happened to people, and he cared about what happened to the United States. His generous nature was also equipped with the power to cut through fraud or pomposity and to expose things he believed were harmful to American society. He loved his country and he battled for it.

To say that Robbie will be missed around here is only to suggest the emptiness that afflicts us. Mere words cannot convey it. Only Robbie himself, with one of his marvelous drawings, could have said for us the things which need to be said. And now we shall somehow have to learn to go on without him.

[From the Indianapolis Star, Nov. 1, 1969]

"ROBBIE"

The Indianapolis Star shares with its colleagues on The Indianapolis News the untimely loss of William B. "Robbie" Robinson, editorial cartoonist for The News for nearly a quarter of a century.

An ancient Chinese saying declares that "one picture is worth a thousand words" which, in essence, sums up the work of the editorial cartoonist who takes the issues of the day and from his imagination and talent draws a picture that says more than words alone.

"Robbie" had a friendly word for everyone and accepted graciously both the brickbats and the accolades of those who commented on what he drew.

A cartoonist, whether he lambasts or praises, often is able to cut through the mist that surrounds an issue and penetrate to the heart of the matter in a way that makes the truth crystal clear.

"Robbie" Robinson was a master of that ability.

The News has lost a devoted colleague. We at The Star have lost a friend and respected adversary.

SENATE—*Wednesday, November 5, 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:

O God, amid many voices we would now hear Thy voice calling us to duty and service to the Nation in this House.

Direct those who speak where many listen and write where many read. Save the people who read and see and hear from merely reading and seeing and hearing. Give them understanding minds. Deliver them from that darkness which comprehends not what is Thy will and purpose. Shed the light of Thy truth upon the crucial concerns of our times. Guide all men that they may communicate so as to espouse idealism and not idolatry, to express love and not hate, to promote unity and not discord.

Grant that all who lead the Nation may speak so as to make the mind of the people wise, its heart sound, its will righteous.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 4, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 30, 1969:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

On October 31, 1969:

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

EXECUTIVE MESSAGES REFERRED

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

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

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

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

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

SUBVERSIVE ACTIVITIES CONTROL BOARD

The bill clerk read the nomination of Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board.

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

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

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

LEGISLATIVE SESSION

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

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

NATIONAL DAY OF PRAYER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 499, House Joint Resolution 910.

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

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

EXECUTIVE COMMUNICATIONS, ETC.

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

MAJOR NATURAL GAS PIPELINES

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate a map entitled "Major Natural Gas Pipelines, as of June 30, 1969" (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION GOVERNING THE CONDUCT OF UNITED STATES JUDGES

A letter from the Director, Administrative Office of the U.S. Courts, transmitting on behalf of the Judicial Conference of the United States, proposed legislation to amend section 331 of title 28, United States Code, to authorize the Judicial Conference of the United States to promulgate rules and standards governing the conduct of U.S. judges (with an accompanying paper); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE DIVISION OF COAL MINE INSPECTION, BUREAU OF MINES

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the Genesee County Board of Supervisors, Flint, Mich., praying for the enactment of legislation to implement a program to provide that counties are included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution adopted by the County Council of King County, Wash., praying for the enactment of legislation to repeal title II of the Internal Security Act of 1950; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 1442. A bill to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section (Rept. No. 91–520).

EXPANSIONS OF THE MORTGAGE MARKET—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 91–516)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 2577) to provide additional mortgage credit and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with minority and individual views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

FAIR CREDIT REPORTING—REPORT OF A COMMITTEE (S. REPT. NO. 91–517)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, and I submit a report thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and the report will be printed.

AMENDMENT OF FEDERAL CREDIT UNION ACT—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 91–518)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

I ask unanimous consent that the report be printed, together with minority views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–519)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 241, 90th Congress, second session, as extended, submitted a report entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on the Judiciary:

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Bolivia;

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund;

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization; and

David R. Derge, of Indiana, Jewel LaFontant, of Illinois, and William C. Turner, of Arizona, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, 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 F. Fitzgerald, of Pennsylvania, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

BILLS INTRODUCED

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

By Mr. ERVIN (for himself, Mr. ALLEN, and Mr. HOLLAND):

S. 3114. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he intro-

duced the bill appear later in the RECORD under the appropriate heading.)

By Mr. McGOVERN:

S. 3115. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences to be located in the District of Columbia, to function primarily as a national center at which individuals of outstanding ability will pursue studies anticipating, identifying, and isolating social problems in the United States; to the Committee on Labor and Public Welfare.

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3116. A bill to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. TYDINGS (for himself, Mr. CASE, Mr. GOODELL, Mr. GRAVEL, Mr. HART, Mr. MCCARTHY, Mr. MONDALE, Mr. MUSKIE, Mr. JAVITS, Mr. RANDOLPH, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. HARRIS, Mr. MCGOVERN, Mr. SCOTT, and Mr. EAGLETON):

S. 3117. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

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

By Mr. PELL (for himself, Mr. MAGNUSON, and Mr. PASTORE):

S. 3118. A bill to amend the National Sea Grant College and Program Act of 1966 in order to authorize Coastal Zone Laboratory Programs, and for other purposes; to the Committee on Commerce.

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

By Mr. MONDALE:

S. 3119. A bill for the relief of Ernesto and Lucila Peraza, and daughter Belinda; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 3120. A bill to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma; to the Committee on Interior and Insular Affairs.

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

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. PROUTY, and Mr. MURPHY):

S. 3121. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotics addicts, and for other purposes; to the Committee on Labor and Public Welfare.

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

S. 3116—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN INDIANS TO SELECT THEIR PRINCIPAL OFFICER

Mr. BELLMON. Mr. President, today, on behalf of myself and my colleague, the senior Senator from Oklahoma (Mr. HARRIS), I am introducing a bill which will allow for the selection of the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes and the governor of the Chickasaw Tribe, by tribal members, by any method they choose. This is a long overdue change in our law and is intended to help bring full citizenship to our Indian citizens.

Since April 26, 1906, the President of the United States and the Secretary of the Interior have had the responsibility of appointing the leaders of these tribes. Before 1906, when the tribes existed as independent nations, much of the tribal organization was institutionalized. Tribal members provided their own educational system, law, justice, and constitutional government. Since 1906, when many of these rights were taken from the Indian people in order that Indian territory and Oklahoma territory could be joined to form what is now Oklahoma, the system of government created by the people themselves has disintegrated.

Mr. President, the sad plight of American Indian citizens is well known and abhorred by Members of the Senate. There can be no doubt that our Indian citizens have the innate ability to cope with their problems and to develop the skills required by 20th century civilization. However, the paternalistic attitudes and the archaic methods long used by our Government in dealing with Indians of this country have suppressed the development of individual Indian citizens until they are in desperate straits.

This bill, while it deals only with the members of the Five Civilized Tribes, is an important step toward full, responsible citizenship for a major sector of our Indian population. By its passage, the Congress will be saying to the American Indian that we have confidence in their abilities to share fully in the responsibilities and the challenges of our time.

Mr. President, prior to the introduction of this legislation, I contacted the chiefs of the Five Civilized Tribes concerning this matter. I ask unanimous consent that the replies received be placed in the RECORD following my remarks.

I also ask unanimous consent that the bill be printed in full following my remarks.

An identical bill is being introduced in the House of Representatives. This legislation has the support of the entire Oklahoma congressional delegation.

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

The bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes, introduced by Mr. BELLMON (for himself and Mr. HARRIS), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Principal Chiefs of the Cherokee, Choctaw, Creek and Seminole Tribes of Oklahoma and the Governor of the Chickasaw Tribe of Oklahoma may be selected by the respective tribes in accordance with procedures established by the respective tribes.

SEC. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such tribes in the development and implementation of such procedures.

SEC. 3. A principal officer selected pursuant to section 1 of this Act shall be duly recognized as the Principal Chief, or in the case of the Chickasaw Tribe, the Governor, of that Tribe.

SEC. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve (12) months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of Principal Chief may be filled at the earliest possible date in accordance with section 1 of this Act.

SEC. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being selected as a Principal Chief.

The letters, presented by Mr. BELLMON, are as follows:

EXECUTIVE OFFICE OF
PRINCIPAL CHIEF, CHOCTAW NATION,
Durant, Okla., October 24, 1969.

Senator HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: Thank you for a copy of the proposed legislation which you are planning on introducing relative to the election of the principal chiefs of the Five Civilized Tribes.

While I have always felt that the Indian people should have a voice in the selection of their headmen, I have some comments which I feel are timely in view of the situation among the Indian people at this point in Indian history.

If you would hold your proposed legislation until you and I can meet and discuss the over-all situation, I would certainly appreciate this consideration. I might say here that I was selected by the people through a balloting process under a gentlemen's agreement with the Bureau of Indian Affairs which was vitalized by appointment by the then president of the U.S., Harry S. Truman, consequently, I know what it means to enjoy the democratic process in our Indian affairs. Times have drastically changed since then—this is one of the things I wish to discuss with you, and I am sure that the stable, sincere, and thinking Indians will agree with much of my Indian philosophy.

I am directly involved in Indian affairs, out in the field where the Indians live, work and struggle. I am an Indian. I know how an Indian thinks and why he is the way he is, but there are some things that those high in authority need to know, before they try to cut a pattern to fit the Indian.

If you will give me a chance to talk with you, I will be happy to give you my views which are shared by many Indians and Indian organizations that have to do with Indian affairs. I trust you will give me this opportunity before you introduce the subject proposed legislation.

Sincerely,

HARRY J. W. BELVIN,
Principal Chief.

CREEK NATION OF INDIAN TERRITORY,
Tulsa, Okla., October 14, 1969.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: Your letter of October 10, 1969, in re the proposed bill for the election of the principal chiefs of the Five Civilized Tribes has been received.

I have read the proposed bill very carefully, and let me assure you that I have no objection whatever to the bill in its present form.

I do have some misgivings, however, that the election cost shall be paid from funds held by the respective tribes, since the instigation and proposal of the method to change the selection of the principal officers of the Five Civilized Tribes originated with the Bureau of Indian Affairs, Washington, some two years ago, but this is insignificant.

Senator, as far as I am concerned, I wholeheartedly support your bill and deeply appreciate your interest and concern for the Indian citizens.

My very best wishes to you.

Sincerely,

W. E. McINTOSH,
Principal Chief.

CHICKASAW NATION,
Oklahoma City, Okla., October 13, 1969.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: This will reply to your letter of October 10, 1969 in regard to legislation which will provide for the popular election of the Principal Officers of the Five Civilized Tribes.

Long before I became Governor of the Chickasaw Nation I advocated and asked for election by tribal members, rather than by appointment, of the Governor. I strongly favor and will support legislation to give the Chickasaw people the democratic process of popular election.

I am in agreement with the proposed bill with the exception of the cost of the election being borne by the tribe. I favor the cost of preparing and certifying eligible voting members, and the cost of the initial election be chargeable to the Interior Department.

Please call on me if I can be of assistance on this legislation.

Sincerely,

OVERTON JAMES.

Mr. HARRIS. Mr. President, I am pleased to cosponsor, along with other members of the Oklahoma congressional delegation, a bill which is being introduced in both Houses of Congress to provide for the election of the principal officers of the Choctaw, Cherokee, Creek, and Chickasaw Tribes of Indians.

The bill provides for the repeal of the act of 1906 which empowered the President of the United States to remove the principal chief of the Choctaw, Cherokee, and Creek Tribes and the governor of the Chickasaw Tribe, should the principal officer fail to carry out his duties and to "fill any vacancy arising from removal, disability, or death of the incumbent by appointment of a citizen by blood of the tribe." The act of 1906 was passed at a time when it was thought that tribalism was going out—at a time when courts of law and schools of the tribes were being abolished and supposedly the tribal governments were also being abolished.

Fortunately, these tribal organizations did not expire, but have continued to function and are stronger today than they have been in the last 50 years. The tribes still own land and their tribal governments continue to meet and to take action which has an effect on all members of the tribe.

I am certain that if Congress had thought in 1906 that these tribes would continue to function with principal officers and other officers empowered to conduct the financial affairs of the tribe and to speak on behalf of all members of the tribe, legislation providing for the appointment of the principal officer, rather than election, would have never been enacted. In present context, the act of 1906 is inconsistent with the principles of a democratic society.

It is untenable that at a time when our objective should be to give the American Indian the right of self-determination, Federal law does not permit members of the Choctaw, Cherokee, Creek, and Chickasaw Tribes to elect their principal officer.

I have been contacted by numerous members of these tribes urging that they be given the right to elect their principal officer, and I have received letters from the present officers in support of the bill being introduced today. I urge Congress to act promptly on this matter.

S. 3117—INTRODUCTION OF A BILL TO IMPROVE THE JUDICIAL MACHINERY OF MILITARY COURTS-MARTIAL

Mr. TYDINGS. Mr. President, no group of Americans are more deserving of the basic safeguards traditionally designed to guarantee a fair trial than our brave men and women in the armed forces. Indeed, we have a special responsibility to assure that those who risk their lives in defense of our democratic principles receive all of the blessings of these principles when called for in their own defense against criminal charges. I am concerned that our servicemen are not being afforded all the fundamental judicial safeguards for which they have fought and to which they are entitled. Furthermore, I am concerned that public trust in our system of justice shall wither and the morale of our servicemen shall decline if our military tribunals fail to eliminate all practices that tarnish the appearance of justice.

The factor in the court-martial system which is most likely to produce an actual obstruction of justice or to scar the appearance of justice is the commander's control of court-martial personnel and machinery. As past Army Chief of Staff Gen. George H. Decker has stated:

> No other single factor has a greater tendency to destroy public confidence in the [court-martial] system than allegations of command influence.

The cogency of General Decker's observation was vividly illustrated by the recent public and congressional outcry caused by the suggestion that the court-martial proceedings in the case of the Green Berets were laden with command influence. One might recall that the Green Berets defendants charged that their impending trial could not be conducted in a setting free from bias because of the commander's personal interest in the outcome of their case and petitioned to have their trial removed from his command. Moreover, the implications of command influence in the recent Presidio mutiny trials produced a similar public reaction including a petition to the Secretary of the Army signed by 45 members of the Harvard Law School faculty asking "whether the intense command interest in prosecuting these soldiers for serious crimes and the unusually severe sentences indicate that the court-martial proceedings did not result in a fair and impartial trial."

Opportunities for a commander to unfairly influence the course of a military trial are inherent in the nature of the military system. The commander who convenes a general court-martial not only has the power to select the attorneys for the prosecution, but also has the power to select the counsel for the defense and the members of the court as well. Moreover, because he selects these participants from his own command, he retains over them the awesome power to affect their efficiency reports, duty assignments, promotions and transfers. Such control has lead the Supreme Court in O'Callahan against Parker recently to lament that—

> The suggestion of the possibility of influence on the actions of the court-martial by the officer who convenes it . . . is a pervasive one in military law.

Surely, such ostensible singular control over both sides of a criminal case as well as over the triers of fact is at war with the basic principle of judicial impartiality as applied to our civilian courts.

I do not believe that commanders generally seek to interfere with the faithful performance of court-martial duties of members of their command, even though there is ample opportunity to do so. Indeed, I am sanguine that the great majority of our military commanders seek to assure that the rights of the accused are fully protected. In this regard, I applaud the enlightened efforts of such forward thinking men as Gen. Kenneth Hodson, the Judge Advocate General of the Army, to improve, by administrative means, the fairness of military judicial proceedings.

Equally commendable are certain sections of the Uniform Code of Military Justice and the well-reasoned decisions of the Court of Military Appeals interpreting this code, especially in the area of procedural due process. As a result, military justice has led the way in implementing certain rights of a criminally accused that are now considered basic throughout our society. For example, a soldier facing a general court-martial was afforded by the military the advice and assistance of counsel in his defense even before the Supreme Court held in the landmark Gideon case that this was a fundamental constitutional right. Similarly, those in the military accused of crime have been warned of their right to remain silent long before this constitutional protection was made applicable to our civilian community by the Supreme Court in Miranda against Arizona.

Notwithstanding these efforts, the basic structure of court-martial machinery remains an incubator in which improper court-martial influences are innocently and inadvertently bred. So long as the court-martial system continues to operate along command lines and in an atmosphere of command control, court-martial personnel will remain sensitive to the practical realities of military life. As the Court of Military Appeals has noted:

Courts-martial are manned by officers whose opportunities for advancement and promotion are controlled largely by their commanding officers and it is no reflection on their honesty and integrity to conclude that they desire to make a fine record.

In the same vein, court-martial participants are not oblivious to the risks incurred by performing in a manner which displeases or is not in accordance with the interests of their military superiors. In this atmosphere, rumors, however unfounded, of the commanding officer's desires in the matter are not likely to go unheeded. And even when the commander in nowise seeks to influence the participants, their court-martial performance may well be affected by a conscious or subconscious desire to do that which they presume will please the commander.

Expressions of concern over the erosive workings of command influence upon military justice have been widespread. As early as 1919, Gen. Samuel T. Ansell, the Acting Judge Advocate General of the Army, urged the removal of the commander's authority to select the court members. More recently, the American Bar Association and other bar associations, the American Legion, the American Civil Liberties Union, and a number of law professors have called for changes in the court-martial structure that would insulate key court-martial personnel from the influence of the commanding officer and erase the appearance of one-sided partiality.

The calls for court-martial reform have not gone unnoticed by Congress. In 1948 Congress enacted legislation which criminally proscribed attempts to coerce or unlawfully influence the actions of a court-martial. Congress, in passing the Military Justice Act of 1968, again acted to minimize the possibility of command influence. This most recent legislation provides in part that a serviceman's performance as a member of a court-martial or as defense counsel cannot be considered in the preparation of his efficiency report or in determining his promotions and assignments. However, because a commander is rarely so brazen as to document his efforts to wrongly influence a court, this admonishment, as well as the prohibition created in the 1948 act, appears to be of only superficial value. As the Court of Military Appeals has observed:

In the nature of things, command control is scarcely ever apparent on the face of the record.

A much more meaningful safeguard against command influence was the creation by the 1968 legislation of an independent judiciary composed of military judges who are insulated from the control of local commanding officers. The idea was initiated administratively by the Army in 1958 when it established a Field Judiciary Division directly subject to the authority of the Judge Advocate General. Under the Army's plan, the entire military command was divided into judicial areas which were subdivided into judicial circuits. One or more judicial officers were assigned to each circuit and the senior officer among the circuit judicial officers within an area was appointed as the area judicial officer, a position which carried some additional administrative responsibilities. The Office of the Judge Advocate General rated the performance of the area judicial officers who in turn rated their respective circuit judicial officers. This system which was designed to prevent one facet of improper command influence, met with great success, and on the basis of recommendations in 1963 and again in 1968 by Senator ERVIN's Subcommittee on Constitutional Rights, the system was enacted into law for all the armed services.

Notwithstanding the advancement made by the 1968 legislation, command influence remains a serious problem in military justice. The two most serious impediments to court-martial impartiality are the commanding officer-convening authority's control through his staff judge advocate over defense counsel and his power to appoint and affect court members.

The commander's authority over the defense counsel represents the most serious weakness in the military's judicial machinery. In this regard, Senator ERVIN's Subcommittee on Constitutional Rights has recognized "that many possibilities exist for command influence to be exercised on defense counsel." The basic problem is that military defense counsel operate in the same office as the prosecution and under the direction and control of the staff judge advocate. According to the Military Court of Appeals—

In a general way, the position of staff judge advocate can be likened to that of a district attorney.

The staff judge advocate operates directly under the control of the very commander who convenes the court; his primary responsibility is to assure that the interests of the commander, including the commander's disciplinary interests, are preserved; and as the commander's principal legal officer, he has the duty to advise him as to whether the court-martial allegations are legally correct and are factually supportable. As Judge George W. Latimer of the Court of Military Appeals has stated:

If we look the facts in the face, we must realize that presently the staff judge advocate is the officer who is suspected of being a messenger of conviction. He is always pictured as the alter ego of the commander.

This arrangement whereby the defense counsel is under the control of a military officer who is likened to a prosecuting attorney is clearly at odds with the basic philosophy of our adversary system of justice.

Understandably, it frequently produces serious conflicts of interest between the defense counsel's duty to his client and his duty to the command. For instance, a defense counsel is placed in an extremely difficult predicament when the court-martial activities of the staff judge advocate or the convening authority run contrary to the law, for then he must expose the misfeasance of his military superiors and incur their wrath in order to properly defend his client. Similarly, as Dean A. Kenneth Pye of Duke Law School has observed:

The defense counsel who has the option of asserting the defense which will embarrass his commander or staff judge advocate appreciates that this officer may ruin him professionally simply by making his efficiency report "satisfactory" without utilizing any letter of reprimand, transfer, or punitive matter.

So long as defense counsel remains a part of the military hierarchy responsible for preserving military discipline, he will be deprived of his traditional freedom of action in preparing his client's defense. And that freedom, as any lawyer knows, is the best assurance of fairness in any criminal proceeding.

The second major obstacle to court-martial fairness is the commander's authority to hand-pick court members. The inherent vice in this system is that it creates the appearance as well as the occasional fact of the commander stacking the court with men who he believes will support his disciplinary policies and convict the accused.

This system of court member selection which practically invites abuse is as inimical to the appearance of judicial impartiality as an actual showing of abuse. If military trials are to be impartial and to appear impartial, the selection of court members must be removed from the control of the commander and vested in an independent authority.

I am today introducing legislation to prevent command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings. The bill would remove defense counsel and court member selection from the control of the military commander who convenes a court-martial and place these functions under the control of an independent trial command. My proposal utilizes the framework and is founded upon the principle of the independent judiciary which was created by the Military Justice Act of 1968.

My proposal remains mindful of the important and legitimate interest of the military in preserving discipline. It seeks to strike a balance between this interest and the interest of procedural due process. Thus, while the bill removes defense counsel and jury selection from command control, it does not interfere with the convening authority's control over the prosecution of a case.

Under my proposal each armed service will establish an independent trial command directly under its Judge Advocate General or his designee. Each command will be divided into three divisions: First, military judges; second, defense counsel; and third, court administrators. Each command will be divided geographically into judicial circuits which will be headed by a judicial circuit officer. Upon deciding to convene a general or special court-martial, the convening authority will notify the circuit judicial officer in whose circuit his command is located.

The circuit judicial officer will assign from his judicial circuit the judge, the defense attorney or attorneys, and such administrative personnel as he deems necessary to the court-martial. He will also assign defense counsel to special courts-martial. Subject to the regulations of each Armed Forces Secretary, he may also assign military judges and administrative personnel to special courts-

martial. The circuit judicial officer will select the court members of a general court-martial. In making this selection, he will employ the principle of random selection among those who are eligible. Subject to the regulations of each Armed Forces Secretary, the circuit judicial officer also may select the court members of special courts-martial.

The military judges, defense attorneys, and court administrators within each division will be accountable for their court-martial performance only to their superior officers within those divisions, the circuit judicial officer, and the Judge Advocate General or his designee. Only this line of command will be used in the preparation of fitness reports and in decisions affecting the promotion, transfer, and duty assignment of the military personnel within each Armed Service Trial Command.

Today, I am introducing this bill for appropriate reference for myself and Senators CASE, EAGLETON, GOODELL, GRAVEL, JAVITS, HART, HARRIS, MCCARTHY, MONDALE, MUSKIE, NELSON, PELL, PROXMIRE, RANDOLPH, MCGOVERN, and SCOTT. I ask unanimous consent that the bill be printed in the RECORD at this point.

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. 3117) to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is hereby amended as follows:

(1) Section 825 is amended by creating a new subsection (a) as follows:

"(a)(1) The Judge Advocate General of each armed force shall establish a Military Trial Command which shall be an independent command directly under his authority or the authority of his designee. Each Military Trial Command shall be divided into judicial circuits each of which shall be commanded by a Circuit Judicial Officer and shall include the following divisions: (1) military judge division, (2) defense counsel division and (3) court reporter and administrative division. The military members of these divisions shall be under the supervision, direction and control of only their superiors within their division, the Circuit Judicial Officer and the Judge Advocate General or his designee and shall perform duties of a judicial or nonjudicial nature other than those relating to their primary duty within the division only when so assigned by these superiors.

"(2) The authority convening a general or special court-martial shall promptly so notify the Circuit Judicial Officer of the circuit in which the authority's command is located."

(2) Existing subsections (a), (b), (c)(1), (c)(2), (d)(1), and (d)(2) of section 825 shall be changed to subsections (b), (c), (d)(1), (d)(2), (e)(1), and (e)(3), respectively.

(3) Subsection (e)(2) of section 825 shall be amended as follows:

"When convening a special court-martial, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. For each general court-martial, the Circuit Judicial Officer, upon notification of the convening authority of his intent to convene a general court martial, shall select at random the members of the court from among those officers and enlisted men who are eligible and available within the circuit. No member of an armed force is eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

(5) The first sentence of section 826(c) shall be amended as follows: "The military judge of a general court-martial shall be designated by the Circuit Judicial Officer of the circuit in which the general court-martial shall be held for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned to the military judges division of a particular judicial circuit under the Military Trial Command of the armed force of which the military judge is a member."

(6) Section 827(a) is amended as follows: "(1) For each general and special court martial the authority convening the court shall detail trial counsel and such assistants as he considers appropriate. No person who has acted as investigating officer, military judge or court member in any case may act later as trial counsel or assistant trial counsel in the same case.

