could come from a vigorous letter campaign directed to 1) representatives of foreign nations and the press of those nations; 2) your Congressmen; and 3) Xuan Thuy, chief North Vietnam negotiator in Paris.

The mail to the foreign nations should urge that pressure be brought to bear on Hanoi to live up to the "spirit" of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should make the same demands. And those individuals who are not in sympathy with the war itself should make it clear that proper treatment of the prisoners is an overriding consideration. All should note that continued intransigence on the part of Hanoi will stiffen the resolve of the American public, not weaken it.

Letter to members of Congress should call for a joint resolution demanding proper treatment for the prisoners and missing men.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards" the position of North Vietnam is "totally inexcusable," says Secretary of State William P. Rogers. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men whom many Americans have forgotten, you can. Your letter could be the one that spells the difference.

If you want to help, send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570, giving your name and address; you will be mailed a list of Washington, D.C., addresses of ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Letters to Xuan Thuy can be addressed to: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France (airmail rate, 20 cents).

[1] On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

AMERICAN PRISONERS OF WAR

Mr. BENNETT. Mr. President, I commend the senior Senator from Colorado for his forthright and much needed statement regarding American prisoners of war, and how the North Vietnam Government is dealing with certain American far-left organizations in arranging for their release. In the context of events, and as a cosponsor of a Senate resolution calling for their release, I am of course hopeful that these long suffering Americans will soon be returned to their homes and loved ones.

As a Senator, however, I deplore the method by which it is done. I think we cannot forget the fact that over the years North Vietnam has continually ignored the provisions of the Geneva Agreement of 1949. They have proved to be an unfaithful party to a very important and humane international agreement, and now this aggressor nation which is fairly successful in exploiting American public opinion and left-wing organizations in this country, refuses to deal with the legal diplomatic representatives of the U.S. Government.

Of course, some blatant examples have been laid for these private citizens who have been dealing with Communist negotiators in Paris.

I think the American people should see through this facade and realize that we are being insulted and treated as dupes by a country which refuses to adhere to the rules of international law dealing with prisoners of war.

I think the American people should realize that this is a case of blackmail by Communist North Vietnam, and I endorse the assessment of the Senator from Colorado that the Justice Department should carefully review the conduct of Mr. Kunstler under the provisions of the Logan Act. I commend him for his courage in bringing this matter to the attention of the Senate and the country.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed 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. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER, Mr. FULTON of Pennsylvania, Mr. MOSHER, and Mr. ROUDEBUSH were appointed managers on the part of the House at the conference.

LT. COL. SAMUEL J. COLE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 267.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired), which was, on page 2, line 11, after "section" insert "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS IN THE ADMINISTRATION OF ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate re-

sume the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–499), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of S. 2062 is to clarify the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. The basic reclamation law, dating back to the Reclamation Act of 1902, provides that no landowner in a Federal reclamation project may receive water for lands in excess of 160 acres for each individual.

An administrative interpretation of this provision by the then Solicitor of the Department of the Interior, dated January 23, 1967, held in pertinent part:

In summary, it is the opinion of this Department that these basic (excess lands) provisions of reclamation law apply to any and all landowners who have lands within a reclamation project. The language "in private ownership" is properly read to mean any non-Federal ownership. This includes the States. * * *

Such an interpretation greatly hampers the States in fulfillment of certain State functions. An example is the State of Idaho. The University of Idaho conducts a State experimental farm at Caldwell which has in it 267 acres of land irrigated from a Federal project in excess of the limitation, and the State school and hospital for the mentally retarded at Nampa has 384 such acres. The effectiveness of both of the State institutions will be substantially reduced if they are forced to reduce their lands to 160 acres, as the Department of the Interior ruling would require.

EXPLANATION OF PROVISIONS

S. 2062 would rectify such a situation and clarify other State uses of their irrigated lands.

Section 1 would exempt from the acreage limitation State lands which are operated for nonprofit, public purposes. Examples are hospital and prison farms and university agricultural stations.

Section 2 would permit a State to sign recordable contracts to sell excess lands within 10 years, but at present rather than dry land value. The laws of many States require lands to be sold at public auction to the highest bidder. The State lands could receive water in the interim.

Section 3 would permit a State to retain ownership of excess lands and lease them for revenue purposes to farmers. Each lessee, however, would be subject to the same acreage limitation as a private landowner.

The Department of the Interior recommended that section 3 be deleted from the bill. The committee, however, is convinced that this provision is highly desirable for providing income from State lands for public purposes. In many States income from such lands is dedicated in large part to education.

BASIC LEGAL BACKGROUND

The provisions of S. 2062 will be clearer if the basic legal background is understood. The requirements of the excess land law as administered are set forth in section 46 of the Omnibus Adjustment Act (act of May 25, 1926; 44 Stat. 636, 650; found in 43 U.S.C. 423e). This statute provides in pertinent part:

(1) All land in private ownership in excess of 160 irrigable acres (excess land) must be appraised in a manner to be prescribe by the Secretary.

(2) The appraisal shall determine the land's value without reference to the reclamation project (in essence its value as dry land rather than as irrigated or potentially irrigated land).

(3) No excess land may receive project water unless its owners execute a valid recordable contract agreeing to sell the land at a price not to exceed the appraisal price.

(4) Until half the construction charges are paid no sale of excess lands carries the right to receive water unless the price is approved by the Secretary.

(5) Upon proof of fraudulent representation as to the true consideration involved in such a sale the Secretary is authorized to cancel the water right attaching to the land involved.

As stated, the Interior Deparmtent has held that "private ownership" means all non-Federal land. Thus, lands on reclamation projects that are State, municipal, or owned by other local public entities (such as universities and hospitals) must dispose of all of their irrigated lands in excess of 160 acres.

COMMITTEE RECOMMENDATION

The committee, most of whose members come from reclamation States, is convinced that S. 2062, as reported, does not violate in any way the letter and the spirit of the reclamation law. Rather the bill clarifies the law for its better administration. At the same time, enactment will enable the States better to fulfill their public functions.

Therefore the committee recommends prompt approval by the Congress of S. 2062.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 489 and 495.

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

REFERRAL OF BILL TO COURT OF CLAIMS

The resolution (S. Res. 277) to refer the bill (S. 202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land," to the Chief Commissioner of the Court of Claims for a report thereon was considered, and agreed to, as follows:

Whereas there is pending in the Senate of the United States a bill designated as S. 202, to provide that the United States disclaims any interest in a certain tract of land, as to which the Senate desires the investigation, findings, and conclusions hereinafter referred to: It is hereby

Resolved, That the said bill, as amended by the Senate Committee on Interior and Insular Affairs, which amendments are shown in the committee print on S. 202, dated October 22, 1969, be referred to the Chief Commissioner of the United States Court of Claims as authorized by section 1492 of title 28 of the United States Code for a report in conformity with section 2509 of title 28 of the United States Code with findings of fact and conclusions sufficient to inform Congress whether the waiver and relinquishment of any claim of title by the United States is appropriate in light of any legal or equitable claim to the real property described therein, or any part thereof, by the private claimants thereto, including findings as to whether the United States by prior legislative and administrative actions has not in fact and in law vested title to the said real property in the claimants or their predecessors in title, and whether, if the private claimants were asserting their claim against any party or entity other than a sovereign, their title would not be deemed good and indefeasible with respect to said party or entity; such report shall take account of, or be in any way affected by, any conclusions of law or fact hitherto asserted by any administrative agency of the United States with respect to the instant controversy between the claimants and the United States.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–492), explaining the purposes of the measure.

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

BASIC FACTS

The subject bill, sponsored by the senior Senator from New Mexico (Mr. Anderson) would quitclaim the interests of the Federal Government to a small tract of less than 8 acres within the Carson National Forest, N. Mex., to private claimants who trace their asserted title back to a patent signed by President Taft in 1911. The 1911 patent, in turn, was based on a land grant of some 60,000 acres made in 1742 by the Spanish Governor of New Mexico to three Spanish settlers. The part of the grant which is the subject of S. 202 contains 66.78 acres, but title to less than 8 of these acres is in controversy.

After New Mexico became a territory of the United States, the United States recognized, in principle, the validity of such grants and in 1854 Congress, by the act of July 22, 1854 (10 Stat. 308), established a method by which such private claims could be confirmed by the United States.

In accordance with this procedure, Antoine Leroux in 1857 filed application for confirmation of the grant on behalf of the representatives of the original grantees. After investigation by the surveyor-general, Congress confirmed the grant by the act of March 3, 1869 (15 Stat. 342).

Subsequently, difficulty arose over the precise boundaries because of conflicts with other grants and other problems. In 1909 another survey was run and a patent based on it was issued by the Federal Government in 1911.

In 1950, most of the Leroux Grant was conveyed to the United States by its owner at that time and made a part of the Carson National Forest through a land exchange. The exchange deed excepted from its provisions the 66.78 acres substantially as described in S. 202.

The landowners point out that for a period of 40 years the survey line was treated as the actual boundary between the private land and the Forest Service land, and that the land was conveyed many times using the survey line as the boundary. They assert that the survey line was reaffirmed by a Regional Forester as recently as July 23, 1962. In 1963, however, one of the landowners was advised by the Forest Service that a cabin he had constructed there was on Forest Service land,

and that the survey line sanctioned by the Government was not the proper boundary.

ADMINISTRATION POSITION

The reports of the Department of Agriculture and the Department of the Interior assert that the surveyor in 1909 disregarded instructions as to the proper location of the boundary line, and that as a result the private owner was given more land than the acreage to which he was entitled. They maintain that the United States should not be deprived of property by reason of error or failure to follow instructions on the part of one of its employees.

The claimants, successors to the 1911 patentees, cannot take the Government of the United States into court because of sovereign immunity. The Department of Justice has declined to bring an action in court, and asserts it will not answer a complaint.

COMMITTEE POSITION

The committee, after public hearing and full consideration, is convinced that a court of law is the proper tribunal to settle a dispute over title to real property, especially when both the facts and the law are controverted. However, since the Government declines to sue or be sued in this case, the committee believes that it needs the guidance of an impartial finder of facts, and his conclusions as to the law and equity.

Therefore, the committee decided to make use of the provision of title 28, United States Code, which authorizes reference by either House of Congress of bills to the Chief Commissioner of the Court of Claims for that purpose. The Congress will not be bound by the Chief Commissioner's findings and conclusions.

EXECUTIVE AGENCY REPORTS

The unfavorable reports of the Department of the Interior, the Department of Agriculture and the Bureau of the Budget on S. 202 are set forth below in full. It is pointed out that these reports are on the bill itself, and not on this resolution of referral.

REFERRAL OF S. 1343 TO COURT OF CLAIMS

The resolution (S. Res. 143) to refer the bill (S. 1343) entitled "A bill to relinquish and disclaim any title to certain lands situated in Yuma County, Arizona," to the Chief Commissioner of the Court of Claims for a report thereon was considered and agreed to, as follows:

S. RES. 143

Whereas there is pending in the Senate of the United States a bill designated as S. 1343, to waive and relinquish any claim of title which the United States of America may have in and to certain lands situated in the county of Yuma, State of Arizona, as to which the Senate desires the investigation, findings and conclusions hereinafter referred to: It is hereby

Resolved, That said bill be referred to the Chief Commissioner of the United States Court of Claims as authorized by section 1492 of title 28 of the United States Code for a report in conformity with section 2509 of title 28 of the United States Code with findings of fact and conclusions sufficient to inform Congress whether the waiver and relinquishment of any claim of title by the United States is appropriate in light of any legal or equitable claim to the real property described therein, or any part thereof, by private claimants, including findings as to the age of any accretion claim which the United States might have in and to any part of the subject lands and whether or not there would presently exist any legal or equitable defenses to the assertion of any such accretion claim had it accrued to and were now asserted by a private party rather than to the sovereign; such report shall not take account of, or be in any way affected by, the fact of any pending litigation in any forum or tribunal or any pending administrative proceedings.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–498), explaining the purposes of the measure.

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

PURPOSE OF MEASURE

The purpose of Senate Resolution 143, which was sponsored by the senior Senator from California (Mr. Murphy), is to refer the bill, S. 1343, to the Chief Commissioner of the Court of Claims for findings of fact and conclusions on which the Congress may base action. S. 1343, also sponsored by Senator Murphy, is a private land bill quitclaiming the interest of the United States in a certain, specifically described tract of land in Yuma County, Ariz.

A number of similar bills sponsored by Senator Murphy which are applicable to other lands in the same area, together with similar resolutions for reference, are pending before the committee.

The questions of fact and of law involved in these measures are similar. The issues have been before successive Congresses for several years. Two bills, H.R. 13955, 89th Congress, and H.R. 10256 of the 90th Congresses, to resolve the matter based on legislative determinations, were both the subject of pocket veto by President Johnson. Senate companion measures to these House bills had been sponsored by former Senator Carl Hayden.

The lands are located along the lower Colorado River. Some of the occupant-claimants or their predecessors in title, trace title back for decades, and for decades they have lived on the land, made substantial improvements and paid State and local taxes on it.

BASIC PROBLEM

The problem arises over whether the subject lands are "accreted," or were created by "avulsion." Accretion is the gradual accumulation of land by natural causes, such as the depositing of silt or the gradual withdrawal of a river from a section of its banks. In such a case, the accreted land attaches to the adjoining upland and becomes the property of the upland owner.

The occupant-claimants of the subject tracts insist that their lands are accreted lands, that is, that their tracts were formed by accretion and attached to the adjoining State patented uplands.

Avulsion is the sudden and perceptible shifting of the course or location of a river or body of water. It may be natural or artificial. In such a case, title to the avulsed land is not lost by its owner at the time of the occurrence of the avulsion.

The Federal Government contends that the subject lands were created by an abrupt change in the course of the Colorado resulting from manmade cuts and channels in 1924. Thus, the lands have remained attached to and a part of a federally withdrawn area, legally speaking.

COMMITTEE POSITION

The committee held hearings and gave extensive consideration to bills to deal with the problem in the 89th and 90th Congresses. It tried to solve it through different approaches, only to have its efforts rejected by the executive branch.

Since there is dispute as to the basic facts, the committee concurs with Senator Murphy that the matter should be referred to the Chief Commissioner of the Court of Claims for investigation and report.

ORDER FOR ADJOURNMENT TO MONDAY, NOVEMBER 3, 1969

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 on Monday next.

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

AUTHORITY TO FILE REPORTS, RECEIVE MESSAGES, AND SIGN BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate from the close of business today until 12 o'clock noon on Monday next, all committees be authorized to file their reports, including minority, individual, additional, or supplemental views; that the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that they may be appropriately referred; and that the Vice President the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

EXTENSION OF TIME FOR THE SUBCOMMITTEE ON INDIAN EDUCATION TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Indian Education Subcommittee of the Committee on Labor and Public Welfare be permitted to file its report on Matters Pertaining to the Education of the American Indian not later than Monday, November 3, 1969. This is a 2-day extension of the deadline provided by Senate Resolution 8.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

S. 3097—INTRODUCTION OF THE CONSUMER PROTECTION ACT OF 1969

Mr. PERCY. Mr. President, I am introducing today the Consumer Protection Act of 1969, cosponsored by Senators SCOTT, BIBLE, MATHIAS, and DOLE.

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

The bill (S. 3097) to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to

establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. PERCY. I reaffirm my strong conviction that the economy of the United States is and should continue to be a consumer-oriented economy. It is not designed to serve just the interest of business, or of labor, or of Government. These interests can and should only benefit in our economy when the consumer has been satisfied.

The plight of the consumer in our technologically oriented society has concerned me for a number of years as has that of the reputable businessman who desires to compete fairly and honestly in the modern commercial world.

Congress has taken increasingly more constructive action in recent times to broaden consumer protection. We have strengthened food and drug laws, enacted tougher product safety legislation, passed fair packaging and labeling and fair credit reporting provisions. Many pitfalls still plague the consumer, however: false advertising, unsafe cars and tires, the transportation of hazardous substances, the potential misuse of pesticides and other chemicals in the environment, to name just a few.

In thinking of the consumer's woes, few consider the plight of the honest businessman. But, as a former businessman and as one who continues to take an active interest in the preservation and development of a dynamic free-enterprise system, let me assure you that he has his problems, too. I can attest to the frustration and dismay that confront businessmen who, seeking to supply safe and satisfactory goods and services to consumers, are confronted by tainted competition and the antagonisms of harmed or cheated consumers. Contrary to the sensationalism cast about at times over the evils of the commercial world, the great majority of businessmen do strive to offer quality products for sale and do desire to protect consumers from harm. Our philosophy in business is based on the return of the satisfied customer, a customer whose return will not occur if quality, safety, and honesty are lacking.

The progressive actions of Congress and business have not, unfortunately, been adequate in themselves in overcoming many of the ills encountered by consumers. Consumers, I believe, are becoming more sophisticated, but this growth has been paralleled or surpassed by a more scientifically-oriented commercial world. In consequence, consumers are still frequently unable to avoid instances of being harmed or defrauded, although they are becoming increasingly aware—and rightly so—of their rights to demand fair treatment and protection by the Government and by the business community.

Here the Congress has a responsibility. It is our duty, in my opinion, to see that the consumer is protected against false advertising and the sale of dangerous or faulty products. It is also our duty to discharge such responsibility in a manner which will uphold the freedom and dignity of the honest businessman.

I have taken the occasion to study several different organizational proposals that have been put forward recently for the improved protection of the consumer. These have included such ideas as the creation of a department of consumers, the establishment of an independent consumer affairs office or administration, the beefing up of the consumer counsel responsibilities in the Justice Department, and others. Having weighed the pros and cons of each, I have determined that, on balance, the legislation introduced by Congresswoman DWYER, of New Jersey, and some 45 Members of the House presents the most satisfactory consumer legislation to date. I am offering two significant changes to that bill in an effort to offer the best possible piece of legislation. Examination of the legislation by committee may turn up other necessary modifications. But, overall, I believe the bill that I and my fellow cosponsors are introducing today provides the best and most desirable means at this time to advance the cause of consumer affairs.

The legislation establishes an Office of Consumer Affairs in the Executive Office of the President. Mrs. Virginia Knauer presently holds a position as consumer adviser to the President, and I envisage that her office will be merged into this newly created statutory office. Mrs. Knauer has done a commendable job in seeking to protect the rights of consumers, as had Mrs. Peterson and Miss Furness before her. But, the authority reposed in these dynamic fighters for consumer rights has been too restrictive and their resources too limited. The statutory upgrading of the office and its adequate funding and staffing are bound to result in increased consumer protection.

The Office of Consumer Affairs will be charged with the responsibility to:

First, coordinate Federal programs and activities relating to consumers and resolve differences arising among Federal agencies;

Second, assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest;

Third, receive, evaluate, and transmit to the appropriate Federal agency complaints concerning actions or practices which may be detrimental to the consumer interest;

Fourth, develop information from Federal agencies and other public and private sources which would be of benefit to consumers, including test results and analyses of consumer products, and to disseminate such information in the most efficacious manner possible, including through the publication and distribution of periodicals and other printed material which will, in easily understandable form, inform consumers on matters of interest;

Fifth, conduct hearings, conferences, surveys, and investigations concerning the needs, interests, and problems of consumers;

Sixth, establish facilities in major population centers to receive consumer complaints, to direct consumers to the appropriate Federal agency charged with the responsibility of meeting a specific consumer need, and to disseminate information of interest to consumers;

Seventh, encourage, support, and coordinate research leading to improved products, services, and consumer information;

Eighth, encourage initiate, and participate in consumer education programs and consumer counseling programs;

Ninth, cooperate with and assist State and local governments in the promotion and protection of consumer interests; and

Tenth, cooperate with and assist private enterprise in the promotion and protection of consumer interests.

In carrying out its authority under each of the above responsibilities, as well as those described below, the Office of Consumer Affairs will be in a position to benefit the honest businessmen at the same time that it is protecting the consumer.

In addition to these responsibilities, the Office of Consumer Affairs is authorized to appear before a Federal agency where such agency has before it a matter substantially affecting the consumer interest for the purpose of representing the consumers. Moreover, whenever there is pending before a court a proceeding which substantially affects the consumer's interest, the office has the authority to certify to such court evidence and information of material nature in its possession.