"(2) For each general and special court-martial the Circuit Judicial Officer, upon notification by the convening authority of his intent to convene a court-martial, shall designate from those assigned to the Defense Division of the Judicial Circuit in which the court-martial shall be held a defense counsel and such assistants as he considers appropriate to represent the accused in the court-martial. Neither the convening authority, nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness or efficiency of the defense counsel so designated."

(7) Section 827(c)(2) and 827(c)(3) are amended by deleting from each the words "detailed by the convening authority."

(8) Section 828 shall be amended as follows: "Under such regulations as the Secretary may prescribe, the Circuit Judicial Officer, upon notification by the convening authority of his intent to convene a court-martial, shall assign from the court reporter and administrative division, court reporters and such other administrative personnel as he considers appropriate, who shall record the proceedings of and testimony taken before the court and perform other administrative duties."

S. 3118—INTRODUCTION OF A BILL RELATING TO AMENDMENT OF NATIONAL SEA GRANT COLLEGE AND PROGRAM ACT OF 1966

Mr. PELL. Mr. President, 3 years ago the Congress gave its approval to the National Sea Grant College and Program Act of 1966. The intent of that act was to stimulate a more intensive national effort in the marine sciences and marine engineering. The act was designed to apply to this Nation's marine resources the combination of education, applied research, and extension services that has been so spectacularly successful through the land-grant college system in developing our agricultural resources.

As the coauthor of the Sea Grant College Act, I have followed very closely the development of the program. I can report that the sea-grant college program in its first 2 full years of operation has showed every indication of living up to the expectations of the Congress, despite rather limited funding.

The program has been given an enthusiastic reception by every segment of the oceanologic community in the United States. Our universities and colleges, the scientific community, industry, State and local governments, all have given the sea-grant college program warm endorsements.

They have applied for participation in the program, with matching funds in hand, far beyond the fiscal capacity of the program to accommodate their proposals.

As a result of the sea-grant college program, expansion of education programs for marine scientists, engineers, and technicians is underway; applied research projects are being supported that explore promising potentials for increasing the yield of the sea; and sea-grant institutions are beginning to reach out to the fishermen and marine-related businessmen to discover their problems and help to solve them.

A few months before approving the sea-grant college program, Mr. President, the Congress ordered a comprehensive study of the entire national oceanologic program. The Commission on Marine Science, Engineering, and Resources was established and directed to make recommendations to the Congress for improvement of the national program.

The Commission has now completed its work and submitted its report to the Congress. The report, "Our Nation and the Sea," includes several comments, observations and specific recommendations relating to the sea-grant college program. These recommendations, I believe, constitute a tribute both to the concept of the program and to its performance during its initial years of operation.

The Marine Science Commission recommended a significant broadening and expansion of the national sea-grant college program functions. I agree fully with the Commission's recommendations relating to the sea-grant college program. Accordingly, I am today introducing a bill to carry out those recommendations, and to provide adequate financing for

the more extensive sea-grant college program envisioned by the Commission.

I am delighted that the senior Senator from Washington (Mr. MAGNUSON) who has exercised such outstanding leadership toward development of a national oceanologic program, is cosponsoring this bill along with my senior colleague from Rhode Island (Senator PASTORE).

I am delighted to say, also, that a similar bill is being introduced today in the other body by Representative PAUL ROGERS of Florida. Representative ROGERS and I were coauthors of the Sea-Grant College Act, and I am proud to be working once again with one who has such a deep interest in our national marine science affairs and who has contributed so much to them.

The Marine Science Commission urged the Congress to authorize a new program of coastal zone laboratories and recommended that the program be administered through the sea grant college program. This bill would implement that recommendation.

One of the most pressing problems in the marine sciences, Mr. President, is the need for proper management and wise utilization of our coastal zone. This region of relatively shallow water along our coasts and the shores of the Great Lakes, is the area of most concentrated marine activity.

Pressures for use of this coastal zone area are increasing rapidly and can be expected to continue to mount as coastal populations grow and as increased use of the coastal zone is required to meet recreational, shipping, fishing, and other demands.

Proper management of this zone to protect the marine environment and to provide maximum public benefits from the competing, and at times incompatible, uses is imperative.

In response to this need, the senior Senator from Washington (Mr. MAGNUSON) has introduced the Coastal Zone Management Act of 1969, S. 2802. That proposal, implementing another recommendation of the Marine Science Commission, would provide for comprehensive and coordinated long-range planning and management of the coastal zone for maximum public benefit. I am proud to be a cosponsor of that bill, and congratulate Senator MAGNUSON on this demonstration of his continued leadership in oceanologic legislation.

I believe the measure I have introduced today is an important complement to the Coastal Zone Management Act, for it would provide the research facilities and capabilities required for wise coastal zone management.

Management of this coastal zone area rests primarily with local, State, and regional authorities. The coastal zone laboratories would be charged specifically with providing information, assistance, and recommendations to the State and regional authorities.

A series of laboratories is required simply because the characteristics of the coastal zone and estuarine areas vary widely from State to State and region to region. The resource management problems likewise vary widely.

I would like to emphasize, however, that this bill does not propose the establishment of another network of Federal Government laboratories. The coastal zone laboratory programs would be conducted by sea-grant colleges, and other suitable institutes, laboratories, and public or private agencies.

As in other Sea-Grant College Act programs, the participating laboratories would be required to provide matching funds equal to 50 percent of the Federal Government contribution. To assure that the coastal zone laboratories are responsive to the needs of State and regional management authorities, the bill requires that research programs of the laboratories be planned in consultation with appropriate management authorities.

Mr. President, I concur with the Marine Science Commission's recommendation that the sea-grant college program is the logical administrative vehicle for the coastal zone laboratories program.

Many of the colleges and universities currently receiving sea-grant college program support are already deeply involved in scientific exploration and investigation of the coastal zone in their immediate vicinity. In fact, 90 percent of the projects being supported under the sea-grant college program involve work in the coastal zone. Many of these colleges and universities are State institutions and, thus, ideally suited to work with State and regional authorities.

The Commission also recommended that the existing prohibition against the use of sea-grant college funds for construction, purchase and repair of vessels and other facilities be eliminated.

The prohibition against use of sea-grant college funds for "bricks and mortar" was included in the original act because of strong convictions that the limited funds authorized for the program in its initial years should be concentrated on projects and programs, not construction. I believe that was a sound decision.

The Commission concluded, however, that if the sea-grant college program is to be a fully effective instrument for new programs contemplated for it, the prohibition must be removed. I accept the Commission's recommendation and have incorporated it into my bill.

The Marine Science Commission offered several additional recommendations regarding the sea-grant college program. These recommendations do not require specific legislative action for implementation. For example, the Commission recommended that the sea grant college program expand its support for ocean engineering and marine technician training at all levels, and that it aid selected universities in the application of social sciences to marine affairs.

These recommendations call for an expansion of currently authorized sea-grant college program activities. It is clear, however, that no expansion will be possible unless adequate funds are authorized and appropriated. It is also evident that if the sea-grant college program is to be expanded to include administration of a coastal zone laboratories program, and to include assistance in construction and repair of vessels and other facilities, increased funds will be required.

In recognition of this need, my bill provides a new basis for funding of the program. The bill provides that the first $50 million in Federal revenue in each fiscal year from leases and rents from the Outer Continental Shelf be placed in a sea-grant college fund. Congress would be authorized to appropriate from this fund in each fiscal year such amounts as it deems necessary for the purposes of the program.

Mr. President, I believe this financing makes good sense. I can think of no more appropriate use of revenues the Federal Government derives from the marine wealth of the Continental Shelf than to reinvest those funds in research, education, and extension services designed to develop, protect, and wisely manage our marine resources.

Indeed, when I first introduced the sea-grant college bill in 1965, I proposed the earmarking of a portion of the Continental Shelf revenues to finance the program. I reluctantly withdrew that provision from the bill because of very strong opposition at that time from the Bureau of the Budget.

The situation has now changed somewhat. The Congress last year earmarked a portion of Federal Continental Shelf revenues for the land and water conservation fund, and Senator MAGNUSON, who also proposed in the last Congress the earmarking of a portion of these funds for marine sciences, has proposed similar funding for the Coastal Zone Management Act of 1969. I hope very much that the administration and the Congress will concur in this approach to adequate funding for these programs.

Mr. President, we in the Congress have for the past 2 years deferred acting on most new legislation in oceanology and the marine sciences, awaiting the report of the Marine Science Commission.

We now have that report. I believe we have a responsibility now to give the Commission report the most careful study, and to move ahead vigorously with the establishment of a well-coordinated national oceanologic program to meet the demands of the coming decades.

I would bring to the attention of my colleagues the fact that although the Marine Science Commission recommended an extensive reorganization of our national marine sciences program, the Commission urged that action on specific recommendations not be made to await a decision on reorganization.

It is in keeping with that recommendation, which I believe is a wise one, that I have today introduced these amendments to the National Sea Grant College and Program Act.

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

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

The bill (S. 3118) to amend the National Sea Grant College and Program Act of 1966 in order to authorize coastal zone laboratory programs, and for other purposes, introduced by Mr. PELL (for himself, Mr. MAGNUSON, and Mr. PASTORE), was received, read twice by its title, referred to the Committee on Com-

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

S. 3118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the National Sea Grant College and Program Act of 1966 is amended (1) by inserting after paragraph (c) a new paragraph as follows:

"(d) that management of the coastal zone to preserve and develop its rich resources and to provide maximum public benefits from those resources requires increased scientific knowledge of the characteristics and processes of the coastal zone and estuarine areas;"

and (2) by redesignating paragraph (d) and (e) as paragraphs (e) and (f), respectively, and (3) by striking in the paragraph redesignated (e) the following: "(a), (b), and (c)" and inserting in lieu thereof "(a), (b), (c) and (d)".

SEC. 2. (a) Section 203(b)(1) of the National Sea Grant College and Program Act of 1966 is amended by striking the comma after "June 30, 1970, not to exceed the sum of $15,000,000" and inserting in lieu thereof a period, and by striking all that follows through "Congress may hereafter specifically authorize by law."

(b) Section 203(b) of such Act is further amended by redesignating paragraph (2) as paragraph (3) and by inserting before such paragraph a new paragraph as follows:

"(2) The initial $50,000,000 of all revenues received in each fiscal year beginning after June 30, 1970, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow under the interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds, shall be placed in a special fund in the Treasury to be known as the 'Sea Grant Colleges Fund'. Moneys in such Fund shall be used only for the purposes of the National Sea Grant and Program Act of 1966, and are hereby authorized for such use to the extent made available in appropriation Acts.

SEC. 3. (a) Section 204(b) of the National Sea Grant College and Program Act of 1966 is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after such clause (3) a new clause as follows:

"(4) initiating and supporting coastal zone laboratory programs which (A) are for the purpose of carrying out comprehensive scientific investigations of the characteristics and processes of the coastal zone and estuarine areas of the State or region in which such laboratories are established in order to provide necessary information, assistance and recommendations to the appropriate State, regional or federal government authorities responsible for the management of the coastal zone and estuarine areas, and (B) are carried out by sea grant colleges and other suitable institutions, laboratories or public or private agencies."

(b) Section 204 of such Act is further amended by striking subparagraph (d)(2) and inserting in lieu thereof a new subparagraph as follows:

"(2) Payments by the Foundation to any participant in any program to be carried out under this title may be used for the rental, purchase, construction, preservation, and repair of buildings, docks, vessels and equipment necessary to such program.

(c) Section 204 of such Act is further amended by redesignating subsections (h) and (i) as subsections (i) and (j) respectively, and by inserting after subsection (g) a new subsection as follows:

"(h) In carrying out its functions under section 204(b)(4), the Foundation shall (A) encourage cooperative programs under which a single coastal zone laboratory may serve two or more states whose coastal zones and estuarine areas, or portions thereof, have a high degree of similarity in geographic, biological, chemical and physical characteristics, and (B) require submission of a satisfactory and detailed program of scientific investigation by such coastal zone laboratories and evidence that the research program was planned in consultation with the governmental authorities responsible for the management of the coastal zone."

(d) Section 204 of such Act is further amended in redesignated subsection (j) by striking out "and" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "and", and by inserting after clause (4) the following:

"(5) the term 'coastal zone' means the lands, waters and lands beneath the waters in close proximity to the coastline (including the Great Lakes) and strongly influenced by each other."

"(6) the term 'estuarine area' means the area in which the marine environment meets and interacts with the fresh water environment."

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

SUMMARY OF PROVISIONS

Section 1: This section amends the declarations and findings of the Congress to include a new paragraph recognizing the need for increased scientific knowledge of the coastal zone and estuarine areas to preserve and develop the resources of those areas and to provide maximum public benefit from those resources.

Section 2: This section requires that the first $50,000,000 received each year by the Treasury Department in revenues from the Outer Continental Shelf Lands Act be placed in a special "Sea Grant Colleges Fund". The section further authorizes the Congress to appropriate from the fund such amounts as the Congress deems necessary for use only for the programs authorized by the Sea Grant College Act of 1966 as amended.

Section 3: a. Authorizes the National Science Foundation, as part of the Sea Grant College Program, to initiate and support coastal zone laboratory programs designed for comprehensive scientific investigation of coastal zone and estuarine characteristics and processes. The section further provides that such programs shall be designed to provide necessary information, assistance and recommendations to regional, State or Federal Government authorities responsible for the management of the coastal zone. The programs may be conducted through Sea Grant Colleges, or other suitable institutions, laboratories, or public or private agencies.

b. Removes the existing prohibition against use of Sea Grant College Program funds for rental, purchase, construction and preservation or vessels, docks, buildings and equipment necessary to the proper conduct of the authorized programs.

c. Requires the Foundation in carrying out the Coastal Zone Laboratories program to encourage cooperative programs under which a single laboratory may serve two or more adjoining States whose coastal zone and estuarine areas are highly similar. The section further requires submission by the laboratories of satisfactory programs of scientific investigation and evidence that the research program was planned in consultation with authorities responsible for management of the coastal zone.

d. Adds to the act definitions of the coastal zone and estuarine area.

S. 3120—INTRODUCTION OF A BILL TO ESTABLISH THE FIVE CIVILIZED TRIBES NATIONAL PARK

Mr. HARRIS. Mr. President, I introduce for myself and my colleague from Oklahoma (Mr. BELLMON) a bill to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma. The bill has the endorsement of the intertribal council of the Five Civilized Tribes of Oklahoma and the endorsement of the legislative council of the Oklahoma State Legislature.

Under the terms of the bill we introduce today, the Five Civilized Tribes National Park would encompass the areas now included in the Fountainhead State Park and the Arrowhead State Park, both of which are located on the shores of the Eufaula Reservoir, which was constructed and is operated by the U.S. Army Corps of Engineers. These two parks are located in the eastern part of Oklahoma which has the largest concentration of Indians belonging to the Five Civilized Tribes. Both Fountainhead State Park and Arrowhead State Park have outstanding lodges and other recreational facilities available, and most of these facilities were constructed by the State with loans obtained from the Area Redevelopment Administration now known as the Economic Development Administration.

Under the terms of the legislation we introduce today, these parks and lodges would be a gift from the State of Oklahoma to the Federal Government, in return for which the Federal Government would consider "satisfied in full" all "obligations of whatever kind of the State of Oklahoma due and owing to the United States," in connection with these lodges.

The American Indian is a vital part of American history and culture, and the Five Civilized Tribes are of special interest in that they were totally relocated from the eastern part of the United States into Indian territory which is now the State of Oklahoma. The establishment of the Five Civilized Tribes National Park as proposed in this bill will guarantee the preservation of a portion of our State which is filled with educational artifacts and inspirational reminders of the early culture and society of the Five Civilized Tribes.

Furthermore, the Eufaula Reservoir is a recreation paradise visited by thousands of people annually for the purpose of swimming, boating, fishing, and simply relaxing and enjoying the esthetic beauty of the eastern hills of Oklahoma. The State of Oklahoma has constructed the Fountainhead and Arrowhead State lodges on the shores of this beautiful lake, and these lodges provide the most modern accommodations available anywhere. The establishment of a national park which would include these two outstanding lodges, plus the surrounding landscape, would make a significant contribution to our already overburdened national recreational facilities and would, of course, provide yet another point of interest for thousands of people who travel annually to the national parks throughout the United States.

Mr. President, the State of Oklahoma in the development of Fountainhead State Park and Arrowhead State Park did an excellent job in preserving the natural beauty of the area; and, the architectural design of the lodges and other facilities blend well with the surrounding scenery.

Interstate Highway 40 and the Indian Nations Turnpike both pass within a short distance of Arrowhead and Fountainhead State Parks, and both these State parks are convenient to the large metropolitan areas of Oklahoma City, Tulsa, Dallas, Fort Worth, and even Little Rock, and St. Louis. I feel that the part this area of Oklahoma has played in the history of our country and in the history of the American Indian underlines the need for us to assure its preservation for future generations to study and enjoy. The scenic beauty of the landscape and the modern lodges and other facilities would certainly make Fountainhead and Arrowhead State Park an asset to our national park system. The State, as I have stated earlier, is willing to turn these two facilities over to the National Park Service in order to take advantage of the professional management capabilities which the National Park Service has so admirably demonstrated in preserving other areas of historical and esthetic significance throughout the United States. I feel that both the State of Oklahoma and the Nation as a whole will benefit as a result of the enactment of this legislation. Therefore, I urge its early and favorable consideration by the Senate.

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

The bill (S. 3120) to provide for the establishment of the Five Civilized Tribes National Park in the State of Oklahoma, introduced by Mr. HARRIS, for himself and Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILL

S. 2004

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

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

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF A REPORT, ENTITLED "HANDBOOK FOR SMALL BUSINESS," AS A SENATE DOCUMENT

Mr. BIBLE submitted a concurrent resolution (S. Con. Res. 46) relative to printing as a Senate document of a publication of the Senate Select Committee on Small Business, entitled "Handbook for Small Business, 3d Edition, 1969," which was referred to the Committee on Rules and Administration.

(The remarks of Mr. BIBLE when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 278—RESOLUTION REPORTED RELATING TO FEES OF WITNESSES APPEARING BEFORE SENATE COMMITTEES—REPORT OF A COMMITTEE (S. REPT. NO. 91-515)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 278); and submitted a report thereon, which resolution was placed on the calendar and the report was ordered to be printed:

S. RES. 278

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $25 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 20 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness if such distance is not more than six hundred miles or 12 cents a mile if such distance is more than six hundred miles.

FAMILY ASSISTANCE ACT OF 1969—AMENDMENT

AMENDMENT NO. 267

Mr. PERCY. Mr. President, on behalf of myself and Senators BROOKE, CASE, COOK, GOODELL, GRAVEL, INOUYE, MATHIAS, NELSON, PACKWOOD, RANDOLPH, SCHWEIKER, STEVENS, and TYDINGS, I submit an amendment, intended to be proposed by us, jointly, to Senate bill 2986, the Family Assistance Act of 1969. My amendment is entitled "Day Care Facility Construction Amendment."

It is the purpose of this amendment to provide financial assistance to public and private nonprofit agencies and organizations to help meet the acquisition or construction cost of day-care centers in communities where such facilities are needed.

The Federal funding of day-care centers is not a new or novel idea. It had its origin in the manpower needs of World War II. During one of the more critical periods of the war, Federal funds under the Lanham Act were made available to the States on an inducement to provide day care for the children of mothers who worked in wartime industries. This Federal funding terminated after the war, however, in anticipation of working mothers returning to their household duties on a full-time basis. The need for day-care services, it seemed, would thus disappear.

As we are all aware, the working mother did not disappear from the American scene. Many families discovered that a second income had become indispensable. Working mothers were reluctant to relinquish the economic assistance and personal independence brought by their own pay checks. In addition, American business discovered that it could ill afford to lose the pool of talent and energy provided by the working mother and accordingly, encouraged women to remain employed through salary and work incentives.

Today, there is an increasing need for women in the job market and an increasing number of women who need or will need jobs. A significant number are mothers, many of whom are the sole support of their families. Some are mothers now receiving welfare payments under the aid to families with dependent children program who will be equipped to assume employment when they receive training under the work incentive program.

Day-care facilities are needed for the children of all these mothers and I advocate a Federal program that will contribute to their construction. As an initial step toward a more comprehensive program, however, I feel we should begin to provide such facilities where they are most urgently needed. I am, therefore, proposing that we concentrate first efforts on building day-care centers for the children of low-income working mothers and mothers on welfare. For these mothers, the availability of full- or part-time day care for their children often determines whether they will or can work; whether their children will receive supervised care or roam the streets.

There are numerous social benefits that will accrue from providing adequate day care for these families. To begin with, children will be attended in centers where their welfare is paramount and where they will assimilate social behavior meeting society norms. These children will receive an education as well as good care—both of which are vital if they are to become productive members of society when they mature. In addition, more women who are physically capable and unencumbered by very small children or infirm members of their families could participate in job training programs and go to work. Their addition to the labor force would effect tremendous savings in Federal and State expenditures as they begin to support their families.

For the city of Chicago alone, for example, it has been estimated that if 2,000 mothers who are receiving AFDC grants could be placed in gainful employment there would be a savings of $12 million a year in State and Federal funds. This situation in Chicago is not unique; it exists to a greater or lesser extent in cities and towns across the country.

Finally, the expansion of the labor force and the reduction of poverty which will occur as more mothers work will contribute to the growth of our economy and the development of our society.

The Federal Government has responded to the national need for day-care programs in a variety of ways, in a number of Federal departments. With a few exceptions, most of these programs are geared toward staffing and training people to staff day-care centers.

It is estimated that federally assisted day-care programs are currently serving

more than 75,000 children and that approximately 325,000 more are being provided day-care services for State and local governments, churches, both nonprofit and profit organizations, and private industry. These 400,000 children, however, represent but a fraction of those who could benefit by day-care programs.

In Illinois alone there are over 300,000 children in families receiving AFDC payments. And as of March of this year, there were 4.8 million such children in the country. While it is true that the mothers of some of these children could not work for a variety of reasons, day-care services for a great proportion of these children would permit mothers to obtain job training and employment.

President Nixon in his bold new welfare reform proposal has taken a major step in insuring the development of comprehensive day-care programing. He has both called public attention to the need for day-care services and committed more Federal funds, $1,600 per child a year, to provide day care for children of welfare recipients who are being trained or working.

The amendment I am submitting today will complement the President's proposal by providing the third ingredient for adequate day care—funds for the construction, acquisition, or remodeling of buildings for day-care centers.

The day-care facility construction amendment to the Family Assistance Act of 1969 enables the Federal Government to provide financial assistance to public and nonprofit agencies and organizations to meet part of the cost of the acquisition or construction of day-care facilities in localities where they are needed. Priority would be given to the development of day-care centers in low-income areas and for children of low-income facilities or welfare recipients.

Funds will also be available for the remodeling of an existing structure so that it meets local and Federal requirements for day-care centers. This is an especially important provision since in many communities church basements and Sunday school rooms as well as other buildings are readily available for day-care use but remain unused because they fail to meet exacting codes. Modification of these structures with Federal funds would provide the communities with adequate physical plants for day-care centers.

The financial assistance provided in this legislation would be spread over a 4-year period so that the maximum number of facilities could be constructed. A total of $45 million would be authorized for appropriation for the first year and the dollar level would increase by 10 percent each year to offset rising cost levels.

The impact of this $208,842,000 over 4 years would be substantial. It has been estimated that the cost of building a day-care facility for a 40-child program is $96,000. This means that the construction funds provided in the bill would create day care facilities for almost 2 million children.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD following my remarks and urge prompt action on it.

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

The amendment (No. 267) was referred to the Committee on Finance, as follows:

AMENDMENT No. 267

Beginning on page 40, line 9, strike out all through page 42, line 3, and insert in lieu thereof the following:

"DAY CARE FACILITIES CONSTRUCTION

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 437. (a)(1) The Congress finds and declares that (A) because women are assuming an evermore important role in the Nation's work force, (B) because of the increasing complexities of society, and (C) because many parents are financially unable to provide adequate day care services for their children, there is an urgent and growing need to provide adequate day care facilities to provide proper care of the children of working mothers and of other children who are in need of care outside the home.

"(2) It is therefore the purpose of this section to provide financial assistance to public and nonprofit organizations to meet part of the cost of acquisition or construction of day care facilities in communities where such facilities are needed.

"Authorization of Appropriations

"(b) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $45,000,000 for the fiscal year ending June 30, 1971, $49,500,000 for the fiscal year ending June 30, 1972, $54,450,000 for the fiscal year ending June 30, 1973, and $59,895,000 for the fiscal year ending June 30, 1974.

"State Allotments

"(c)(1) Each State shall be entitled for each fiscal year, beginning with the fiscal year which ends June 30, 1971, to an allotment of the sums appropriated pursuant to subsection (b).

"(2) Of the sums appropriated pursuant to subsection (b) for any fiscal year—

"(A) 75 per centum thereof shall be available for allotment in the manner provided in paragraph (3)(A); and

"(B) 25 per centum thereof shall be available for allotment; in the manner provided in paragraph (3)(B).

"(3)(A) The sums available for allotment under paragraph (2)(A) for any fiscal year shall be allotted as follows: Each State shall be allotted an amount of such sums which bears the same ratio to such sums as the number of children under age 15 in such State who are receiving welfare assistance bears to the number of children under age 15 in all the States who are receiving welfare assistance.

"(B) The sums available for allotment under paragraph (2)(B) for any fiscal year shall be allotted as follows: Each State shall be allotted an amount of such sums which bears the same ratio to such sums as the number of children under age 15 in such State bears to the number of children under age 15 in all the States.

"(C) For purposes of paragraph (A), the term "welfare assistance" refers to benefits in the form of money payments (i) under a State program approved under part A of title IV prior to the effective date of part D of title IV (as added by the Family Assistance Act of 1969) or (ii) part D of title IV (as added by such Act).

"(4) Allocations under paragraph (3) shall be made on the basis of the most recent data available to the Secretary immediately prior to the fiscal year with respect to which such allocations are made. The Secretary, in determining the number of individuals referred to in subparagraph (A) or (B) of paragraph (3) shall use a monthly average over such period of time (not in excess of one year) as he may deem appropriate.

"(5) Any sum allotted to a State for a fiscal year under this subsection and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year.

"GENERAL REGULATIONS

"(d) The Secretary shall by general regulations prescribe—

"(1) the general manner in which the State agency (designated pursuant to subsection (d)(1)(A)) shall determine the priority of day care facilities based on the relative need for such facilities in the various areas of the State, giving special consideration to neighborhoods of low per capita income;

"(2) general standards of construction and initial equipment for day care facilities of different size and in different types of location; and

"(3) criteria for determining need for day care facilities.

"STATE PLANS

"(e)(1) Any State desiring to participate in the program established by this section must submit to the Secretary a State plan which—

"(A) designates a single State agency as the sole agency for the administration of the plan, or designates such agency as the sole agency for supervising the administration of the plan;

"(B) contains satisfactory evidence that the State agency designated in accordance with subparagraph (A) will have authority to carry out such plan in conformity with this section, and will cooperate with other State and local agencies concerned with child care programs;

"(C) provides for the designation of a State advisory council, which shall include representatives of nongovernmental organizations or groups, and of public agencies, concerned with the health, education, and welfare of young children to consult with the State agency in carrying out the plan;

"(D) sets forth, in accordance with criteria established in regulations prescribed under subsection (d) and on the basis of a statewide inventory of existing day care facilities, a survey of need for such facilities in the various communities of the State;

"(E) establishes a program for acquisition and construction of day care facilities which program conforms with regulations prescribed under subsection (d) and is designed to meet the needs revealed pursuant to the survey conducted pursuant to subparagraph (D);

"(F) sets forth the relative need, determined in accordance with regulations prescribed under subsection (d), and provides for the meeting of such need, insofar as financial resources available for such purpose make possible, in the order of such relative need;

"(G) provides such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(H) provides for affording to every applicant for a grant an opportunity for a hearing before the State agency;

"(I) provides that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such

access thereto as the Secretary may find necessary to assure the correctness and verification of such records;

"(J) provides that the Comptroller General of the United States or his duly authorized representative shall have access for the purpose of audit and examination to the records specified in subparagraph (I); and

"(K) provides that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

"(2) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of paragraph (1). If any such plan or modification thereof shall have been disapproved by the Secretary for failure to comply with paragraph (1), the Secretary shall, upon request of the State agency, afford it an opportunity for a hearing.

"Approval of Projects for Construction or Acquisition

"(f)(1) For each project for construction or acquisition of a day care facility pursuant to a State plan approved under this section, there shall be submitted to the Secretary, through the State agency, an application by the State or political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(A) a description of the site for such project;

"(B) plans and specifications therefor, in accordance with regulations prescribed under subsection (d);

"(C) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility after it is acquired or when construction is completed, as the case may be;

"(D) reasonable assurance that adequate financial support will be available for the maintenance and operation of the facility after it is acquired, or construction thereof is completed, as the case may be;

"(E) reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended; and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(F) reasonable assurance that use of the facility will not be denied to any child because of his race, creed, color, or national origin; and

"(G) a certification by the State agency of the Federal share of the project.

"(2) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of such project are available from the allotment to the State, and if the Secretary finds (i) that the application contains the reasonable assurance referred to in subparagraphs (C), (D), (E), and (F); (ii) that the plans and specifications are in accord with the regulations prescribed pursuant to subsection (d), (iii) that the application is in conformity with the State plan approved under subsection (e) and contains the assurance that in the operation of the project there will be compliance with State standards for operation and maintenance; and (iv) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to subsection (d)(1).

"(3) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(4) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"Payment of Grants

"(g)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the allotment of such State, except that (i) if the State is not authorized by law to make payments to the applicant, or if the State so requests, the payment shall be made directly to the applicant, (ii) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (h), payment may, after he has given the State agency notice of opportunity for hearing pursuant to such subsection, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (iii) the total of the payments under this paragraph with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

"(2) In case an amendment to an approved application is approved as provided in subsection (f) or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the allotment of the State for the fiscal year in which such amendment or revision is approved.

"Withholding of Payments

"(h) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in subsection (e)(1)(A), finds—

"(1) that the State agency is not complying substantially with the provisions required by subsection (e) to be included in its State plan; or

"(2) that any assurance required to be given in an application filed under subsection (f) is not being or cannot be carried out; or

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under subsection (f); or

"(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

"(5) no further payments will be made to the State under this section, or

"(6) no further payments will be made from the allotments of such State under this section for any project or projects which the Secretary determines to be affected by the action or inaction referred to in paragraphs (1), (2), (3), or (4) of this subsection, as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments may be withheld, in whole or in part, until there is no longer any failure to comply (or carry out the assurance or plans and specifications or provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"Judicial Review

"(i)(1) If the Secretary refuses to approve any application for a project submitted under subsection (f), or the State is dissatisfied with the Secretary's action under subsection (h), the State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within 60 days after such action. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporary or permanently, but until the filing of the record, the Secretary may modify or set aside his order.

"(2) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Secretary's action.

"Recovery

"(j) If any facility with respect to which funds have been paid under subsection (g) shall, at any time within twenty years after the completion of construction—

"(1) is sold or transferred to any person, agency or organization (i) which is not qualified to file an application under subsection (f), or (ii) which is not approved as a transferee by the State agency designated pursuant to subsection (e)(1)(A), or its successor, or

"(2) ceases to be a day care facility, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from this obligation,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be public or nonprofit, from the owners thereof) an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of construction under such project or projects. Such right of recovery shall not constitute a lien upon said facility prior to judgment.

"Definitions

"(k) For purposes of this section—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

"(2) The term 'Federal share' with respect to any project means the proportion of the cost of construction of such project to be paid by the Federal Government. The amount of the Federal share for any project shall be the amount fixed by the State, except that the amount so fixed shall not be greater than 75 percent, nor less than 25 percent, of the cost of construction of the project.

"(3) The term 'day care facility' means a facility which (i) is licensed by the State as being adequate to meet the needs, with respect to health, safety, education, and recreation, of young children placed under the care of such facility for all or part of the day, and (ii) meets any other licensing requirements imposed by the political subdivisions in which the facility is located.

"(4) The term 'nonprofit' as applied to any facility means a facility which is owned and operated by one or more nonprofit corporations or associations no part of the earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(5) The term 'construction' includes acquisition of land and buildings, construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any of such buildings (but initial equipment shall be taken into account only to the extent that the cost thereof does not exceed 3 per centum of the cost of construction attributable to items other than such equipment); such term also includes architects' fees.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the annual rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years' undisturbed use and possession for the purposes of construction and operation of the project.

AMENDMENT OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 268

Mr. TYDINGS. Mr. President, I rise to submit an amendment, intended to be proposed by me to S. 2218, a bill to amend the Elementary and Secondary Education Act of 1965.

In order to operate effectively and dispense funds efficiently, school boards on all levels must begin formulating education plans and budgets a year before they are to go into effect. However, given the nature of the appropriations process in Congress, such advance planning is virtually impossible.

For example, the 1969–70 school year will be nearly half completed before the Federal education appropriations for 1969–70 are enacted into law. School systems across the country have been forced to operate education programs involving Federal funding at last year's levels since they have no way of knowing what this year's appropriation will be. If Congress significantly increases educational appropriations for fiscal year 1970 over last year's levels—which I believe it must do—the additional funds will hardly come to school systems under conditions conducive to their efficient use.

To begin with, the schools will not have been able to provide specific plans for the use of these funds because they had no way of knowing 12 to 18 months prior exactly how much they would receive. More importantly, since the money will become available midway through the school year, it will be exceedingly difficult to integrate this money into existing programs and plans. For teachers, counselors, administrators and new curricula must be hired and initiated at the beginning of the school year for maximum effectiveness.

Finally, this year school boards will only have 6 months or less to expend Federal funds before they automatically revert to the Treasury. This short time period in which funds must be spent often leads to two undesirable results: In an effort to meet the June 30 deadline, funds are often used less efficiently than if there had been time for adequate planning and preparation; also, there are many instances of school systems having to return desperately needed funds to the Treasury because there was not time to spend all of the money usefully and without waste.

Several days ago, I received a letter from Jerome Frampton, Jr., president of the Maryland State Board of Education, describing the critical problems caused by the requirement that all Federal educational appropriations must be spent by the end of the current fiscal year and suggesting a possible remedy. I would like to read this excellent letter into the RECORD:

MARYLAND STATE DEPARTMENT OF EDUCATION,
Baltimore, October 30, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR TYDINGS: The Maryland State Board of Education has during recent years become increasingly concerned with the problems presented to our State Department of Education and our local school systems by the uncertainties surrounding Federal funding. We are now at the end of the fourth month of the current fiscal year and still do not know what the amount of Federal funds available to the State during the current year will be. Intelligent educational planning is under these circumstance well-nigh impossible. Even if Congress had acted a few months earlier it would have been difficult to gear in Federal appropriations with the plans evolved by the State and the local systems a year ago.

To do the job we simply must do, we must provide stability in educational planning. To reach a level of stability, we must have a reasonably accurate idea as to how much Federal money will be available at the time the State, City and county staffs enter into the process of budget preparation.

The most effective way of solving the foregoing problem, we believe, is to end the present requirement that certain Federal funds must be spent by the last day of the fiscal year for which they are appropriated. Instead, each school system should be given flexibility to spend Federal money either during the year of the appropriation or the year immediately following. We request that all legislation relating to Federal aid to education be amended to authorize such flexibility.

Cordially yours,
JEROME FRAMPTON, Jr.,
President, Maryland State Board of Education.

Therefore, Mr. President, in order to enable school districts across America to better meet the needs of their students and to insure that the taxpayers are getting the most from every education tax dollar, I am submitting an amendment to the Elementary and Secondary Education Act to enable school districts to carry over unexpended funds from this act into the succeeding fiscal year. I am convinced this amendment, if enacted, would serve the interests of efficiency and economy in the use of Federal education funds.

I ask unanimous consent that the text of the amendment be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent that two telegrams be printed in the RECORD.

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

Washington, D.C., November 6, 1969.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.:

The American Federation of Teachers strongly support your efforts to improve the Elementary and Secondary Schools Education Act by amending section 405 to allow school districts to use unexpended Federal funds from the previous year. This provision introduced much needed flexibility. It would reduce waste by permitting more effective planning. The present spend-it-or-lose-it requirement is costly and disruptive. We pledge our full support.

DAVID SELDEN,
President, American Federation of Teachers.

WASHINGTON, D.C., *November 4, 1969.*

Hon. JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

We strongly support the objective of the Tydings amendment to the Elementary and Secondary Education Act, to permit local school districts to carry over Federal education funds into the next fiscal year. This would be of enormous benefit to education by allowing for better planning and use of Federal money.

JOHN M. LUMLEY,
National Education Association.

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

The amendment (No. 268) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 268

At the end of the bill add the following new section:

"AVAILABILITY OF APPROPRIATIONS

"SEC. 11. Section 405 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247) is amended by inserting '(a)' immediately after the section designation thereof and by adding at the end thereof the following new subsection:

"'(b) notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such fiscal year.'"

EXTENSION OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 269

Mr. MONDALE. Mr. President, today I submit an amendment intended to be proposed by me, to S. 2218, a bill to extend the Elementary and Secondary Education Act of 1965, which I will propose during the upcoming executive sessions on bills to extend and improve ESEA. My amendment provides for the establish-

ment of a National Advisory Commission on School Finance. This Commission will be charged with recommending to the President and the Congress steps to alleviate the financial crisis faced by school districts throughout the Nation.

Caught in a squeeze between inadequate resources on the one hand and ever-increasing demands from citizens on the other, State and local school systems face fiscal chaos. Rising expenditures result from many factors: Inflation, improved salaries, burgeoning construction costs and interest rates, and individualization of instruction by such means as the introduction of new technology, curricular improvement, and small classes. These expenditure pressures are often coupled with statutory and practical limitations on taxing and bonding authority. The school bond issue approval rate has declined from 69 percent in 1968 to an estimated 50 percent in 1969.

Several school districts have been faced with the prospect of actually ceasing operation. School districts depend primarily upon the local property tax, a resource inadequate to the task because it does not rise in proportion to inflation or economic growth. At the same time, the Federal Government collects two-thirds of all national tax revenue through the more progressive and more responsive personal income tax. Federal revenue sharing may be the only solution to the fiscal crisis of State and local governments. Unlike the current administration proposal, a revenue sharing plan should give local school districts credit for school taxes in its distribution formula.

In a nation which prides itself on a stated commitment to equality of opportunity, the quality of a child's education is determined more by the accident of residence than by any other factor. State average per-pupil expenditures in some States are close to three times those in some other States. Equally shocking variations exist within many States from one district to another, and even within some school districts. Yet, per-pupil expenditure alone does not reflect the comparative effort being made from State to State, or from district to district, because of the wide variation in available tax resources.

Inequities in the per-pupil investment in education can be illustrated by a brief example from my home state of Minnesota. Despite a State aid formula which incorporates an equalization factor—and not all States base their aid on this principle—inequities still occur. In 1967–68, the owner of a $20,000 home in one community paid $236 in support of the operation of the public schools, which expended $1,078 per pupil. In contrast, the owner of a similarly priced home in another community paid $357 to support his public school system, which was able to expend only $651 per pupil. In other words, the child in the latter district had considerably less money invested in his education despite the fact that the average homeowner in his community paid more to support education.

Similar illustrations can be found at the State level, where we note that in 1967–68 the child from New York benefitted from a State average per-pupil expenditure of $1,024 while the child from Utah, for example, had $501 spent on his education. Another look reveals, however, that Utah ranked third in the Nation in its effort to support education, as measured in terms of the percentage of personal income expended for education, while New York ranked twelfth. In other words, New York was able to invest twice as much as Utah in the education of each of its children with considerably less burden on the individual taxpayer.

The financial crisis in education is by no means limited to our cities. While we have focused great attention upon the problems of urban America in recent years, as we should, we must also recognize that suburban and rural areas often face severe financial problems resulting from rapid and unusual enrollment growth and inadequate tax resources. Minnesota school districts—suburban, rural, and urban—face serious financial problems.

The suburban Anoka-Hennepin district typifies the dilemma of many rapidly growing suburban school systems. Facing annual enrollment increases approaching 10 percent and dependent upon a relatively limited tax base, the residents of this district have found their taxes increasing 30 percent in a single year. Enrollment in the elementary schools is approximately twice that in the secondary schools; the average age in the community is 14. This district, which has seen its public school enrollment triple within 10 years, thus faces continued dramatic growth. Despite a significant local tax effort, the per-pupil expenditure in the Anoka-Hennepin schools is less than that of many Twin City area districts which are not as dependent upon the individual property owner.

In contrast, the Aitkin school district, located in a rural, lake resort area, faces financial problems typical of many rural communities. With much of its land either unproductive or owned by the State and therefore tax-forfeited, this district faces serious financial problems resultant from its exceptionally low per-pupil evaluation. Despite a State aid formula which provides some equalization, Aitkin has seen its local support rise from 28 percent to 51 percent of its total budget within the most recent 5-year period. With its static tax base, this district has been forced to increase its school taxes to a level approaching 40 percent in a single year.

And, of course, Minnesota cities—like those throughout America—face tremendous financial problems as they attempt to educate large numbers of disadvantaged children whose exceptional needs can be met only through expensive compensatory programs and special services. At the same time, the city schools are confronted with competition for funds as a result of municipal overburden—characterized by extraordinary costs of welfare, fire and police protection, and urban redevelopment. The problems of the city are often compounded by decreasing personal income levels, a shrinking tax base, an aging population, charter limitations on taxing authority, and inappropriate State aid formulas.

We all recognize the importance of quality education to the Nation, as an investment in its human resources and as a source of strength for its democratic institutions. We further appreciate the importance of education to the individual, whose personal fulfillment and economic well-being in an increasingly complex society are closely related to his educational level. The solution to inadequacies and inequities in school finance cannot be postponed. The damage inflicted upon the undereducated individual is irreparable and inexcusable.

Landmark education legislation passed by Congress in recent years has had a remarkable impact upon elementary and secondary education in America. Bills calling for general aid and for school construction assistance have been introduced again in the current session, although proposals incorporating interest subsidies or aspects of the urban development bank concept have yet to be broadly explored for school purposes. Extension and refinement of existing categorical programs are now under consideration in the Education Subcommittee of the Committee on Labor and Public Welfare. The House has already taken major action in this area. Realistically, however, we must recognize that major new departures are unlikely this year. In fact, existing programs are grossly underfunded.

Little agreement exists concerning the respective responsibilities of local, State, and Federal Government in a partnership approach to the support of education. Debate continues on the question of categorical grants versus general assistance, on advanced funding, on maximum discretion at the State level versus the retention of certain Federal functions in the interest of assuring that national priorities will be met—all to little avail while thousands of school districts and millions of children face the harsh reality of pending fiscal disaster.

In an era which cries out for bold curricular and organizational reform at all levels, our educational system is inadequately funded to even maintain its present level of efficiency and relevance. Commissioner of Education James Allen recently stated that the shaping of the expanding Federal role in education is one of the crucial issues we face as a nation. When the Vietnam peace dividend becomes a reality, American education should be prepared to stake its rightful claim to a major share of available funds. It is my belief that we shall be unable to shape this expanded Federal role without the benefit of comprehensive study of educational finance as it exists today, and as it should be molded in the future.

The commission proposed in the amendment which I am introducing today will serve two basic purposes. First, it will provide for a comprehensive study of the many alternative approaches to financing the Nation's elementary and secondary schools. Second, it will provide a prestigious national forum to focus attention on the financial needs of our Nation's schools at a time when education must assume its rightful place in our ordering of national priorities.

Mr. President, the amendment states that the Congress recognizes: First, that many school districts are facing an un-

precedented financial crisis as society's demands upon education increase, taxpayer resistance rises, and statutory taxing and bonding limits are reached; second, that serious inequities exist within and among the States of this Nation in the quality of education offered in elementary and secondary schools; third, that there is neither a clear consensus concerning the appropriate structuring of a local-State-Federal partnership in financing education nor a definition of the appropriate balance among programs of categorical aid, general assistance, and school construction aid; and fourth, that insufficient national concern has been focused upon the fiscal crises faced by all school districts—urban, suburban, and rural.

In response to these recognized needs, the amendment proposes the establishment of a 15-member National Advisory Commission, appointed by the President, which will include school board members, faculty, administrators, municipal and State educational authorities, and informed citizens. I would also hope that such appointments would give appropriate consideration to broad economic geographic, racial, and political representation.

The Commission would be directed to report, within 2 years, its specific analyses and recommendations regarding, but not limited to, the following: First, the definition of an appropriate partnership among local, State and Federal levels of government in supporting elementary and secondary education; second, an approach to relieving the fiscal crisis now facing the schools through a redefined Federal role in tapping the Nation's human and financial resources in support of elementary and secondary education; third, the determination of an appropriate balance of categorical aid, general assistance, and school construction aid in the total Federal response to the financial needs of elementary and secondary education; fourth, the role of Federal revenue sharing in supporting education; and fifth, means by which inequality of financial support for the elementary and secondary schools of this Nation might be eliminated.

I believe that the creation and the activity of this Commission would equip us to plan intelligently and respond realistically to the educational challenges of the future. John Gardner once observed:

> We have a great and honored tradition of stumbling into the future. In management of the present, our nation is—as nations go—fairly rational, systematic, and orderly. But when it comes to movement into the future, we are heedless and impulsive. We leap before we look. We act first and think later. We back into next year's problems studying the solutions to last year's problems.

In the critical area of education, we can no longer afford this luxury. My amendment would provide a vehicle for building a rational, systematic local-State-Federal partnership in support of elementary and secondary education in America.

I ask unanimous consent that a copy of my amendment be printed at this point in my remarks.

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

The amendment (No. 269) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 269

Insert the following at the appropriate place:

"SEC. (a) The Congress recognizes that many school districts are facing an unprecedented financial crisis during a period characterized by increasing demands upon the educational system. Taxpayer resistance to the existing tax structure is growing and school bond issues and annual budget requests are being rejected at an alarming rate. School districts across the nation are facing serious fiscal crises as they approach or exceed statutory limitations on taxing and bonding authority.

"The Congress finds that serious inequities exist within and among the states of this nation in the quality of education offered in the elementary and secondary schools. The expressed national commitment toward equality of educational opportunity is not yet a reality.

"The Congress recognizes that there is neither a clear national consensus concerning the appropriate structuring of a local-state-federal partnership in financing education nor a definition of the appropriate balance among programs of categorical aid, general assistance and school construction aid in the federal responsibility in financing elementary and secondary education.

"The Congress further recognizes that insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts which are experiencing unusually high rates of enrollment growth.

"The Congress also finds that many children are housed in obsolete, overcrowded, and inadequately maintained schools.

"Therefore, it is the purpose of this section to establish a National Advisory Commission on School Finance to conduct a comprehensive study of the problems of financing elementary and secondary education in America.

"(1) There is hereby created a National Advisory Commission on School Finance (hereafter referred to as the "Commission") to be composed of fifteen members, appointed by the President of the United States. In making such appointments, the President shall give due consideration to the need for representation on such Commission of school boards, public and private school administrators, faculty, municipal and state educational authorities, and informed citizens. Consideration shall also be given to economic, geographical, racial and political representation on the Commission.

"(2) It shall be the duty of the Commission to make a study of the financing of elementary and secondary education in the United States and submit a report on such study together with such recommendations, as hereinafter provided, to the President, to the Secretary of Health, Education, and Welfare, and to the Congress. The report shall include, but shall not be restricted to, analyses and recommendations regarding:

"(A) the definition of an appropriate partnership among local, State, and Federal governments in financing elementary and secondary education;

"(B) the determination of the appropriate balance of categorical aid, general assistance, and school construction aid in the total Federal responsibility for financing elementary and secondary education.

"(C) an approach to relieving the fiscal crisis now facing the schools through a redefined Federal role in the use of the human and financial resources in support of elementary and secondary schools; and

"(D) the use of a Federal revenue sharing plan for supporting elementary and secondary education; and

"(E) means by which inequality of opportunity in the elementary and secondary schools of the Nation might be eliminated.

"(3) The Commission shall make a preliminary report within nine months of the enactment of this Act and shall make a second preliminary report, not later than eighteen months after enactment of this Act and a final report not later than two years after the enactment of this Act.

"(4) The President shall appoint a Chairman and Vice Chairman from among the members of the Commission.

"(5)(a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of the civil service laws and the Classification Act of 1949, as amended.

"(b) The Commission may procure, without regard to civil service laws and classification laws, temporary and intermittent services to the same extent as is authorized for the department by Section 15 of the Act of August 2, 1946 (60 Stat. 810) but at rates not to exceed $125 per diem for individuals.

"(c) The Commission is authorized to make contracts with public and private organizations, including educational institutions, to conduct such studies and to prepare such reports as the Commission deems appropriate in order to carry out its functions under this section.

"(d) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: and *Provided further*, That the Commission shall not be required to prescribe such regulations.

"(6) Eight members of the Commission shall constitute a quorum.

"(7) Compensation of Members of the Commission. Members of the Commission from private life shall each receive $150 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

"(8)(a) The Commission, or any member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places and take such testimony, as the Commission or such member may deem advisable.

"(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized, and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

"(9) There are hereby authorized to be appropriated such sums, not exceeding $3,000,000, as may be necessary to carry out the provisions of this section."

Mr. MONDALE. Mr. President, I also ask unanimous consent that two very relevant articles from the November issue of School Management magazine be printed at the close of my remarks. These articles, entitled "The Case for Fiscal Reform Now," and "When the Dollars Dry Up in Suburbia," illustrate, in part, the need for the Commission study which my bill seeks to provide.

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

[From School Management, November 1969]

THE CASE FOR FISCAL REFORM NOW

(By Theodore J. Miller)

Public schools will close this month in Fremont, Ohio and won't reopen until January. Reason: Voters have refused to endorse a tax millage needed to keep schools open.

Fremont is only the latest victim of a nationwide taxpayers' revolt that is focused on the most visible target available: school systems. Consequences of the revolt can be seen in the adoption of austerity budgets by many districts and in the growing number of actual or threatened school closings.

In district after district, taxpayers are reacting against the towering costs of school construction, instructional materials and salaries by rejecting budgets, tax overrides and bond issues in record numbers.

There is no relief in sight, under the present system of school financing. The taxpayers' revolt is clearly a result, not a cause, of the fiscal mess schools are in.

Experts who have studied educational financing agree to a man that present systems are woefully outmoded. They point to an anachronistic collection of traditions, foundation programs and formulas that are as suited to today's needs and philosophies as McGuffey's Reader.

Schoolmen and taxpayers recognize that the primary basis of school support—the local school property tax—has *had* it. Property taxes, which provide 56% of all public school revenue in the United States, are inadequate, inequitable and too inflexible to provide a viable means of support for education. In fact, criticisms of the local property tax are so basic that, taken together, they mandate a major and immediate overhaul of educational support patterns.