Too often Federal agencies and courts pass upon many matters vitally affecting the interests of consumers without having had presented to them data or information which should be considered in this regard. Giving to the Director of Consumer Affairs this authority will, in my opinion, constitute a giant step forward in establishing a more active consumer conscience within the Federal Government. In the thicket of public administration, respect and effectiveness come about largely through possession of authority, ability, and influence. Many factors may contribute to a particular agency acquiring such attributes—high level appropriations, talented officials and employees, high level backing, an effective corpus of laws to administer, and so forth. In the case of the Office of Consumer Affairs, effective results will occur through high level backing, discussed below, and the spotlight of publicity which can be generated through the Office's appearance before Federal agencies.

Closely related to this authority is another requirement of this legislation which I believe will benefit the consumer and the responsible businessman. When a Federal agency takes action on a matter before it, relating to a valid interest of a consumer, such agency shall

indicate in a public announcement the consideration given to the consumers' interest and the basis upon which the action was taken.

The proposed legislation contains another provision which I believe will be of particular interest to the small businessman. The National Bureau of Standards is authorized to test any product submitted to it by the producer of such product, who defrays such expense, to determine the performance, content, safety, durability, and other characteristics of the product. Following such testing, the producer is authorized to advertise accurately the results of such tests. Large manufacturers, of course, have access to large advertising budgets to promote their products and quite frankly a good deal of advertising stresses factors other than factual data. A small producer, however, who cannot afford a large advertising campaign, but who has a superior product to sell, will be able to promote the quality of his product as determined by the Bureau of Standards.

Finally, the bill as introduced calls for the creation of an Advisory Council to oversee the operations of the Office of Consumer Affairs in order to keep it representative; and to transfer the functions of the National Commission on Product Safety to the Office at such time as the Commission would otherwise expire.

Mr. President, there are those who argue that this Office of Consumer Affairs does not belong at the White House level; that it may be embarrassing to a President to have the Director of this Office appearing before other agencies in the executive branch or in speaking out on consumer affairs. As an academic exercise in public administration, I might agree with this. But, in the cold world of reality, I believe this is the best place to locate such function at this time.

We are not beginning with a clean slate. The just affairs of the consumer and the fair needs of reputable business have been neglected for too long by Government.

There is no question, however, that many departments within the executive branch have greatly expanded their efforts to protect the consumer. At the hearings held earlier this year by the Executive Reorganization Subcommittee of the Government Operations Committee, a witness lodged some serious charges against the consumer activities of the present administration. In order to present a balanced picture, I, together with the other Republican members of the subcommittee, solicited the views of seven Department heads concerning their consumer affairs operations. Their responses disclosed that a very active program is being conducted by the present administration. I ask unanimous consent that the letter request and replies be included in the RECORD immediately following my statement.

The fact remains, however, that a balancing of the scales must still take place and this can best occur if the strong support and direct interest of the Chief Executive is behind the Director of Consumer Affairs.

I fully appreciate that the administration is planning to introduce consumer affairs legislation in the near future. This clearly will represent the most comprehensive consumer protection legislation that any administration has offered in a single package. Although I have not had an opportunity to see the actual language of the proposed legislation, there appears to be a number of concepts that I can embrace. President Nixon and I had a discussion at the White House several months ago concerning the importance of consumer affairs. I know of his great commitment to this matter and his consumer message clearly supports this commitment.

The fact remains, however, that I continue to prefer certain provisions in my bill which has been under analysis by me and the cosponsors since September. This is particularly the case regarding the proposal to center consumer representational functions in the Department of Justice. I feel that at least at the present time it would be harmful to permit consumer representation to become too legalistically oriented. Consumer affairs are primarily economic and social, although occasions do undoubtedly occur where legal actions must be taken.

The consumer and the reputable businessman are walking the same road today, Mr. President. When one is respected and treated fairly, the other profits. When one is damaged, they both suffer. Each has contributed mightily to rich development of our land and civilization. But, some have suffered and been damaged. The time has come to devise improved means to better the course for both. The proposed legislation will, in my opinion, contribute to that endeavor.

I ask unanimous consent that the bill and certain correspondence I have had with the executive department of the Government be printed in the RECORD at this point.

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

S. 3097

A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; 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 "Consumer Protection Act of 1969".

OFFICE OF CONSUMER AFFAIRS

SEC. 2. The Office of Consumer Affairs (referred to hereinafter as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. There shall also be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level IV. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director, he shall act as Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 3. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this Act, the Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and affix the compensation of personnel of the Office in accord with the provisions of title 5, United States Code, governing the appointment in the competitive service, and chapter 51 and subchapter III of chapter 58 of title 5 relating to compensation of positions subject to the General Schedule;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code. While so serving away from their homes or regular place of business, such employees may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703, title 5, United States Code, for persons intermittently employed;

(3) appoint, without regard to the provisions of title 5, United States Code, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the Consumer Advisory Council established in section 10 of this Act) other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in subsection (b)(2) of this section with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal, State, and private agencies and instrumentalities with or without reimbursement thereof;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed; and

(8) request and receive, under such regulations as the President may prescribe, such information from any Federal agency as the Director may from time to time require.

(c) The Director shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year, and such recommendations as he may determine to be necessary and desirable to protect the consumer interests, including measures to improve the efficiency and economy of the Federal Government in the protection of such interests.

FUNCTIONS

SEC. 4. (a) It shall be the duty of the Office, in the performance of its functions, to advise the President and the Congress as to all matters affecting the interests of consumers; and to protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Office shall be to—

(1) coordinate Federal programs and activities relating to consumers and resolve differences arising among Federal agencies with respect to such programs and activities;

(2) assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest;

(3) receive, evaluate, and transmit complaints concerning actions or practices which may be detrimental to the consumer interest to the extent authorized by section 6 of this Act;

(4) represent the interests of consumers in proceedings before Federal agencies to the extent authorized by section 5 of this Act;

(5) develop information from Federal agencies and other public and private sources which would be of benefit to consumers, including test results and analyses of consumer products, and to disseminate such information in the most efficacious manner possible, including through the publication and distribution of periodicals and other printed material which will in easily understandable form inform consumers of matters of interest to them;

(6) conduct hearings, conferences, surveys, and investigations anywhere in the United States concerning the needs, interests and problems of consumers.

(7) establish in accordance with directives of the Bureau of the Budget facilities in major population centers (managed by the Office or some other appropriate Federal agency) to receive consumer complaints, to direct consumers to the appropriate Federal agency charged with the responsibility of meeting a specific consumer need, and to disseminate information of interest to consumers;

(8) encourage, support, and coordinate research (conducted within the Federal Government) leading to improved products, services, and consumer information;

(9) encourage, initiate, and participate in consumer-education programs and consumer-counseling programs;

(10) cooperate with and assist State and local governments in the promotion and protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests; and

(12) submit recommendations to the President and the Congress on measures to improve the operation of the Federal Government in the protection and promotion of the consumer interest.

REPRESENTATION OF CONSUMERS BEFORE FEDERAL AGENCIES

SEC. 5. (a) Whenever there is pending before any Federal agency any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office shall be entitled as a matter of right to appear before such agency to represent the interests of consumers. Upon such appearance, the Director or any other employee of the Office designated by him for that purpose, shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any matter or proceeding which does involve the adjudication of the alleged violation, by any individual or corporation named as defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party,

and the Director finds the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office upon its own motion may, and upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Government in that matter or proceedng shall, certify to such officer or employee all evidence and information in the possession of the Office relevant to that matter or proceeding.

(c) The Director or any other employee of the Office, designated by him for such purpose, shall be entitled to enter an appearance before any Federal agency for the purpose of representing the Office in any proceeding pursuant to the authority granted in subsection (a) of this section without other compliance with any requirement for admission to practice before such agency.

CONSUMER COMPLAINTS

SEC. 6. (a) Whenever the Office receives from any source complaints or other information disclosing a probable violation of (1) any law of the United States, (2) any rule or order of any administrative officer or Federal agency, or (3) any judgment, decree, or order of any court of the United States, the Office shall transmit promptly to the Federal agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information received or otherwise developed by the Office.

(b) Whenever the Office receives from any source complaints or other information disclosing any commercial or trade practice detrimental to the interests of consumers within the United States, which are not included within the category specified in subsection (a) of this section, the Office shall transmit promptly to the Federal agency whose regulatory or other authority provides the most effective means to terminate such practice, such complaint or other information received or otherwise developed by the Office.

(c) It shall be the duty of the Office to ascertain the nature and extent of action taken with regard to complaints and other information transmitted under subsections (a) and (b) of this section.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

SEC. 7. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of policy decisions, or (3) the issuance of orders, decrees, or standards, shall take such action in a manner calculated to advance the valid interests of consumers in terms of price, quality, safety, accuracy, effectiveness, dependability, information and choice. In taking any such action, the agency concerned shall indicate concisely in a public announcement of such action the nature and extent of its consideration of consumer interests and the bases upon which the action was taken consistent with such interests.

TESTING BY NATIONAL BUREAU OF STANDARDS

SEC. 8. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish facilities for the purpose of determining through testing, at the request of a manufacturer, the performance, content, safety, durability, and other characteristics of a product offered for sale or intended to be offered for sale by such manufacturer.

(b) The Secretary shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs. The appropriation or fund bearing the cost of the services may be reimbursed or the Secretary may require advance payment subject to such adjustments on completion of the work as may be agreed upon.

(c) The manufacturer may suggest but not direct, control or otherwise influence the type of tests to be conducted by the Secretary.

(d) The Secretary shall not declare one product to be better, or a better buy, than any other product.

(e) The manufacturer may publicize the results of the tests conducted by the Secretary, but in so doing may in no way distort, falsify, or misrepresent such results.

(f) The Secretary shall maintain surveillance over products which it has tested to assure that such products and information disseminated about them conform to the test results determined by the Secretary.

(g) The Secretary may arrange with and reimburse the heads of other Federal agencies for the performance of any such functions, and as necessary or appropriate, delegate any of his powers under this section to the National Bureau of Standards with respect to any part thereof, and authorize the redelegation of such powers.

(h) The Secretary may perform functions under this section without regard to section 529 of title 31, United States Code.

(i) The Secretary is authorized to request any Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section. Each such agency is authorized and directed to cooperate with the Secretary and to the extent permitted by law, to furnish such materials to the Secretary.

(j) The Secretary is authorized, to the extent necessary, to acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

CONSUMER ADVISORY COUNCIL

SEC. 9. (a) There is hereby established in the Office a Consumer Advisory Council to be composed of twelve members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed and critical judgment. Representatives of business, labor, consumer, and other interested organizations shall be encouraged to recommend qualified candidates for appointment to the Council.

(b)(1) Of the members first appointed, six shall be appointed for a term of one year and six shall be appointed for a term of two years as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed only for the remainder of such term.

Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman but not less often than four times a year. The Director shall be an ex officio member of the Council.

(d) The Council shall—

(1) advise the Director on matters relating to the consumer interest; and

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including with regard to the adequacy of the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among Federal agencies, and between the Federal Government and State and local government and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(E) availability of information necessary for the making of intelligent consumer decisions;

(F) existing consumer protection agencies and the desirability of establishing a new Assistant Attorney General for consumer affairs within the Department of Justice to prosecute consumer fraud practices; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

CONSUMER SAFETY

SEC. 10. The Office shall assume on a continuing basis the responsibilities and duties of the National Commission on Product Safety, together with such property and unexpended appropriations as may exist, at such time as the Commission's authority would otherwise terminate.

APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated to the Office, the Consumer Advisory Council, and the Department of Commerce such sums as may be required to carry out the provisions of this Act.

DEFINITIONS

SEC. 12. For the purpose of this Act, the term "Federal agency" shall have the same meaning as that given it by section 551 of title 5, United States Code.

EXHIBIT 32

Following is the text of the letter sent by Senators Javits, Percy, Gurney and Stevens to seven Department Secretaries, Attorney General Mitchell and Bryce Harlow of the White House staff:

"In testimony before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee on Thursday, March 20th, Mr. Ralph Nader disparaged the new Republican Administration's record in consumer affairs. He also made a number of indictments of various government agencies for not protecting consumer interests but rather working hand in hand with special interest groups.

"As the Republican members of the Subcommittee, we feel that you would like the opportunity to reply so that we can clearly demonstrate the new Administration's concern for the American consumer.

"At the subcommittee hearing, Percy offered to send Mr. Nader's testimony to the White House, appropriate Cabinet members and heads of regulatory agencies for their responses. He asked to have the committee record kept open for your response.

"We would appreciate your reply to the Subcommittee, answering these allegations plus any other information you might care to add concerning your activities in promoting consumer welfare.

"Enclosed is a copy of Mr. Nader's testimony before the Subcommittee and Senator Percy's reply."

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 2, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate.

DEAR SENATOR PERCY: Thank you for your letter of March 27, also signed for Senators Jacob K. Javits, Edward J. Gurney, and Ted Stevens, asking for our comments on statements made by Mr. Ralph Nader in testimony he presented on March 20.

Understandably, the attention which has been focused on the strong steps to improve the wholesomeness of meat and certain other products may have obscured the wide range of other activities the Department conducts that produce tangible benefits for consumers. I would like to refer briefly to a few of these.

First, we have in recent months instituted new procedures to be sure that processors of meat and poultry products comply with the net weight stated on packages and adhere to minimum meat and chicken requirements. Furthermore, processors of meat and poultry products are required to use labels on retail packages which are informative and not misleading to consumers. During the past year, for example, the Department reviewed almost 100,000 proposed labels and required modifications in over 6,000 of them.

Second, the Department has developed product standards, for over 500 foods. Through the application of these standards, which carry an official grade designation, consumers are better informed as to the qualities of food they are buying. We expect to grade approximately 500 billion pounds of food products this year including dairy and poultry products, cereals, meat and both fresh and processed fruit and vegetables. Products not coming up to standard, of course, cannot carry the official grade designation.

Third, the Department regularly solicits the views of consumers with respect to changes being considered in Departmental programs. For example, there are now some 125 marketing orders and agreements aimed at orderly marketing of fluid milk and other products. No change of substance is made in these orders without first holding public hearings at which consumers as well as other interested parties are encouraged to present evidence. Consumers in fact provide information useful in designing program changes.

Fourth, as part of its activity to encourage product safety, the Department requires the registration of pesticide products. Approximately 45,000 products have been so registered, and during the past year 8,500 compliance samples were taken to determine that the products are being marketed in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act. A continuous surveillance is maintained over products being marketed to make sure they continue to meet the requirements of the Act. Appropriate enforcement actions are taken against shipments and/or the shipper when violations are found.

Fifth, the Department has numerous active programs to strengthen consumer information and education. Each month, for example, the Department determines those foods which are in abundant supply and relatively low in price. Information concerning these foods is sent to 80,000 key food institutions, consumer groups and news media. These organizations in turn have mailing lists several times larger than the Department's so that there is wide distribution of this information useful to consumers in their food purchases.

The Department's research program yields continuing informational dividends of specific value to consumers. The Agricultural Research Service of the Department has more than 450 publications directed to subjects of consumer interest, and the annual demand for some of these exceeds 500,000 copies.

For many years, the Department in cooperation with State universities has conducted extension education to more effectively disseminate information to farm and nonfarm households. Recently, these efforts have been sharply increased by an aide program aimed specifically at improving the diets of poverty-income families. In the past few months 2,800 aides have been trained and are now on the job. An additional 2,500 will be employed by July. By midsummer, we expect aides to be working with about 200,000 poor families.

I would like to emphasize that the foregoing are illustrative. There are many other areas where the Department is working to meet needs of consumers such as improvement in recreational facilities in our national forests, improved living conditions in rural communities through loans for water and sewage systems, enhanced environment through our soil conservation activities, efficient sources of power for more consumers in rural areas through our Rural Electrification Administration, and better competition in our markets as a result of our regulatory agencies.

It may appear occasionally that steps taken by the Department to strengthen incomes received by farmers conflict with interests of consumers. I believe, however, that careful examination of these actions such as we have taken in recent months will show them to be one of the strongest services which the Department renders for consumers. These moves help to assure balanced supplies of food at reasonable prices. The continuing decline in the proportion of consumer income spent for food I think amply demonstrates the wisdom of this policy.

We will be glad to provide for detail concerning the consumer programs of this Department if you would have us do so.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

THE SECRETARY OF COMMERCE,
Washington, D.C., April 11, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of March 27, 1969, providing me the opportunity to comment on the testimony of Mr. Ralph Nader before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee. In his testimony Mr. Nader alleged that the Administration neither understands nor intends to do anything about consumer problems.

The Administration is vitally interested in consumer problems. Even in matters of broad economic policy the President has directed those of us who comprise the Cabinet Committee on Economic Policy to consult with consumer groups, among others, to assure consideration of a wide range of views about national economic matters. With regard to specific activities related to protecting consumer interests, every effort is being made to assure that consumers are fully represented in policy development, rule-making, and the operating programs of the Executive Departments and agencies.

The Department of Commerce conducts a number of programs which are oriented directly or indirectly to the protection or assistance of the consumer:

(a) Fair Packaging and Labeling;
(b) Voluntary Product Standardization;
(c) Uniform Weights and Measures;
(d) Building Code Activities;
(e) Product Testing;
(f) Refrigerator Safety; and
(g) Flammable Fabrics.

The above programs may be briefly described as follows:

(a) *Fair Packaging and Labeling.*—The Department's primary responsibility under the Fair Packing and Labeling Act is to encourage industry to avoid or alleviate those situations wherein an undue proliferation of package sizes impairs the reasonable ability of consumers to make value comparisons. Formal procedures have been established under which a determination may be made that an undue proliferation situation exists. These procedures contemplate that, following such a determination, industry would be invited to participate in the development of a voluntary package-standardization program. If the industry declines this invitation, or fails to follow a standard once developed, the Department is required to submit an appropriate report to the Congress with its recommendations.

Since the Act's passage in 1966, the cooperation of trade organizations and industry groups in response to the Department's initiative has been impressive. To date, some 50 industries have voluntarily and informally reduced the number of package sizes. In view of this voluntary cooperation, it has not yet been necessary to formally cite any industry for undue proliferation under the Department's procedures. Additionally, work with State and local officials and with affected industry, business and consumer representatives has led to significant clarification of State statutes and the development of a model State package regulation, thus fulfilling the Department's obligation to promote uniformity in State and Federal regulation of the labeling of consumer commodities.

(b) *Voluntary Product Standardization.*—The Department's voluntary product standardization program provides a means by which industry groups may voluntarily formulate product standards. Before publication of such a standard by the Department it must first determine that a proposed standard is not contrary to the public interest, and is supported by a consensus of consumers as well as the producers, distributors, and users of the product concerned. This program produces significant cost-reduction and product-simplification benefits which are often advantageous to the consuming public. An interesting variety of examples of voluntary standards of direct interest to the consumer includes standards for aluminum chain link fencing; body sizing standards for apparel and patterns; attic ventilation fans in residences; aluminum tension window screens; softwood lumber; household insecticides; and venetian blinds.

(c) *Uniform Weights and Measures.*—The free flow of goods in a competitive economy is directly dependent upon the maintenance of a high degree of public confidence in the enforcement of viable weights and measures regulations. A program of long standing that is of incalculable benefits to consumers is the leadership, cooperation, and technical backup provided by the Department of Commerce in developing uniform State weights and measures laws, regulations, inspection equipment and methods, and in the technical training of State weights and measures officials.

These activities affect consumers directly and vitally inasmuch as the accuracy of scales, meters, and gas pumps, of commercial weighing and measuring devices of all types, as well as the accuracy of package quantities, are dependent almost exclusively on the regulatory activity of State and local weights an and measures officials who look to the Department of Commerce for their reference standards, for technical advice and counsel on measurement problems, and for model weights and measures laws.

One of the important links with the States in these activities is the series of annual National Conferences on Weights and Measures, sponsored by the National Bureau of Standards. These conferences have been going on for more than 60 years.

(d) *Building Code Activities.*—While the Department is not itself empowered to establish mandatory building codes, one of its principal statutory functions is to encourage the standardization and most effective use of building materials. Well-written building codes can contribute significantly not only to economies of construction and maintenance but to the safety and well being of home owners, apartment dwellers, and office workers. On the other hand, poorly-written and inflexible codes can delay the realization of the benefits made available through advancing technology. In addition, variations in the codes of various localities tend to dilute the desired economic advantages.