Generally, shortcomings of local school property taxes fall into three broad areas:

1. *Lack of tax ratio uniformity.* The level of assessed property valuation as a percentage of real value fluctuates greatly from one taxing district to another—and often within the same district. Result: unequal tax burdens on residents of different communities, and sometimes on residents of the same community.

The inequities of different tax ratios become especially apparent in state aid formulas. States generally require a minimum tax effort on the part of local districts to qualify for state funds. Until recently in Missouri, for example, each district had to levy at least 10 mills. But a district paying 10 mills on a 39% valuation ratio was obviously making a greater effort than a district paying 10 mills on a valuation pegged at 29%. Yet, there was no differentiation at the state level.

On the local level, inequities become even more apparent. A resident owning a $20,000 house, assessed for taxing purposes at $10,000, pays twice as much tax as the owner of an identical house assessed at $5,000, if their tax millages are the same. It's almost enough to make them vote, "No."

2. *Industrial dispersion.* Taxes on industry are the only visible means of relief for beleaguered property owners. Without the lucrative tax base industry brings to a community, many districts simply cannot afford to support quality schools. Compounding the problem is the tendency for industrial concerns to settle in one district—often at a substantial tax saving arranged by the city fathers—and to then draw a great many employees from other districts. Residents of the district in which the plant is located get a tax break, but the plant's employees, if they reside in a different district, get nothing. In fact, simply by working in the plant, they indirectly contribute to the support of another district's schools!

3. *Property tax exemptions.* Few people realize there is between $300 billion and $500 billion worth of tax exempt property in the United States. This situation cut severely into the potential tax receipts of communities with large tracts of such property within their boundaries. The federal government offers impacted aid to districts encompassing federal property, but state governments, which mandate the bulk of tax exemptions, offer no alternative sources of revenue.

JUST THE BEGINNING

These are the major problems of school support through the local property tax. But the corollaries of these problems—and the attempts at solving them—present other, perhaps more fundamental difficulties for administering the schools of the urban-suburban 1970's under fiscal systems of the agrarian 1920's and 30's:

Municipal and educational overburden. This phrase was coined by the Philadelphia Commission on Human Relations last year, when it pointed out that cities are forced to spend a disproportionate share of local tax revenues for police, fire, sanitation and other noneducational purposes, leaving a much smaller percentage to spend on education than the suburbs, which don't have the same municipal problems. On top of that, cities must educate greater numbers of disadvantaged and handicapped children, which makes their educational per capita costs infinitely greater.

In its research, the Commission discovered that, in 1965, the 37 largest cities in the United States spent an average of $100 more per capita on noneducational items than their suburban counterparts. In the same year, Philadelphia spent 30.7% of revenue from all sources—local, state and federal—for education. The suburbs spent 60.7%.

State aid formulas. The horrendous problems big cities have financing schools point up some of the major shortcomings of state aid formulas. In general, such formulas don't acknowledge the differences in educational needs between the cities and the suburbs, nor do they attempt to close the huge gaps in educational opportunities that exist between districts. It obviously costs more to educate pupils with disadvantaged backgrounds but, incredible as it seems, most state aid formulas pay little more than lip service to the fact that such pupils are concentrated in the cities.

Lack of coordination. Good fiscal planning is hampered in most districts by lack of coordination of three key elements: the school fiscal year, state and local tax assessment calendars and federal and state distribution of funds. Result: The local district doesn't know 1) how much revenue the property tax will yield for the following school year, or 2) how much money the state and federal government will supply or where it can be used.

Financial instability. It would be hard to find, in any other business field, a budget so vulnerable as that of local school districts. In eight states, the school budget must run the gamut of an annual vote in the community. In most other states, tax overrides must be approved by referendum and legal prescriptions on the vote required to carry the increases are often absurd. Similarly, bond issues must also be passed at the polls. As previously indicated, funds from federal and state sources are subject to rapid and unpredictable change and the amounts due local school districts are generally not specified until well past school budgeting deadlines. Finally, soaring interest rates require most districts to set aside 10% to 15% of their budgets for the retirement of debt and interest; this sizable chunk of unproductive money is an added irritant in the craw of the overburdened taxpayer.

Low priority given to education. Perhaps the biggest problem of all, because it has permitted fiscal difficulties to reach crisis proportions, is the relatively low state and national priority given to education. One disheartening illustration is President Nixon's pledge not to spend the additional $1 billion recently voted by the U.S. House of Representatives for federal aid to education, even if the Senate approves the expenditure. And in the House, the bulk of the additional funds were earmarked for pork barrel aid to impacted areas.

"The present pattern of local financing for education is totally inadequate," Allen says, "and we must take a serious look at it. This will shake up a lot of sacred cows that we've held dear for a long time. But it must be done."

In Allen's views, the old way simply isn't good enough or fair enough. Although he is not prepared to fully embrace any particular plan for fiscal reform, he does accept as inevitable the idea James B. Conant introduced some three years ago: a total state takeover of responsibility for funding local schools.

"Communities are begging for money today and it's usually the state that bails them out," the commissioner says. "In Chicago this year state funds paid for a new teacher contract. Last year, it took an influx of state money to keep schools open in Los Angeles and Philadelphia."

Financial brinkmanship is taking its toll in district after district and the only answer, in Allen's view, is some sort of state funding probably through a combination of state property and income taxes. Such a system, though it wouldn't reduce the burden of costs, would at least spread it more evenly, Allen says. Additional funds would still be needed from other state taxes and from the federal government.

Total state funding would also:

Equalize tax ratios throughout the state at a level equal to, or lower than, the average local district's tax rate.

Permit redrawing of district boundaries into more efficient units.

Permit all districts to benefit from the taxes paid by industry, rather than confining the benefits to some districts at the expense of others.

Make the *state* pay the bill for tax-exempt property, rather than "penalizing" districts with high concentrations of churches, cemeteries, historical shrines and government buildings.

Free local administrators from yearly budget and bond issue battles, leaving them more opportunity to concentrate on educational matters.

The end result, Allen emphasizes, will be a level of educational opportunity that is more or less equal throughout a state for all youngsters. "This is the nub of the problem," the commissioner says. "As long as we have the gross disparities in opportunity that exist in virtually every state today, we have an inequitable and indefensible school system. We know there is a direct correlation between poor educational opportunity and low ability to pay for education. Therefore, whatever we do to develop a more effective, efficient structure for financing education must contribute toward solving this problem of equal edu-

cational opportunity—or we have not solved any problem at all."

Along with a shift to state property taxes must come certain safeguards, says Allen. Most districts despite their financial difficulties, fear loss of local control would accompany a state takeover of the purse strings. Some wealthy districts, which are experiencing little or no financial troubles, fear that a general "leveling off" of educational expenditures will hurt them. They will have to share their wealth but will not get substantially more state aid than they now receive. And they see state salary schedules impinging on their ability to lure good teachers by offering higher salaries.

Furthermore, there is no guarantee that a state financing plan would bring needed relief to the cities. If city districts can't secure the necessary *supplementary* funds from reluctant state legislatures under present state formulas, why should the situation improve if the state controls *all* of the money?

Here's how Allen assesses these misgivings about state financing of local schools:

Local control. "If the state supplies the money, it doesn't necessarily follow that it must call the shots in the district. Local control will be maintained as long as the important decisions—that is, the hiring and deployment of teachers and administrators and determination of the educational program required to meet local needs—is left in the hands of the local board.

"Local control and local finance aren't necessarily inextricably tied together. These days, local boards and administrators spend most of their time drawing up and explaining budgets and trying to secure the votes to pass them. If freed from this chore, they will be able to address the *real* problems of education.

"And let's be realistic: For most districts, local control is a myth. It doesn't exist, beyond their having the privilege to try to make the most out of a mediocre situation. Any district with a high school of only 500 students, or with a community that is unwilling or unable to vote necessary operating funds or bond issues, is very limited in what it can do. It may have 'local control'—but control over what? Once these restrictions on their operations are removed, local control can begin to mean something."

Aid to the cities. "If the cities are ever going to get the money they need, the switch to state financing must be accompanied by the concept of 'metropolitan' school districts. This is needed to strengthen the cities' voice in the legislatures. In other words, New York City, for example, wouldn't be one concentrated, urban entity. For financial purposes, it must be part of an even larger district that includes most of the suburbs it now has to battle for state funds.

"At present, most state aid formulas are totally unsuited to an urban society. They must be redesigned to reflect the fact that the problems of the cities are the problems of the suburbs, too."

What about direct *federal* aid to the cities?

"The federal government can't intervene directly in the cities, other than through limited programs of categorical aid. The role of the federal government must be one of encouraging change at the state level and providing the resources for it. The actual shift in aid patterns has to take place at the state and local levels."

Even without a major change like complete state financing, there is much room for improvement, Allen says. For instance, tax and debt limits for local districts that were written into state constitutions after World War I just don't make sense anymore.

Teacher's salaries. "Most of the money for salaries comes from the states already, even though it's the local board that devotes weeks and sometimes months to collective bargaining with teachers."

In a speech at Columbia University last year, Allen pointed out that collective bargaining at the local level sometimes leads to maneuvering by school boards to hold salaries at certain levels, and by teachers to use raises in one district to force similar concessions in another. Attempts to prevent this kind of scheming, he said, are leading to increased state intervention in contract talks. "It could therefore be argued," he added, "that the drastic step of relieving the local school board of any responsibility for setting the level of teachers' salaries would simply be a hastening of the inevitable."

Today, Allen feels that any state salary schedule would have to include differentials for cost of living factors in various parts of the state. "The suburbs still have various non-monetary incentives to offer that would keep them in a favorable position for attracting teachers," he says, "which is why I don't think a state-mandated salary would hurt those districts."

Wealthy district. "State financing should *not* mean that wealthy districts must give up their option of raising more money locally," Allen says. "The state would provide a minimum level of support, leaving room for pacesetting districts to exercise initiative for local innovations. We need these lighthouse districts. But we also must be careful about this, because too much local financing, leading to gross disparities between districts, will defeat the purpose of fiscal reform, which is to give all youngsters within a state roughly equal educational opportunity."

THE FUTURE FEDERAL ROLE

One source of funds that Allen thinks will figure prominently in future educational funding is, of course, federal aid. But districts cannot count on a great influx of federal dollars in the immediate future.

"Federal aid to education is now under the same constraints that apply to all federal funding," the commissioner says. "President Nixon's immediate priorities are, first, to end the fighting in Vietnam and, second, to cool off inflation. Until there is evidence that inflation is being curbed, we can't expect any large increase in federal funds. And since inflation is a very large part of the school finance problem, we can't argue with the priority.

"In the meantime, therefore, the Office of Education is using this period—when no new programs are being proposed—to assess the worth of existing programs. But by 1971, when ESEA comes up for review, we'll have some concrete proposals for increasing or modifying federal aid to education as it now exists."

One basic aim of future federal programs, Allen says, will be to bring greater stability to educational financing. He predicts that the federal share of school costs will increase to 25% or 30%, by the time total expenditures on elementary and secondary education rise to about $100 billion per year. He sees the money being distributed in three basic ways: 1) general aid to states to use as they see fit, hopefully with some provision for funding at least five years in advance; 2) continuation of categorical aid; and 3) incentive grants to spur research and development and encourage innovative programs.

Almost certainly, as federal dollars increase, so will local and state accountability for how they are spent. This fall, USOE began a pilot series of "educational audits" of 10 federally funded dropout-prevention programs (see page 53). If the audits show these programs aren't producing significant results, federal subsidies will be halted.

"This kind of accountability for results will eventually be an integral part of federal funding," Allen says.

ENCOURAGING CHANGE

Obviously, changes of the magnitude needed to bail education out of its fiscal morass must be implemented at the highest levels. State governments have the constitutional authority and responsibility for education, and it's at the state level that reform has to come.

Says Allen: "There is little the federal government can do, beyond generally pushing for reform and supplying incentive grants to bring it about. The real power is at the state level—governors, legislatures and state educational leaders. In this respect, organizations such as the Education Commission of the States can be useful in coming up with concrete proposals for change and supplying some much needed encouragement."

Also helpful, Allen thinks, will be the national assessment of education. "It's quite clear that the assessment program will be very helpful in pointing out where the deficiencies are in education," he says. "This should encourage states to start putting the money where it's needed the most."

One highly visible example of an attempt to make public school support more equitable is Hawaii, where the state assumes complete responsibility for financing education.

In Hawaii, the state department of education receives its funds from the governor and legislature each year, just like other departments of the state government. However, *no* property taxes are used to support schools; money comes from the state's income and other tax receipts, from federal funds and from receipts for school lunches, adult education courses and other minor sources. (County governments do levy a property tax—but they have no responsibility for financing local schools.)

In terms of financial problems, Hawaii is for the most part untouched by the crisis plaguing mainland states. Since school costs are distributed across various forms of taxation it is highly unlikely that they will ever outstrip the state's revenue-raising capacity, as they have outstripped local property tax bases elsewhere.

But in terms of local control, Hawaii's plan does have a serious drawback: all schools are administered as part of a unified statewide system. School functions are centralized at the state level and administered by an elected state board.

Many local districts will probaby resist assumption of some of their prerogatives by the state. However, they are recognizing that the state has to absorb more costs—in ways that go beyond stop-gap "emergency" allocations—if the local districts are to survive. For example, Connecticut has approved a plan that will take the burden of spiraling interest rates off the backs of individual districts. From now on, regardless of the interest rate charged for bond issues, local districts will pay only 4%. The state will pick up the rest of the tab, and it also assumes the responsibility for marketing the bonds. Result: Much of the money in Connecticut district budgets that used to be set aside for debt service can now be diverted to more productive projects.

TAKING THE PLUNGE

The state which may set the pace for major reform is Michigan, where Governor William G. Milliken believes so strongly in the necessity for an overhaul of the school financial structure that he says he is staking his political future on it.

Milliken's new plan, devised by his blue-ribbon Education Reform Commission, calls for elimination of the local property tax in favor of a state property tax, state-level salary negotiations with teachers, halving the number of school districts in the state and guaranteeing private schools at least 2% of state education receipts each year.

The program will require constitutional changes to authorize the state tax and eliminate an eight-member state board of education, which Milliken wants to replace with a single state education head appointed by the governor. Significantly, elimination of

the board and aid to private schools seem to be the most controversial aspects of the proposal.

Details of the plan are being worked out at this writing and should be announced around November 1, but the broad outlines contain several key provisions, including:

A state property tax pegged *below* the average local tax of 24 mills.

Inevitably, a sharp increase in the state's 2.6% state income tax—conceivably, it could double within the next few years.

Allocation of money on a "classroom unit" principle, geared to an average salary for each teacher of 25 pupils. The conventional method of distributing money on a per-pupil basis is dropped.

Establishment of a low ceiling on remaining local taxes for school operation and building.

Milliken's plan faces a tough fight in the legislature. If it survives there, Michigan voters will have to approve it at the polls. But whether it passes into law or not, it is a useful example of the sweeping change needed, and of the level and quality of leadership required.

[From School Management, November 1969]

WHEN THE DOLLARS DRY UP IN SUBURBIA

The homes are new. The lawns are lush and neatly manicured. The children are tanned and healthy.

But Pacifica, Calif., is a community in serious trouble.

It cannot afford its schools.

People move to Pacifica because they think it's the American dream. But to their dismay, property owners—many of them owning their own homes for the first time—are saddled with a hellish tax rate. For the elementary school district alone, the Pacifica tax rate is $2.76 per $100 assessed valuation. Since homes are assessed at 25% of true value, the owner of a $30,000 home pays more than $200 per year for the elementary schools—and substantially more when a tax override is approved. The total tax rate in this low-wealth bedroom community is just under $12 per $100 assessed valuation, which pegs the homeowner's yearly tax bill at nearly $900.

This incredible burden makes Pacifica the second highest-taxed community in San Mateo County. Only East Palo Alto, a black ghetto, is higher. The lowest-taxed community in the county, heavily industrialized South San Francisco, pays only $8-plus per $100 assessed valuation.

TAXES AT CEILING

Tax overkill is not a new phenomenon in Pacifica. The school tax rate has not risen substantially in the past five years because, says Superintendent James Brien, it *can't*. Even so, one new elementary school has been built each year for the past 15 years. And several permissive tax overrides have been approved to meet spiraling costs. But such overrides are not likely to be passed again.

Pacifica's look-alike homes—homes that recently cost $25,000 and now cost $30,000 or $35,000—mass on the oceanside plateaus just south of San Francisco, entwine the knobby hills and glut the valleys. There is little else here, besides houses. The largest industry is extractive and self-exhaustive—a small quarry. Local support for Pacifica's elementary schools, therefore, comes heavily from the overmined property tax. State support has dwindled to 40% (from 65% five or 10 years ago).

The result: Elementary school youngsters in the Laguna Salada district are attending bankrupt, bone-bare schools this year. Worse, there is a possibility that next year, they may not be able to attend school at all.

SKATING ON THIN ICE

According to photographer Michael Alexander, who took the accompanying pictures, Pacifica is a remarkably average community: average income, average number of children per family (three), average school test scores (bell curves are so skewed that almost everyone's in the middle). Until recently, Pacifica's school finance problems were "average," too—serious, but not unmanageable.

Real trouble—unmanageable trouble—began brewing the year before last, when the California legislature voted funds for single-session kindergartens. Laguna Salada, like many other elementary districts in the state, proceeded to take kindergartens off double sessions by hiring twice as many teachers, ordering supplies and setting up programs. Then, last year Gov. Ronald Reagan vetoed the bill to continue the program, leaving the schools with salary commitments they had to keep. The money? It came out of contingency reserves.

Teachers had to pass up a pay hike that year. But last year, with reserves down to less than $50,000 in a $6 million budget, they demanded a 9½% raise. By last spring, it was clear to everyone that the 1969–70 Pacifica budget could not accommodate both the salary increase and even a *status quo* educational program.

As late as June, the amount of state aid the district could expect was wildly uncertain. Some board members, remembering what had happened the previous year, refused to second-guess the state and argued for a balanced budget—which required large cuts in program, personnel or both. Other board members pushed for quality education—or none at all. "It's high time we engaged in a little extreme behavior," said one, "rather than have this continuing educational starvation." She favored running a quality program until the money ran out and then shutting down the schools.

The debate raged for weeks last spring and summer. Finally, the board opted for a middle course. Hoping to receive additional state funds and working for local support of a one-year-only $1 tax override, it came up with a balanced budget and an austerity program. The teachers, aware that a number of bills were pending in the legislature, agreed to accept the board's offer of a salary increase that was contingent on adequate state aid. This concession meant that nurses, the music program and counselors could be salvaged. Still, the board warned that it was prepared to advise the state education department of a shut-down if the district's program was forced to become even more custodial.

STOPGAP ANSWERS

In early August, the tax override was squashed at the polls by a better than 3-to-1 margin.

But several days later, the district learned that it would receive a windfall: a one-year, $513,000 grant in state aid, made possible by passage of a special bill to aid low-wealth districts.

Thus, Pacifica was partially bailed out of a jam. Teachers received an 8½% raise. Capital outlay expenditures that had been dropped from the budget were put back in, as were single-session kindergartens and some $23,000 in teaching supplies.

For one more year, Pacifica had a reprieve.

But no problems had really been solved.

This year, youngsters are still attending austere schools. The pupil-teacher ratio is inordinately high (31–1 in kindergarten, 30–1 in grades 1-3 and 33-1 in grades 4-8). The district cannot buy badly needed basic supplies and equipment. Teacher turnover stands at an extravagant 25%. Last year, the superintendent and six of 15 principals left the district. Perhaps most debilitating is the depressing effect money problems have had on district morale.

Superintendent Brien, new in the top slot but a veteran of 20 years in administration (three years in Pacificia), has done a quiet and courageous job of bucking up spirits.

But what of tomorrow? The prospects, for Pacifica, of again going through a cliff-hanger at budget time next fall are excellent. So excellent, in fact, that no one discounts the outside possibility of closing down the schools.

The photos on these pages, taken in Pacifica, depict only too well the anguish that is afflicting communities throughout the nation as an antiquated school finance structure caves in.

But the situation, in Pacifica and elsewhere, is far from hopeless. Now that fiscal crisis has come to suburbia, the land of milk and honey, perhaps drastic financial reforms—reforms long urged by schoolmen from bankrupt cities and impoverished rural areas—will at last be enacted by sluggish, shortsighted state legislatures.

NOTICE OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary has scheduled hearings for November 4, 5, 12, 13, 18, 19, and December 4, on the constitutional rights of the mentally ill.

The hearings will begin at 10:30 a.m. each day in room 2228, New Senate Office Building. Anyone wishing more information on the hearings should contact the subcommittee office in room 102–B, Old Senate Office Building, telephone extension 8191.

THE DRAFT REFORM PROPOSALS

Mr. PACKWOOD. Mr. President, on Monday night, the Senator from Connecticut (Mr. RIBICOFF) and I had occasion to appear jointly on a platform at the University of Alabama, on the subject of the draft. After we had spoken and had opened ourselves to questions from the students of the University of Alabama, I could not help being struck by the force of the objection of the students to the present draft system and the inequities with which it operates.

I call to the attention of the Senate the lottery bill that has passed the House of Representatives and now is in the Senate. Among the students with whom I talked, I found almost uniform approval of the lottery system of the draft as proposed by President Nixon. At the moment, that bill apparently is not going to be considered by the Senate, and the President is going to be left with having to institute the lottery system, which although admittedly better than the present draft system, will still be an inequitable lottery system.

I would simply ask—and I cannot emphasize too strongly the feelings of these people in college—that the leadership of the Senate reconsider the decision by which they have indicated we will not consider the lottery proposal for the draft, and at least allow the Senate to work its will on this particular provision, while I hope we will undertake the entire subject of draft reform at a later time.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. MONTOYA. Mr. President, I submit a report of the committee of con-

ference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

CONFERENCE REPORT (REPT. No. 91——)

[To accompany S. 1072]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

"SEC. 101. This title may be cited as the 'Appalachian Regional Development Act Amendments of 1969.'

"SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"'(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed $1,900,000 for the two-fiscal year period ending June 30, 1971. Not to exceed $475,000 of such authorization shall be available for the expenses of the Federal cochairman, his alternate, and his staff.'"

SEC. 103. (a) The second sentence of section 201(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows: "The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads."

(b) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"'(g) To carry out this section there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1970; $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; and $170,000,000 for the fiscal year ending June 30, 1973.'"

SEC. 104. (a) The first sentence of subsection (a) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202(a)) is amended to read as follows: "In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section."

(b) The second sentence of subsection (c) of such section 202 is amended by striking out "50 per centum" and inserting in lieu thereof "75 per centum."

(c) Subsection (c) of such section 202 is further amended by inserting immediately following the second sentence the following new sentences: "The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health services. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection."

(d) Subsection (e) of such section 202 is amended to read as follows:

"'(e) In order to provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.'"

SEC. 105. (a) The first sentence of clause (2) of subsection (a) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "in accordance with the" and inserting in lieu thereof "or to make grants to the States for carrying out such projects, in accordance with the applicable".

(b) Subsection (b) of such section 205 is amended by striking out "and 1969" and inserting in lieu thereof "1969, 1970, and 1971".

SEC. 106. Subsection (e) of section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207(e)) is amended to read as follows:

"'(e) The Secretary is further authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region.'"

SEC. 107. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1967" in the first sentence thereof and inserting in lieu thereof "December 31, 1970", and by adding at the end of such subsection the following: "For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance."

SEC. 108. Section 302(a)(1)(B) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended by inserting before "a local" the following: "a State agency certified as".

SEC. 109. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount not to exceed $90,000,000 is authorized for section 202, $15,000,000 for section 203, $15,000,000 for section 205, $3,000,000 for section 207, $50,000,000 for section 211, $82,500,000 for section 214, and $13,000,000 for section 302.".

SEC. 110. Section 403 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 403) is amended by adding at the end thereof the following:

"'The President is authorized and directed to make a study of the extent to which portions of upper New York State which are geographically part of the New England region or the Appalachian region and share the social and economic characteristics thereof should be included in either of such regions. He shall submit the results of such study together with his recommendations to Congress not later than June 30, 1970.'"

SEC. 111. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by inserting immediately after "Act" the following: ", other than section 201,".

TITLE II—AMENDMENTS TO TITLE V OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Regional Action Planning Commission Amendments of 1969".

SEC. 202. Section 501 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181) is amended by redesignating section 501 as section 501(a) and adding the following new subsection (b):

"'(b) Upon resolution of the Committee on Public Works of the Senate or the House of Representatives, the Secretary is directed to study the advisability of altering the geographical area of any region designated under this section, in order to further the purpose of this Act.'"

SEC. 203. (a) Subsection (a) of section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3185) is amended to read as follows:

"'(a)(1) The Secretary is authorized to provide to the commissions technical assistance which would be useful in aiding the commissions to carry out their functions under this Act and to develop recommendations and programs. Such assistance shall include studies and plans evaluating the needs of, and developing potentialities for, economic growth of such region, and research on improving the conservation and utilization of the human and natural resources of the region, and planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grant-in-aid to the commissions. The Secretary, in his discretion, may require the repayment of assistance provided under this paragraph and prescribe the terms and conditions in such repayment.

"'(2) In carrying out their functions under this Act the commissions are authorized to engage in planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act and which have been approved by the Secretary. Such activities may be carried out by the commissions through the payment of funds to departments, agencies, or instrumentalities of the Federal Government, or through the employment of private individuals, partnerships, firms, or corporations, or suitable institutions under contracts entered into for such purposes or through grants-in-aid to agencies of State or local governments. In the case of demonstration projects and training programs, to the maximum extent possible, such projects and programs shall be carried out through departments, agencies, or instrumentalities of

the Federal Government or of State or local governments.'"