To ensure a greater degree of safety, economy and uniformity in codes and specification, the Department is engaged in a continuing program of research, experimentation and education, with a view towards encouraging the updating and upgrading of State and local requirements to the advantage of consumers and industry alike. The pioneering work done by the Department on the National Electrical Safety Code and on elevator safety exemplify the important contribution which cooperation of this nature can make to public safety. Most recently, the National Bureau of Standards has been instrumental in organizing a National Conference of States on Building Codes and Standards. This organization, patterned after the highly successful National Conference on Weights and Measures, will provide a focal point for Federal-State cooperation in the highly technical and increasingly important area.

(e) *Product Testing.*—Contrary to a widely held public impression, the National Bureau of Standards conducts tests on relatively few consumer products. The Bureau's authority with respect to testing activities is set out in section 2(c) of its Organic Act which permits the undertaking of "the development of methods for testing materials, mechanisms, and structures, and the testing of materials, supplies, and equipment, including items purchased for use of Government departments and establishments." The Bureau's work in the area of product testing is done primarily at the request of, and with the financial support of, other Government agencies, such as the General Services Administration, that may have some responsibility for the procurement or regulation of the product. Most tests are performed for the purposes of developing purchase specifications, performance criteria, testing techniques, or testing equipment. Since this testing program is limited by the special needs of the requesting agencies, and is not normally directed toward a determination of the product's safety characteristics, it has produced relatively little information that would be directly beneficial to consumers generally. Nevertheless, such testing contributes significantly towards advancement of the state of the art in product standardization and evaluation. Private testing laboratories, including those most directly concerned with the evaluation of consumer commodities, are thus led to provide more useful and more detailed information to the public at large.

(f) *Refrigerator Safety.*—The Refrigerator Safety Act was enacted in 1956 to authorize the Secretary of Commerce to set safety standards to prevent accidental entrapment in household refrigerators. This Act prohibits the introduction of household refrigerators into interstate commerce unless it is equipped with a device, conforming to the prescribed standards, enabling the door to be opened from the inside. So far as known, not a single death has occurred from accidental entrapment in a refrigerator conforming to these standards.

(g) *Flammable Fabrics.*—The Flammable Fabrics Act offers protection to the public against an unreasonable risk of fire leading to death, injury or property damage. The Act was originally passed in 1953 in response to a number of deaths resulting from the burning of certain highly flammable articles of clothing, such as the so-called "torch sweaters" and children's cowboy chaps. At that time, the level of protection was set by the Congress through adoption of the existing voluntary standard for wearing apparel flammability. The Act was strengthened by amendment in December 1967 to authorize the Secretary of Commerce to set, after public proceedings, appropriate flammability standards whenever he finds that such standards may be needed to protect the public. The amendments also extended the scope of the Act to include all items of wearing apparel and interior furnishings. To date, the Department has initiated proceedings for the development of appropriate flammability standards for wearing apparel and for carpets and rugs.

In addition to the foregoing programs, the Department of Commerce is actively developing a vigorous and constructive program to achieve improvements in the areas of product design, quality of production, consumer education and servicing through voluntary business undertakings. An example of this program is the progress being made with the major household appliance industry. This industry has developed an extensive voluntary improvement program as a result of discussions and studies carried on with the Department of Commerce. Near- and long-term improvement goals have been established and detailed programs for their implementation have been agreed upon by the industry. I have established in Appliance Industry Advisory Committee which is following the progress of the industry in these voluntary programs and working with me to make sure that every assistance is made available by the Government to achieve our mutual objectives.

In the final analysis, the problems which beset consumers can best be corrected through constructive voluntary action by American business wherever consistent with the public interest. We are working closely with all of the other Departments and Agencies who share our concern and objectives in this matter and look forward to continuing progress.

Identical letters are being sent to each of the Senators who signed your letter.

Again I appreciate very much the opportunity to present the Department's position on this matter to you and your colleagues.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 21, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate, Washington, D.C.

DEAR SENATOR PERCY: In your letter of March 27, 1969, you requested the comments and reactions of this Department to Mr. Nader's testimony before the Senate Government Operations Committee relative to consumer affairs. I assure you that this Department has great concern for adequate protection of the American consumer.

The primary mission of the Department of the Interior is the development, management, and wise use of the Nation's natural resources to assure the supply of resources necessary to this Nation's security and well-being and, at the same time, satisfy the aspirations of the American people for a high-

quality environment. The new Administration is taking a positive position relative to meeting these challenges.

Most Interior programs do not have the kind of direct consumer interest impacts that are the subject of Mr. Nader's statement; however, since everything we do relative to natural resources and the enviromnment affects all Americans, our actions do affect them as consumers. We must make effective use of our natural resources to maintain our high standard of living but at the same time we must provide for clean water, clean air, protection of the land and sea, outdoor recreation, etc. in harmony with a high quality of life.

Even though the fiscal climate has not been conducive to the making of major program increases, this Administration already has taken many significant actions to meet the needs and to protect the well-being of American people. Following are examples:

Coal mine health and safety.—The Department has submitted strong legislation to provide for adequate protection of the health and safety of miners. Mine inspection and health research are being intensified.

Oil pollution.—The Department has urged enactment of legislation for the prevention and clean-up of oil spills from vessels and off-shore facilities. Outer Continental Shelf leasing regulations and policies have been strengthened to prevent future disasters such as the Santa Barbara disaster and to firmly establish clean-up liability responsibility with the lessee. Related management and research programs are being intensified.

Water pollution.—The most crucial deficiency in the water pollution program is the growing gap between waste treatment facility construction needs and the funding of essential Federal assistance. Alternative funding methods are being explored to find a solution that will permit construction to proceed even under the currently critical overall fiscal situation.

National Park operations.—It is estimated that park areas will receive some 172 million visits in 1970. Budgetary and personnel restraints of the past several years finally resulted in the necessity to close park areas and to limit services as public needs such as sanitation, information services, facility maintenance, etc. could not be maintained and park system facilities and resources were becoming deteriorated and even lost. The amended 1970 budget provides an increase of $6.3 million and 500 positions to reopen park areas on a 7-day week basis with adequate provision for public health and safety as well as protection of facility and resource values.

Plywood and lumber.—The critical supply and price situation that developed for plywood and lumber had significant consumer impacts. The Administration has taken positive steps to increase the sale of timber from Forest Service, Bureau of Land Management, and Indian lands to assure that these resources make their most beneficial contribution to our economy and stabilize lumber and plywood prices.

These are but a few examples of this Department's actions to meet public resource and environmental needs. One of the first things I did after becoming Secretary was to undertake a complete review of all Departmental programs to determine their adequacy and effectiveness in meeting the needs and providing for the well-being of all Americans.

This is no small task. Many significant deficiencies have been detected but their mere identification does not necessarily result in immediate corrective action. Needs have to be fully evaluated, explicit objectives and goals must be set, and alternative means for accomplishment must be fully developed and evaluated to be certain that the most effective course of action is taken. This process takes time. Corrective action normally will require additional funds and staffing.

Our program evaluation and formulation for 1971 is moving forward rapidly and we will positively identify those actions that the new Administration must consider if it is going to meet the challenges of the seventies for assuring the future supply of natural resources and of preserving and enhancing the quality of the environment. This Nation's future security and the well-being of all Americans, who are the consumers for which Mr. Nader has expressed such great concern, are the basis on which this Administration's programs must be built.

Identical letters have been sent to Senators Javits, Gurney and Stevens.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 5, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate, Washington, D.C.

DEAR SENATOR PERCY: Thank you for giving me the opportunity to state my personal position and the position of the Department of Labor in support of constructive consumer activities for the Subcommittee on Executive Reorganization of the Senate Government Operations Committee.

The most important consumer program today is a program to deal with inflation—and without serious consequences for unemployment. This is the announced first economic objective of this Administration. The level of living of American families depends on the size of their incomes on the one hand and the goods those incomes will purchase on the other. The Department of Labor is primarily concerned with the income side of this question—job training to increase earning potential, maintenance of high levels of employment, protection against occupational hazards which mean loss of income, assurance against harsh wage garnishments, and other measures to maintain income.

The Department of Labor, however, recognizes the importance of the consumer side of the equation as well, and has consistently supported constructive programs, both public and private, to improve the position of American workers as consumers. It is my intention to continue to do so.

Beyond any legislation or regulation necessary to protect health and safety or to prevent fraud, I see a growing need for better education for Americans *as consumers,* and for information, clear and readily available, on the nature of the goods and services being offered and the warranties or guarantees which they carry. Government at all levels, industry, and labor can and should contribute to meeting these needs for improved consumer education and information; and it is the expressed intention of this Administration to do so.

As you know, the Department of Labor's activities in the consumer field have been largely informational and educational. It does not now administer any legislation directly affecting consumers. However, when the wage garnishment provisions of the Consumer Credit Protection Act of 1968 become operative on July 1, 1970, the Department will have this administrative responsibility.

We are now making preparations for the administration of the wage garnishment legislation. It should be of special benefit to consumers with limited incomes who often find themselves unable to maintain their installment credit payments.

The Consumer Price Index of the Bureau of Labor Statistics, has been the official measure of changes in retail prices since World War I. Its periodic surveys of family incomes and expenditures and its standard budgets for various families are widely used as guides to public and private decisions.

I want to assure the Committee that the Department of Labor will continue to participate in and support needed consumer programs in the public and private sector which this Administration will propose. I feel sure also that organized labor will continue to give its advice and assistance in this field as it has in the past.

Sincerely,

GEORGE P. SCHULTZ,
Secretary of Labor.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 8, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Ralph Nader's statement on March 20 before the Subcommittee on Executive Reorganization, which you referred to me for comment, touched in a very summary manner some of the concerns of the Department of Transportation as they affect the Nation's consumers.

Because of its generalized character this statement, standing by itself, might deserve no great amount of attention. However, it does provide me with an opportunity to review the way that the problems confronted by consumers are dealt with in this Department. While consumer issues vary greatly in kind, they are reflected in virtually every area of the Department of Transportation's activities. As a result, the needs of the consumer can only be intelligently confronted through a careful, comprehensive set of programs; an ad hoc approach, of the type suggested by some spokesmen for the consumer, is insufficiently permanent and too limited in range and likely effect as to be a sound way of coping with the multiplicity of problems with which the American consumer must deal.

It is unfortunate that much of Mr. Nader's comments were directed personally against a single individual working for this Department, and I shall have more to say about that. Primarily, however, I intend to outline in a comprehensive manner those continuing programs of the Department of Transportation which affect the consumer. I shall indicate those programs of the previous Administration which are still being carried on effectively; and, of course, I shall refer to some of the innovations we have made since January 20 of this year.

We have approached the consumer through improvements in our administration of urban programs directly affecting the majority of our citizens who live in cities; we have encouraged safety programs not only in highways but in other modes of transportation as well; and we have improved the administration of existing programs so that the interest of the public has been better handled. Finally, we have exerted vigorous efforts in a successful effort to keep down the prices of transportation as a means of stabilizing consumer prices.

URBAN PROGRAMS

My concern for problems of the cities and metropolitan areas and for improving the environment of American life is clearly reflected in the action I have taken to establish an Office of the Assistant Secretary for Urban Systems and Environment, an Office that did not exist under the previous Administration. It is further reflected in the President's appointment as Assistant Secretary for Urban Systems and Environment of Mayor J. D. Braman, of Seattle, whose record of service as Mayor, as Chairman of the Transportation Subcommittee of the League of Cities, and in many other capacities is an unmistakable testimony to his determination that the interests of the public must be paramount in urban and environmental planning and action.

It is my intention to assure the assignment to Mayor Braman of the resources he deems essential to accomplish the mission he outlined in his nomination hearing before the

Senate Commerce Committee on March 6, 1969:

The mission of the Assistant Secretary for Urban Systems and Environment will be to coordinate the policies, programs and resources of the Department of Transportation with public and private efforts to solve urban and environmental problems; to develop and test new procedures, techniques and methods by which transportation development can be made more relevant to urban and environmental needs and goals; and generally to make the offices and agencies with the Department more responsive to the needs of cities and more sensitive to the protection and enhancement of the environment.

My support of these purposes and my personal conviction in this matter of public interest are additionally reflected in the following extracts from my keynote address at the Fourth Annual International Conference on Urban Transportation, in Pittsburgh, on March 10, 1969:

Certainly President Nixon is aware of the cities' needs for more effective transportation of people and goods—transportation which meets *all* our human needs. He made his position perfectly clear during the campaign and has repeated his concern to me many times since.

It is the President's determination, as it is mine, to confront the crisis of the cities boldly, to provide leadership which dares to rock the boat; leadership which acts upon the premise that transportation is totally related to welfare, education, recreation, and all other aspects of urban life.

The integrated transportation network that President Nixon and you and I dream of cannot be created overnight. But a system providing channels of choice out of the ghetto to suburban factories, insuring ready access in our leisure time to the varied pleasures of the countryside, safeguarding our precious heritage of historical sites and natural beauty, and saving the land from irresponsible exploitation—such a system must be started now if we are to achieve our objective within the next generation. It may even be necessary for physical survival.

The major programs of the Urban Mass Transportation Administration are directed specifically toward the improvement of transit services to the public. This is reflected in (1) a research effort directed toward improving the convenience, comfort and reliability of public transport; and (2) the provision of grant funds to assist public agencies in the physical improvement and modernization of rail and nonrail facilities. It is, in fact, clear that a key element in the preservation of public transportation is its attractiveness to the consumer.

The Administration will in the near future submit to the Congress an expanded program for urban mass transportation.

HIGHWAYS AND HIGHWAY SAFETY

Mr. Nader seemed to express the thought that somehow highway construction has no relation to the consumer and is at the opposite pole from safety programs. He stated further that the Department, and one particular individual in it—Francis C. Turner, the Federal Highway Administrator—fired, or had eased out of the Department, many of those concerned with motor vehicle safety. I can say categorically that no one has been fired or even eased out of the Department for his views on motor vehicle safety. Only Dr. William Haddon and Dr. John T. Holloway have left the vehicle safety program, and they of their own volition to join the Insurance Institute for Highway Safety.

It is misleading to infer that the consumer does not benefit from highway construction. More consumers own automobiles and use them in their daily affairs than any other mode of transportation; and improvements to the highway systems of the Nation, for this reason, affect more consumers than any other public program in the area of transportation. This is a fact which in no way implies that we should not actively seek substitutes for highway services, particularly in congested urban and urban corridor areas, or that the highway program itself could not be improved to benefit the consumer through safety, mass transportation service, and better environment. All of these ideas are being developed actively to provide the consumers with alternatives to the use of the private automobile where necessary, or to make the automobile a safer, more suitable means of transport from the point of view of the consumer and the community generally. The Federal Highway Administrator, Francis C. Turner, in his many years as a leading highway authority, has done more than anyone to forward such programs.

Far from "rooting out all people who questioned in the slightest the advisability of paving over America," Mr. Turner has been seeking people with a variety of backgrounds in the social or "soft" sciences who can aid in fitting the highways into the environment. His strong support of the broad comprehensive planning process over many years, the establishment of the Environmental Division in the Bureau of Public Roads, his personal efforts in working with State and local officials to encourage multiple use of facilities, and his promotion of joint development are but small indications of the broad outlook.

Mr. Turner has long advocated greater use of mass transit (he himself is a bus commuter). He has encouraged experiments in "balanced transportation" through approval of projects involving the exclusive or preferential use of street and highway lanes for buses, and for advocating programs to improve highway capacity by special provision for buses. He has long advocated more substantial Federal support for mass transit, if based on the results of adequate surveys of need and likelihood of acceptance of transit in the local areas.

Mr. Turner at no time "battled" with the National Highway Safety Bureau nor with its program. In his responsibility in the Bureau of Public Roads, he personally developed the spot safety program that is saving many lives by simple highway improvements on existing roads of earlier design, and has consistently insisted upon full safety considerations in design standards for current highway projects. Much of the Bureau of Public Roads research activity has been directed toward improved safety in design, a feature that provides continuing life saving as the roads are used by the increasing volumes of traffic.

Mr. Turner played the leading role in developing the spot improvement safety program. This program is aimed at correcting highly hazardous spots along the highways. Individually, they are for the most part small programs money-wise, but they are bringing immediate and dramatic results in reducing accidents and saving lives. In a four-year span, this program has developed to where 17,580 safety projects have been programmed, representing a total cost of nearly $1.2 billion.

Research has resulted in, for example, the development of the breakaway signposts in an R&D program that began back in 1963, funded partly by the BPR. And Mr. Turner signed the directive making these kinds of signs mandatory on the Interstate Systems.

Now that he has accepted the broader challenge of the Federal Highway Administration, there is no question but that he will devote a major portion of his talent and energies to the phases of the safety problem—the vehicle and the driver—that are newly placed under his direction. In this regard, the ongoing consumer-oriented activities in the highway and motor vehicle safety programs are records of which we can all be proud and on which I intend to build. We have, for example, issued some 28 motor vehicle safety standards. Our consumer information program, defect recall program, crash survivability program, and public advisories program are still other examples of consumer protection activities. We have sponsored the innovative medical/engineering accident investigation teams. We have before Congress now important legislative proposals dealing with tire defect notification and safety standards for motorcycle helmets. We meet with members of the Highway Safety Advisory Committee and the National Motor Vehicles Safety Advisory Committee, and value their views. In passing, I would note that Mr. Nader himself is a member of the Consumers Subcommittee of the latter group.

RAILROAD PROGRAMS

Programs of the Federal Railroad Administration are directly related to consumer welfare needs.

1. *Rail Passenger Service.*—The Department formally initiated the High Speed Ground Transportation Turbo Liner project in the Boston-New York leg of the Northeast Corridor. While first runs were on regular schedules, we are hopeful of introducing higher speeds and faster schedules as soon as possible. Meanwhile, this modern, comfortable, attractive passenger train is testing public response.

Between Washington and New York, the Metroliners of the Penn Central Railroad are running in predemonstration service and winning wide public acceptance. Once sufficient cars are available, the Department will begin its high speed train demonstration for a two-year period. Again, we will be providing fast, modern, comfortable rail service to test consumer acceptance.

On the national scene, the FRA and Department are examining other corridors and regions which could benefit from our demonstrations and testing in the Northeast Corridor.

2. *Railroad safety.*—The Department is concerned that the growing number of railroad accidents involving hazardous materials has raised serious questions of public safety. Accordingly, I have been able to persuade railroad labor and railroad management to join with the FRA Administrator and representatives of public utility commissions on a task force to examine and advise him on the railroad safety problem. The Task Force will begin meeting May 1, 1969.

3. DOT Grade Crossing Safety Action Group. A joint effort by FRA and FHWA staff members to improve grade crossing safety has resulted in:

(*a*) Inventory and classification of grade crossings in all states.

(*b*) Establishment of diagnostic teams to analyze hazard.

(*c*) Demonstration programs to test new crossing protection techniques.

(*d*) Special protection for crossings in Maryland-Delaware high speed train crossings.

In addition, this continuing program has included two National conferences on grade crossing safety sponsored by DOT and which attracted many of the State, local and national figures most concerned with the problem.

TRANSPORTATION RATES AND THE CONSUMER

Every price the consumer pays is affected by the cost of freight transportation; therefore, reasonable freight rates are a basic element in preventing inflation. The Department has been active in participating in rate and other cases before the Interstate Commerce Commission, providing that body the benefit of its researches in transportation economics as a basis for reasonable freight rates. On February 28, 1969, the Interstate Commerce Commission announced decisions in two cases involving overall rate increases by motor carriers averaging five percent, which became effective on April 1, 1968. These were two of a number of cases in

which the Department had outlined improved criteria for rate determination based on efficient use of capital and measurement of carrier productivity. The decisions were *General Increases, Middle Atlantic and New England* (332 ICC 820) and *Increased Rates and Charges, Pacific Inland Territory* (332 ICC 845).

Following the Commission's suspension of the rate increases proposed by carriers in these territories, carriers in these and several other rate territories announced withdrawal of proposals for even further rate increases to become effective on April 1, 1969. These landmark cases represent a completely new breakthrough for consumer protection in the vital area of regulated transportation rates. The Department plans to continue and increase its activities in the field of regulatory participation in behalf of the consumer.