(b) The second sentence of subsection (b) of section 505 of such Act is amended to read as follows: "Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the administrative expenses of the Federal cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal cochairman shall not participate or vote in such determination."

(c) Subsection (c) of section 505 of such Act is amended to read as follows:

"'(c) Not to exceed 10 per centum of the funds appropriated under authority of section 509(d) of this title for any fiscal year shall be expended in such fiscal year in carrying out subsection (a)(1) and subsection (b) of this section.'"

SEC. 204. Section 506 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3186) is amended by inserting "(a)" immediately after "SEC. 506." and by adding at the end thereof the following new subsection (b):

"'(b) The Federal cochairman shall establish and at all times maintain his headquarters office in the District of Columbia.'"

SEC. 205. (a) Subsection (a) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended to read as follows:

"'(a) In order to enable the State and other entities within economic development regions established under this Act to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the Secretary shall, once a comprehensive long-range economic plan established pursuant to clause (2) of section 503(a) is in effect, provide funds pursuant to specific recommendations, to each of the Federal cochairmen of the regional commissions heretofore or hereafter established under this title, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. No program, or project authorized under this section shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Regional Commission involved has approved such program or project and has determined that it meets the applicable criteria under section 504 and will contribute to the development of the region, which determination shall be controlling. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets all of the requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under titles of this Act other than this title, and under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on authorizations for appropriation in any other Act.'"

(b) Subsection (c) of section 509 of such Act is amended by striking out in the first sentence thereof "December 31, 1967" and inserting in lieu thereof "December 31, 1970".

(c) Subsection (d) of section 509 of such Act is amended to read as follows:

"'(d) There is authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed $255,000,000. After deducting such amounts as are authorized to carry out subsections (a)(1) and (b) of section 505, the Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission. All amounts appropriated under this authorization for any fiscal year shall be apportioned by the Secretary to the regional commissions prior to the end of the fiscal year for which appropriated.'"

SEC. 206. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new sections:

"'COORDINATION

"'SEC. 511. The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act with those of each of the Federal cochairmen in making grants under this title, and each Federal cochairman shall coordinate his activities in making grants under this title with those of the Secretary in making grants and loans under titles I and II of this Act.

"'ALASKA

"'SEC. 512. There is hereby authorized not to exceed $500,000 for the two-fiscal-year period ending June 30, 1971, to the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.

"'REGIONAL TRANSPORTATION SYSTEMS

"'SEC. 513. (a) The Secretary of Transportation, acting jointly with the regional commissions, is authorized to conduct and facilitate full and complete investigations and studies of the needs of the economic development regions established under this title for regional transportation systems which will further the purposes of this Act, and in connection therewith, to carry out such demonstration projects as he determines to be necessary to the conduct of such investigations and studies. The Secretary of Transportation shall report to Congress not later than January 10, 1971, the results of such investigations and studies together with his recommendations and those of each regional commission.'

"'(b) There is authorized to be appropriated not to exceed $20,000,000 to carry out this section. Such amount shall be in addition to those sums otherwise authorized to be appropriated to carry out this title.'"

TITLE III—AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 301. Title I of the Public Works and Economic Development Act of 1965, as amended, is further amended as follows:

"(1) The first sentence of section 101(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(c)) is amended by inserting before the period at the end thereof a comma and the following: 'except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share'.

"(2) Section 105 is amended by striking 'June 30, 1969' and inserting in lieu thereof 'June 30, 1970'."

SEC. 302. Section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by adding at the end thereof the following new subsection:

"'(f) The Secretary is authorized to make grants, enter into contracts or otherwise provide funds for any demonstration project within a redevelopment area or areas which he determines is designed to foster regional productivity and growth, prevent out-migration, and otherwise carry out the purposes of this Act.'"

SEC. 303. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "1970." and inserting in lieu thereof "1969, and $50,000,000 for the fiscal year ending June 30, 1970."

SEC. 304. (a) Subsection (a) of section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and the following:

"'(6) those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964, and those areas which the Secretary determines meet the purposes of section 150 of part D of title I of the Economic Opportunity Act of 1964, and which otherwise meet the requirements of this Act, except that no redevelopment area established under this paragraph shall be eligible to meet the requirement of section 403(a)(1)(B) of this Act.'"

(b) Subsection (b)(3) of such section 401 is amended by inserting after "(a)(3)" the following: "or (a)(6)".

(c) Subsection (b)(4) of such section 401 is amended by striking out "and (a)(4)" and inserting in lieu thereof the following: "(a)(4) and (a)(6)".

(d) The second sentence of subsection (d) of such section 401 is amended by inserting immediately after "any other subsection of this section" the following: "other than subsection (a)(6)".

And the House agree to the same.

That the House recede from its amendment to the title of the bill and agree to the same.

JOSEPH M. MONTOYA,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
W. B. SPONG, JR.
HOWARD H. BAKER,
JOHN SHERMAN COOPER,
ROBERT DOLE,
Managers on the Part of the Senate.

ROBERT E. JONES,
JOHN A. BLATNIK,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that such legislative and staff assistants as may be needed be granted the privilege of the floor during the consideration of this conference report.

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

Mr. MONTOYA. Mr. President, the conferees on S. 1072, the Appalachian Regional Development Act amendments and the Public Works and Economic Development Act amendments of 1969, reached agreement at their final meeting on October 21, 1969. It was a strongly contested conference, with both sides holding firmly to the main positions adopted by their respective Houses.

In my judgment, after a struggle that lasted over 6 weeks, we have written a good bill, a sound bill, a bill containing a number of imaginative new proposals that will further stimulate the economic growth of Appalachia and the other five economic development regions: my own region, the Four Corners; and the Coastal Plains, Upper Great Lakes, Ozarks, and New England regions.

I wish to compliment and thank the Senate conferees for their support, assistance, and contribution to the success of this effort—the distinguished chairman of the full committee, Senator RANDOLPH; the other majority colleagues, Senators MUSKIE and SPONG; the able minority Members, Senators BAKER, COOPER, and DOLE.

The House conferees, all of whom made valuable contributions to the final agreement, were headed by Hon. ROBERT JONES of Alabama who served with tact and distinction as chairman of the conference.

The two bills are not much different from each other, but we made a few minor changes to try to arrive at a consensus with respect to the allocation of the funds that are authorized in the particular bill.

While the Senate, of course, did not prevail in all respects, and I am particularly disappointed at the reduction in specified authorization for regional transportation systems, nevertheless I am pleased with the conference report and urge its approval by my colleagues in the Senate.

The conference report, Mr. President, contains three titles, as did the Senate bill as passed.

Title I extends and expands the activities of the Appalachian Regional Commission. The conferees approved a 2-fiscal year authorization of $268,500,000 for all the programs conducted by the Appalachian Regional Commission, except the development highway system. Authority for the highway system was extended until June 30, 1973, and a new authorization of $150 million was added.

Until title II, which deals with the five regional development commissions, the conference authorized $275 million for the fiscal years 1970 and 1971, plus $500,000 for planning grants to the Alaska Federal Field Committee.

For title III the conference report authorizes a 1-year extension of the grant programs under title I of the Economic Development Act at the present rate of $500 million annually. It also increases by $25 million for 1 year the funds authorized the Secretary of Commerce for technical assistance under title III of the existing law.

Therefore, Mr. President, the conference report provides an overall 2-fiscal year authorization for all the programs involved of $1,219 million.

I ask unanimous consent that a table showing the amounts of authorization for each section of the bill be printed at this point in the RECORD.

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

AUTHORIZATIONS FOR 2 FISCAL YEAR PERIOD ENDING JUNE 30, 1971

APPALACHIAN REGIONAL COMMISSION	
Sec. 102 Highways—Specific authorization of $175 million per year for fiscal years 1970, 1971, and 1972, and $170 million for fiscal year 1973. (This constitutes a reauthorization of highway funds provided for in the 1965 and 1967 versions of the legislation with the addition of $150 million in this bill. Total highway authority 1965, 1967, and 1969 $1,165 million.)	$150,000,000
Sec. 105 Administrative expenses	1,900,000
Sec. 202 Demonstration Health Projects	90,000,000
Sec. 203 Land stabilization	15,000,000
Sec. 205 Mining area restoration	15,000,000
Sec. 207 Housing assistance	3,000,000
Sec. 211 Vocational education	50,000,000
Sec. 214 Supplemental grants	82,500,000
Sec. 302 Administrative expenses of local development districts and research	13,000,000
Total	268,500,000
TITLE V. REGIONAL COMMISSIONS	
Authorization for commission programs	255,000,000
Allocations:	
1. Up to 10 percent of amount appropriated, for Secretary of Commerce technical assistance, etc.	
2. Of the remainder, not more than 25 percent nor less than 10 percent to each regional commission.	
Authorization for regional transportation study	20,000,000
Total	275,000,000
ALASKA	
Authorization (for planning)	500,000
TITLE I OF EDA	
Authorization for 1-year extension	500,000,000
TITLE III OF EDA	
Increased authorization for 1 year	25,000,000
Total authorization in the conference report	1,219,000,000

Mr. MONTOYA. Mr. President, in view of the long time dedication of the Senator from West Virginia (Mr. RANDOLPH) to the development of Appalachia—he is the true founder of this legislation and the prime sponsor of this bill—I would ask that he describe to the Senate the provisions of title I.

Subsequently, I shall discuss titles II and III of the report.

Mr. RANDOLPH. Mr. President, I am grateful to the distinguished Senator from New Mexico for his remarks and for affording this opportunity to me. It is through the combined efforts and mutual assistance of many Members that accomplishments of merit are achieved in the Congress. It is my opinion that no Senator has contributed more to the success of this legislative endeavor than the Senator from New Mexico (Mr. MONTOYA). As chairman of our Subcommittee on Economic Development, he devoted much time to a broad study of these programs and chaired lengthy hearings earlier this year in Washington and the States. He guided this complex bill through the subcommittee and the Committee on Public Works and also managed it during debate in the Senate and chaired the Senate managers at the conference with the House.

Mr. President, I express appreciation for the contributions to the progress of this measure from its inception through the conference made by my fellow Appalachians, the senior Senator from Kentucky (Mr. COOPER); the junior Senator from Tennessee (Mr. BAKER); and the junior Senator from Virginia (Mr. SPONG). As the manager of the bill, Senator MONTOYA, has explained, there are meaningful and useful provisions in the other titles beyond that extending the Appalachian program. In their development and refinement, especially, as well as in the title for Appalachia, the junior Senator from Maine (Mr. MUSKIE) continued to provide wise counsel, as did the newest and much appreciated Member of our team, the junior Senator from Kansas (Mr. DOLE).

The conference was fortunate, Mr. President, and we as conferees were grateful, that the managers on the part of the House of Representatives were capable and cooperative. Our friend from Alabama, Representative BOB JONES, did a truly fine job. He presided with customary fairness and deep understanding of the Appalachian legislation and the needs of the region.

Senator MONTOYA has placed in the RECORD the dollar amounts approved in the conference report. Some of the more significant advances made in legislative strengthening of the Appalachian regional development program, are noteworthy.

Mr. President, I stress again, as I have done before, how vital to the success of this program is the initiative, the creativity and the support of the States that participate in the Appalachian Commission. I cite a few figures to indicate that, far from the Federal Government bearing the lion's share of the financial burden, the Appalachian States have provided more of their own funds than has the Federal Treasury.

For example, in the fiscal years 1966 through 1968 the Commission participated in funding nonhighway projects

totaling $612 million. Of this amount, local and State funds provided $325 million or 52 percent.

The experience of 4 years of operation has proven the basic validity of one of the underlying assumptions on which the program is based. As a direct result of the structure which the Congress created in the 1965 act, the States of the Appalachian region have been provided the tools to better control the numerous Federal programs operating in their States. The purpose of our legislation was to give the States an opportunity to demonstrate their ability to guide their own destinies. I believe the record shows clearly that they have grasped the opportunity and moved forward.

In the conference report before us, Mr. President, we have placed strong new emphasis on health in Appalachia, especially on the need for nutrition and early child care projects as part of the other ongoing health demonstration programs.

We have sought to insure that child health and nutrition projects can be financed to 100 percent with Federal funds by using Appalachian Regional Commission funds in conjunction with other Federal grant funds available for such health programs.

To assure that already existing health programs can continue to function in the face of inadequate local financing, we have increased the Federal share from 50 to 75 percent for those projects that have been operating for 2 years.

Of great importance to my home State of West Virginia, but likewise to Pennsylvania, Ohio, Virginia, Kentucky, Tennessee, and Alabama, we have added new and special emphasis on programs and research for the early detection, diagnosis, and treatment of coal miners' occupational diseases, including the dread "black lung."

To aid low- or moderate-income families we have authorized the Secretary of Housing and Urban Development to assist nonprofit organizations in Appalachia to construct, rehabilitate, and operate housing units.

We have made sewage treatment projects eligible for supplemental grants under section 214 of the act.

This past year the people of West Virginia voted a $375 million bond issue, mainly for the construction of highways under the Appalachian developmental highway program. That was the largest bond issue ever approved by West Virginians. The Federal Government must keep its share of highway funds flowing into the State, and into other States of Appalachia. With this partly in mind, S. 1072 extends the Appalachian highway system for 2 more years beyond its present terminal date and adds $150 million in new authorizations. We have made the contract authority provision of the Federal-aid highway law applicable to the Appalachian development highway system.

While the Senate provided preliminary engineering and right-of-way acquisition for portions of the development highway system which cannot be constructed with funds hitherto authorized, the conferees decided instead to emphasize road construction to the maximum extent possible. The amended language does not, however, preclude expenditure for preliminary engineering and right-of-way acquisition under the normal provisions of title 23 of the United States Code, the Federal-aid highway law.

Mr. President, I give expression to my real regret that one significant section of the Senate version, that providing a new $10 million program for manpower training and development, has to be dropped because of the opposition of House conferees.

There was agreement, however, that in all applicable manpower training programs emphasis must be placed on reaching out to rural areas to bring rural workers within the orbit of these programs. The Commission already has authority under the existing provisions of section 302 of the act to engage in demonstration programs and training projects. To the extent regular manpower training programs fail to meet the needs of the rural labor market, the conferees expect the Commission to take full advantage of their section 302 power and supply this needed service.

Another smaller but valuable section of the Senate bill, that providing $1 million for cultural and artistic programs, did not prevail in the conference.

The House version had no language relating to either of these proposals.

As passed by the Senate, S. 1072 authorized $294 million for Appalachia, exclusive of funding for highways. The House figure was $250 million, or a difference of $44 million. The conference report authorizes $268,500,000 for 2 years.

We can, therefore, reasonably claim to have done justice to the intent of the Senate. All conferees from both Houses have signed the conference report. I urge the Senate to give its approval.

Mr. MONTOYA. I thank the Senator from West Virginia for his concise description of the effect of the conference report on Appalachia; and I am most appreciative of the chairman's complimentary remarks about my role in processing this legislation.

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

Mr. MONTOYA. I yield.

Mr. SCOTT. Mr. President, the continual and faithful sponsorship of this program by the Senator from West Virginia over the years has contributed in very great part to the success not only of the program for Appalachia, but also to the recognition in the country at large that the Appalachian program works. This, in turn, has led to its expansion into other regional programs where, in this affluent country, many people have been left behind in the march of progress. Many of these people live in mountainous areas or industrial communities; many of them live in smaller communities where the particular industry has moved on or the natural resources are near exhaustion; or where wage-price spirals have added some additional economic burden to these communities.

I do not believe there is any program in my Commonwealth of Pennsylvania that is more universally accepted and more popular than the Appalachian program.

The distinguished Senator from West Virginia will remember that during the time of the Eisenhower administration, former Representative Van Zandt and I introduced former Appalachian bills. I recall that I disagreed sharply and publicly with the chairman of the economists at the White House at the time, who, like many economists, I am afraid, may see too many trees to observe the needs for the conservation of the forest. This economist will always linger in my mind as the man by whose singularly myopic advice delayed a program, which once instituted and implemented proved to be one of the greatest programs we could possibly have. It works. Pennsylvania has been benefited by this program. Employment is up. We have one of the lowest unemployment rates in the country. I believe it is 2.6 percent.

Our cities like Wilkes-Barre, Reading, Scranton, and Uniontown, where industries are coming forward, while not enjoying a perfection of economic balance, nevertheless are improved over their former condition.

They have done much of it themselves through their Operation Bootstrap, but they could not have done this had it not been for what I think the Senator will agree was a fervent bipartisan determination to make this program work and to make the new programs which followed also work.

Again I congratulate the distinguished chairman of the Committee on Public Works, the distinguished chairman of the subcommittee, the Senator from New Mexico. I am delighted to be a part of the support for the Appalachian program.

Mr. MONTOYA. Mr. President, the conference report, as it relates to the development regions under title V of the Public Works and Economic Development Act, makes major new improvements in the funding, administration and operation of the five regional Commissions.

The sum of $275 million is authorized for the next 2-fiscal-year period. Of this, $255 million are authorized for ongoing programs under title V of the act and $20 million for a new study of regional transportation systems. The Secretary of Commerce is authorized to use up to 10 percent of the $255 million for technical assistance of the Commissions under section 505 of the act. This assistance includes studies and plans evaluating the needs and potentialities of the regions and research on improving the conservation and utilization of their human and natural resources.

The Secretary is directed to allocate all of the remaining amount to the Commissions. He cannot apportion less than 10 percent nor more than 25 percent to any one Commission. This would mean, if the full appropriation were made, and the Secretary retained his full percentage, that no Commission could receive less than $23 million for fiscal years 1970 and 1971, and no Commission could receive more than approximately $57 million.

Each Commission is granted independent authority to expend the sum allocated to it by the Secretary for its own planning, investigations, studies, and, most important, demonstration projects and training programs. The Commissions are thus given much more new power and flexibility than they have previously enjoyed. This new authority will be a real challenge to the Commissions to perform, to put into action the ideas they have been developing during the early period of their existence.

In addition, the Commissions are to be allowed to use the funds allocated to them to pay all or any part of the basic Federal-dollar share of any grant-in-aid program whenever the Federal portion of such a program in any region is inadequately financed. This gives each Commission power to use its funds as first dollar money.

All present and future Federal grant-in-aid programs enacted through December 31, 1970, will be subject to the provisions of the supplemental grant program. Under this, each commission can use its own funds to raise to 80 percent any Federal grant, even though the basic law may require lower Federal matching.

No such supplemental grant may be made, however, until the responsible Federal official administering the basic program certifies the program to be supplemented meets all the requirements of the basic Federal grant-in-aid law and would be approved for Federal contributions if funds were available. Further maintenance of effort is provided for by requiring that the level of assistance for Federal and State programs in a portion of a State within a region be continued in order to be eligible for supplemental grants. Finally, funds authorized by this act shall be available regardless of any limits on authorizations set forth in any other act.

I am especially pleased that the conference accepted the Senate position with respect to the location of the headquarters offices of the Federal cochairman.

The main concern of the Federal cochairman must be a successful relationship with the Federal agencies and departments which administer the grant-in-aid programs from which the regional commissions benefit. To pursue this objective the Federal cochairman must maintain his permanent headquarters where the principal Federal policy decisions are made, in Washington, D.C. This provision is now firmly fixed in law.

One of the most important concessions which the Senate conferees were obliged to make relates to the amendment authorizing $20 million for each commission for planning, development, and construction of regional transportation systems. This important feature of the Senate bill was drastically altered in conference. The resulting compromise adds a new section 513 to the act, which authorizes the Secretary of Transportation acting jointly with the regional commissions to conduct and facilitate investigations and studies of the needs of the regions for regional transportation systems and to carry out demonstration projects in connection therewith. An authorization of up to $20 million is provided to carry out this section in addition to other amounts authorized for the title V regions.

These studies are to consider all types of transportation including, but not limited to, development highways, local access roads, airports, urban mass transit facilities and railroad commuter services.

The Secretary of Transportation is authorized to report the results of these studies together with his recommendations to the Congress by January 10, 1971.

The conferees expect that priorities for development of these systems will be part of the Secretary's recommendations, and, so far as possible, highway corridor designations and specific data on the locations of facilities proposed for construction, such as airports and rail and mass transit projects, will be included.

With respect to Alaska, the House conferees were opposed to the broad Senate language and the amount of money authorized. As a compromise, we agreed to a 2-year grant of $500,000 for the Alaska Federal Field Committee for planning programs and projects in Alaska, in cooperation with the State. We provided that nothing in this section would preclude establishment of a regional commission for Alaska.

The Senate accepted a House amendment requiring coordination of activities between the Secretary of Commerce and the Federal cochairman.

The House agreed to a Senate provision that upon resolution by the Public Works Committees of either House the Secretary of Commerce is required to study the feasibility of altering the geographical area of any economic development region.

Finally, Mr. President, the conference adopted in toto title III of the Senate bill. This contains amendments to the Public Works and Economic Development Act.

As agreed to, the bill authorizes the Secretary to reduce or waive entirely the non-Federal share of a grant to an Indian tribe. Also, $500 million are authorized for title I grants for the fiscal year ending June 30, 1970.

We have provided that under title III of the act the Secretary may make grants for any demonstration project which he determines is designed to foster regional productivity and growth, limited, however, to grants within a designated redevelopment area or areas.

The authorization of funds for title III activities is increased from $25 million to $50 million for the fiscal year ending June 30, 1970.

The Secretary is authorized to designate redevelopment areas for the purposes of title III, the so-called "special impact areas" created under the Economic Opportunity Act of 1964. The purpose of this provision in the Economic Opportunity Act is to establish special programs for solving critical problems in particular neighborhoods within urban areas having especially large concentrations of low-income persons and within rural areas suffering from substantial outmigration. We have taken care to assure that these "special impact areas" would not also be eligible for establishment as economic development districts under title IV.

Mr. President, the conference report is before the Senate for approval.

Mr. President, I wish to say a few words of commendation with respect to the great leadership that has been furnished in this particular field by the Senator from West Virginia.

He is the real pioneer in this concept and in forging this particular legislation. It was because of his leadership that Appalachia was made possible and because of his continued interest that Appalachia is turning into a very successful concept which the rest of the country is now embracing through the creation of regional commissions.

I want especially to thank the Senator from West Virginia because he was at the side of the subcommittee at all times.

With respect to the minority membership on the committee they, too, helped and contributed greatly towards bringing about this piece of legislation.

When the Public Works Committee passed on the legislation and recommended it to the Senate, there was unanimity in the subcommittee as well as in the full Public Works Committee with respect to it.

I thank the Senator from West Virginia for yielding to me.

Mr. BAKER. Mr. President, I am pleased to join with my colleagues today in endorsing the conference report on S. 1072 and in urging its adoption by the Senate.

The Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965 grew out of initiatives taken during the administration of the late President Kennedy. The President, the Congress, and many of the Nation's Governors worked together in a fruitful partnership to fashion these highly significant programs designed to promote the quality of life in areas of the country that have lagged behind the rest of the Nation in economic growth, particularly as measured by an unusually high rate of unemployment.

The mechanisms built into these two important pieces of legislation to promote economic growth and increased employment have been essentially four, none of them entirely revolutionary but each of them innovative and important. The first is a program of grants and loans for the construction of public works and the development of industrial facilities. The second is a series of special programs designed for particular problems peculiar to the given region or development area, such as acid mine drainage, timber supply, and so on. The third is the highly effective device of supplementing existing Federal grant-in-aid programs by increasing the Federal share in areas where States and localities are too poor to provide the non-Federal share for a given matching program. The fourth and perhaps most significantly new device embodied in these two acts is the establishment of the economic development commission. This governmental mechanism provides for the formation of areawide commissions

made up of the Governor of each participating State and a Federal cochairman appointed by the President and confirmed by the Senate. This effective institutional arrangement is further strengthened by the formation within each region of multicounty local development districts which promote planning and coordination by local officials, public and private. Although the six regional development commissions have performed with varying degrees of success, few question the fact that this new Federal-State-local partnership has greatly facilitated areawide planning and development.

There are no radical changes in any of these programs contained in the conference report on S. 1072. The amendments represent essentially an extension and refinement of existing programs and policies. Perhaps the most significant changes are made in title V of the Public Works and Economic Development Act of 1965, that title which authorized the establishment of regional commissions. Although still supervised and coordinated by the Secretary of Commerce, the so-called title V commissions are given greater autonomy through the broad authorization of demonstration projects. A large and comprehensive study is authorized of the transportation needs of the various regions, a study which will presumably lead to federally assisted transportation systems suited to the particular needs of each of the regions. Authority to supplement the Federal share of existing grant-in-aid programs has been significantly expanded to include what is called "first money," that is the Commission will be allowed to use its own money for all or any portion of the basic Federal share in any grant-in-aid program whenever the Federal portion of a program in its region is partially or wholly unavailable due to a lack of funds in the original program.

The Appalachian Regional Development Act is amended to extend the authorization for the developmental highway system, to provide additional assistance for low- and middle-income housing, and to extend supplemental grant authority to sewage treatment facility construction. The act would also be amended to encourage small projects to demonstrate various approaches to coordinated programs for child health and development. President Nixon has made plain his commitment to improving the quality of the first 5 years of life for thousands of American children who would otherwise be medically, nutritionally, intellectually, and culturally deprived. No commitment can be more meaningful to the long-range improvement of our society. It is my hope, and I think the hope of the Congress, that the established structure of the Appalachian Regional Commission can be effectively utilized to develop several small scale and discrete demonstration projects within the region that will concentrate new and existing programs and knowledge on a relatively small number of children to assist in the development of wider programs for national application.