SMALL BOAT SAFETY

Increased leisure time and the growing numbers of recreational facilities have led to a wider public participation in the use of recreational small boats. For many years, there has been a cooperative program between the states and the United States Coast Guard to enforce safety regulations among this class of water craft. This program has not been fully effective in protecting the boating public because of lack of funding and personnel and the voluntary nature of many of the provisions of the basic legislation.

Consideration is now being given to legislation which would produce a far more effective program of recreational boat safety. It would include both a grant-in-aid program to assist the States in developing more comprehensive boat safety programs and provide Federal authority to issue boat safety standards where needed.

FEDERAL AVIATION ADMINISTRATION

This agency has a wide range of programs with major consumer orientation. Safety is the most important of these activities and, in all its aspects, it will have my vigorous support. Noise abatement, so significant to the public in the areas surrounding airports, is still another program area where we are moving rapidly to alleviate a problem of major importance; and we have not waited until new aircraft are in service, but are promulgating appropriate noise standards and criteria prior to their advent.

OTHER ACTIVITIES

We have undertaken a soon-to-be-completed survey of domestic common carrier loss and damage claims. Cargo loss and damage, of pressing and costly concern to carriers, shippers, and consumers, is a problem clearly deserving of a careful evaluation.

In addition, the study of automobile insurance, authorized in the last session of the 90th Congress, is well underway and holds clear promise of providing an in-depth consideration of this problem area in all of its many aspects.

Still another area of important consumer-oriented activities is our facilitation program. We have launched a concerted attack on the paperwork, regulatory, and legal burdens which afflict international transportation and trade. For example, we will shortly submit a revised Trade Simplification Act which will permit the filing of single factor international rates and ease existing bill of lading and liability problems. Through legislation, we also hope to lighten the burdens of documenting seamen. We also look to significant reform in problems arising in the customs area and in the handling of containers.

These activities which I have touched upon represent a broad survey of our concern for the consumer. There are many other day-to-day activities where this concern is particularized and made still more positive. In all of these activities, we invite a constructive interest on the part of Mr. Nader and, most importantly, his help and cooperation. He will find us receptive to a concern for the common good; more receptive, I can assure you, that he now appears to believe.

A letter similar to this is being sent to Senators Gurney, Stevens and Javits.

I appreciate your according me this opportunity to respond and speak to these important issues.

Sincerely,

JOHN A. VOLPE.

THE SECRETARY OF THE TREASURY,
Washington, April 16, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I appreciate being given the opportunity, provided by your letter of March 27, 1969, to reply to allegations made in testimony before the Subcommittee on Executive Reorganization of the Government Operations Committee that this Administration has little interest in protecting the consumer.

First and foremost of the actions of this Department in protecting the consumer is our vigorous support of programs that will reduce current inflation. I can think of no issues that are as vital to consumers. In doing this, we are following a gradual but steady course of fiscal and monetary actions which we believe will accomplish the objectives without damage to the economy. It is our belief that unless this is done we are likely to encounter serious economic dislocations in the near future with incalculable harm to the economy and wage and salary payments to the consumers of this country.

On a lesser but still important level, the Treasury has been and is active in consumer activities where the Department of the Treasury has a specific role. This Department, as you know, was active in sponsoring the truth-in-lending legislation passed last year. Even though the legislation is now enacted and the Federal Reserve was charged with promulgating the regulations, this Department has continued to supply technical services to the Federal Reserve Board in seeing that the regulations carry out the intent of the Congress. The Government Actuary of this Department has provided his services to the Board of Governors and will continue to do so.

In another area where this Department has a specialized interest in consumer affairs, the Office of the Comptroller of the Currency actively participated in the proposed regulations issued by the Federal Reserve Board, Federal Deposit Insurance Corporation, and the Home Loan Bank Board regarding advertising of interest rates on consumer deposits in banks and savings and loan associations. These regulations are aimed at certain advertisements which were misleading to the consumer as a saver, and we believe the proposed regulations will be effective in correcting the abuses.

At a third level, this Department is moving to correct the inequities imposed on investors in Treasury savings bonds by the 4¼% legal ceiling on Treasury bonds. We fully realize that the interest rate on savings bonds is not competitive in today's markets. The savings bonds program is being reexamined to provide a more adequate rate for these investors and legislation permitting the payment of such a rate will soon be presented to the Congress.

I trust that these instances of action by this Department are specific enough to show that this Administration and the Department of the Treasury are not negligent in protecting consumer interests.

Sincerely yours,

DAVID M. KENNEDY.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 2, 1969.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have reviewed Mr. Nader's testimony before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee which you and your colleagues forwarded.

There have been developments since Mr. Nader testified before your Subcommittee, however, which should remove any doubt about President Nixon's commitment to the principle of competent representation for the consumer in the governmental process. Mrs. Virginia Knauer, whom President Nixon selected as his full-time Special Consultant on Consumer Affairs, has sound and practical experience in the field of consumer protection.

HEW, perhaps more than any other Federal agency, must remain alert to the changing needs of people. It administers programs affecting man from the cradle to the grave. If the Nation's investment in people and in the quality of life is to be maximized, HEW must be quick to identify emerging problems and to marshal available forces, public and private, to meet such challenges.

The consumer interest is one of those challenges which has direct impact on many of the Department's public service and protection programs. For example, the social security and welfare dollar could be diluted if we did not direct our attention to the problems consumers encounter in a highly sophisticated marketplace. The Nation's health could be harmed if we did not continually evaluate and upgrade the administration of the Nation's food, drug, and environmental health programs. The educational system must constantly develop innovative concepts, such as an interdisciplinary approach to consumer education for all students, to furnish the training and tools our people need to function within a complicated economy.

It is precisely because our programs are so diverse that we believe it imperative that consumers have a voice in HEW's policy and program planning. The Office of Consumer Services, under the direction of Mrs. Patricia Reilly Hitt, Assistant Secretary for Community and Field Services, has been charged with the responsibility for identifying consumer needs which appropriately fall within the jurisdiction of the Department. To give substance to this delegation of responsibility, we are considering the establishment of an intradepartmental committee, representing all operating groups of the Department, to work with the Office of Consumer Services to qualify the consumer components of HEW's 250 programs.

The Office of Consumer Services is also starting to publish a newsletter to disseminate information on HEW Federal Register items, its programs and policies. In order to insure delivery of information and services to consumers, OCS is developing operating guidelines for our consumer specialists in the field. OCS is also acting as our liaison with other agencies and organizations, Federal and State, public and private, which administer or are concerned with developing consumer service programs affecting HEW's interests. Currently, they are also reviewing the Department's policies and regulations under the Freedom of Information Act with a view toward making more readily available to the general public by-product information developed under Government-financed research programs.

Along with this major expansion of consumer representation within HEW, we are adopting a policy calling for the continual evaluation of program content, structure and delivery. We are aware of the existing con-

troversy relating to the Food and Drug Administration. We are concerned that such controversy might undermine the effectiveness and morale of FDA and are, therefore, reviewing the issues involved with only one objective in mind—that of providing FDA with the structure and resources that will permit it to fulfill its congressional mandate to protect the American consumer. Such policy will be applied to all operating groups to insure effective performance.

With regard to pending appointments, we would like to assure you that we are making every effort to fill the top level positions in HEW, as rapidly as possible, with knowledgeable people of the highest caliber.

Sincerely,

ROBERT FINCH,
Secretary.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. COOK in the chair). What is the will of the Senate?

Mr. ALLEN. Mr. President, I ask unanimous consent to proceed, notwithstanding the rule of germaneness.

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

THE SUPREME COURT DECISION ON DESEGREGATION OF SCHOOLS

Mr. ALLEN. Mr. President, the Supreme Court may well have sounded the death knell for the public school system in the South with its decision announced on yesterday. This was an inauspicious start for the Burger court.

The Supreme Court decision in the Mississippi case was a big disappointment to those of us who want to see every child receive a quality education. The Supreme Court rejected the recommendations of the U.S. Justice Department and requires immediate integration, right in the middle of a school term, without considering the welfare of the students involved. The Justices are obviously out of touch with reality. Integration now is like calling for Vietnam withdrawal now. Even if put in motion immediately, such efforts would take many months to accomplish.

The Federal Government ignores segregated schools in the North and applies one rule in the South and a far different one in the North. Mr. President, is that a careless statement I make—that the Federal Government applies one rule in the South and a far different rule in the North?

I had an exchange of correspondence with the Secretary of the Department of Health, Education and Welfare and called his attention to limitations, provided in the 1968 appropriation to the Department of Health, Education and Welfare, on the expenditure of funds provided by that appropriation act. The limitation is that no portion of the money appropriated by the act would be used to force busing in schools, to force the closing of schools, or to force any child to go to a primary or secondary school against the wishes of his parents.

I called the attention of the Secretary to the fact that his department was—and is—violating the provisions of that appropriation act, because HEW has used those funds to force busing in Alabama, it has used those funds to force the closing of schools, it has used those funds to require students in the public schools of Alabama to go to schools against the wishes of their parents, and it has used those funds to require students to accept assignment to schools that they did not want to attend. I received this reply from the Secretary:

Your telegram correctly notes that HEW is prohibited from requiring transportation—

By that he means busing—

in order to overcome racial imbalance. HEW operations financed under our regular Appropriation Act are governed by sections 409 and 410 of Public Law 90–557, which are applicable to our current expenditures. As stated, these provisions prohibit the requirement of busing "in order to overcome racial imbalance."

The last words are in quotation marks, quoting from the act, "in order to overcome racial imbalance."

The legislative history of these provisions as well as the decisions of the Federal courts, make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence.

In other words, the limitations in this act which were placed on the use of the money applied only in the North. They are limited in these three regards on the use of Federal funds in the North. They cannot use them to force busing, to force closing of schools, or to force pupil assignment in order to overcome racial imbalance. That is the rule in the North. These things cannot be done by HEW in the North. They are protected under the language of the HEW appropriation bill, and HEW is prevented from taking these steps.

Where, however, racial segregation of students in a school system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws.

In other words, HEW is free to do these things in the South but are not permitted to do them in the North, the reason being that at one time in the South we did have a dual system of schools.

That seems unfair to the junior Senator from Alabama—that we should have one rule for the use of Federal funds in the North and a different rule in the South.

Mr. President, we in Alabama are this year celebrating our sesquicentennial. We have been in the Union of States this year for 150 years, and we are proud of that fact. We are proud that Alabama is the 22d State of the Union.

I point out that the people of the South—the people of Alabama and the South—are as loyal or more loyal to our country than the people of any other section of the country. Military procurement bills receive the support of the Senators and Representatives from the South.

Just the other day, I received a letter from a radio station in Alabama that had run an editorial in opposition to the Vietnam moratorium on October 15.

They had invited their listeners to call in and tell them whether they approved of the editorial which was critical of the demonstrators. Hundreds of replies came in and 98.3 percent of those replies were in favor of supporting the President, supporting the foreign policy of the President, and of the United States.

Mr. President, I point out these things to show that the people of Alabama are loyal American citizens. We obey the law. We respect the law. We are proud to be a part of the Union. We are proud that our State is now celebrating the 150th anniversary of its admission to the Union.

Mr. President, we want to be treated as citizens in Alabama. We do not want to be treated as a conquered province. We want to see the laws enforced equally.

We speak of equal protection of the laws, but why is not this HEW appropriation limitation granted equally in the South as it is in the North? It has been made clear on the floor of the Senate by the distinguished Senator from Mississippi and other Senators, and it is a matter of common knowledge, that there are literally hundreds of public schools in the country, in the big cities of the North, that are 100 percent segregated. I do not believe that news of the 1954 decision of the Supreme Court in Brown against the Board of Education has reached many of our big cities in the North. If it has, they have not paid any attention to it.

Yet we see the spectacle of the Supreme Court stepping into a case where there was already an order for the submission of a plan by December 1, and they come in and say, "Integrate now," 1 month from the deadline that had already been established.

We do not want to lose the public school system in Alabama and in the South. It would hit the very people that these decisions supposedly are designed to help. Far from being helpful to them, if we lose the public school system in Alabama, it would be a great detriment to them. The low- and middle-income citizens of Alabama and the South are not able to send their children to private schools. We have to rely on the public school system and we want to preserve that public school system.

Mr. President, I have introduced in the Senate an amendment to the HEW appropriation bill. I do not know how much good it would do if the amendment were agreed to because they apply one rule, as I say, in the North and still another rule in the South. However, I have introduced this amendment and I will call it up when the HEW appropriation bill comes before the Senate for consideration.

The amendment reads as follows:

It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

I wish that were the public policy of the United States. What in the world would be wrong with allowing a child anywhere in the country to choose the school he wants to attend? We are willing to follow that system. We are willing to give bona fide support to a system of that sort.

We have had freedom of choice in Ala-

bama, until we came under court decrees; and the courts have called the HEW to come in and suggest school plans and have then just put them into effect.

I believe that under that plan we would have every boy and girl in Alabama attending the school that he or she wishes to attend. This is not a one-sided thing. This does not provide benefits to one race at the detriment of another race.

I was interested in observing in the text of the opinion of the Supreme Court that in this case they did cite two cases, one in 1964 and one in 1968, by the Warren court. The 1954 case cited no legal precedents. As I have said, the Burger court has not distinguished itself in this case, in the opinion of the junior Senator from Alabama; and it looks as if, even though Mr. Chief Justice Warren is no longer on the Court, his presence is still very much felt there.

I notice, too, that the opinion was a per curiam opinion. No one signed it. It was the utterance of the entire Court, an 8-to-0 decision.

If the Supreme Court is divided on a question of this sort 8 to 0, I do not believe there is a whole lot for anyone to be disturbed about if someone of a slightly different political philosophy should be named to the Court. At best it would then be an 8-to-1 opinion, which would not be too bad, I am sure, from the view of those who like this sort of opinion.

Mr. President, I was encouraged by one phrase in the opinion of the Supreme Court to which I have alluded. In the first numbered item of the Court's order it calls on the Court of Appeals of the Fifth Circuit to direct the school boards that they begin immediately to operate as a unitary school system within which no person is to be effectively excluded from any school because of race or color.

Well now, that sounds all right to the junior Senator from Alabama because it smacks of being freedom of choice. If no person is to be effectively excluded from any school because of race or color, that can only mean that he would have the free choice of going to the school to which he wishes to go. In that respect, if that in fact be the meaning of this phrase, I would certainly endorse those few words in the opinion.

Mr. President, the Federal executive charged with responsibility for implementing judicial decrees in the massive sociological experiment in Mississippi and throughout the South has frankly admitted that the proposals he imposed upon certain Mississippi school systems had been hurriedly prepared. The department conceded that to implement these plans would, "surely produce chaos, confusion, and a catastrophic educational setback for the children involved." Does the Constitution of the United States require chaos, confusion, and a catastrophic setback for children in public schools?

The U.S. Supreme Court swept aside all such considerations and washed its hands of responsibility for such chaos. The Supreme Court ordered the Court of Appeals for the U.S. Fifth Judicial Circuit to direct the school boards to accept all or any part of the hopped-up plan provided only that the plan "insure a totally unitary school system" instantaneously and without regard to consequences.

The opinion is indiffrent to the welfare of the children, untroubled by consequences and devoid of conscience. The order is free of education considerations, indiffrent to the will and wishes of the children, their parents, and teachers and completely unconcerned about the convenience or health or safety or welfare of the children involved. But more—it is indifferent to practical down to earth consideration for the future of public school education in the South.

Mr. President, how is this decision to be implemented? We know, of course, that the Department of Health, Education, and Welfare will threaten to withhold public funds, a part of which are used to buy hot breakfasts and provide lunches for children of the poor. We know that the U.S. Court of Appeals for the Fifth Judicial Circuit will issue its decrees and injunctions and threaten public school officials with fine and imprisonment without benefit of trial by jury if they do not surrender their constitutional power to administer local public schools and accept dictation from Federal courts and from the Department of Health, Education, and Welfare. But, Mr. President, it requires both time and money to implement any kind of school order. Are Federal courts prepared to levy taxes by injunction? Are they prepared to compel State legislatures to levy taxes and appropriate funds to implement Federal court decrees?

Mr. President, the Department of Health, Education, and Welfare and the Federal courts have closed over $15 million worth of school buildings in the State of Alabama. We resent that. Money comes hard down in Alabama. These buildings have to be built with taxpayers' funds and for HEW and the Federal courts to come in and tell us that we have to close our—in many cases—brandnew and expensive school buildings in order to help implement these integration programs, we do not like it. We are upset about it.

People are greatly concerned about this issue. We are interested in matters of tax reform in Alabama; in stopping inflation; in the Vietnam war and seeing to it that it is brought to an end on an honorable basis, after we have kept our commitments and as we support the President of the United States in his plans to bring peace in Vietnam.

All of these things concern the people of Alabama but I believe that the one issue which concerns them most is that of maintaining our public school system in Alabama and keeping it from being taken over, lock, stock, and children, by the Federal Government. That is the No. 1 issue in the State of Alabama, keeping local control of our local institutions.

Just the other day, I received information from the Department of Defense that there have been almost 1,000 Alabama boys who have lost their lives in Vietnam. I have paid tribute on the Senate floor to these brave young men.

Yes, Alabamians loyally support the Government of the United States. We obey the court decrees. We want fair and equal treatment. We do not want one law applied in the North and another law applied in the South.

The protection of our public school system and the protection of our local institutions in Alabama, are the primary considerations of the people of Alabama.

We want to see every boy and girl in Alabama receive a quality education. We want to see them get the same educational advantages, the same cultural advantages, and the same economic advantages which are enjoyed by boys and girls in other States.

I stated that this type of policy is designed to appeal to certain people. That is what is at the root of the whole thing—how many people this type of policy will appeal to. It is a matter of politics. That is the reason why we have unequal enforcement of the law in the South. It is a matter of politics.

Just a few weeks ago I received a call from some of by black friends in Alabama who are complaining about the closing of their high school. It was a school with a student body of around 400, a fine school, with a fine auditorium, a fine cafeteria and lunchroom, used by the citizens for social gatherings and community meetings. They had a fine football team, a good band, and they liked their school. They had school pride.

The court came along, on the recommendation of HEW, and closed that school. The patrons did not like it. They asked me to do something about it. About all I can do is protest to HEW and tell the Members of the Senate who might possibly chance by about the closing of this school in Alabama.

These questions are not academic, for we have the precedent of Federal district courts issuing injunctions against constitutional officers of State governments to compel State legislatures to gerrymander representative districts to meet a collectivist political concept of equality.

Is it to be imagined that the people of the South will continue to support with their taxes a public school system divorced from education considerations and one in which the welfare of children is totally subordinated to the absurd dictates of the National Government?

So the Supreme Court decision in the Mississippi case has settled actually little. It merely opens a new era of litigation during which the Federal executive and the Federal judiciary will continue to apply every coercive weapon at their command to compel the assignment of pupils and teachers to achieve racial balance in the public schools.

Mr. President, we hope that the public schools of Alabama and the South may yet be saved from the sociological experiments that are being forced on us.

CHARGES OF TORTURE OF POLITICAL PRISONERS IN GREECE

Mr. PELL. Mr. President, last month, on September 29, I commented here in the Senate on the failure of the Greek Government to honor the invitation it had extended to Look magazine to send a reporter to Greece to determine the

truth of charges of torture of political prisoners in that country.

To refresh the memory of my colleagues, the Greek Government extended the invitation in a press release in response to an excellent article written by Mr. Christopher S. Wren and published in the May 27, 1969, issue of Look magazine.

Look magazine promptly accepted the invitation and proposed to send to Greece a three-man team composed of Mr. Wren, Mr. James Becket, an American attorney who had investigated the torture charges for Amnesty International, and Representative DON EDWARDS of California, a former FBI agent and member of the House Judiciary Committee.

After a delay of a month, the Greek Government informed LOOK magazine that the three-man team was not acceptable to the Greek Government and would not be welcome in Greece.

I recently received from the Consul General of Greece in New York, George D. Vranopoulos, a copy of the formal response of the Greek Government to the Look magazine proposal. To fill in the public record of the exchange between Look magazine and the Greek Government, I ask unanimous consent that the letters from Consul General Vranopoulos to myself and to Mr. William D. Arthur, editor of Look magazine, dated July 12, be printed in the RECORD.

To further complete the record, I have obtained from Look magazine the reply by Mr. Arthur, dated July 29, to the Consul General, and ask that both letters be printed in the RECORD at this point as well as a letter from Mr. Becket printed in the International Herald Tribune on October 24.

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

ROYAL CONSULATE GENERAL OF GREECE,
New York, N.Y., October 8, 1969.

Senator CLAIBORN PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have read with interest your comments concerning Greece in the September 29 Congressional Record.

It is always encouraging to see members of the United States Senate exerting unselfish efforts to keep pace with dvelopments that concern America's allies.

Your September 29 comments dealt with the unfortunate and unfounded allegations of Look magazine that the Greek Government employs torture to suppress or punish political opposition.

These allegations are not true.

To update your files on the exchanges between Look editors and Greek officials, I offer this copy of a letter sent to the magazine on July 12, 1969.

You are free to reproduce this letter if you wish to complete the picture.

Sincerely,
GEORGE D. VRANOPOULOS,
Consul General of Greece.

ROYAL CONSULATE GENERAL OF GREECE,
New York, N.Y., July 12, 1969.

Mr. WILLIAM B. ARTHUR,
Editor, Look Magazine,
New York, N.Y.

DEAR MR. ARTHUR: With reference to your letter of June 16, 1969 addressed to the former Counsellor of the Greek Embassy in Washington, I have been authorized to state the following:

1. The Prime Minister of Greece, during a press conference in Athens with representatives of the Greek and Foreign Press, on June 7, 1969, did, indeed, invite the management of Look to send to our country an authorized staff reporter to evaluate the facts relating to the material published in your magazine, through a purely journalistic investigation.

2. The Prime Minister, however, has observed with disagreeable surprise that his invitation, although explicitly specifying a clearly journalistic investigation, was misinterpreted from beginning to end, in view of your declared intention to have Messrs. James Becket and Don Edwards accompany your representative. These two gentlemen are not only lacking any journalistic qualifiations but they are also participating in activities openly hostile to the prevailing situation in Greece.

The Prime Minister would gladly grant an interview to an unbiased journalist representing Look, but not to the participants of movements inspired by prejudice and anti-Greek *hysteria*, even in the event that such individuals were to present themselves in a journalistic capacity.

3. Beyond this overall misinterpretation of the meaning of the Prime Minister's invitation, it must be pointed out that not even the journalist in the proposed group is an appropriate designee. Mr. Christopher Wren is a person absolutely unacceptable to the Greek Government.

4. The Greek Government is amenable to the suggestion that your staff reporter be accompanied by an accredited press photographer.

5. The Prime Minister has also invited Mr. Korovessis, the only accusser identified by name in your article. The Prime Minister has publicly assured Korovessis immunity from any jeopardy bodily or otherwise. From the Prime Minister's statement it is clearly evident that the journalistic investigation would deal exclusively with the brutality charges asserted by Mr. Korovessis to Mr. Wren. Therefore, the proposed investigation is acceptable only if directed to the aforementioned brutality charges and not to the alleged 200 instances of torture, which Mr. Wren in a vague but colorful manner claims to have knowledge of.

6. In the event Mr. Wren's allegations as to the Korovessis' matter were proven to be true, the Government would immediately take measures to severely punish to the full extent of the Law, those responsible for such acts. This was the essence of the remark of the Prime Minister "the execution (of the culprit) in the Constitution Square", which is a Greek metaphor often used by Greeks firmly convinced of the bona fides of their belief, and not the literal and narrow interpretation placed upon his words. The use of such a significant figure of speech by the Prime Minister to emphasize the depth of his convictions should have aroused definite suspicions as to the extent to which the truth was distorted in Mr. Wren's article.

7. In closing, we reiterate that in spite of the offensiveness to the Prime Minister of the misinterpretation of his remarks, the invitation extended by him in the aforementioned press conference still stands; namely that a duly accredited member of your reportorial staff together with a press photographer are welcome to visit Greece for the stated purpose. It must be understood that this invitation does not extend to any person who is not a journalist by profession or who, despite a journalistic background, through association in anti-Greek movements or lack of objectivity, is prone to prejudge prejudicially and hence is completely unacceptable.

The foregoing is based on the conviction that your renown publication has experienced conscientious and dedicated staff members capable of carrying out your intention to search for the truth through reputable channels of proven journalistic reliance and free of prejudicial influences or motivations.

Sincerely,
GEORGE D. VRANOPOULOS,
Consul General of Greece.

JULY 29, 1969.

GEORGE D. VRANOPOULOS,
Consul General of Greece,
New York, N.Y.

DEAR MR. VRANOPOULOS: Please convey to the Prime Minister of Greece my disappointment at his unwillingness to let Look properly accept his initial invitation to "investigate the truth" about political torture in Greece, as reported in the May 27 issue of Look.

Because the Prime Minister had expressed his interest in learning the facts, I had suggested that Look's representatives be three individuals who could best present the evidence to the Prime Minister: Senior Editor Christopher S. Wren, who wrote the article; James Becket, who has written regularly for respected American publications; and Congressman Don Edwards of California, who offers valuable experience as a former agent of the Federal Bureau of Investigation and a current member of the Judiciary Committee of the U.S. House of Representatives.

The Prime Minister's objection to Messrs. Wren, Becket and Edwards seems to be that they know too much. Otherwise he would be anxious to avail himself of the documentation they are ready to present.

Sincerely,

———, ———.

[From the International Herald Tribune, Oct. 24, 1969]

TORTURE IN GREECE

On June 7, 1969, Premier Papadopoulos of Greece, incensed at an article in Look magazine entitled "Greece: Government by Torture," challenged the author of the article and "the person who supplied the information" to come to Greece at government expense to make an "objective investigation." As someone who had provided the author, Christopher Wren, with information, I wrote the premier, expressing my willingness to accept at my own expense the invitation. I also expressed this in a letter to the International Herald Tribune.

Look magazine took up the premier's challenge and said they would send at Look's expense Mr. Wren, Congressman Don Edwards and me. Mr. Papadopoulos never answered Look directly nor did he answer my letter. However, a month later, the Greek consul in New York informed the magazine that we three were "absolutely unacceptable."

The premier, however, retains a strong interest in the torture issue, considering it, in fact, more important than his very life. On Aug. 22, in answer to a question on this subject by Congressman Yatron of Pennsylvania, he stated that "on my word of military honor," these stories "are infuriatingly and basely false," and "if evidence of even one such case is supplied, then the only duty left to me as a man under military oath is to commit suicide."

Because of the premier's obvious concern, I propose now to send him the names of 400 persons known to have been tortured, a representative sample of signed affidavits of Greek citizens describing their tortures, the names and rank of 119 officials known to have been tortured, and the names of 21 places where torture is carried out, including the Dionysos camp run by the premier's brother. In spite of courtroom declarations by tortured defendants and overwhelming evidence, the government has made no investigation, but, rather, has promoted the

known torturers. For the sake of Greece, the premier should demonstrate his sincerity on this important issue.

JAMES BECKET.

PARIS.

Mr. PELL. Mr. President, I commented on September 29, in the light of the Greek Government's failure to honor the invitation it had extended, that the invitation was "false, and not meant to be accepted."

There is nothing in the exchange of correspondence I have presented here today that would cause me to change that viewpoint. It was, in fact, entirely too much to expect that the repressive Greek regime would actually permit a thorough inquiry by a competent and knowledgeable team of investigators.

Even without such a visit by investigators, however, there is ample evidence of the repressive nature of the current Greek Government.

In the October issue of Harper's magazine there is an excellent article by Mr. John Corry entitled "Greece: The Death of Liberty." In the article Mr. Corry, a respected author, journalist, and former Nieman Fellow, provides a graphic description of conditions in Greece and tells of the patience and extraordinary courage shown by the Greek people in living under the present regime. I ask unanimous consent that the article by Mr. Corry be printed at this point in the RECORD.

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

GREECE: THE DEATH OF LIBERTY

(By John Corry)

The thing about the Greeks is that they have survived, and that while lesser peoples have waxed, waned, and disappeared, they have hung on, enduring their own rogues and geniuses, being pawed over by one Great Power or another, getting the history of the Medes and the Persians written in their hills, suffering their endless catastrophes, becoming as much Eastern as Western, and staying all the while peculiarly Greek, which means they are not like everyone else, but warmer, kinder, crueler, prouder, and more full of both courage and guile, with the more important of these being guile. When Odysseus got back to Ithaca, Homer says, gray-eyed Athena said to him with nothing but admiration, "Crafty must he be, and knavish, who would outdo thee in all manner of guile," and three thousand years later, when some students at the University of Salonika were asked what they thought was the greatest virtue of them all, they answered nearly to a man, "To be clever."

Greece, you must understand, is not so much a country of clear light, old ruins, and blue and green seas as it is a condition. It is where the citizens are sorry at politics and successful at business, where they love their country and despise their Governments, and where a queue is always a shambles, the rule being that the smaller the citizen the more quickly he will fall out of line. It is where there are many supplicants, but few beggars, where there is kindness to foreigners and suspicion of countrymen, and where everyone is absolutely certain that he is not only as good as his fellow man but positively better. "The first thing you must know about us," said a sophisticated Greek lady, "is that each one of us is sure he can run the country better than anyone else." Greece is also something with which many Anglo-Saxons and Teutons have love affairs, Lord Byron being only the most publicized, and where any two citizens, like Talmudic scholars, can argue three sides of a question. When Thucydides, the celebrated Greek historian, began his history of the Peloponnesian War he wrote: "The task was a laborious one because eyewitnesses of the same occurrence gave different accounts of them as they remembered, or were interested in the actions of one side or another." Nothing has changed much since then, and the sons of the eyewitnesses are still more interested in your knowing what they think happened, or ought to have happened, rather than what actually did happen. It is all very complex, even to the Greeks, and no one is ever quite sure what is really going on, and the only probable thing is that the Greeks will survive, and that their newest disaster, which is the Army officers who run the country, will not.

The Army officers, colonels mostly, took over the country on April 21, 1967, saying as they did so that they were the instruments of a National Resurrection and a National Purification, wherein Greece would be purged of corruption, mismanagement, and the Communist menace. In fact, there was corruption and mismanagement, which there still is, and in the twenty-three years before the officers came to power, forty-one Governments had risen and fallen. Moreover, although the officers have never produced much evidence to show there was a real Red peril, as opposed to the kind that gives Everett Dirksen the vapors, they probably believed that one existed. In 1963, when Prime Minister George Papadopoulos was a colonel on the northern border, he put sugar in the fuel supply of his tanks, which made them stop running, and then said the Communists did it. Then he told the Government of this instance of Red duplicity, but nothing came of it when someone found out what had really happened, and the Government put it all down to the Colonel's zeal. In his favor, however, it should be remembered that in Greece Communism truly had been all fire and sword. In late 1944, after the Germans had been driven out, Communist partisans fought both loyalist Greeks and the British Army for control of the country. According to a declaration filed at the old United Nations Organization by what was then the Greek Government, 46,985 civilians were killed by the Communists in the short war, and God alone knows how many the Government side killed. Then, in June 1946, fighting resumed on a more massive scale. There were atrocities on both sides, and when it stopped in 1950 the Government said that its armed forces had suffered 49,720 casualties, which included those captured, and that the figure for the Communists was 79,773. It was a terrible time, more terrible than the German Occupation, and it uprooted more than one million Greeks, with all the misery that this meant, while the damage to property and to national life was simply incalculable.

Nonetheless, I know of no one in Greece who thought this was about to happen again, and however corrosive the life in Parliament may have been, however antiquated the national institutions, however upsetting the labor disputes, the street protests and demonstrations, Greece was getting by. Moreover, it was being run by Greeks. There had been the long years of the Turkish Occupation, which ended with the War for Independence in the early part of the last century, and then after 1830 the British, French, and Russian Ambassadors had things pretty much their way. Otto I, a Bavarian, was King, and he ruled with all the grace of a Turkish Sultan, surrounding himself with other Bavarians, and finally being deposed in 1862. He was succeeded by George I, who was a Dane, largely because when it looked as if the British might get one of their own on the throne, the French and Russians had objected. Eventually, however, the British did become the dominant force, what the Greeks call the "foreign factor," but their suzerainty ended in 1947, when, with a polite diplomatic note, they yielded up their burden and asked the Americans to shoulder it.

This was during the Civil War, and so first there was the American military mission, and then the economic aid, great quantities of it that helped to rebuild the country and were possibly the best and the brightest uses of American munificence in the postwar period, and then the technical experts, the advisers, the endless officials, the diplomats, and all the beginnings of a new suzerainty. "I remember," an American diplomat says, "when Paul Porter was the AID chief, and the director of the Greek budget would come in and see him and say, 'We want to spend so much money on this, and so much on that,' and Porter would say yes or no, so that he was really the guy who was running the country." (Porter later became Abe Fortas's law partner; I do not know if this proves anything.) That suzerainty ended in 1961, when Congress, wearying of adding new nations to the Foreign Aid rolls without seeing any come off, removed Greece, Taiwan, and Israel. In fact, Greece by then had a sound debt structure, her economy was growing, and she didn't need the money. (Neither did Taiwan or Israel, but they both complained. Later, the economic aid to Taiwan that was suspended was shifted over to military aid; Israel just hit American Jews up again.) Those years of the Truman Doctrine, of the Marshall Plan, were years of great American prestige in Greece; we were well loved. Here, for example, is a Greek politician speaking. He is gray-haired and distinguished, books in three languages are on his library shelves, and he was an elected Deputy and a Minister in more Greek governments than he can easily remember. "In the early nineteen-fifties, the American Ambassador, Peurifoy, once called me and invited me to lunch. This was just before an election. Peurifoy was an old friend, and the luncheon was just a social occasion. But then along came a free-lance photographer, who took our picture, and the next day it was in all the Athens papers. My people saw it, and I'm sure I got ten thousand votes because of it in the election. If this were to happen again, if people were to see my picture now with an American official, I would lose the election." There are no elections now, of course, and the politician, who probably had the photographer planted, could be overstating things. Still, there is a new anti-Americanism in Greece, and it worries the American Embassy, and it is probably strongest among the young, where it ought not to exist at all.

Why, definitely the Americans support the Colonels," the girl was saying. "It is the Pentagon and the CIA, not the people. If the people knew what was happening here they would be with us. All the students believe there has been interference from the Americans." The girl was a leftist who smiled a lot, even when she was telling horror stories. She attended the University of Athens, and periodically she had to report to the fourth floor of the police station on Bouboulinas Street to be interrogated. Her boyfriend had been sentenced to ten and a half years on an unspecified charge, and her friends all thought she would end up in jail herself. (The extra half-year on his sentence is worth remembering because in Greece when you are put away for more than five years, or for more than ten years, the conditions of servitude can be made a little harder. Many of the political prisoners I knew of were in for five and a half years, or ten and a half years, with that extra half-year being just a special piece of nastiness.) "There are many informers at the university," the girl said. "I see them sometimes at Bouboulinas Street when I report there. That way I can tell who they are. Everyone on the board of the Student Union is an informer. Before the Colonels took over, the board was elected. The head of the Student Union was always elected, too, but just after

the Revolution the Government appointed a right-wing student to be the head. He didn't like the Colonels, either, and so he resigned. Now they are more careful when they appoint someone." Are there underground organizations among the students? I asked. "Oh, yes," she said. "The biggest one is left-wing, and there is one for the Center-Union. They agitate." What else do they do? I asked. "They pass out leaflets," she said. Is there anything else? I asked. "Well," she said, "they write slogans on the blackboards."

This is the way it is among the students and intellectuals; if the counterrevolution comes it will come from elsewhere. At the University of Salonika, which is even larger than the University of Athens, perhaps one-third of the professors have been dismissed, but the bothersome part in thinking about this is that a great many Greek professors ought to have been dismissed years ago, having long put up with an educational system whose newest ideas sprang from the Kaiser's Germany, which meant overcrowded classes, an absence of science facilities, and some of the most overbearing pedagogues in the world. "Have you ever heard of Montesquieu?" a professor of history at Salonika asked me. Yes, I said. "Are you sure?" he said. Yes, I said. "And are you familiar with the American Constitution and the system of checks and balances?" he asked. I told him I was. "Well, then," he said, "perhaps I'll be able to talk to you about how a democracy works." The professor, who was a frosty man, with vague eyes, was absolutely opposed to the Colonels, but he had not been dismissed, although many of his colleagues had. Dismissals are announced in the *Government Gazette,* and the reasons offered are something like "illegal relations," which can mean meeting someone on a street corner, or "being against the actual situation of the country," which can mean anything at all.

Moreover, the University of Salonika is full of police informers, perhaps more so than in Athens, and some do it out of zeal, and some probably for fun, and some for either special favors or money, with the acceptable pay supposed to be about 500 drachmas, or $16.60, a month. One professor in Salonika said that a police official had complained to him that he was grading some of his students too low. Which ones? the professor asked. These, the policeman said, and offered him a list of what the professor took to be the policeman's informers. It is also interesting that when the professor objected to the policeman's superior, there were immediate apologies. Dictatorship in Greece has a tentative quality; no one is ever quite sure of how far he can move against the regime, or of why he is not in jail when those without blame are, and so there is a lot of testing, of trying to find the point where the Colonels do act. The Colonels and their apparatchiki, however, are inconsistent. When eighteen writers signed a declaration saying that freedom had died, two or three were called to police headquarters and politely asked why they had done such a thing. When Anna Synodinou, probably the best-known actress in Greece, renounced her career because the stage was no longer free, a general called her in, and said that as a man he admired her, but as a member of the Government hardly at all. Therefore, he said, would she please stop making inflammatory statements. However, at the funeral of George Papandreou, the former Prime Minister, forty-one persons were arrested and sentenced to one to four and a half years for shouting what the police said were provocative slogans.

So, that is also the way it is in Greece, an Attic police state, where you cannot easily tell repression from simple inefficiency, and where you also cannot easily tell when a citizen is surrendering to the alarums, or when he is, in fact, awaiting the policeman's midnight knock. Nothing is really the way it seems, and myth and reality, as they always have been in Greece, are intertwined.

"The only bullets we are receiving are the flowers that are thrown at us," said Deputy Prime Minister Stylianos Patakos, making a pun in Greek with the word for receive. "Before you came here," he said, "you thought there were machine guns and tanks on the streets." Then he smiled benignly, and said, more or less, that everyone loved the Government. Still, when Prime Minister Papadopoulos is driven to his office each morning from his modest home five minutes away, it is the way it would have been if Lyndon had decided to visit the Democratic convention in Chicago, with Daley handling the security on Michigan Avenue; each intersection is well blocked off, all traffic is stopped, and, I estimate, three hundred to four hundred cops stand at attention.

Similarly, I once arranged a meeting in someone's apartment with a pleasant, gray-haired lady who looked like your old Aunt Florrie. "I got off at the floor above, and then walked down one flight," she said. "I learned that from a British diplomat. That way the concierge can't tell where you're going." I do not know for certain if the lady's caution was necessary, but there is a great deal of this in Athens, with code names to be used on the telephone, orders never to call from a hotel, but always from a kiosk, because your phone may be tapped, instructions to take a taxi to a street two blocks from where you're going, and then to wait to see if you are being followed, and only then to walk to your appointment. Middle-aged people behave the way they must have during the German Occupation, and they tutor the young. None of this is to say that everyone acts this way; rather, it is for those who are committed, which is a small number of people, but they are the ones who yearn most for a democracy.

From time to time the Prime Minister, of course, says that Greece is a democracy, or at least about to become one, but on form, as the horse players say, it is hard to prove. The press is controlled, there are no elections, there are no strikes, there are no political parties, there is no independent judiciary. There is not much of anything except what the Government says there is to be, and one of these is a Constitution. The Constitution is worth looking at because, the Government says, it was approved in a referendum by something like 92 per cent of the people. I do not think 92 per cent of the Greeks would agree on what day it is, and I met an officer who said that he personally saw a box of ballots dumped out because everyone was tired of counting. Nonetheless, we will say that a majority of the Greeks voted for the Constitution, and that the count, if not exact, was at least indicative. To begin with, the yes ballots were blue, which is the national color of Greece, and the no ballots were black. At first, the no ballots were to be red, suggesting that only a Communist would vote against the Constitution, but internal pressures, or perhaps a public-relations man, prevailed, and black was chosen. One woman said that when she voted she was given only the yes ballot, and that she was too timid to ask for one marked no, and a man told me that in his polling place the no ballots were stuck behind the ballot box, and that to get one he would have had to reach over the box and under the nose of an Army captain. To hell with it, he decided, and voted yes. Furthermore, a large number of people abstained from voting that day, even though abstention can be followed by civil penalties, the loss of a passport, for instance. In the Constitution itself, Article 138, which is the last article, says that the Constitution will be in force immediately, except for those articles that take effect only when the Government says they do. These articles deal with arrest, the courts, search and seizure, free speech and censorship, the right of assembly, the right of association, the vote, the right to form political parties, Parliament, and the secret ballot. So far as I know, none of these is in effect, although the Government repeatedly has pledged itself to a return to constitutional liberties.