As ranking minority member of the Senate Subcommittee on Economic Development, it has been a great pleasure for me to work closely with the chairman of the subcommittee, the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished chairman of the Committee on Public Works, Senator RANDOLPH, who has had so much to do with this legislation from the beginning, and the distinguished ranking minority member of the full committee, Senator COOPER. I have also enjoyed and profited from my association with the distinguished conferees on the part of the House, whose constructive and reasonable approach to differences in conference was I hope, matched by that of the Senate conferees.

Senator COOPER had wanted very much to be here today, because he has played such a large part in the writing of this legislation and because he believes so deeply in the need for it. Unfortunately, he is absent on official business. He has asked that his remarks prepared for this occasion be printed in the CONGRESSIONAL RECORD and, Mr. President, I ask unanimous consent that it be so ordered.

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

STATEMENT OF SENATOR JOHN SHERMAN COOPER

Mr. COOPER. Mr. President, I have always been glad to urge the support of the Senate for legislation which we hope will bring substantial and lasting assistance to citizens of this great and rich nation who do not fully share in its wealth and opportunities. I am particularly gratified by the experience I have had as a member of this body in the development of the Appalachian Regional Development program. Senator Randolph, Chairman of the Committee on Public Works and my regional neighbor, and I were, with others, original co-sponsors of this legislation. It was a new plan, founded on the belief, first, that massive and coordinated programs of Federal and State assistance were required to break the cycle of poverty which has left so many millions of American out of our fruitful society, and second, that to be effective these programs must be designed and carried out with the active support and participation of the people and governments of the areas.

The Appalachian experiment has had many successes. The Title V Commissions of the Public Works and Economic Development Act of 1965 were patterned after the organization of the Appalachian Regional Development Commission, and are now located in five regions of the country. Additional areas are currently being considered for regional designation by the Department of Commerce. Regional development is a term of increasing currency throughout government—an indication that this approach is proving itself meritorious.

The House and Senate had a rather difficult conference on the legislation before the Senate today. While preferring, of course, the original Senate version, I believe that the bill as adopted by the conference is satisfactory and in many areas very progressive. In Appalachia we have extended the authorizations for the Regional Development Highway System for an additional two years and increased that authorization by $150 million. We have written new provisions to allow nonprofit organizations to participate in every aspect of the adequate housing effort. We have indicated the desire of Congress that the Commission become involved in child health and nutrition projects in a manner consistent with the articulated commitment of the President to the first five years of life of children throughout America. We hope that the Appalachian Regional Commission will serve as the laboratory for the development of new techniques of assistance and the delivery of that assistance, demonstrating the value of the coordinated child health, education and nutrition projects. Most of the amendments to the Appalachian Regional Development Act are designed to continue and extend the authorizations for programs already underway, with the exceptions of the new programs I have outlined above. The total authorization provided by the bill through fiscal 1971 is $618 million.

Our efforts for the Title V Commissions, on the other hand, were directed at granting them authority to move from the planning stages, which have occupied these regional bodies since their creation, to the action stages of program implementation. Three of the Commissions have been in existence since 1967; two since 1968. They did not have the foundation of study and planning upon which to begin their program implementation, as did Appalachia when it was created.

The time has now come for these Commissions to undertake development projects in a manner consistent with careful and prudent planning. My colleagues have delineated in some detail the provisions of this Act directed to the Title V Commissions. In brief, we have authorized a joint planning project between the Secretary of Transportation and the Commissions on regional transportation needs. We have extended to the Commissions independent authority to carry out planning, investigations, studies and, most important, demonstration and training programs, which are part of their comprehensive plan for development and have been approved by the Secretary of Commerce. In addition, we have made available to the Commissions a comprehensive supplemental funding authority to finance projects which meet applicable criteria for federal grant-in-aid programs, but can't be funded solely because of lack of sufficient federal funds in the budgets of those programs. We have greatly increased the authorizations allocable to the Title V Commissions. The total authorization through fiscal 1971 is $255,000,000. Of this figure, not to exceed 10% is available to the Secretary of Commerce to carry out technical assistance for the Commissions, and the remainder is to be allocated to the Commissions for their use on a formula providing that no Commission shall receive less than 10% or more than 25%.

The bill also includes extension of three sections of Title I of the PWEDA Act of 1965, and modifies an area eligibility requirement to allow the "special impact areas", designated under the Economic Development Act of 1964 (section 150 of part D), to receive assistance from the Economic Development Administration.

Mr. President, we have seen demonstrated in the past four years the kind of progress possible when Federal-State-Local partnership in program development and implementation is given more than lip service. The Regional approach to problems is not only achieving results throughout Appalachia, but is bringing new hope and through this bill can begin to prove its promise from the seacoast of Maine to the sands of New Mexico. I commend my colleagues in the Senate and House Committees on Public Works for their perseverence in the development and growth of this program. It is a program rooted in the land and its people. We can be proud of its successes, and look forward to its future achievements.

Mr. DOLE. Mr. President, as one of the conferees, I join with my colleagues on the Public Works Committee in supporting S. 1072 as reported by the House-Senate conference. It has been a privilege for me, a junior Member of the Senate, to work with the Members of the House and

Members of the Senate in drafting this legislation.

Because there are nine counties in southeastern Kansas that are in the Ozarks Regional Commission, I was particularly interested in the amendments to the Public Works and Economic Development Act of 1965.

The regional commissions authorized by title V created a unique relationship between the State and Federal Government. It represented a recognition that problems of the economy, demography, and environment of an area are not circumscribed by State or county boundaries and consequently the problems of an area are best engineered and most efficiently pursued in conformance with their regional character. As with all new institutions, it has taken time to define their objectives and devise programs to meet these objectives. The commissions have also been hindered by a shortage of funds. In fiscal year 1968, there was only $2.3 million appropriated for supplemental grants in the Ozark region and $2.7 million in fiscal year 1969.

This is clearly inadequate when one considers the breadth of the problem. Data from the last national census shows that in the Ozarks region per capita income is less than 70 percent of the national average. By 1980, at this same loss rate, it is estimated the Ozarks region will lose $7.1 billion. For my State of Kansas, unofficial figures for 1968 reveal that total lost income to the nine counties in southeastern Kansas amounted to more than $134 million.

This legislation has several significant aspects which I would like to discuss. Section 202 of the Senate bill amends section 501 of the Public Works and Economic Development Act of 1965 by adding a new subsection (b) requiring the Secretary to study the feasibility of altering the geographical area of any economic development region, upon resolution of the Committee on Public Works of the Senate or of the House of Representatives.

This provision is a result of an amendment I presented to the Public Works Committee and which was accepted by the committee. My particular reason for doing so was to require the Secretary of Commerce to study the advisability of including more Kansas territory in the Ozarks Commission. Kansas expansion seems reasonable since the six Kansas counties contiguous to the region reflect similar socioeconomic conditions. Upon final passage of this bill and signing by the President, I will submit a resolution to the Senate Public Works Committee directing a study of the advisability of expanding the Ozarks region to Chautauqua, Elk, Greenwood, Coffey, Anderson, and Linn Counties.

Section 304 of the Senate bill amends section 401(a) of the Economic Development Act to require the Secretary to designate as redevelopment areas those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964. Because designation of redevelopment areas under this section would have meant that the two Kansas counties—Crawford and Cherokee—designated redevelopment areas under the so-called Mink amendment included in section 401(d) would have lost their designation, I introduced an amendment providing that when the Secretary designates an area under 401a(6) such designation will not cause areas already designated redevelopment areas to lose that designation. Loss of their designation as redevelopment areas would have meant these counties were no longer eligible for EDA grants for public works and development facilities and technical assistance research and information.

I urge the Senate to accept this conference report on S. 1072.

Mr. MUSKIE. Mr. President, I congratulate the chairman of the Public Works Subcommittee on Economic Development, who served as chairman of the Senate conferees on S. 1072, for his achievement in bringing back to the Senate a strong bill and an imaginative bill.

If it is adequately financed and energetically implemented, it will add a major forward thrust to the momentum of economic growth that has been slowly developing in the less fortunate areas of the country.

I was, of course, disappointed that the conference turned away from the Senate provisions for specific sums for each of the title V regions. Under the sliding scale formula of the House bill, as approved in amended form by the conference, each region will be entitled to a considerably smaller amount than the Senate provided, and the entire program will be required to function with reduced authorizations. We will have to make do with what we receive, and we will have to make the best possible use of it.

The New England Regional Commission is now ready to go forward with some 18 specific development proposals. I think that under the language of the conference report amending sections 505, 509, and 514 of the act, there will be sufficient authority to proceed with the implementation of these plans.

For example, there is clearly provided authority for demonstration projects initiated by the commission on its own. This should permit preliminary work to begin on meeting some of the greatest needs of our region as determined by the Governors who form the commission.

These proposals are outlined in the Senate hearings, beginning on page 401.

We have emphasized the need for greater autonomy on the part of each of the commissions in assessing and meeting the priorities of their own region. This increased flexibility of action is in keeping with the changes made in the basic act by the amendments first adopted by the Senate in 1967, particularly the supplemental grant provisions.

Adequate funding of commission efforts is the key to their success. If they have not shown greater forward movement up to this time, it is simply because they have not had the money.

While the Senate conferees would have preferred to move with specific authorizations for each commission's programs, the conference measure does give them a greater control over funds made available by requiring the Secretary to allocate all but the 10 percent he is authorized for technical assistance and administration.

The funds authorized to each commission by the Senate were of course based on certain criteria, such as population, area, per capita income and ability to use funds for development programs.

The conferees expect the Secretary, in making his allocation, to give full consideration to these factors as well as to the proportionate amounts which the Senate adopted.

In addition, the conferees expect the Secretary will submit to the Senate Public Works Committee notification of all factors utilized by him—including the weight given each such factor—in making allocations to the regional commissions.

Mr. MONTOYA. Mr. President, I move that the Senate agree to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico that the Senate agree to the conference report.

The motion was agreed to.

DEATH OF U.S. DISTRICT JUDGE ERNEST W. GIBSON, A FORMER MEMBER OF THE SENATE

Mr. PROUTY. Mr. President, it is my sad duty to inform this body that one of its former Members, Ernest William Gibson, died last night in Brattleboro, Vt.

This is a particularly sad occasion for me, for Ernest Gibson was among my closest friends.

At the time of his death, Ernest Gibson was U.S. district judge for the district of Vermont. This January would have marked the 20th year of his judgeship.

Judge Gibson's life was devoted to the service of his State and Nation.

From 1929 until his death he served in public office. He was a State's attorney, the assistant secretary of the Vermont State Senate, secretary of the senate, and a member of the Vermont Railroad Tax Commission.

In June of 1940, he was appointed to fill the U.S. Senate vacancy caused by the death of his father, Senator Ernest Willard Gibson. He served this body with distinction from June 24, 1940, to January 3, 1941.

Four months after leaving the Senate, he entered the U.S. Army as a captain. His military service exemplified the strength, courage, and sense of duty he had shown in his civilian positions. He left the service in December 1945, a colonel wearing the Silver Star, the Purple Heart, and the War Department Citation. To Vermont and the Nation, he was a hero, but I doubt that Ernest ever thought he had done anything more than his duty.

Ernest did not have much time to relax when he returned to Vermont. Vermonters wanted to return him to public service. He was elected Governor in November 1946 and reelected in 1948.

Today, reflecting on my good years of association with Ernest, I particularly recalled his first term as Governor. At the time I was speaker of the Vermont

House of Representatives. Then Governor Gibson presented a comprehensive legislative package which he reinforced with his dynamic leadership. Through this leadership the legislature that term enacted some of the most far-reaching legislation in Vermont's history.

Dynamism marked Governor Gibson's incumbency. His energies equaled his compassion and concern. Vermont moved rapidly and in the right direction.

On January 15, 1950, he resigned as Governor having been appointed U.S. district judge for the district of Vermont. He served in that position until his death last night.

He brought to the bench his vast range of experiences, his eminent knowledge of the law and a deep sense of compassion.

It is said that we are a nation of laws, not men. But only men can interpret the laws. Judge Gibson's interpretations mark him as an eminent jurist, brilliant in the field of law and wise in the ways of men.

In recent months, Ernest Gibson was contemplating retirement. With the full, rich life he had led, he deserved some time for himself. Yet, I could not envision Ernest inactive. I would imagine that had he lived to retire, his retirement would have been as active and full as his life.

Ernest Gibson truly served us well and gave us much. I am deeply saddened by his death, but immensely grateful for his life.

LITTLE DANNY ROSE AND DR. MARY COLEMAN

Mr. MATHIAS. Mr. President, Danny Rose and Dr. Mary Coleman are the best of friends. Dr. Coleman is a pediatric neurologist at Children's Hospital in Washington. Danny is her patient. He came to Children's 2 months ago with his undersized body twisting into grotesque positions. He could not control his movements and was unable to speak. Recently, he sat up unaided and for the first time in 3 years, he spoke. Danny, who is 11, suffers from dystonia, a brain disease. He is being treated by Dr. Coleman with L-Dopa, a new drug that provided exciting results in the treatment of Parkinson's disease.

Dr. Coleman expects and hopes to have Danny walk out of Children's Hospital one day soon. But he may not. Dr. Coleman's work may be curtailed by cutbacks in research funds.

Mr. President (Mr. ALLEN in the chair), this relationship between a little boy who is fighting to walk and talk and a doctor who is trying to help him represents the human side of a technical, impersonal dollars and cents argument facing the Congress. It is the human side I would like to discuss today.

The budget cuts, combined with the effects of inflation, are causing alarm among scientists and medical educators.

First there is concern for the survival of important research and training programs currently being conducted in the Nation's medical schools. Second, there is concern that Federal economy measures enforced today may destroy the base for long-range research and, in turn, ultimately affect adversely the health of all American citizens. The effects appear to be widespread. Not even the most famous institutions are being spared. At Johns Hopkins University in Baltimore, for example, the medical school has been forced to discharge some technicians and research personnel because of the squeeze on funds. At Albert Einstein College of Medicine in New York, staff doctors who have been paid on a part-time basis are being requested to contribute their services for free.

Maryland doctors have written me to express their concern. One, who has been conducting research in arthritis for the past 14 years, writes that his grant, although approved, has not been funded. This means that his research will practically be terminated and that he will have to lose an experienced technician.

Another doctor writes that the cuts "will have dire effects on the ongoing research—like Dr. Coleman's—into neurological diseases and on the training of physicians to care for these patients." He contends that the budget reduction would not represent a "tightening of the belt—but would necessitate totally abandoning many worthwhile research and training programs that required years to build."

A cancer researcher complains that the planned allocation to the National Cancer Institution—$180.7 million compared to a requested $300 million and a 1969 appropriation of $184 million—is "grossly inadequate" and "cannot fail to jeopardize our fight against cancer." He points out that cancer will cost this country about 325,000 deaths this year, that cancer is currently the leading cause of death among women age 30 to 54, and that more schoolchildren will die this year from cancer than from any other disease. He adds that there are today 550,000 children under 18 who have lost either their father or mother to cancer.

A general practitioner informs me that as a result of the cuts many long-range studies of tuberculosis prevention are being terminated. He writes:

> Special tuberculosis project funds have been largely responsible for revitalizing the anti-tuberculosis work in Maryland's two worst tuberculosis areas—Baltimore City and the southern counties of the Eastern Shore. If these funds are cut, the progress against TB, which is just now beginning to bear fruit, will probably stop.

Dr. James Shannon, former Director of the National Institutes of Health, said these cuts and the resulting attrition were likely to have devastating effect on the overall research purposes of the Nation. In an interview with the New York Times, Dr. Shannon said the situation probably could not be corrected unless the Nation began to have some overall research policy. He said there was none at present.

Dr. Shannon's assertion that this country has no overall policy on research is disturbing and it becomes perfectly frightening when one considers that the Federal Government provides about 65 percent of all funds for health research. It is also estimated that 48 percent of all medical school faculty members have some of their salary paid through Government funds; that 16 percent receive all of their salary through Government funds and that, for another 11 percent, the Government is the source of at least half the salary.

The problem is complex, but we must tackle it immediately. We can start by restoring the NIH budget to at least its present level of operation. I do not argue with the President's decision to fight inflation by cutting Federal spending. However, I believe that it is the duty of this Congress to set the order of priorities and I believe we must look long and hard for other places to begin this economy drive.

Next, I believe that we must look to the future and plan how the Government can adequately fund medical research which is so vital to our national welfare. Danny Rose and millions of other citizens are depending on us.

STUPID POLICY OF TOP BRASS

Mr. YOUNG of Ohio. Mr. President, in Vietnam our military brass are now blatantly and stupidly censoring the GI newspaper, circulation 500,000. Also, reporters on the military radio and publications are instructed to never use the word "napalm." "Selective ordinance" is to be used in stories referring to Vietnamese women, children, and old men killed and maimed by napalm bombing. No longer must the phrase "search and destroy" be used; the facts are that 80 percent of the Vietcong fighting in the Mekong Delta were born and reared in the Mekong Delta which is south of Saigon. Most are peasants, many of whom have been fighting for national liberation since 1946, first against the French now against Ky and Thieu who fought with the French in their effort to reestablish the lush French Indo-Chinese colonial empire. The great majority of them never heard of Karl Marx or Lenin. U.S. troop withdrawals must now be referred to as "troop redeployment." The small city, Ben Het, was recently surrounded by the Vietcong. This resulted in a rebuke of Saigon bureau chief of the GI newspaper Stars and Stripes. He was ordered to stop referring to this as a siege, although Ben Het was completely cut off and American forces were air dropping supplies there. GI's in South Vietnam resenting this censorship published an underground newspaper named "GI" which was suppressed on higher authority. The paper offered a reward "for the neck of the battalion commander responsible for the assault on Hamburger Hill."

I refer to that as a stupid action on the part of the top brass in Vietnam.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of an unsual circumstance, I ask unanimous consent that the distinguished Senator from North Carolina (Mr. ERVIN) be allowed to proceed for 3 minutes before the time limitation begins.

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

S. 3114—INTRODUCTION OF A BILL MAKING FREEDOM OF CHOICE THE LAW OF THE LAND

Mr. ERVIN. Mr. President, I introduce today, for appropriate reference, a bill to amend the Civil Rights Act of 1964 by adding at the end thereof a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers upon parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve.

In presenting the case for my bill, I shall disobey Mark Twain's admonition:

> Truth is precious. Use it sparingly.

Indeed, I will use truth in quantities which may embarrass and displease some judicial activists and crusading bureaucrats.

THE OBJECTIVES OF THE BILL

These are the objectives of the bill:

First. To restore to local school boards the power to administer the public schools committed to their charge.

Second. To confer upon parents the right to choose the public schools their children attend.

Third. To secure to children the right to attend the public schools chosen by their parents.

Fourth. To make effective the right of administrators and teachers of public schools to serve in the schools in which they contract to serve.

Fifth. To end the perversion of the equal protection clause of the 14th amendment by judicial activists and crusading bureaucrats.

Sixth. To end the disobedience of acts of Congress by judicial activists and crusading bureaucrats.

Let me explain what I mean by the terms "judicial activists" and "crusading bureaucrats."

It is the function of judges to interpret the Constitution and the laws, not to amend them. To interpret the Constitution or a law is to ascertain its meaning, and to amend the Constitution or a law is to change its meaning.

Most judges rightly regard themselves as the servants of the Constitution and the laws, and not their masters. Consequently, the number of judicial activists is comparatively small.

Judicial activists are judges who undertake to amend the Constitution or the laws while professing to interpret them. In so doing, they actually substitute their personal notions for constitutional principles and rules of law.

Judicial activists are motivated by good intentions. Daniel Webster undoubtedly had them in mind when he made this trenchant statement:

> Good intentions will always be pleaded for every assumption of authority—it is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Judicial activists labor under the delusion that there was little, if any, wisdom on earth before their arrival. As a consequence, they lay the flattering unction to their souls that the amendments they usurp the power to make improve the Constitution and the laws. For this reason, they believe the ends they have in view excuse the unjustified means they employ to accomplish them.

Let me make it plain that all the Federal judges who do the things of which I complain are not judicial activists. The Federal judiciary is structured as a hierarchy in which the judges in one echelon are compelled to follow the rulings of judges in higher echelons, no matter how much they may disagree with them. As a consequence, many Federal judges in lower echelons, who rightly regard judicial activism as a cardinal judicial sin, are forced to do the will of more highly placed judicial activists to escape the charge of judicial insubordination.

Crusading bureaucrats are power hungry officers of the executive branch of the Government who steal a mile of authority for every inch given them by law.

EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT

If we are to understand the conditions out of which the necessity for the bill arises, we must understand the equal protection clause of the 14th amendment which prohibits a State from denying to any person within its jurisdiction the equal protection of the laws.

While the opinions of judicial activists and the guidelines of crusading bureaucrats tend to shroud this clause in obscurity, the true meaning of the clause is simple and readily understandable. The clause means simply that all persons subjected to State action shall be treated alike under like conditions, both in the rights conferred and in the obligations imposed.

In interpreting this clause in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483, the Supreme Court held that a State denies the equal protection of the laws to black children if it denies them admission to its public schools attended by white children under State laws requiring or permitting segregation according to race. One of the intellectual and legal giants of our age, the late Chief Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit, correctly explained what the Supreme Court decided in the Brown case in his per curiam opinion in *Briggs* v. *Elliott*, 132 F. Supp. 776, 777:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals.

What Judge Parker said in the Briggs case correctly interprets the ruling in the Brown case. Circuit Judge Wisdom's attempt in *U.S.* v. *Jefferson County Board of Education*, 372 F. 2d 836, 862, to dismiss what Judge Parker declared in the Briggs case as "pure dictum" is not even plausible. The Briggs case was one of the four cases consolidated for hearing and decision in the Brown case, and Judge Parker was applying that decision to the Briggs case on its remand to the three-judge district court sitting in the eastern district of South Carolina.

It is as clear as the noonday sun in a cloudless sky that Judge Parker's assertion that when a State opens its schools to children of all races and grants to them freedom to choose the schools they attend, its action in so doing does not violate the equal protection clause of the 14th amendment and is absolutely sound. This is so because when it takes such action, the State treats all persons of all races exactly alike under like conditions, and thus fulfills both the letter and the spirit of the equal protection clause. No amount of judicial or bureaucratic jargon and sophistry can erase this obvious truth.

Moreover, Judge Parker's declaration is faithful to the proposition that the Constitution decrees that Americans are citizens of a free society and not the hapless and helpless subjects of judicial and bureaucratic oligarchies.

It is worthy of observation at this point that when the Brown case itself was remanded to the court in which it originated, the three-judge U.S. district court sitting in the district of Kansas revealed itself to be in complete agreement with Judge Parker's analysis of the Brown case by making the following statement:

> It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.
>
> If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live. (139 F. Supp. 468, 470)

It is noted, in passing, that in *Bell* v. *School City of Gary*, 324 F. 2d 209, *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55, and other well considered cases able Federal courts rendered decisions in full harmony with the sound views ex-

pressed by Judge Parker in the Briggs case.

CIVIL RIGHTS ACT OF 1964

The Congress enacted the Civil Rights Act of 1964 in part to implement the equal protection of the laws clause of the 14th amendment as interpreted by the Supreme Court in the Brown case. In so doing, Congress accepted the view that the equal protection clause prohibits a State from taking into consideration the matter of race in assigning children to public schools, and for this reason, forbids a State to deny to any child admission to any public school solely because of the child's race.

This conclusion is made manifest by section 401 of title IV which is concerned with desegregation of public education, and section 602 of title VI which relates to nondiscrimination in federally assisted programs.

I will analyze these and other relevant sections of titles IV and VI in subsequent remarks, and for this reason forgo elaboration of this point at this time.

The legislative history of the Civil Rights Act of 1964 likewise makes this conclusion abundantly clear.

During the course of the debate on the bill which became the Civil Rights Act of 1964, Senator BYRD of West Virginia addressed this question to Senator Humphrey, the floor manager of the bill, and received this reply from Senator Humphrey:

Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under Title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

Mr. HUMPHREY. I do.

Senator Humphrey made these further statements relating to the purposes of the bill:

Mr. HUMPHREY. Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other Senators will cite the particular cases.

I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas: "Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color." *Brown* v. *Board of Education* D.C. 139 F. Supp. 468, 470.

In *Briggs v. Elliott* (EDSC), 132 Supp. 776, 777, the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination." In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic *Brown* case of 1954.

THE PERVERSION OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964

Before the advent of the judicial activists, the equal protection clause of the 14th amendment was uniformly interpreted in multitudes of decisions to be merely prohibitory in nature and operation, and to impose upon a State no duty whatever except the duty to refrain from the specified prohibited action, that is, denying persons within its jurisdiction the equal protecton of the laws. This is manifestly the right interpretation of the clause because this is exactly what it says.

But this interpretation is not pleasing to judicial activists, who are afflicted in virulent form with the disease of tyrants which George Washington diagnosed in his farewell address as "love of power and proneness to abuse it."

As a consequence, the judicial activists now pervert the equal protection clause and the Civil Rights Act of 1964, and declare that they not only outlaw State imposed segregation in public schools, but also thrust upon a State the affirmative obligation to use compulsory methods to mix black and white children in public schools, regardless of the desires of such children and their parents, and regardless of the impact of the compulsion upon the schools as educational institutions.

In so doing, the judicial activists undertake to add to the equal protection clause things which expand their power and subtract from it things which limit their power.

Lack of time precludes me from stating in detail the specious reasons advanced by the judicial activists in support of their declaration that the equal protection clause now requires the compulsory integration of public schools. I must refer those interested in this phase of the subject to the 69-page opinion of Circuit Judge Wisdom in *U.S.* v. *Jefferson County Board of Education*, 372 F. 2d 836, and the 118-page opinion of Circuit Judge Wright in *Hobson* v. *Hansen*, 200 F. Supp. 401, where these reasons are presented with profuseness.

Some of the Federal courts inferior to the Supreme Court are now attempting to rob schoolchildren and their parents of the liberty to select schools embodied in the freedom of choice concept. For example, the fourth circuit court of appeals declared on July 11, 1969, in the still unreported case entitled Hawthorne against Lunenberg that—

The famous *Briggs* v. *Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration, is now dead.

In this quotation from the Hawthorne case, the fourth circuit court of appeals was referring to the constitutional principle enunciated by Judge Parker in these words:

Nothing in the Constitution—takes away from the people freedom to choose the schools they attend. *Briggs* v. *Elliott*, 132 F. Supp. 776, 777.

I make this observation: If this constitutional principle is now dead, it was murdered by judicial activists in violation of the equal protection clause of the 14th amendment itself. This is so because no man who is willing to give words their obvious meaning can find anything in the equal protection clause which deprives any individual in the United States of the freedom to choose the public school he attends or any other freedom. Indeed, as I have pointed out, this clause relates solely to State and not to individual action.

Judicial activists cite the opinion of Justice Brennan in *Green* v. *County School Board of New Kent County*, 391 U.S. 430, as a pronouncement of the Supreme Court that the Brown case requires all public schools to be compulsorily integrated if both black and white children of school age are obtainable and that all "freedom of choice" plans are automatically unconstitutional.

I shall not undertake to say what the Green case holds. If one desires to speak with assurance concerning it, he must limit his remarks to these observations: Its facts are plain; its verbiage is ambiguous and murky; it lays down no understandable or workable rule.

New Kent County is a rural county in eastern Virginia which possesses only two schools. One of these schools, the New Kent School, is designated by the opinion as a "white" school, and the other, the Watkins School, is designated by the opinion as a "Negro" school. Three years before the opinion was written, the school board of New Kent County completely removed from its school system all State-imposed segregation, and adopted a "freedom of choice" plan which allowed each black and white school child in New Kent County to attend whichever school he chose to attend.

The district court and the fourth circuit court of appeals adjudged this freedom of choice plan valid, and the Supreme Court reversed their rulings and remanded the case to the district court with a statement that the school board must be required to "fashion steps which promise realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools." I will not undertake to determine whether the case constitutes a solemn adjudication that the words "just schools" imply that all schools must be black and white schools where black and white children are available for coercive mixing.

I will make certain comments, however, concerning the only real reason given by the opinion for the rejection of the school board's "freedom of choice" plan.

The opinion declares that such plan did not constitute an "adequate compliance" with the responsibility imposed upon the school board by the second decision in the *Brown* case, 347 U.S. 294, 300–301, "to achieve a system of determining admission to the public schools on a nonracial basis" because not a single one of the 550 white children in the county had chosen to attend Watkins School, and only 115 of the 740 black children in the county had chosen to attend the New Kent School.

This ruling to the contrary notwithstanding, it is as clear as the noonday sun in a cloudless sky that the most effective way "to achieve a system of determining admission to the public schools on a nonracial basis" is to open the public schools to children of all races, and allow them or their parents to choose the schools they attend. Oceans of judicial sophistry cannot wash out this plain truth.

If the Green case means anything, it means that freedom of choice plans are valid if black and white children choose to mix themselves in public schools in proportions pleasing to Supreme Court

Justices, but are invalid if black and white children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

Obviously, the United States cannot continue to boast that it is a free country if the freedom of its people hangs on such an arbitrary and tenuous judicial thread.

I wish to call to the attention of the Senate a cartoon and editorial which appeared in the Washington Star on June 23, 1968, and which are highly pertinent to the subject under consideration. The cartoon depicts a black-robed Federal judge who presides over a classroom inhabited by small children, banging his gavel on the teacher's desk and declaring in stern judicial language: "This court will come to order."

I deeply regret that the format of the CONGRESSIONAL RECORD does not permit reproduction of the cartoon for the edification of Senators. Fortunately, however, I can have the editorial reproduced in the CONGRESSIONAL RECORD.

Therefore, I ask unanimous consent that the editorial which is entitled "Our Judges Should Stick to Their Judging," be inserted at this point in the RECORD as a part of my remarks.

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

OUR JUDGES SHOULD STICK TO THEIR JUDGING

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country, strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit, construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. * * * Nothing in the Constitution or in the decision of the Supreme Court takes away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Supreme Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May 1968 in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins School. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not, properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the school room, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely *private* discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course, do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation," and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

Mr. ERVIN. Mr. President, in passing from this phase of my remarks, I note that since it is authorized by congressional legislation to extend Federal financial aid to public school activities, the Department of Health, Education, and Welfare administers the provisions of title VI of the Civil Rights Act of 1964, which deals with nondiscrimination in federally assisted programs. I content myself with the observation at this time that the crusading bureaucrats in HEW have allied themselves with the judicial activists. As a consequence, they pervert congressional intent expressed in titles IV and VI of the Civil Rights Act of 1964, and use Federal funds appropriated by Congress for educational purposes to compel school boards to operate public schools as integrating rather than educating institutions.

A FEDERAL JUDGE'S ANALYSIS OF JUDICIALLY FORCED INTEGRATION

What I am trying to say has been much better said by an observant and wise Federal district judge, J. Robert Elliott, of the middle district of Georgia, who performs his task where people live, move, and have their being rather than in some remote judicial ivory tower.

A short time ago, the Fifth Circuit Court of Appeals remanded the case of United States against Board of Education of Crisp County, Ga., to the U.S. District Court for the Middle District of Georgia with directions that Judge Elliott reconsider his former ruling in the "light of the most recent decisions of the Court of Appeals and the Supreme Court dealing with school desegregation.'"

In an order requiring the school board to submit a new plan of desegregation, Judge Elliott made an accurate and penetrating analysis of the tragic impact of judicially coerced integration upon law

and public school education. I quote his words:

A review of these decisions shows that it is intended that integration be brought about in some way by school administrators as the first order of business. Problems of money, problems of transportation, problems of finding competent teachers willing to staff completely integrated schools, problems of political and emotional ramifications and the myriad frustrating difficulties peculiar to public education, and even the substantial objections of those thought to be benefited, are either ignored or brushed aside. We are told not to be "color blind", but to be "color conscious". The three R's long thought to be the reason for the existence of the public school system have been eclipsed by the one big R—Race. Integration is primary. Education is secondary. And through it all is the clear implication that Federal Courts are competent to design, supervise and administer plans for the integration of all school systems within our jurisdiction regardless of the diverse and complex problems presented. As for myself, I disavow any such occult power and am convinced that a fairly administered freedom of choice plan is the best answer and that the "immediate total integration at any cost" approach must inevitably result in serious damage to the public school system. However, we are bound by the decisions of the Supreme Court and the Court of Appeals for the Fifth Circuit, so we will make one more drag of the judicial claw across this sensitive area.

HOW THE PERVERTED VERSIONS OF THE EQUAL PROTECTION CLAUSE AND THE CIVIL RIGHTS ACT OF 1964 ARE ENFORCED

The judicial activists and the crusading bureaucrats have virtually taken over the public schools of the South. Their inconsistent professions remind me of Aesop's fable entitled "The Man and The Satyr," which goes like this:

A man had lost his way in a wood one bitter winter's night. As he was roaming about, a Satyr came up to him and finding that he had lost his way, promised to give him a lodging for the night, and guide him out of the forest in the morning. As he went along to the Satyr's cell, the man raised both his hands to his mouth, and kept blowing at them. "What do you do that for," said the Satyr. "My hands are numb with the cold," said the man, "and my breath warms them." After this they arrived at the Satyr's home, and soon the Satyr put a smoking dish of porridge before him. But when the man raised his spoon to his mouth he began blowing upon it. "And what do you do that for," said the Satyr. "The porridge is too hot, and my breath will cool it." "Out you go," said the Satyr. "I will have nought to do with a man who can blow hot and cold with the same breath."

The judicial activists and the crusading bureaucrats blow hot and cold with the same breath. At one moment they accept as valid the ruling in the Brown case and the congressional definition of desegregation, and assert that school boards are forbidden by the Constitution to consider race in assigning faculty members and pupils to public schools. The next moment they declare that school boards must take race into consideration in assigning faculty members and pupils to public schools because the Constitution obligates them to mix black and white faculty members and pupils in public schools.

In thus blowing hot and cold with the same breath, the judicial activists and crusading bureaucrats exemplify the moral taught by another fable of Aesop, namely, the fable of "The Wolf and The Lamb," which proclaims the truth that "any excuse will serve a tyrant."

Let me recount with succinctness what Federal judges and officials of the Department of Health, Education, and Welfare do to public school boards, public school administrators, public school teachers, public school children, the parents of public school children, and taxpayers to enforce the fallacious interpretations which the judicial activists and crusading bureaucrats put upon the equal protection clause of the 14th amendment and the Civil Rights Act of 1964.

They arbitrarily establish numerical or percentage quotas based on race for specified schools, and compel school boards to assign black and white administrators and teachers, and black and white children to these schools in numbers or percentages sufficient to meet these racial quotas. In so doing, they compel school boards to breach the provisions of contracts giving the affected administrators and teachers the legal right to teach in other schools.

If neighborhood schools are located in racially mixed school districts, they compel school boards to force children residing in the districts to attend their neighborhood schools even in instances where some of the children have valid reasons for assignment to schools elsewhere.

If neighborhood schools are not located in racially mixed districts, they compel school boards to resort to geographical rezoning, to bus schoolchildren from one school to another or from one school district to another, and to "pair schools". The sole objective of each of these courses of action is to mix black and white children in the same schools, and each of them requires that substantial numbers of black and white children be denied the freedom to attend the neighborhood schools nearest their homes because children of their race are needed to integrate schools elsewhere.

Let me explain what each of these courses of action involves.

In geographical rezoning, Federal judges and HEW officials compel school boards to create new geographical districts or zones, gerrymandered if necessary for the purpose, to embrace racially mixed residential areas, and to make arbitrary assignments of black and white children to the various schools within the newly created districts or zones, even though such arbitrary assignments deny substantial numbers of the children the right to attend the neighborhood schools nearest their homes and require them to travel substantial distances to reach the schools to which they are assigned.

Some of the judicially and bureaucratically imposed geographical zoning plans thrust grave hardships upon schoolchildren and their parents. Others are irrational. Moreover, some imposed in the fifth circuit where judicial activism runs rampant even imperil the safety of schoolchildren.

I mention only a few of the numerous instances which prove the validity of these observations.

The school board of Raleigh, the capital of North Carolina, was coerced by HEW to adopt new geographical zoning by the threat of cutting off Federal funds otherwise available to it. Under the HEW coerced geographical rezoning plan, the school board in Raleigh had to deny to numerous children, both black and white, the right to attend their neighborhood schools, and to assign them to schools located substantial distances from their homes. Two boys who reside only 4 blocks from a high school were assigned to another high school 4½ miles distant from their home. When their father made requests in their behalf that they be assigned to their neighborhood high school instead of the distant high school, he received this response from the school authorities in respect to each of his sons:

I regret to inform you that your request for transfer of school assignment * * * for your child has been denied. * * * Honoring your request would have resulted in exposing your child to fewer students of a different race than he would be exposed to in the school to which he has been assigned for the next year.

The father wrote me a letter in which he pointed out that the denial of his request for the transfer of his sons to their neighborhood high school compelled them to walk 9 miles daily to and from the distant high school, despite the intervening traffic hazards. He then put to me a question which I now in turn put to the Senate: Why should children "be herded around like cattle and shifted like pawns in a chess game?"

I will now call attention to a few judicial decisions in the fifth circuit where the courts are dominated by judicial activists of highly immoderate attitudes. They compel school boards to create geographical zones sufficient to "produce integration of faculties, staff, facilities, transportation, and school activities such as athletics, along with the integration of students"—*Adams* v. *Matthews*, 403 F. 2d 181—even though the geographical districts are so irrational as to compel little children to imperil their safety by crossing hazardous railroad tracks, bridges, and bayous—*U.S.* v. *Indianola Municipal School District*, CA–5, April 11, 1969, No. 25,655; *U.S.* v. *Greenwood Municipal School District*, CA–5, February 4, 1969, No. 25,714—ignore the density of population in the zones, the proximity of the residences of schoolchildren to schools, and natural boundaries created by God; and deprive school boards of the ability to make maximum use of existing school buildings—*U.S.* v. *Indianola Municipal School District, supra; Henry* v. *Clarksdale Municipal School District*, CA–5, March 6, 1969, No. 23,255.

Indeed, the Court of Appeals for the Fifth Circuit intimates in the Greenwood Municipal School District case that the equal protection clause of the 14th Amendment requires school boards to give "all Negro students a desegregated education," regardless of what burdens such action would impose upon them, their parents, other schoolchildren, the parents of other schoolchildren, and the taxpayers.

Moreover, the same court makes the astounding declaration in the Indianola Municipal School District case that even nondiscriminatory action of a school

board is unconstitutional if it fails to result in substantial desegregation.

When they require school boards to resort to the busing of students, Federal judges and HEW officials compel the school boards to deny to substantial numbers of black and white children the right to attend their neighborhood schools, and to transport them by bus to other schools in the district in which they reside, or to other schools in other districts for the purpose of altering the racial composition of their neighborhood schools, or the racial composition of the schools to which they are transported.

When they require the pairing of schools, Federal judges and HEW officials compel school boards to swap certain grades in a school located in a predominately black residential area for certain other grades in a school located in a predominately white residential area. For example, they may require a school board to transfer grades one through four from school A to school B, and grades five through eight from school B to school A.

In their zeal for compulsory integration of schools, Federal judges and HEW officials have even assumed overlordship over the property of the public schools of the States. In many cases, they compel school boards to close public schools attended in predominate numbers by children of one race, and to transfer such children to other public schools attended in predominate numbers by children of the other race. In so doing, they regard with utter distain the fact that the schools which are closed were built with the hard-earned dollars of the taxpayers, and the further fact that the closing of such schools deprive the people of the community of any community center.

During last year, under pressure from HEW, the school board of Hyde County, N.C., undertook to close two schools black children had been attending and to force the black children to attend a predominately white school located elsewhere in the county. This action evoked violent demonstrations by black citizens of Hyde County who demanded that the closed schools be reopened and that their children be permitted to attend them. Events of this nature have been inspired by similar action in other areas.

In the recent unreported case entitled Swann against the Charlotte Mecklenburg Board of Education, the District Court of the Western District of North Carolina ordered the school board "not to divest itself of any land, options, rent arrangements, or other access to or control over real estate which it may have in the second ward area" until it could be determined whether "a midcity high school" would "prove most desirable for desegregation purposes."

Sometimes one encounters statements in desegregation cases that courts only enforce plans for desegregation presented to them by school boards. Candor compels me to say that these statements savor of hypocrisy. The truth is that the plans are dictated by Federal judges, and are presented by school boards simply because their members sit beneath damoclean swords. The members of the school boards know they are subject to being fined or jailed for contempt of court if their official action is displeasing to Federal judges. As a consequence of this, it requires great patriotism for any person to serve on a school board nowadays.

Even apart from constitutional considerations, Federal judges and HEW officials ought to stop taking over and exercising the functions of school boards. This is so because they lack the competence to operate schools. The validity of this observation is made manifest by the arbitrary guidelines of HEW, which exalt the integration of the bodies of school children above the enlightenment of their minds; and the decisions of judicial activists which mommick educational processes almost as badly as they mangle the Constitution.

I yield at this point to the temptation to comment briefly upon one of these decisions, *Hobson* v. *Hansen*, 269 F. Supp. 401, where Judge Wright uses 118 pages to instruct the Board of Education of the District of Columbia as to how it should perform its constitutional obligation to abolish de facto segregation produced in the public schools of the District by prevalent residential patterns, and as to how it should teach the children of the District after its schools are desegregated. Judge Wright adjudges, in essence, among other things, that the Constitution now forbids a public school to extend to bright or diligent students any opportunity to learn anything more than it attempts to teach to dull or lazy students.

I challenge the validity of this adjudication. Gov. Charles Brantley Aycock, of North Carolina, was right when he asserted that the highest of the inalienable rights of the American people is the "right of each individual to make of himself all that God gave him any possibility of being." I deny that the Constitution of my country undertakes to rob children of this right by imposing upon them the equality of inferiority.

THE ACTIONS OF JUDGES AND HEW OFFICIALS VIOLATE THE CONSTITUTION AND ACTS OF CONGRESS

Since they treat all parents and children of all races alike under like conditions, freedom of choice plans are in perfect accord with the equal protection clause of the 14th amendment, which merely forbids States to treat differently persons similarly situated. This being so, Federal judges and HEW officials violate the equal protection clause when they nullify freedom of choice plans and undertake to impose on State school boards affirmative obligations to commingle black and white children in public schools.

It is obvious, moreover, that Federal judges and HEW officials actually force school boards to violate the equal protection clause as interpreted by the Supreme Court in the Brown case when they compel school boards to employ such programs as large-scale geographic rezoning, the busing of children, or the pairing of schools. These programs require school boards to deny to substantial numbers of children the freedom to attend their neighborhood schools and assign them to other schools because children of their race are needed to desegregate the other schools. Consequently, these programs discriminate against the children affected by them because they deny those children admission to their neighborhood schools on account of their race.

Furthermore, when Federal judges and HEW officials undertake to produce desegregation of faculties of public schools by compelling school boards to force administrators or teachers to serve in schools other than those in which the administrators or teachers have contracted to serve, they compel school boards to violate the spirit, if not the letter, of article I, section 10 of the Constitution, which provides that—

> No state shall * * * pass any law impairing the obligation of contracts.

In addition to being repugnant to the equal protection clause of the 14th amendment, the actions of Federal judges and HEW officials, which I have previously recounted, violate laws made by Congress.

The first of these laws is the Civil Rights Act of 1964. In title IV of that act, Congress undertakes to enforce the interpretation placed upon the equal protection clause by the Supreme Court in the Brown case. In so doing, Congress uses the terms "desegregation" and "discrimination" interchangeably to express the concept made familiar by the prevalent use of the word "discrimination" to mean State action denying persons admission to public colleges or public schools because of their race.

This observation is made indisputable to all except judicial activists and crusading bureaucrats by section 401(b) which expressly declares that "desegregation" merely means "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin"; section 407(a)(1)(2) which refers to children who "are being deprived by a school board of the equal protection of the laws" and individuals who have "been denied admission" to a public college or permission "to continue at a public college by reasons of race, color, religion, or national origin"; and section 409 which directs its attention to "discrimination in public education." There is not a single syllable in title IV of the Civil Rights Act of 1964 giving any support to a different interpretation.

Section 401(b) merits further consideration because it specifies not only what Congress means by the term "desegregation," but also what Congress does not mean by that term.

Section 401(b) consists of two clauses. The first clause provides that "desegregation" as used in title IV "means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin," and the second clause provides that "desegregation" as used in title IV "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

As a law made by Congress, title IV is binding on Federal judges, and defines their jurisdiction in respect to public schools operated by public school boards acting as State agencies

The first clause of section 401(b) simply commands school boards to ignore race, color, religion, and national origin as factors in assigning students to public schools. Hence, it is self-evident that a school board complies with every jot and tittle of this clause if it opens the schools it operates to children of all races, colors, religions, and national origins, and allows them or their parents to choose the schools they attend.

Since Federal judges have no power to add anything to the laws they enforce, this clause merely confers upon Federal judges the limited jurisdiction to enforce its command by decrees which prevent recalcitrant school boards from denying otherwise eligible children admission to schools on account of their race, color, religion, or national origin.

Since Federal judges do not have power to subtract anything from laws they enforce, the second clause of section 401(b) denies to Federal judges jurisdiction to compel school boards to assign "students to public schools in order to overcome racial imbalance." By this clause, Congress forbids Federal judges to make decrees compelling school boards to take affirmative steps to commingle black and white children in public schools in proportions satisfactory to judicial activitists, even in cases where judicial activists assert that such action is necessary to achieve what they speciously, sententiously, and unrealistically call a unitary nonracial system free of the vestiges of State-imposed segregation.

This interpretation of section 401(b) is completely confirmed by sections 407 and 409 of title IV.

Before the enactment of title IV of the Civil Rights Act of 1964, only the individuals aggrieved thereby had legal standing to make complaint in Federal courts concerning State-imposed segregation in public education. They were restricted to seeking relief for themselves and their children. They did not have the right to demand that Federal courts should substitute federally coerced integration for State-imposed segregation.

When it drafted title IV, Congress decided to extend to the Attorney General standing to sue for "such relief as may be appropriate" in behalf of two groups of people if he believes their complaints to be "meritorious" and concludes that they are "unable to initiate and maintain appropriate legal proceedings for" their own "relief." These groups of people are described, in essence, as children who "are being deprived by a school board of the equal protection of the laws" and individuals who have been "denied admission" to a public college or "permission to continue in attendance at a public college by reason of race, color, religion or national origin." To this end, Congress inserted section 407(a) in title IV.

At the same time, however, Congress decided to preserve intact the existing rights of individuals to sue in their own behalf for relief against State-imposed segregation. To accomplish this purpose, Congress stipulated in section 409 that nothing in title IV "shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education."

Congress was determined, however, not to increase the powers of Federal judges when it gave the Attorney General standing to seek relief against discrimination in public education in behalf of the aggrieved persons designated in section 409(a). It made this purpose manifest by inserting in the section language expressly providing "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Federal judges are violating these provisions of title IV of the Civil Rights Act of 1964 with constantly increasing frequency and intensity.

Section 601 of title VI of the Civil Rights Act of 1964, which is designed to insure "nondiscrimination in federally assisted programs" rather than to achieve the desegregation of public schools, provides that—

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Since it is empowered by certain statutes enacted by Congress to extend Federal financial assistance to certain programs conducted by public schools, the Department of Health, Education, and Welfare is empowered by section 602 of title VI to do these things:

First. To effectuate the provisions of section 601 with respect to such programs "by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken."

Second. To enforce compliance with requirements embodied in such rules, regulations, or orders by withholding Federal financial assistance from "the particular program, or part therefor," in which noncompliance with title VI is found.

Notwithstanding title VI does not commission them to compel school boards to desegregate public schools, notwithstanding none of the statutes authorizing them to extend Federal financial assistance to programs conducted by public schools have as their objective the achievement of compulsory integration in public schools, notwithstanding section 407(a) of title IV expressly forbids them "to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance," and notwithstanding their power to withhold Federal finanical assistance is expressly limited to "the particular program, or part thereof," in which noncompliance with title VI is found, crusading officials of the Department of Health, Education, and Welfare avidly seized upon title VI as a pretext for forcing school boards to desegregate public schools in a manner pleasing to them. To accomplish this purpose, these HEW officials compelled school boards to employ geographic rezoning, the busing of children, the pairing of schools, and other artificial methods to mix black and white school administrators, teachers, and children in public schools in proportions dictated by them as conditions precedent to obtaining Federal financial assistance for school programs, regardless of whether the programs were, in whole or in part, in noncompliance with title VI.

When protests were made against these violations of titles IV and VI, the HEW officials advanced specious arguments to justify their illegalities and continued to persevere in them.

Congress thereupon inserted this provision in the Elementary and Secondary Education Act of 1965, the principal statute which empowers the Department of Health, Education, and Welfare to extend Federal financial assistance to public schools:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the personnel of any school system, * * * or to require the assignment or transportation of students or teachers in order to overcome racial imbalance. (P.L. 89–10, Title VIII, Section 804; 20 U.S.C. Section 884)

The crusading HEW officials ignored this statutory prohibition and proceeded to violate it as well as titles IV and VI of the Civil Rights Act of 1964.

This contumacy prompted Congress to enact this provision in 1968 and insert it as an amendment in the act making appropriations for the Department of Health, Education, and Welfare for the fiscal year 1969:

> No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school. (P.L. 90–557; 82 Stat. 995)

Despite this statutory inhibition, HEW steadfastly continues its efforts to compel school boards to mix black and white administrators, teachers, and students in public schools in a manner pleasing to it.

I put this question to the Senate: How can America expect murderers, robbers, and thieves to obey the law when Federal judges and HEW officials treat acts of Congress with contempt and violate them with impunity?

In virtually all instances, the actions of Federal judges and HEW officials, which I have recounted, were strongly opposed by substantial numbers of the black and white parents and other black and white residents of the communities affected by them.

Some weeks ago a Federal district judge, who had signed a compulsory desegregation decree, had this question put to him:

If the whites don't want it and the blacks don't want it, why do we have to have it?

The judge answered, in substance, that the Constitution requires it.

If the judge had replied that the judicial activists demand it, he would have been right. But he erred in saying the Constitution requires it.

There is nothing in the Constitution which requires, or even authorizes Federal judges and HEW officials to substitute federally coerced school integration for outlawed State-imposed school segregation. Moreover, there is nothing in the Constitution which confers upon Federal judges or HEW officials the autocratic power to deprive schoolchildren and their parents of the freedom to determine for themselves how their constitutional and legal rights are to be exercised. Yet this is precisely what Federal judges and HEW officials do when they assume authority to nullify freedom-of-choice plans, deny schoolchildren the liberty to attend their neighborhood schools, and compel them to attend schools other than those chosen by them or their parents.