Whether or not this will happen is questionable. There are many theories in Greece; one being that the Prime Minister is a secret moderate who is hard pressed by the younger, right-wing officers to stand even firmer than he does; another being that the Prime Minister is a natural despot posing as a secret moderate who is hard pressed by the younger, right-wing officers, and a third being that the Government is in such a chaos that no one is able to consistently press anyone else at all. Even before the newspapers were censored. Greece was always full of rumors, and now there are more of them. Some are sheer invention from no place in particular, some are planted by this side or that, and some are actually true. Everyone can find support for his own idea of what is happening, or about to happen, and any two people can interpret the same rumor, or the same evidence, differently.

For example, last June 21, in a letter that seems to have found its way into every intelligence agency in town, Lt. Col. Dimitrios Ionnides of the military police wrote to the Prime Minister to express the dissatisfaction of some officers of the Revolution. A large part of the letter dealt with King Constantine, who led an unsuccessful counter-coup in December 1967, and has since been living in Rome. (Despite this, the Government hangs his picture in all its offices, gives him a pension, and keeps in touch with him through its Embassy.) Colonel Ionnides said that the offcers were unhappy with the consideration being shown to the King, and he asked that the contact through the Embassy in Rome be ended, and that those few officers involved in the counter-coup who had not been arrested be arrested. The Colonel also complained of a few internal matters, and then he said. "The hope on the part of former politicians for a return to parliamentary government has made the implementation of the work of the Revolution difficult. A responsible declaration, *in addition to the promises given to the officers,* should end these hopes." Now, this apparently meant that the Prime Minister already had told the officers that there would be no return to parliamentary government, and that Colonel Ionnides and his brother officers wanted him to tell the rest of the nation. Therefore, the Prime Minister was either (a) being pushed by the other officers into following a harder line, or (b) far in advance of his officers in taking a harder line, and just laggard in telling the nation so, or (c) neither or both of these. None of this would be very important, except that it indicates that a return to the conventional freedoms is still far in the future for 8.7 million people, and that once again we are trapped into having truck with another military dictatorship.

American businessmen are more comfortable with this Government," a lawyer said. "They don't understand that the long-term prospects are against them. After this Government is deposed the American firms that are involved in this regime will be ousted." The lawyer, plainly nervous because his doorman, a former policeman, had seen me enter his office, made much of his living by representing American businesses in Greece, and he had for them a kind of affectionate contempt. "It is the managemnet level," he said, "they don't know, or don't care, what is happening here. They welcome the stability, and if they have not supported the coup, at least they have tolerated it. In the end it will be as it is in South America; they will be driven out. My friends who are in jail, I don't know how much hatred they'll have for Americans when they get out, but these are the people

who will someday lead Greece." As we all know, the business of business is business, and a dollar is amoral. Besides, capital investment stimulates the economy, provides jobs, and generally enhances the well-being of everyone concerned. "Trade, not aid," calls up self-reliance, viable partnerships, and the best of intentions, and when an American concern invests money in Greece a great thing is made about it in the newspapers, and the Deputy Prime Minister is sure to lay the cornerstone. The conventional wisdom is that invested money ultimately will help the poor, and for once the conventional wisdom may be right. The other thing is that even the most benighted Greek liberal knows that capitalism gets along better with the right than the left wing, and he is right, too. "There is no such a thing as American investment, there is only investment. It has no nationality," said Nicitas Sioris, the Under Secretary for Education, who was once the Under Secretary for Finance. He was not right; there is American investment, and it is an outward and visible sign, to the Greeks, at least, that Americans support the Government.

Before the Revolution there were no American banks in Athens. There was American Express, but it was mostly in the business of handling remittances from home. Then, just after the Colonels took over, Chase Manhattan, First National City, and Bank of America opened offices. Litton Industries, that great conglomerate, had been invited into the country when George Papandreou was Prime Minister, but it had dropped out when national politics became too complicated. Immediately on their ascension, however, the Colonels invited Litton back in again, and Litton agreed to undertake the economic development of Crete and the western Peloponnesus, and, it says in the contract, to "refrain from any active participation in political activities in Greece," and to "act as the faithful servant of the Government." In return, the Government was to periodically deposit a million or so in U.S. dollars in a Litton account in Switzerland. In Greece, Litton neither sows nor reaps, but gets others to come in and do so; it promotes, finding investment opportunities, and then finding investors. "Much has been said about this contract and the two contracting parties," Deputy Prime Minister Patakos said not long ago about the arrangements with Litton. "I wish to say there is nothing at all to this, and the work is progressing." It is a Government convention that, when someone says something it does not want to hear, the Government does not repeat it but instead puts out solemn assurances that whatever was said was said by what it usually calls a "slanderer of Greece," and was all wrong anyway. In Litton's case, the slanderers were saying that the Colonels had been had, and that Litton was falling far short of its commitment on bringing in capital. In the beginning, there was rosy talk about Litton pulling as much as $950 million into Greece, although the contract itself called for Litton to bring in somewhat less. By the second anniversary of the signing, however, there was only $1,650,000 in foreign capital brought in by Litton actually at work in Greece. There was a great deal more in the pipeline, of course, but it was not enough. When Patakos said, "Much has been said about this contract," it was Government talk, indicating that the Colonels themselves were a little unhappy, and sure enough, a little later it was announced that the Litton contract would be revised. Still, whatever Litton tells potential investors abroad about the glories of Greece (periodically someone calls it a mouthpiece for the Colonels) it is sensibly quiet in Greece itself.

It is not so with Thomas Pappas of Boston, a Greek-American, who contributes mightily to the Republican party, who said after the convention that he had "put in a good word for Spiro" and once suggested in Athens that he was an old CIA man.

"After the Almighty God created men and beasts, He created the Greek-Americans, and He didn't know what to do with them." The speaker here, another former Minister, was saying that the Greek-Americans were neither Greek nor Americans, but something else. There are 2.5 million of them, and the former Minister, who was a traveling man, said that in America they acted like Greeks, and in Greece they acted like Americans. He spoke about them the way poor Greeks speak about "the rich Greeks," rich Greeks being both incomprehensible and suspect to poor Greeks, and he wished they would all go away. They will not, but it was really the more visible Greek-Americans that the former Minister was talking about. Mr. Pappas is the most visible of all, and his people in Athens, if not Mr. Pappas himself, say that he is close to the President of the United States, knows full well who the next Ambassador will be, and, in fact, very probably will name him himself. Mr. Pappas, the former Minister said, is a charming man who cooks spaghetti, tells funny stories, and is good to his friends. Still, he said, he wished he would go away. Pappas, whose family is from the same village as Spiro T. Agnew's, came to Boston as a very small boy, prospered greatly by importing olive oil, and then got into real estate and Republican politics. He has brought a great deal of money in Greece, and is now the proprietor of chemical plants, a steel mill, and a refinery in Salonika, tomato-paste and tomato-juice plants in the Peloponnese, cattle herds in Macedonia, and God knows what else. He has the concessions for some canning factories, and most recently he has started to build some Coca-Cola bottling plants, for which he also has a concession. Coca-Cola had tried for years to get into Greece, but other Governments, fearful of the competition for the Greek fruit and soft-drink industries, declined to admit it. The Colonels, recognizing a good thing in having another American name around, welcomed it.

Pappas put his first big money into Greece in 1962 when a right-wing Government was in control, then suffered mildly in 1964 when a left-wing Government tried to revise the contracts, and by 1966 was trying to see that this never happened again. That was a year in which the King dismissed the Government, and in its place there came a right-wing one, and a Prime Minister who was close to Pappas. The new Government, however controlled only a minority of deputies in the Parliament, and to survive it needed the support of members of the liberal Center-Union party. Pappas, according to the best of the political gossip in Athens, approached several liberal deputies, promised them some considerations, and asked them to switch over. Some of them apparently did, although the next year was the year of the coup, and so it hardly mattered. (When the Colonels took over, Tom's brother, John Pappas, a sometime judge, was in Greece. When he got back to Boston he said the coup was good for the country, and while this was not much noticed in America, it was headline news in Greece.) After the coup, Tom Pappas and the Prime Minister frequently were pictured together in the papers. Tom, in fact, was the best man when the Deputy Prime Minister's daughter was married, and when he casually suggested about a year later that he had worked for the CIA, well, there was the whole big ball of wax, the CIA, big business, and, of course, the Junta.

Knowledgeable Greeks knew something about the U.S. Embassy, roughly rating the more important people there as either good guys or bad guys, and they know who some of the CIA men are in the U.S. military mission, and even a little bit about them. It is something else, though, to know what the CIA men have been up to, one reason being that the Colonels themselves put out stories about how the CIA supports them, and another being that it is generally hard to know what anybody is up to in Greece. The military mission itself is more transparent. It is there because Greece is the southern anchor of NATO, and so on, and it gets along well with the Greek Government because, what the hell, we're all Army officers, and we're all just doing a job, and so on. The Colonels love to have the American officers trot out for ceremonial occasions, and this is always recorded by the photographers, and then it gets all over the papers, too. The Embassy people do not like this kind of thing, and they think that every time they start to get it across to the Greek Government that things would be better off all around if the Government gave at least the *appearance* of being a democracy, that then the military mission comes in, tells the Colonels they're doing just fine, and not to worry about the Embassy because diplomats just aren't realists. Moreover, when the diplomats tell the American officers there is every possibility that the Junta will create so much anti-American feeling that the Greeks may well pull out of NATO sometime, that doesn't seem to get across, either.

The CIA is another matter. There are a great many Greeks who believe that American intelligence truly has supported the Colonels. One persistent story is that fifteen generals who were arrested last spring were denounced to the Greek Government by a Greek-American officer to whom they had confided their plans for a counter-coup. Another is that American intelligence recently turned over to Greek intelligence 1,200 telephone tapping devices for what was officially called "NATO purposes." The first story may be circulated by the Greek Government; the second, I think, has the ring of truth.

For years there has been a close relationship between the Greek and American intelligence agencies. (Indeed, even though the initials do not translate that way, Greek intelligence is always referred to as the CIA.) The Greek CIA, however, functions as both an FBI and a CIA, responsible for both internal and external security, and it always has been run by Army men. When George Papandreou was Prime Minister he became annoyed by the agency's close relationship with the Americans and tried, without much success, to change it. George Papadopoulos, the leader of the Junta, served in and out of the Greek CIA for years, and there is some evidence that, as early as 1952, he was in touch with, and shortly later getting funds from, the American CIA. During the German Occupation, Greek Army officers had formed a secret organization to protect what they called "the Army's ideals," and in 1952 Papadopoulos became its general secretary, and started to form his own inner circle within the secret organization. Showing a remarkable talent for conspiracy, he appears to have done this by about 1954, which is also about the time a few other officers began to call him the "Nasser of Greece," and as early as 1958 he told at least one other officer that he was ready to oust the King. He was, of course, a junior officer, small beer, and I do not know if anyone took him seriously. Moreover, to rise within the Greek Army it is almost mandatory for an officer to train in the United States, usually at Fort Benning, Georgia. On the day of the coup an Embassy official called the military mission and asked who Papadopoulos was. The American officers said they didn't know, and that there was no record of his having trained at Fort Benning, or anywhere else in the United States. Nevertheless, there is another persistent story, this one saying that in the early 1960s, which would be just before he dumped that sugar in the fuel supply of his tank, Papadopoulos trained in the United

States in the techniques of psychological warfare and anti-Communist espionage. I do not know if this is true, but some Greeks believe it, and they are the people who will one day inherit their country. As a nation we have a talent for backing safe, right-wing leaders, and Greece, remember, was once torn apart by a bloody war over Communism. I think that Papadopoulos, as a devoted anti-Communist, was involved with American intelligence agents, maybe even with some high-class liberal types, the kind who always talk about adjusting ourselves to the realities of power, and I find it inexpressibly sad.

From time to time, there have been charges in the American and European press, particularly in Britain and in Scandinavia that political prisoners have been tortured in Greece. Most recently, *Look* Magazine said so, and the Greek Government cried slander, while Prime Minister Papadopoulos thought seriously enough of the accusation to call a press conference and denounce it. "People should know that only through the respect for truth can we survive in peace and freedom," he said, and then declared that *Look*'s principal informant, a political exile, was "a mentally deranged person, who has been an inmate in an asylum for disturbed persons." Therefore, he said, it was all a lie. Greek-American newspapers were even more outraged. They said it was reprehensible to accuse the Greek Government of allowing this kind of thing to go on, and they said that stories of torture were nothing more than leftist fiction. In Greece, however, I got the statements of dozens of political prisoners who said they had been tortured. What is extraordinary is that the prisoners were willing to have their names published. I do not understand the courage, or perhaps the despair, of a man who will publicly denounce his jailers while he is still within their reach. It was explained to me that the prisoners simply didn't care, and that they thought nothing worse could happen to them than already had happened. I don't know; I think it may just be that they are Greeks. I have heard that when a German officer ordered a Greek officer to haul down the flag from the Acropolis at the beginning of the Occupation, the Greek officer got the flag, wrapped himself in it, and then leaped from the parapet to the rocks below. I do not know if it really happened this way, but it sounds like something a Greek could do. Just so, I think that a prisoner who allows his name to be used is also doing something a Greek could do.

Of the dozens of statements about torture, here are only a few, and they are published exactly as they were translated into English. The only other thing is that Prime Minister Papadopoulos has said that, if torture can be proved, "I will not hesitate to order the execution of those responsible right here in Constitution Square, and I shall assume full responsibility for it." I hope he keeps his word.

Pavlos Klavdianos, 23 years old, student at the school of economics and commercial sciences: I was arrested on February 29, 1968, by the policeman Karathanassi. I was taken to the General Security offices. All the time I was being beaten and punched. In the office of the police officer John Kalyvas, I was beaten for about two hours by Kalyvas, Karapanayioutis, and Karathanassi. They used wood planks, metal wires, and rubber clubs. They tied very tightly my genitals with a rope and pulled them. After this I was taken to the terrace, where there is a little room. They tied me on a bench and tortured me by beating the soles of my feet. . . . I was taken to the camp of 505 Marine Battalion in the area of Dionysos. I was tortured immediately with beating on my soles. I was burned with a lit cigarette on the wrist of the right hand. . . . After this I was put in the punishment confinement room. There I was kept for thirty-eight days. I was continuously tortured with beating on the soles of my feet by Major Constantine Boufa, Major Basilios Ioannides and other officers. . . . Captain Spyropoulos fitted on my brow and my neck some electric wires and connected them with a live plug. This was done twice. Then they stripped me naked and made me run under the rain in the yard. . . . For many days they did not allow me to sleep. . . . On orders from the commanding officer, John Manoutsakaki, two soldiers and a sergeant of the military police tried to rape me. Because I resisted they stopped giving me food and water. . . .

Athanasios Kaneilopoulos, 31, telephone company employee: I was arrested for my syndicalistic activities, for conducting propaganda againt the Junta, and because I had worked professionally with the former private secretary of Andreas Papandreou. I was arrested on January 1, 1969. I was led straight to a colonel . . . who beat me for two solid hours. I was then handed over to the Piraeus Security Police, where I was beaten incessantly for ten days, bound hand and foot, half-naked, on the soles of my feet. . . . The most severe blows I received on my testicles by kicking. As a result I suffered from damaged testicles, fits of dizziness, and I am unable to walk properly. The names of my torturers are Kouvas, who led the torturing, Yannoutsos, Kotsalos, Angelopoulos. . . .

Sotiris Anastassiadis, 29, stage designer: I was arrested by a group of police officers, with Lambrou, Babalis, and Malios at the head. I was kept in solitary confinement for 130 days at the Security Headquarters. I was tortured repeatedly by sole-beating and beating on my face and genitals. The torturers were Babalis, Kravaritis, Kontogeorgakis, Spanos. . . .

Stamatakis Nikiforos, 24, self-employed: I was arrested on April 13, 1968, by the Security of Heraklion, Crete. The same day I was tortured from 8:00 a.m. until midnight by a group of men from the Security under the Director of the Gendarmerie on Crete. . . . I was beaten on the soles of the feet. My hands were wrung and I was kicked on the back while hung from the feet. . . . On April 15 I was sent to the Security Headquarters in Athens—Bouboulinas—where I remained in complete isolation until May 30. . . .

Yannis Petropoulos, 34, decorator: I was arrested on April 4, 1968. I was taken to General Security Headquarters in Athens and was beaten up. The next day I was taken to the Dionysos Camp. There they shaved my head and made me eat up my hair. For many hours in a large room ten men were beating me all over the body and especially on the head and on the stomach. . . . Because of the beating on the soles of my feet I could not walk for ten days. They took off four of my toenails. They burned with cigarettes my fingernails. They staged a mock execution. They tortured me by the method of letting water drip on my brow. . . .

Michael Apanomeritakis, 28, civil servant at the office of the Ministry to the Prime Minister's office, member of the Center-Union Youth in Crete, member of a resistance group: Arrested on August 5, 1968, I was kept in total solitary confinement for forty days at the suburban Security Headquarters. I was taken for questioning and there I was inhumanly tortured for fourteen hours by seven men of the Security Police. They beat me violently on the head, the face, the loins, the belly, and the genitals. I also received several blows on the chest with a chair. The result was a severe hemorrhage from the mouth, the ears, impossibility to walk for twenty days, partial loss of hearing in my left ear, and swelling of the genitals. My torturers were Karambatsos, lieutenant colonel of the Gendarmerie; Mavroidis, lieutenant colonel of the Gendarmerie; Favatas, lieutenant colonel of the Gendarmerie, and four other policemen. . . .

Panayiotis Tzavellas, 44, musician: I am an invalid. One leg has been cut off at the thigh and the other is also injured. I suffer from endarteritis. I was arrested on August 8, 1968, and was tortured at a Security Station of the suburbs by punching on the head, kicking, and flogging. They broke one of my crutches by which they were beating me on the head and all over the body. I was unconscious for five days. For forty-four days I was kept in complete isolation and slept on the cement floor without any bedding and in only my shirt. I am still detained awaiting trial. It is already six months.

Nikolaos Kiaos, 26, student of the faculty of physics and sciences: I was arrested on April 21, 1968, by seven police officers of the Students' Department of the General Asfalia [police station] of Athens. . . . I was taken to the office of Kalyvas, where, in his presence, Karapanayiotis beat me up. For a long while he was beating my head on the wall. After this he took me to the terrace, to a covered room, and tied me on a bench. They beat me on the soles of my feet with iron and wooden rods. They beat me on my genitals. In my mouth they placed a thick truncheon in order to drown my screams. . . . The same night they took me to the 505 Battalion of the Infantry Marines at Dionysos. A lieutenant and a policeman called Chrisakis beat the soles of my feet. . . . On the 29th of April in the afternoon Major Goufas beat the soles of my feet in the presence of commanding officer Manousakaki. They beat me all over the body with a wire truncheon. They tortured me with water drops falling on my brow. They were specially beating me on the ears. I passed blood in the urine and pus is still dripping from my ears. . . .

As I said, there are dozens of other statements, all sounding much the same, and they should be read by all the junketing American Congressmen, hippies, tourists, and businessmen in Greece. I think that all the men who were quoted are now in Averof Prison in Athens, which is neither the best nor the worst place for a political prisoner in Greece, but only a typical one. Physical torture, being mostly an instrument of police stations and Army barracks, evidently does not go on there, but a sad and nasty drying up of the spirit does. Averof is a clump of five buildings, with sections for men and women political prisoners, and for ordinary convicts. Before the National Resurrection came to Averof, prisoners with terms of up to ten years could be visited three times a week, and prisoners with terms up to twenty years could be visited eight times a month. Now, political prisoners who get up to five years are allowed four visits a month, and for five to twenty it is twice a month, and for twenty to life it is once a month.

Once, incidentally, any relative could get in to see a prisoner; now the most distant relative allowed in is a first cousin, who must be related to the prisoner's father, not to the mother. Fiancées are not allowed to visit at all unless they have special permission from the Ministry of Justice, and this is not often given. When relatives do visit they stand behind a low cement wall, and then there are bars, and then a fine wire net, and then more bars, and then the prisoners and their guards. For a while this summer, children were allowed to visit their fathers or mothers twice a month in a room where they could embrace. Then it was announced that the visits, which had been thirty minutes, would be limited to five minutes. The smallest children especially use up a minute or two of this in finding their fathers or mothers among the other prisoners and guards. Nearly all the cells in Averof hold two prisoners, and they are small cells, with a very narrow space between the cots. The prisoners spend seventeen hours a day there, and they are locked in at 7:00 p.m. in the summer, and 6:00 p.m. in the winter. The cells have no toilets, only buckets that are emptied in the morning. There is a toilet

that all the political prisoners use, but it is seldom cleaned, and its rotten, fetid smell overflows into the cells. Some prisoners say this is the worst thing of all at Averof. The Government spends eight drachmas a day on food for each prisoner, which is about 25 cents, and it is popularly supposed that about two drachmas of this are stolen. There is a canteen, however, and its profits are used to buy drugs for the prison hospital. Families may also send in food three times a week, but they cannot send in anything that is sold in the canteen, and sick prisoners cannot receive any food at all. Candy is forbidden; I do not know why. The hospital is a few hundred yards from the cellblock, and when prisoners go there they go in handcuffs in a police wagon. The dentist visits on Friday, but he is equipped only to extract teeth. Foreign-language books are not allowed in the prison, and other books are allowed in only at the discretion of the warden. Many books are banned in Greece, but the warden prohibits others as well. Once he banned Proust's *Remembrance of Things Past*.

Averof is not a monumental tragedy, not like Belsen or Buchenwald, but it is grimy. There are probably only a few thousand people in the Averofs of Greece, but there are others who have been exiled from their homes and sent into remote villages, and many many others who pass in and out of police stations, sometimes being detained for a few hours, sometimes overnight, and sometimes for days and weeks. The newspapers publish no stories about them; things are seldom announced. "Have you heard the latest?" Greeks seem to be forever saying, and the latest is always something political, or something about another arrest. Perhaps one-third of the Army officers have been arrested, or retired, and some of them are in exile, and some walk the streets, and some are kept in an old hotel near Athens. The windows are nailed shut, and twice a day two guards take each officer downstairs for a turn around what was once a lobby. In Athens there is also an atomic-research center. Democritos, which is named for the Greek who said 2,400 years ago that all matter was made up of tiny particles. One morning in June an electronics scientist was arrested in his laboratory at Democritos, and more than a month later his colleagues still didn't know what had happened to him. At five in the morning of the day he had been seized, a Democritos chemist was taken from his home, questioned by the police, and then released. The chemist had been invited to present a paper at a meeting of the American Chemical Society, but then the cops said he couldn't go. What shall I tell the Americans? he asked the director of Democritos. Tell them you broke a leg, he said. This was about the time that a lady scientist from Democritos was stopped at the airport while she was on her way to attend a professional meeting in Vienna. She could not leave, the police said, because she was a menace to national security. The "latest" is always something like that.

The other side of all this, although I met few Greeks outside the Government who cared to admit it, is that the Government has done some things for its constituents. Any dictatorship, no matter how inefficient, usually does, and even Mussolini made the trains run on time. Liberal critics of right-wing regimes hardly ever acknowledge these things, probably because it would damage their case, but they ought to. For example, the Greek farmers, like American farmers, habitually overborrow, and the Greek farmers, like American farmers, habitually cry poverty. The difference is that the Greek farmers, who make up about half the population, really mean it. The per capita income in Greece is something like $750, and the farmers scratch out livings on little plots and patches of rocks and worn-out ground. By 1967 they owed the Government bank ten billion drachmas, which was about one-quarter of what they could produce in a year, and in early 1968 the loans were pardoned. The farmers' pensions also were increased 70 per cent, and, while the Colonels are not the sort to upset a big landowner by parceling out his estate, they are at least talking about consolidating the small farmers' holdings. That is, if a farmer owns, say, four acres spread over seven different places, they would all be put together. The Government also has introduced free medical care, and it says that in 1968 farmers and their families had 35 million free days in hospitals, and that doctors also made four million free visits in rural areas. Before the Revolution, the Government also says, there were exactly 1,050 doctors in the poorest, most isolated areas of Greece, and now there are 1,410. The rule is that a young doctor, just out of medical school, must go into these areas for at least six months, which is similar to what they do in some socialist countries, but in Greece the Government will also pay the doctors to go, which may even be nicer.

The Government also says there are more schools, more university dormitories, and more child-care centers going up now than ever before, and that it is putting aside 13 per cent of the national budget for education, which is more than any other Greek Government ever thought of doing. Further, there has been a rise of 200 per cent in the number of teaching assistants at the universities. Presumably, they must all prove their loyalty to the Government, and the moldy figs at the universities will never see any virtue in it, anyway, but it is another small sign that something, somewhere, is being done. "As far as our greatest social need, it is hard to answer briefly," Lucas Patras, the Minister of Social Welfare, said. Mr. Patras is a shy, pleasant man who studies a lot, and then writes things with titles like "The Problem of the Pensionable Retirement Age." "Our country is in a state of change," he said. "From a state of low social development we are moving into one of high development. This creates social problems, and all the problems are at an explosive stage. Social Security is in a state of anarchy. We must move to a new system. The distribution of doctors is not the best. We must make new decisions. The old leaders didn't understand the problem of moving from a pre-to a post-industrial society." Then Mr. Patras sighed a little, and went on to explain the problem of Social Security. There are 338 Social Security centers, which he called "founts," and each job or profession has its own, and each one runs itself. "Unfortunately, each fount was not part of an overall program," Mr. Patras said, "but existed separately, no overall policy. This, of course, is kind of crazy, but that is the way it was before the Revolution." The Greeks pay their money into the founts, and when they are pensioned off, or go on unemployment, the founts pay it out again. Since no one has ever thought of a way to do this by mail, a Greek must present himself at the fount to do business. As an afterthought, Mr. Patras said that the Government at least had beaten the problem of the long lines that were always stretching out from the founts under the hot sun. He did not say how the Government had done this, and it is only a small thing, but I suspect it is terribly important if you are an old-age pensioner with one leg. This is the same Government that exiled the composer Mikis Theodorakis to a miserable mountain village, posted some boors with guns nearby, and then banned his music all over Greece. I do not know how many one-legged pensioners you have to get into the shade to make up for losing Theodorakis, but I think it should be pondered, especially by the people who let the old guy stand out there in the first place.

In the end, what may save all the Greeks, even from themselves, is their madness. Not all Greeks have it, but enough do, and it helps them get by. A Greek driving an automobile is mad, which he must be, because all the other drivers are mad, too. Greek men know of only two kinds of women, the kind they bring home to their mothers, and the other kind, and they stare at women a lot, and flare their nostrils a lot. It is a little mad, but I do not think they get much, and so maybe they must be this way. Greeks in nightclubs break plates when the bouzouki music gets to them, and this is mad, but there is not much else they can do, and they must do something. The Colonels have passed a law that makes it illegal to break plates this way, but the plates still get broken. "We Greeks break plates like we break the law," a man said, hurling a few at the bouzouki player. The maddest Greek I ever met, in fact, was a bouzouki player.

"I admire American saxophone players," he said. "They make me weep." He pursed his lips, grabbed an imaginary saxophone, and swayed forward and back, looking very sad.

"Did you know there is no written music for the bouzouki?" he said, and I said I did not. "Well, there is none," he said, tearing a peach in two, and offering me half.

"Tell me about the bouzouki," I said.

"I will tell you," he said, "because you are a friend of mine. I have been playing the bouzouki for thirty-six years, since I was six. The bouzouki has been seen in popular places only since 1953. Before that it was only in secluded places. It was a music for tough guys. It originated in 1930, and it was based on Turkish music, but only thugs and smugglers ever heard it. Then it started to become popular with intellectual people. I remember that rich people, snobs, would start coming to the tough-guy places. Did you know that my father is a colonel, and my sister is a scientist?"

I told him I did not, and I asked him how he got to be a bouzouki player.

"You cannot find a bouzouki player who will tell you his story," he said, "but I have a great desire to tell mine to you." Then he fell into a long silence.

I asked him what made a good bouzouki player.

"This is a most difficult question. I admire you very much for asking it. No one has ever asked me such a provocative question before." Then he fell into another long silence, and looked very sad, but finally he said, "It is intellect. This is the difference, the difference between two players is intellect. If you have the same desire, intellect is the thing that separates us."

He was silent again, and then he spoke about composers, commending several, and then saying, "But not Theodorakis, he is for the crowd. He is a thief, a pseudo-intellectual, and a Communist. You understand, of course, that I am talking only about music."

I said I did, and asked him when he would play the bouzouki.

"Not tonight," he said, and looked very sad. "I am not in the mood." Then he got up and walked away.

The bouzouki player was not a fool, only a little mad. He will probably get by, and in the end he and some other mad Greeks will do in the Colonels. They may have to do it without the Americans, but in the end it will be done. On the day a Greek said, "Have you heard the latest?" which was that some more arrests had been made, nineteen American newspaper boys came to Athens. They were jugeared, freckle-faced, and cowlicked, and they were all over the newspapers, and all over the television news. They were from the Hearst organization, and the Hearst man who was with them told the Prime Minister, "Some of the things that one reads today about Greece are myths. One finds this out when one comes to Greece, sees Greece, and lives in Greece. We shall take with us the most beautiful impressions of

your country." Then the man from Hearst handed over messages from other Americans. John McCormack, the Speaker of the House, sent the Prime Minister "expressions of esteem." Senator Henry Jackson of Washington said something about NATO, and then he told Mr. Papadoupoulos he was sure the newsboys would be impressed by "your country and your people." Governor Richard B. Ogilvie of Illinois said it was wonderful that the newsboys would learn "how your brave people fought and struggled to remain free," and Ronnie Reagan, after saying something about "the idea of freedom and justice," sent "the best wishes to you, Prime Minister, Mr. Papadopoulos, and to all the people of Greece from all the people of California." Governor Preston Smith of Texas said everyone was really looking forward to the time the Prime Minister could visit America, and then he sent his best wishes "for the continuation of your success in your struggle for freedom and democracy." On television, the Prime Minister was beaming and beaming, and out there somewhere, a great many other Greeks needed all their madness to survive it.

RHODE ISLAND PARTNERS OF THE ALLIANCE PROGRAM

Mr. PELL. Mr. President, this month an organizational meeting of the Rhode Island Partners of the Alliance Planning Committee was held in Providence to officially launch the 39th partnership involving private citizens of the Americas in a program known as the Partners of the Alliance. Rhode Island is to be joined with the State of Sergipe, Brazil, located in the northeast part of that country, in this partnership. Rhode Island is the 17th U.S. State to be paired with a Brazilian state in the program.

Governor Frank Licht of Rhode Island opened the meeting and accepted the honorary chairmanship of the Rhode Island Partners of the Alliance committee. The meeting was attended by over 40 private sector leaders representing such organizations as the chamber of commerce, Rhode Island Hospital Association, various businesses and industries, labor groups, newspapers, and radio and television stations. Mr. John Rego, director of the State Department of Natural Resources, was named to serve as temporary chairman of the Rhode Island Partners and to head the program development team scheduled to travel to the State of Sergipe, Brazil, at the end of this month. Other team members include:

Paul Hicks, executive director, Rhode Island Industrial and Petroleum Association.

Robert Fredericksen, representing conservation and natural resources.

Jacob Dykstra, president, Point Judith Fishermen's Cooperative Association, Inc.

Harold Bateson, president, Charles A. Maguire & Associates, Inc.

Robert Crohan, vice president and general manager, Outlet Co.

I congratulate Rhode Island's citizen team and wish them well in their meetings with the private sector leaders in Sergipe. I know they will accredit themselves well in developing meaningful projects in which the peoples of the respective States can work together. The partners program seeks to foster cooperation and understanding in the Americas, and I am confident that private groups and organizations in the State of Rhode Island will participate in this worthy undertaking.

Mr. President, I ask unanimous consent that the remarks of Governor Licht, together with an explanation of the partners program by Mr. Wade B. Fleetwood, Deputy Director of the partners, and an article from the Providence Journal of October 4 be printed at the conclusion of my remarks.

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

REMARKS BY GOV. FRANK LICHT OF RHODE ISLAND

I am very pleased to be here this noon. I accept with pleasure the title of honorary chairman of the Rhode Island Partners of the Alliance program. From what I have read and learned about the work of this partnership program, and from all that my enthusiastic friend, John Rego, has told me of it . . . I feel it is the type of positive project that we in Rhode Island should involve ourselves in . . . that through such participation we will have an opportunity to play a constructive and meaningful role in fostering better relations between our nation and those of our neighbors to the south.

There are two components of this program that particularly appeal to me . . . first, it is organized on a state to state and a citizen to citizen basis, allowing the people of Rhode Island and those of Sergipe, Brazil a great deal of latitude in project determination and operational techniques. And second, it has two-way goals . . . for it is founded on a desire for mutual endeavor and mutual benefit.

You are present to hear today about a program which enlarges on my own concept of the right and necessary relationship between State government and its citizens. I have set as one of the goals of this administration, the fostering of a partnership for progress . . . for I firmly believe that only when the private sector and the public sector learn to plan and work together in close and coordinate relationship will be able to achieve the progress we seek.

The partners of the alliance have broadened this approach . . . have translated this basic philosophy into international terms. Today more than 30 States and their citizens are working directly with citizens in counterpart areas of Latin America through the mechanism of partners of alliance committees. In general, the major resource supplied by the partners from our Nation is expertise and skill . . . in return, the major resource supplied by our South American partners is cultural. They contribute to us in the fields of art, music, language and literature.

Here are a few examples of the innovative arrangements which can be made under such a partnership . . . in British Honduras, a Michigan educator will soon start a teaching program for para-medical technicians. Used agricultural equipment from Vermont farmers is being distributed to the farmers of Honduras, the Brazilian state or Para partners raised funds at a benefit concert to provide scholarships for two Missouri students to attend a Brazilian university. And Columbia partners arranged for an expense-free 6-week course in Spanish, Latin American history, and literature for Florida students coming to their country for an 8-week study and travel program.

There are endless possibilities . . . and I would hope that the possibility of our State becoming a partner becomes a reality . . . and that we too find a way to enter this type of meaningful relationship. I am very interested in the outcome of this meeting and your decisions.

REMARKS OF WADE B. FLEETWOOD, DEPUTY DIRECTOR, PARTNERS OF THE ALLIANCE PROGRAMS

Governor Licht, John Rego, Ladies and Gentlemen, I was very impressed by the introductory remarks of your Governor in which he likened the developing partnership between the people of the State of Rhode Island and the people of the State of Sergipe in Brazil to that of the "partnership for progress" which he proposed for this state. He made clear that the public leadership must be joined by the private sector in order to attain maximum progress for all the people in the state. I was also impressed when he voiced his hope and expectation that the partnership between Rhode Island and Sergipe would be a "real" partnership on an equal basis.

When the citizens of the State of Delaware held their organizational meeting in Dover prior to the launching of their partnership with Panama, I was pleased that the meeting place was the House of Representatives in the Capitol Building. For to me, the House means people and it was therefore very appropriate that the private leaders in the State of Delaware had assembled there to commence a Partners program which is one of, by, and for the people.

Several years ago my former boss, Senator Frank Church of Idaho, told me of Idaho citizens who met him in the state and indicated their understanding of the work of the Alliance for Progress. But they often inquired of the Senator—What can I do to participate in the development of the hemisphere We feel that the Partners of the Alliance is one of the best vehicles by which people can become directly involved with people in Latin America at the citizen level to assist in working toward the objectives of the Alliance for Progress.

The Alliance, of course, is the government-to-government effort to build the infrastructure and establish a sound economic base in the countries of Latin America. When there is criticism of the shortcomings of the Alliance for Progress, we need but remember that the institution building in our country took time—it took time to bring to the people the benefits of a young and vigorous nation. In many cases, it took longer than 5 or 15 or 50 years to do the institutional development work necessary to insure a strong economy that would reach the people.

It is important to note that the Charter of Punta del Este that created the Alliance for Progress declares that not only the governments of the hemisphere should work together, but that the energies of the peoples should be brought to bear on the problems of development. The Partners of the Alliance is a citizen action program that seeks to complement the governmental efforts and to bring about citizen participation and involvement throughout the hemisphere.

We must stress that the Partners of the Alliance program is a two-way street. It is not a case of equipment, material, technical assistance and funding going all one way. On the contrary, we need their help. We need to know more of their art and culture. We need their assistance in language training. It is a fact that one half of the people in Latin America speak Portuguese but that very few of our institutions of higher education teach this language. We need their expertise in many fields. We must cease giving lip service to what Latin America can do for us and actively encourage a great deal more traffic on that two-way street headed our way.

Together, in partnership, the citizens of the U.S. and Latin America are engaged in many exciting and productive activities in the fields of health, agriculture, education, culture and business and industry. At the Inter-American Partners of the Alliance Conferences that have been held in Washington, D.C., Rio de Janeiro, Lima and Salt

Lake City, Utah over these past few years, new ideas and approaches to the problems of development, in which citizens can and have played an important role, are shared among all the delegates. Similarly, these meetings tend to create additional thousands of ties of cooperation, friendship and understanding that are building a base of increasing interaction among the peoples which caused President Nixon recently to characterize the Partners of the Alliance Program as "in the vanguard of voluntarism in the Americas."

We know that the Congress of the United States likes the Partners program because of the outstanding cost-benefit ratio of over 15 to 1. That means that for every U.S. dollar spent in the transportation of people throughout the hemisphere, there has been a return of 15 dollars from the private sector representing technical assistance, donated equipment and supplies for hospitals and schools to say nothing of the incalculable, intangible benefits that accompany the association of people working together toward common objectives. The Partners of the Alliance office in the Agency for International Development serves as the catalyst in bringing private groups into close working relationship and assists in the cutting of red tape that prevents the flow of people and ideas and interaction among them. New areas of contact at the citizen level are encouraged at every opportunity.

The opportunities that you citizen leaders in the State of Rhode Island have before you in the formation of a meaningful partnership with the people of Sergipe in Brazil are noteworthy. The effectiveness of the Rhode Island Partners Planning Committee headed by John Rego and his staff, the participation we see here today of the power structure of the state, both public and private, the continuing support and encouragement of the Rhode Island Congressional Delegation and the large Portuguese community within your state all point to the fact that the essential ingredients of a strong partnership arrangement are here.

You will be in good company in your work in Brazil because the states of Maine, Connecticut and New Jersey are also working in Brazil in the Partners program. Sixteen U.S. states are currently joined on a state-for-state basis in Brazil. You will be the 17th U.S. state working with Brazilians and the 39th U.S. state to join the Partners program. Just this week, Western New York state became the 38th and before the end of the month, another U.S. state will be the 40th in the program.

So, I have come to Rhode Island to keynote the Partners program; to sound the challenge of Latin America; to call private groups in Rhode Island to the fore; to suggest that you become involved; to remind that with involvement comes commitment and that the Latin American development process needs understanding of its purposes and greater commitment to its success; and to ask your help in building our home hemisphere.

Nearly ten years ago, John F. Kennedy reminded us that we will help those struggling peoples in the huts and villages across the globe and pledged our best efforts to help them help themselves for as long as is necessary—because it is right. The Partners of the Alliance Program seeks to assist in honoring this pledge.

[From the Providence (R.I.) Journal, Oct. 4, 1969]

RHODE ISLAND BECOMES PARTNER WITH STATE IN BRAZIL

Forty public and private officials headed by Governor Licht launched a "person-to-person" partnership yesterday between the states of Rhode Island and Sergipe, Brazil.

The partnership was proposed by Sergipe under the State Department's six-year-old Partners of the Alliance program for exchanging help in health, education, business, industry and agriculture, the governor said.

"I feel Rhode Island can make a significant and meaningful contribution," he added at a $4.50-a-plate, Dutch treat planning lunch at the Biltmore Hotel.

Mr. Licht, who accepted the title of honorary chairman, said the kinds of help to be exchanged will be determined by a six-man team of Rhode Islanders who are to fly to Sergipe in about three weeks.

Then, he said, it will be up to community organizations and interested citizens here to provide the assistance needed. This may take the form of expert advice, equipment, tools or materials, he added.

TEAM LED BY REGO

The team of visitors will be led by John L. Rego, state natural resources director, who speaks Portuguese, the language of Brazil, and who has visited South America for the State Department in the past.

Mr. Rego said he would announce the names of his team in a few days so they can make arrangements for the trip, "including getting five or six shots of various kinds," he said with a grimace.

The cost of this and later visits between the two states will be paid by the Partners of the Alliance of the State Department's Agency for International Development, he added.

Wade B. Fleetwood, deputy director of the Partners of the Alliance, warned that the Sergipe visit will be "no junket. You'll work from morning to night."

He traced the growth of the organization from 1963, when it was proposed at a U.S.-South American conference, to today when it involves 38 U.S. states. Rhode Island will be the 39th and New Hampshire is expected to be the 40th state to participate, he added.

OTHER PARTNERSHIPS

Rhode Island's partnership with Sergipe will be the 17th between states in this country and in Brazil. Other states with programs there include Maine, Connecticut, and New Jersey, he said.

Maine, for example, has delivered farm equipment and materials, while New Jersey has contributed medical equipment to their Brazilian partners, he said.

Sergipe proposed the partnership because, like Rhode Island, it is the smallest of Brazil's 20 states, with an area of about 8,130 square miles and a 1950 population of about 650,000, and lies on the coast, he said.

Sergipe is dissimilar in that it is tropical, lying only a little more than 10 degrees south of the equator and has an economy based on sugar, cotton and tobacco, with some fishing, he said.

One reason for speeding the Rhode Islanders' visit is to beat the arrival of summer, he said.

Mr. Fleetwood relayed a request from Sergipe for a Rhode Island state flag to fly over the city hall when the visitors arrive in the capital port city of Aracju. Governor Licht said he would have the flag sent immediately.

TWO-WAY STREET

Mr. Fleetwood added that the kind and length of exchanges is "completely open-ended. "It's a real two-way street. It will last only as long as the partners make it last," he said.

Mr. Fleetwood defended the program against past criticism of failure, citing its continued growth, the economic, technological and cultural results and President Nixon's support.

Despite its proven results, he said the program continues to operate on a budget of about $500,000 a year with a 10-man staff in Washington, the same as when it started in 1963. The entire program has cost only a little more than a million dollars, he added.

Those present included representatives of Sen. Claiborne Pell, Rep. Robert O. Tiernan, the University of Rhode Island, the Rhode Island Medical Society, the Rhode Island Junior Chamber of Commerce, Rhode Island Hospital Association, various businesses, industries, and labor groups, newspapers, television and radio stations.

S. 3098—INTRODUCTION OF THE PREVAILING WAGE RATE LOCATION ACT OF 1969—SUBMISSION OF AMENDMENT TO S. 2990

AMENDMENT NO. 257

Mr. PELL. Mr. President, I rise to discuss the condition of civilian trade and craftsmen employed by the Department of Defense. I wish to speak particularly of the treatment accorded to these workers in the Rhode Island area.

Since as far back as 1966, I have been pressing the Department of Defense and, more recently, the Civil Service Commission to improve the wage and working conditions of Government blue-collar workers. My efforts have been to little avail with only minor improvements made after constant pressure.

In recent months the problems associated with Government wage board employees have appeared to be increasing. I have been receiving an increasing volume of mail from disenchanted Government employees in Rhode Island. Their problems have ranged from the minute to the major; they have included the rate structure set for heavy duty mechanics, the lack of comparable wages for aircraft workers, the lack of coverage under the wage board system for military exchange personnel, and failure to include comparable industry positions in wage surveys.

I have written numerous letters to the Department of Defense and to the Civil Service Commission asking that the Government blue-collar workers in Rhode Island receive equitable treatment in regard to these and many other problems. Yet, except for some minor matters, there seems to be little progress.

On August 1, I wrote a detailed letter to the Chairman of the Civil Service Commission requesting specific improvements in the wage board system in the Rhode Island area. The most important recommendation that I made was that the Narragansett Bay wage survey area be combined with the New London wage survey area since the second largest employer of Rhode Island industrial workers is located in the New London area.

To date, I received only an acknowledgment that my recommendation for the consolidation of the wage survey areas was considered by the National Wage Policy Committee on September 3 and a final decision was to be made soon after that meeting by the Chairman of the Civil Service Commission.

Mr. President, I would like to point out that the Chairman of the Civil Service Commission has had nearly 3 months to consider the merits of my proposal and nearly 2 months to consider the recommendations of his advisory board on the question of the consolidation of the wage survey areas, and, to date,

neither he nor the Department of Defense have responded to the merits of my proposal.

Mr. President, although I am most unhappy about the manner in which the Civil Service Commission and the Department of Defense have treated the question of salary for our civilian blue-collar workers in the Rhode Island area, I believe I can understand one of the main reasons for their unresponsiveness to the problems of the Government trades and craftsmen.

The source of the problems of the wage board employees lies with the limited legislative authority upon which the wage board system has been constructed by the executive branch.

Hundreds of pages of regulations have been written by the Civil Service Commission based upon one sentence in the law which simply states that the pay of Government trades and craftsmen "shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with the prevailing rates." The law does not define the areas in which prevailing rates are to be determined except to say that if a survey area does not include positions comparable to Government positions, another survey area which does must be included. Upon that limited legislative mandate, the executive branch has produced miles of redtape tieing the blue-collar worker into a system of low-average wages and below-level working conditions.

Mr. President, I believe I have been more than patient with the administrative processes of the executive branch over the years, but I believe the time has passed for waiting. I believe the Congress must pass new legislation to bring equitable wages and working conditions to the Government blue-collar worker.

I am introducing a bill, and an amendment to an excellent bill already put forth, which I believe will help remedy the chief inequity in the wage board system, the definition of survey areas.

The bill I introduce today defines the area in which the prevailing rates mentioned in the law are to be determined. This definition is absent from the law at this time.

I have developed my definition from the basic concepts now utilized in a limited manner in the Coordinated Federal Wage System and from urban concepts I developed in my book, "Megalopolis Unbound."

In 1949, the Bureau of the Budget developed the term "standard metropolitan statistical area" to replace various statistical definitions that had been used to describe industrial areas, labor markets, and metropolitan counties. Among the many criteria to be fulfilled to meet the definition of a standard metropolitan statistical area are the requirements that, first, at least 75 percent of the labor force of an area must be in the nonagricultural labor force, and, second, that the area be an integrated economic and social unit with a recognized large population nucleus. The areas defined are created on the basis of information from the Bureau of the Census and the Bureau of Employment Security regarding population, labor force, density, and occupational density. Thus, it can be seen that standard metropolitan statistical areas form the ideal basis for a survey of prevailing rates.

Although the Civil Service Commission has not utilized standard metropolitan statistical areas in a manner which would be most helpful to the blue-collar workers, it does recognize the value of standard metropolitan statistical areas as survey tools in their regulations which state the following:

> Each wage area includes wherever possible, *but does not require*, a recognized economic community such as a Standard Metropolitan Statistical Area.

At present there are approximately 231 urban areas in the country which qualify as Standard Metropolitan Statistical Areas. The growth and expansion of those urban economic areas into larger economic areas called megalopolises was the central theme of my book, "Megalopolis Unbound," which I wrote in 1966. I suggested that the emergence of the megalopolis required a whole new approach to the problem of high-speed ground transportation. I would suggest today that the emerging megalopolis also demands a whole new approach to the concept of prevailing wages.

When the concept of prevailing wages was first utilized over a hundred years ago, I am informed that it was thought that a survey of private enterprises within 30 miles of the Government installation was sufficient to determine the prevailing wages. I think it is obvious to all that today, with the advent of the automobile and the construction of our interstate highway system, a determination of the prevailing wages available to any one worker requires a survey of an area extending much farther than 30 miles. It is time that the definition of wage survey areas be moved from the horse-and-buggy age into the modern automobile age.

I believe if one examined the commuting patterns between any two standard metropolitan statistical areas which are adjacent to each other and not more than 50 miles from each other, it would be found that there is a high level of economic integration between those areas and that a large number of people who live in one standard metropolitan statistical area work in another.

For example, the second largest industrial employer of Rhode Island workers is not located within the Providence-Pawtucket-Warwick Standard Metropolitan Statistical Area but within the New London Standard Metropolitan Statistical Area, approximately 40 miles away, a very short distance for the average commuter. There are also large numbers of Rhode Island workers who are employed within the Fall River Standard Metropolitan Statistical Area, a mere 10 minutes from Providence, and in the Boston Standard Metropolitan Statistical Area which is contiguous to the Providence area and most any part of which is within 30 minutes commuting distance from Providence.

Unfortunately, except for the consolidation of the Fall River SMSA with the Providence SMSA within the Narragansett Bay Wage Survey Area, these commuting patterns are not recognized by the Civil Service Commission and the Department of Defense in the establishment of prevailing wage rates.

The result of this incongruity among the wage survey areas is that in Rhode Island it is possible to find three workingmen who live on the same street, hold similar Government jobs at the same level of skill, but who receive three different wages because one works in Quonset, the second in New London, and the third in Boston. Invariably, the workers who commute outside of the State receive a 20- to 40-cent higher hourly wage.

Mr. President, I see no rational reason why Rhode Island and other areas like Rhode Island should remain as enclaves of low Government wages within a larger economic area of higher wages only because the Civil Service Commission and the Department of Defense have failed to recognize the economic realities of urban growth.

I am, therefore, introducing a bill which will correct that deficiency in the wage survey system.

My bill provides that if the place of employment of a Government tradesman or craftsman is located within a standard metropolitan statistical area or contiguous to a SMSA, that area and any other SMSA within 50 miles will be included in the survey undertaken to determine prevailing wages.

My bill has a number of automatic advantages. First, by using standard metropolitan statistical areas which are defined in economic terms and periodically expanded by the Bureau of the Budget as the economy grows, survey areas are created whose boundaries expand automatically with the growth of the economy without the necessity of administrative action by the Civil Service Commission.

Second, by requiring that standard metropolitan statistical areas within 50 miles of the SMSA in which the Government employment is located be surveyed together, there occurs an automatic consolidation of wage survey areas which are within the same economic region as the result of commuting patterns.

Third, since my bill does not provide for consolidation of the areas of application within the present Coordinated Federal Wage System, the concept of prevailing wages is preserved without movement toward a national wage system. The resulting creation of overlapping wage survey areas for separate areas of application allows for differences in wage scales between areas on a more graduated and equitable level than the present administrative survey system permits.

I am also introducing as an amendment to Senator YARBOROUGH's fine bill to improve the wage board system language similar to that included in my own bill. Senator YARBOROUGH's bill to reform the entire wage board system has many excellent provisions, such as the requirement that the Chairman of the National Wage Policy Committee be independent, which I fully support. Therefore, I offer my amendment as only perfecting lan-

guage to what is otherwise an excellent bill.

Mr. President, I ask that the language of my bill and amendment be printed in the RECORD following my comments.

The PRESIDING OFFICER. The bill and amendment will be received and appropriately referred; and, without objection, the bill and the amendment will be printed in the RECORD in accordance with the Senator's request.

The bill (S. 3098) was referred to the Committee on Post Office and Civil Service, as follows:

S. 3098

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 "Prevailing Wage Rate Location Act of 1969".

SEC. 2. Section 5341(a) of title 5, United States Code, is amended by inserting after the first sentence the following new sentences: "Except as otherwise provided in this section, prevailing rates shall be determined by wages surveys. If the place of employment of the employees subject to the wage survey is located within a standard metropolitan statistical area, as defined by the Bureau of the Budget, or is located in a county or town, contiguous to such a standard metropolitan statistical area, the survey shall be conducted in that standard metropolitan statistical area, to be known as the base area, and in any other adjacent standard metropolitan statistical area any part of which is not more than 50 miles from any part of the base area".

Mr. PELL's amendment (No. 257) was referred to the Committee on Post Office and Civil Service, as follows:

AMENDMENT NO. 257

On page 6, line 4, strike out "as defined by the Bureau of the Census" and insert in lieu thereof a comma and the following: "as defined by the Bureau of the Budget, and any other adjacent Standard Metropolitan Statistical Area any part of which is not more than 50 miles from the Standard Metropolitan Statistical area so included."

Mr. PELL. Mr. President, the legislation I offer, I believe, is reasonable and moderate in approach, it is designed to remedy inequities too long suffered by Government blue-collar workers. I hope for its passage.

RECESS SUBECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 47 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reconvened at 4:15 p.m., when called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

RECESS UNTIL 5 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 5 p.m. today.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate took a recess until 5 p.m.

The Senate reconvened at 5 p.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

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, without amendment, the joint resolution (S.J. Res. 164) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969—CONFERENCE REPORT

Mr. TYDINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TYDINGS. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

Mr. TYDINGS. Mr. President, I should like to take this opportunity to express my appreciation to the members of the conference committee, particularly to Chairman MCMILLAN, Mr. ABERNETHY of the House committee, and the ranking Republican member, Mr. ANCHER NELSEN, and Mr. JOEL BROYHILL. These gentlemen, together with the rest of the conferees, enabled us to have a rapid and effective conference, one which was concluded this Monday morning, after 3 consecutive days of steady meetings.

I think it is a good conference report, in the spirit of cooperation and consideration by the House conferees; and it is especially appreciated by me, as chairman of the Senate conferees.

I should like at this time to express my appreciation to the leadership, the Senator from Montana (Mr. MANSFIELD) for continuing the session late into the evening, and to the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), in order to permit us to present this conference report. By presenting this report today, in October, we will enable the District of Columbia to collect approximately $2 million more in taxes, because the effective date of the bulk of this bill is 1 month from the last day of the month in which it is signed. Had the conference report not been submited until November, the collection of taxes would not have begun until January. Thus, the cooperation of the distinguished Senator from Michigan and the majority leader, Senator MANSFIELD, is particularly helpful to those of us trying to meet the financial difficulties of the National Capital.

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

Mr. TYDINGS. I yield.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished senior Senator from Maryland (Mr. TYDINGS) in his commendation of all those he has mentioned—the present speaker excepted—and to compliment the distinguished chairman of the committee on the Nation's Capital, the senior Senator from Maryland, and the ranking minority member of the District of Columbia Committee, the distinguished junior Senator from Vermont (Mr. PROUTY).

I am not at all happy about this conference report. I realize that it is the best that could be done. But the part I dislike is the sales tax, which, as always, will impose itself most heavily on those who are the least able to pay—a sales tax which will increase the cost of groceries and foodstuffs and other items which are necessary.

However, I know that what the distinguished Senator from Maryland (Mr. TYDINGS) has done has been the best he possibly could, and that what he has presented to the Senate at this time was either this or nothing for a long time to come.

So I commend him and compliment him for doing a good job, and I also commend the distinguished assistant Republican leader for his patience and understanding in agreeing to a recess this afternoon so that we could take this matter up before it was too late. As the distinguished Senator from Maryland has said, had we not taken it up this month, it would have meant an additional $2 million loss for the District of Columbia.

Mr. TYDINGS. I appreciate the kind words of the distinguished majority leader.

Although we did yield to the House position on the 2-percent tax on groceries, we were able to insert a clause to protect those families in the lower income brackets, particularly the $6,000 and less, $4,000 and less, and $3,000 and less wage earners. We insert a clause which would enable them, upon presentation of their income tax return, to receive a tax rebate basically equivalent to the amount of tax they would have spent on their grocery bill for the year.

Comparable provisions have been adopted by three States with some success, and we felt that it would, in a sense, protect those who needed the protection most—namely, the very poor family and their dependents.

We made this provision to cover not only 1 percent additional food sales tax but also the original 1-percent sales tax which had been in effect prior to the adoption of this revenue report. So that, actually, the very poorest families will get a greater benefit than they had before the revenue conference report was agreed to.

Mr. PROUTY. Mr. President, the pending conference report on the District of Columbia revenue bill is the result of many days of hearings in the House and Senate District Committees, extensive staff work and days of conference. The revenue bills passed by the House and Senate were dissimilar in many respects creating substantial problems for the conferees to overcome. The conference report is not the result of instant action and howling haste to put before the Congress a revenue bill for the District.

The District of Columbia, like all major urban centers, is faced with mounting financial needs and dwindling sources of revenue. To meet those needs some taxes had to be increased and new taxes levied on several categories which are not now taxed. The Federal payment to the District was raised from $90 million to $105 million and an additional $5 million was authorized to undertake new law-enforcement programs and to increase law enforcement in the District of Columbia.

While the authorizations provided for are substantially less than what the District has stated is essential and also short of what was provided for in the bill passed by the Senate, is it hoped that there will be sufficient funds to finance the continuing progress of the District.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 3, 1969

Mr. TYDINGS. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon Monday next.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, November 3, 1969, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 1969:

FEDERAL COMMUNICATIONS COMMISSION

Dean Burch, of Arizona, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1969.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

AMBASSADORS

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

John F. Root, of Pennsylvania, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

INTER-AMERICAN DEVELOPMENT BANK

Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

INSPECTOR GENERAL, FOREIGN ASSISTANCE

Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance.

Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development.

IN THE COAST GUARD

The nominations beginning David A. Potter, to be lieutenant (junior grade), and ending Harlan D. Hanson, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 27, 1969; and

The nominations beginning Thomas W. Wolfe, to be captain, and ending Benedict L. Stabile, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 28, 1969.

HOUSE OF REPRESENTATIVES—*Thursday, October 30, 1969*

The House met at 12 o'clock noon.

The Reverend Robert S. Tate, Jr., First United Methodist Church, Austin, Tex., offered the following prayer:

O Thou in whom we live and move and have our being, be with us in this moment of pause lest we forget in our busyness that You are near. Voices are ever about us—some friendly, some critical, some buoyant with optimism, some cynical—and often our own voices speak so much and are silent so seldom that we are unaware of the messages we must hear.

We must hear the voice of mankind clamoring for peace. We must hear through the static the cry of mankind for justice, order, compassion, and a fresh opportunity for new life under more equal terms. We must hear the voice of the young who perplex and confuse us of another generation.

But even as the din of words assail our ears from a turbulent world, help us to hear Your voice asking, "What doth the Lord require of thee but to do justice, to love mercy, and to walk humbly with thy God?" And "What shall it profit a man if he gain the whole world and lose his soul?" And then, O God, put muscle in our faith and hands and heart that we may be doers of Thy word and not hearers only. We pray in the spirit of One who said, "I am the way, and the truth, and the life." 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. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1508. An act to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

ROBERT S. TATE, JR., D.D.

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I am proud to welcome to the House of Representatives Dr. Robert S. Tate, Jr., who serves as our Chaplain today.

Dr. Tate is pastor of the First Methodist Church in Austin, Tex., my home church. We are good personal friends, just as he has become a friend and counsel for thousands in Austin where he and his lovely wife, Ella Mae, and their children are loved by our citizens.

Dr. Tate has served this historic church in Austin with great distinction for more than 6 years. He is held in high esteem by the members of our church and by the people of Austin.

Dr. Tate comes from a family steeped in tradition of the Methodist Church and civic enterprise. His father was the former secretary general of the YMCA of San Antonio and Beaumont, Tex. His brother, Dr. Willis M. Tate, now serves as president of Southern Methodist University in Dallas, Tex.

Our Chaplain for this morning is a minister who practices what he preaches. He has served as minister in churches in Corpus Christi, San Antonio, and Austin—which is a full-time duty, as we all know.

In addition, however, he has found time over the years to be selected as one of the five outstanding young men in Texas by the Junior Chamber of Commerce in 1949. He served as president of the Corpus Christi Ministerial Alliance. He was chairman of the San Antonio Council of Churches Social Welfare Commission. Dr. Tate was president of the Texas Social Welfare Commission, and he is also a member of the Texas Board of Mental Health and Mental Retardation. Now he serves as a member of the board of directors of the American Social Welfare Association.

The First Methodist Church in Austin is located acrcss the street from the State capitol, and in many respects Dr. Tate can be called the minister of Texas Governors. Many State officials find comfort and solace within the halls of this great church led by this outstanding minister.