THE ACTIONS OF FEDERAL JUDGES AND HEW OFFICIALS ARE UNJUST AND UNWISE

The actions of Federal judges and HEW officials, which I have enumerated, are unjust and unwise as well as unconstitutional.

Governmental action which visits the sins of the guilty upon the innocent is repugnant to justice. Yet that is what HEW officials intend to do when they deny the benefits of Federal financial assistance to innocent children merely because the members of public school boards charged by law with the duty of operating public schools with wisdom disagree with their self-manufactured views and arbitrary guidelines in respect to the desirability of compulsory desegregation or the particular methods of achieving it.

In so doing, they not only punish the innocent children for things for which they are not remotely responsible, but they thwart the primary purpose Congress had in mind in authorizing Federal financial assistance to public schools; that is, the promotion of the education and welfare of disadvantaged children. As every intelligent man knows, disadvantaged children suffer the most when HEW officials deny Federal financial assistance to the school systems operating the schools they attend.

On occasions the HEW bureaucrats engage in the unspeakable act of denying food to hungry children to impose their self-manufactured notions on the school boards and the general public.

When HEW officials cut off Federal funds and they and Federal courts deny to children the freedom to attend their neighborhood schools, and herd them around like cattle and shift them about like pawns in a chess game, they seriously impede their education. Moreover, their efforts to compel administrators and teachers to serve in schools other than those in which they contract to serve is driving untold numbers of gifted administrators and teachers either from public school work entirely or from the particular schools which stand in sorest need of their talents.

On August 2, 1969, the Washington Post carried an article by Eric Wentworth entitled "Integration of Teachers Is Aim of U.S. Drive for Equal Schooling," in which he made observations on this point.

I ask unanimous consent that a portion of this article be printed at this point in the body of the RECORD.

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

The scope of this task is already being demonstrated as the federal government turns its civil-rights artillery increasingly toward urban school systems outside the Deep South. In case after case, one of the Government's key targets is the segregation of teachers—too many black teachers in black schools, too many white teachers in white schools.

Not only is this a noxious color scheme, the government contends, but to some extent at least the mostly-black faculties tend to have teachers with less impressive academic credentials—and vice-versa.

However, when it comes to schemes for enforcing a better balance of black and white teachers in these schools, the obstacles are immense. A lot of teachers simply don't want to comply.

Desegregating the pupils is one thing—after all, the law requires them to stay in school. But there's no law requiring a teacher to teach, especially to teach in a particular school system he thinks is trying to push him around.

For example, after Indianapolis ordered mandatory transfers for 204 teachers last September to meet the demands of a desegregation order, it discovered that 55 of them had resigned by the end of the year.

More recently, when Memphis sought to transfer nearly 400 teachers to comply with a federal court order, the teachers threatened at one point to go to court themselves.

The highest hurdles to forced teacher desegregation have been erected where the ever-heftier teachers' trade union movement has taken hold. One of the basic protections espoused by the American Federation of Teachers and sought by its affiliates in contracts with school boards is the right to voluntary transfers.

"Forced transfers have been tried in a number of instances," the AFT asserted recently, "and they have brought about increased teacher turnover and a general increase in the teacher shortage."

Transfer rights are a key issue in Chicago, where the Justice Department has threatened court action unless the Windy City's school board takes quick steps to break up its "segregated pattern of faculty assignments."

The Chicago Board, hoping to promote voluntary transfers, has asked Washington among other things for money to offer $1,000 bonuses to teachers willing to work in ghetto schools. It has also proposed lowering its ceiling on the number of fully-certified teachers in each school to spread those less qualified more evenly through the system.

But federal officials doubt they have authority at present to fund ghetto "combat pay"—which teachers unions eye askance in any event. And to lower the ceiling would require rewriting the Chicago board-union contract.

Atop these other obstacles, systemwide desegregation faces still another, relatively new challenge—the mounting clamor for decentralized, neighborhood control from parents fed up with fighting officialdom downtown. And here especially, if there are white parents who want white teachers there are also black parents today who want black teachers.

Judge Wright, while noting two years ago "a significant if not startling" correlation between the races of pupils and their teachers in D.C. schools, stopped short at the time of ordering mandatory faculty shifts.

Mandatory transfers would almost certainly bring a new confrontation between the school board and the Washington Teachers Union. Such a development could only add to the confusion, inner conflict and consequent low morale of a school system that already provides ample proof that the nation's capital is hardly the nation's showplace.

Mr. ERVIN. While the judicial activists and the crusading bureaucrats have made some threats to the Chicago School Board as set forth in Mr. Wentworth's article, they have thus far virtually concentrated all of their efforts upon the public school systems of the South.

Knowing as I do the insatiable hunger of nonelective Federal officials for power, I give this warning to those who live in the North, in the East, and in the West. When the judicial activists and crusading bureaucrats reduce the South to a state of vassalage, they will not sit down like Alexander the Great and weep because they can find no other worlds to conquer. They will turn their attention to the North, the East, and the West, take over and exercise the functions of their school boards, and herd their children around like cattle and shift them about like pawns in a chess game.

For this reason, it is highly advisable for northern Senators and Representatives to join me in my effort to put an end to judicial and bureaucratic tyranny, and restore to the States their right to operate their public schools in a manner consistent with wisdom and the true interpretation of the equal protection clause of the 14th amendment.

WHAT THE BILL DOES

Let me enumerate the things the bill is designed to accomplish.

If it is enacted, the bill will restore to the local school boards of the States their constitutional power to administer the public schools committed to their charge without impairing in any way their constitutional obligation under the equal protection clause of the 14th amendment to treat all schoolchildren and all parents of all races in like manner under like conditions. In so doing, the bill honors and enforces the truth proclaimed by the Supreme Court in *Texas* v. *White*, 19 L.Ed. 227, 237, that—

The Constitution in all its provisions, looks to an indestructible union composed of indestructible states.

If it is enacted, the bill will confer on parents the right to choose the public schools their children attend. In so doing, the bill will honor and enforce the truth proclaimed by the Supreme Court in *Pierce* v. *Society of Sisters*, 268 U.S. 510, that parents have a right to a voice in the upbringing and education of their children. After all, God gives the children to parents and not to judicial activists and crusading bureaucrats, and parents have more interest in their upbringing and education than any other human beings anywhere on the face of this earth.

If it is enacted, the bill will secure to children, the right to attend the public

schools chosen by their parents. In so doing, the bill recognizes the further truth proclaimed by the Supreme Court in Pierce against Society of Sisters, supra, that children are not the mere creatures of the State. After all, the father of the schoolboys in Raleigh, N.C., was right when he declared that children ought not "to be herded around like cattle and shifted like pawns in a chess game" to satisfy the undefined notions of judicial activists and crusading bureaucrats concerning compulsory integration.

If it is enacted, the bill will make effective the right of public school administrators and teachers to serve in the schools in which they contract to serve instead of being compelled by judicial or bureaucratic fiat to serve in other schools in violation of their contracts and contrary to their conveniences and desires.

If it is enacted, the bill will end the perversion of the equal protection clause of the 14th amendment and the disobedience of the acts of Congress by judicial activists and crusading bureaucrats.

The bill is in perfect accord with the Constitution. Moreover, it makes a substantial contribution to the constitutional ideals that all Americans of all races shall be members of a free society and that none of them shall be the hapless and helpless subjects of judicial or bureaucratic oligarchies.

The bill is designed to accomplish these things by restoring freedom of choice to its rightful place in the law of the land, and by placing certain prohibitions upon Federal judges and executive officials with respect to the busing of children, the closing of schools, and the assignment of members of the faculties of public schools to schools other than those in which they contract to teach.

Let me explain the provisions of the bill.

Section 1201(g) provides:

"Freedom of choice" means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

Section 1202, 1203, 1204, and 1205 of the bill forbid the Department of Health, Education, and Welfare to do any of these things:

First. To withhold, or threaten to withhold, Federal financial assistance from any public school operating under a freedom of choice plan "on account of the racial composition of its student body."

Second. To withhold, or threaten to withhold, Federal financial assistance from any public school "to coerce or induce the school board operating the public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school."

Third. To withhold or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to close any public school and transfer the students from such public school to any other public school or schools for the purpose of altering the racial composition of the student body at any public school.

Fourth. To withhold, or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to transfer any member of any faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

Section 1206 of the bill empowers any school board or any parent of any student affected or to be affected by any violation or threatened violation of any of the provisions of sections 1202, 1203, 1204, and 1205 to sue the United States in the District Court of the United States, and obtain such relief "as may be necessary or appropriate to redress the violation or prevent the threatened violation."

Section 1207 specifies:

No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in Section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer any students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract.

Section 1207 is sanctioned by article III of the Constitution which empowers Congress to regulate the appellate jurisdiction of the Supreme Court and both the original and appellate jurisdiction of all Federal courts inferior to the Supreme Court.

In order that the complete text of the bill may be made available to all Members of the Senate, I ask unanimous consent that it be printed in full at the conclusion of my remarks.

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

Mr. ERVIN. Mr. President, my bill may seem to some to be strong legislative medicine. Be this as it may, its provisions must be prescribed by Congress to protect public school systems, administrators, teachers, and children from "the love of power and proneness to abuse it" of judicial activists and crusading bureaucrats. The bill would do this by granting to parents of all races the freedom to choose the public schools their children attend, and by depriving Federal judges and the Department of Health, Education, and Welfare of the power to deny to any child of any race the freedom to attend the public school chosen by his parents. In so doing, the bill would exalt freedom above governmental tyranny and make effective to a substantial degree the constitutional objective that Americans of all races shall be members of a free society. Moreover, it would do these things in complete harmony with the equal protection clause of the 14th amendment whose only command is that States treat in like manner all persons similarly situated.

My bill merits the support of every Senator and Representative who believes that it is either unconstitutional or unwise for Federal judges and bureaucrats to herd children around like cattle or shift them about like pawns in a chess game.

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

The bill (S. 3114) to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve, introduced by Mr. ERVIN (for himself, Mr. ALLEN, and Mr. HOLLAND), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Civil Rights Act of 1964, 42 U.S.C. 1971, 1975a–1975d, 2000a–2000h–6, is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—FREEDOM OF CHOICE

"SEC. 1201. As used in this title—

"(a) 'State' means any State, district, commonwealth, territory, or possession of the United States.

"(b) 'public school' means any elementary or secondary educational institution, which is operated by a state, subdivision of a state, or governmental agency within a state, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'school board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'student' means any person required or permitted by state law to attend a public school for the purpose of receiving instruction.

"(e) 'parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'freedom of choice system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"SEC. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a freedom of choice system as defined in section 1201(g).

"SEC. 1203. No department, agency, officer, or employee of the United States empowered ot extend Federal financial assistance to any program or activity at any public school by way of grant, loan or otherwise shall withhold, or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"SEC. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of, any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another pub- to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"SEC. 1205. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"SEC. 1206. Whenever any department, agency, officer or employee of the United States violates or threatens to violate section 1202 or section 1203 of this Act, the school board aggrieved by the violation or threatened violation or the parent of any student affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the District Court of the United States complaining of the violation or threatened violation, and the District Court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which students affected or to be affected by the violation or threatened violation reside, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"SEC. 1207. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 82. An act to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero; and

H.R. 7567. An act for the relief of Bert N. Adams, deceased, and Emma Adams.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 82. An act to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations; to the Committee on Armed Services.

H.R. 2817. An act for the relief of Delilah Aurora Gamatero; and

H.R. 7567. An act for the relief of Bert N. Adams, deceased, and Emma Adams; to the Committee on the Judiciary.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The PRESIDING OFFICER. Under the order of yesterday, the Senate will now proceed to the consideration of H.R. 12964, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (Mr. BYRD).

The Chair recognizes the Senator from Virginia.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator yield to me for 2 minutes?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may be permitted to speak out of order.

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

THE "SILENT MAJORITY" SPEAKS

Mr. SCOTT. Mr. President, I wish simply to observe that yesterday the voice of the silent majority was heard loud and clear across the Nation, and that silent majority decided to put on a parade, the best kind of parade Americans can put on—a parade to the polls. They marched in, and there, having an opportunity to say whether they agreed with the philosophy of the party which I represent here, or with the philosophy of the other party, and, more particularly, having a chance to say whether they agreed with the President, they decided in all those elections where such inferences can properly be drawn—such as in New Jersey, Virginia, Pennsylvania, and many other States—that the President does have a vote of confidence; that the silent majority does know how to be heard; that the silent majority will be heard, and will be heard where it counts, as the distinguished Senator from Kansas has pointed out.

The President, on the basis of the first survey so far made—a telephone survey—has the confidence of 77 percent of Americans on his Vietnam policies. Only 6 percent expressed outright opposition, and another 17 percent are undecided. That is a pretty good record. That also ought to be an answer to those who

would say that if you are loud enough, you are a majority.

I say the majority must be found in the ways in which the majority can express itself, by a parade to the polls, by the expression of support for the President, by every method in our American system, including the right to parade, which both sides have, including the right to express opinions, nonviolently, which both sides have.

I am very proud of the fact that in my Commonwealth of Pennsylvania, on the one opportunity the voters had to express themselves in a statewide election for a justice of the Supreme Court, on less than complete returns, Justice Thomas Pomeroy has been the victor by more than one quarter of a million votes.

In the city of Philadelphia, overwhelmingly consisting of voters who are not registered in my party, the district attorney was reelected by 106,701 votes, and the city comptroller has been put into office by a majority of 86,184 votes.

I must say, Mr. President, I like parades. I like this kind of parade particularly.

I thank the distinguished Senator from Virginia for yielding.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, consideration of the pending amendment is limited to 2 hours, to be equally divided between the proponents and the opponents.

The Chair recognizes the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, at this point may I ask who will control the time for the opposition?

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. If the Senator from Arkansas is not against the amendment, the time will be controlled by the minority leader.

Mr. SCOTT. Mr. President, I understand that the time here will be controlled by the minority leader, if there is no objection.

The PRESIDING OFFICER. Very well. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 15 minutes. I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Nebraska (Mr. CURTIS) be added as cosponsors of the pending amendment.

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

Mr. BYRD of Virginia. Mr. President, the pending amendment was laid down yesterday.

It deals with the treaty of peace signed by the United States with Japan in 1952. The amendment provides that the treaty of peace having been ratified by the Senate of the United States, any changes which are proposed in the treaty shall come back to the U.S. Senate for approval or disapproval.

The Prime Minister of Japan will arrive in Washington on Monday, November 17.

He will be in the United States to discuss the future status of the island of Okinawa.

Okinawa, and, in fact, the whole U.S. position in the Far East, is part of the heritage of World War II, which ended 24 years ago.

During the past quarter century, the United States has entered into mutual defense agreements with 44 nations—and has been involved in three major wars, counting World War II.

I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now, I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our Nation in this year of 1969 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States: we are the military head of CENTO—Central Treaty Organization—Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State, Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-four years after the defeat of Germany, we have 225,000 troops in Europe, mostly in West Germany.

Twenty-four years after the defeat of Japan, we have nearly 1 million military personnel in the far Pacific, on land and sea.

The question of Okinawa, which the Japanese Prime Minister is coming here to discuss, is of great significance to our position in the Pacific.

Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II.

Beginning with President Eisenhower, each administration since 1951, has firmly maintained that the unrestricted use of U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

Sometimes the future status of Okinawa is linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But, the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her gross national product is spent on defense—and thus concentrate on expanding and modernizing its domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present gross national product is over $120 billion and Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. *Pueblo* last year, Adm. Frank L. Johnson, commander of naval forces in Japan, testified that one reason aid could not be sent to the *Pueblo*

was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos, and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific; namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in the Far Pacific is of tremendous importance.

It is of great importance to the American people—and it is of great importance to the people of Asia.

Many feel, as do I, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon.

But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

This month's visit to the United States by the Japanese Prime Minister presents a good opportunity for our Government to focus attention on the Far Pacific and the future role there, both of the United States and Japan.

The issue of Okinawa and its future status is not alone an executive decision.

It was the U.S. Senate which, in 1952, ratified the Treaty of Peace, which treaty gave to the United States the unrestricted use of Okinawa.

That treaty, Mr. President, was approved by the Senate on March 20, 1952. The yeas were 66, the nays 10. Two-thirds of the Senators present and voting having voted in the affirmative, the treaty of peace with Japan was agreed to on March 20, 1952.

Any change in that treaty must come to the Senate for approval. It would be unwise and undesirable for the executive branch to make commitments to Japan without the consent of the Senate.

If the Senate is to fulfill its constitutional responsibility in the field of foreign policy, it must make clear that any change in the Treaty of Peace with Japan must be ratified by the Senate.

The issue of Okinawa is important on its own; and the Senate may be divided on the proper course to pursue.

But the Senate, I should think, would be united in its determination to require Senate ratification of any changes which may be made in regard to treaties which have been ratified by the Senate.

For the Senate to concede to the executive branch of Government the right to change treaty commitments without Senate approval would be to make a mockery of the national commitments resolution it adopted unanimously only a few months ago.

On the eve of Prime Minister Sato's visit to the United States, I call on the Department of State and the President to make clear to the Prime Minister that any change in the treaties between the United States and Japan must be submitted to the Senate for approval.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes on the pending amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Virginia discussed the amendment with me on yesterday. He also discussed it with other Senators. This amendment is certainly in order, as far as the pending bill is concerned. I believe the Presiding Officer, on the advice of the Parliamentarian, ruled to that effect.

It is, in effect, a sense-of-the-Congress resolution which would have to be agreed to by the House. In my opinion, while it would have no force as far as tying the President's hands is concerned, it could have an effect upon the President in the carrying out of the very delicate negotiations now going on relative to the status of the prefecture of Okinawa.

The United States has held control of Okinawa for a quarter of a century but our country has recognized, at the same time that Japan had residual sovereignty. I hope that we are approaching the time when a reasonable agreement can be reached between our two countries to bring about a return of Okinawa to Japan.

If this is not done, I fear the consequences, not so much in our country, where I do not believe the situation is fully understood, as in Japan, where the situation is fully understood.

It is my belief that it is the desire—and I think a legitimate and overwhelming desire—on the part of the people of the prefecture of Okinawa to become once again an integral part of Japan rather than to continue to operate on a hodgepodge basis, as has been the case in recent years.

If we intend to treat Japan as a full fledged nation, ally, and friend in the Pacific, I think we would do well not to tie the President's hands, but to provide him as much leeway as possible in the working out of an agreement. I understand, from the public print that such an agreement has been reached in part and I hope a more definitive settlement will be reached at the time the Prime Minister of Japan visits our country later this month.

I can well understand the feelings of the distinguished Senator from Virginia. He has been consistent with respect to the return of Okinawa. But I think it would be a hollow victory for this country if the pending amendment were to be agreed to and have an influence upon the President of the United States who is charged under the Constitution with the conduct of the foreign policy of this country.

I think also that, in effect, we would be going back on our word that the residual sovereignty of this prefecture is Japan's. We have stated time and again that it was our intention at an appropriate time to do what we could to bring about the return of the prefecture of Okinawa to the Japanese Empire.

Mr. President, I hope that the Senate today will give full recognition to the arguments of the distinguished Senator from Virginia, as it undoubtedly will and always has. The Senate should also weigh the consequences and understand that these delicate and dangerous negotiations which are being carried on might well have a decided influence on the peace and the security and welfare of the Pacific area.

I call attention to the fact that last July the President of the United States made a declaration which has since become known as the Nixon doctrine. Under that doctrine, the President has made clear—and I agree with him 100 percent—that the United States is primarily a Pacific power and only incidentally and peripherally an Asian power.

To explain the latter clause, as I interpret it—and I think it is the correct interpretation—we do not intend to get involved in affairs on the Asian mainland except under the most extraordinary circumstances.

I daresay that one of the reasons for this is our unhappy experience in Korea, where, 16 years after the supposed end of the Korean war, there is no peace, but instead an uneasy truce; and our tragic involvement in Vietnam, where we have no business and should not have become involved in the first place, in an area that is not vital to the security of the United States.

I hope that the Senate in its wisdom will weigh all of these factors before reaching a final decision on the sense-of-the-Congress amendment offered by the distinguished Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I would like to put the matter in focus. I do not disagree with much of what the distinguished majority leader has

said, but the amendment does not in any way circumscribe the President of the United States in his negotiations with the Japanese Government.

The amendment provides that whatever agreements the President and the State Department work out with the Japanese Government to change a treaty, once it has been ratified by the Senate, the change must come back to the Senate to get its approval.

If the Senate does not like what the President has done, it will have a chance to reject it. If the Senate does like what the President has done, it will have a chance to approve it.

The amendment has nothing to do with changing the status of Okinawa. It only provides that if there is any change in the treaty, it must come back to the Senate for the Senate's ratification.

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

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. Mr. President, I would like to have some explanation of the matter. Ordinarily I do not favor a procedure of this kind on an appropriation bill. That is the primary objection I have at the moment.

I would like to know what the precedent is with respect to treaties when a treaty has been ratified by the Senate. Does the President have any constitutional authority to change that treaty? Has there been any such delegation of power to the President by the Senate, or does the President have the constitutional power to do this under the advice and consent of the Senate?

I would like to have some guidance along that line.

Mr. BYRD of Virginia. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, I point out to the distinguished Senator from Arkansas that, in my judgment—and I emphasize this because as the Senator knows, I am not a constitutional lawyer—it seems logical and sound that, if the Senate of the United States ratifies a treaty, before that treaty can be changed, the proposed changes must come back to the Senate for its advice and consent.

Mr. McCLELLAN. That makes a great deal of sense to me. Assuming that it does not have to, how far is the treaty binding? What is the ultimate effect of ratification by the Senate under the Constitution? If, after it is ratified, the President can change the fundamental terms of it without further approval or ratification by the Senate, then I am wondering what a treaty really amounts to.

Mr. BYRD of Virginia. I agree with the distinguished senior Senator from Arkansas. It seems to me that it makes a mockery of our procedure in the Senate to ratify treaties and then for the Chief Executive, whoever he may be, to change those treaties by Executive order.

Mr. McCLELLAN. I think that is the crux of the entire issue.

Mr. BYRD of Virginia. May I give the Senator an example of why I brought this proposal up today?

In the same treaty of peace with Japan which the Senate ratified in 1952, it dealt with the Bonin Islands as well as the Ryukyus. Talks were held in November 1967, between President Johnson and Prime Minister Sato, and the Bonin Islands were given back to Japan by Executive order.

I believe my contention is the same as that of the distinguished Senator from Arkansas. If we are going to ratify treaties, then any fundamental changes in those treaties, it seems to me, should come back to the Senate for the Senate to pass on those changes—either approve or disapprove.

Mr. McCLELLAN. I do not know how a treaty can be vitiated by Executive order. I cannot understand that. If that is the law, if it is a constitutional power of the President to revise or to relax a treaty or to disregard its provisions in dealing with the country with which the treaty is made, if the President of the United States can change it from time to time according to his judgment as to what is best, in the best interests of our country, I think that fact should be clearly established. If that is so, I do not think that a treaty ratified by the Senate has the power and the force and the stature that I always thought it had.

I am wondering what has been the practice in the past.

Mr. BYRD of Virginia. I agree 1,000 percent with the Senator from Arkansas. If the Senate today rejects this amendment, it will be saying to the President of the United States, any President—I am not speaking of President Nixon, because he will not be President for eternity—"You can take these treaties that the Senate ratifies, and you make whatever executive agreements you wish; do it on your own; you do not have to come back and talk to us."

Mr. McCLELLAN. Even if he came back and talked to us and the Senate ratified it, the next day he could change it.

Mr. BYRD of Virginia. Then he would have to come back for ratification.

Mr. McCLELLAN. That is my thought about it. In other words, the amendment offered by the Senator from Virginia either is wholly unnecessary or is necessary.

Mr. BYRD of Virginia. The Senator is correct.

Mr. McCLELLAN. If the President has the power to disregard the provisions of a treaty or to make substantial changes in a treaty by negotiations with the other country, if he has the power to do that without ratification of those changes by the Senate, then I am learning something about treaties.

Mr. BYRD of Virginia. I agree.

Mr. McCLELLAN. I thought that in order for a treaty to be effective it had to have ratification by the Senate of the United States, under the Constitution.

Mr. BYRD of Virginia. That is my understanding.

Mr. McCLELLAN. And that is my understanding. If that is true, once it is ratified, are we saying now that the President can change it at will, upon his whim?—not this President, but any President? It is getting pretty fundamental.

Mr. BYRD of Virginia. I think it is getting very fundamental. This amendment says that he cannot make a change in a treaty without submitting it to the Senate for its approval or disapproval.

Mr. THURMOND. Mr. President, I rise to support the amendment offered by the distinguished Senator from Virginia (Mr. BYRD) which would express the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in article 3 of the Treaty of Peace with Japan, without submitting such change to the Senate for ratification. The Japan treaty was signed in San Francisco, September 8, 1951, and ratified by the U.S. Senate on March 20, 1952.

My deep interest in this matter is directly related to the fact that Okinawa has become the major U.S. supply and operations base in the western Pacific.

There are presently 45,000 U.S. military personnel on the island, and extensive warehouse and port facilities which house conventional warfare equipment vital to the fulfillment of our military commitments in the Far East. This represents over one-half billion dollars in U.S. investments on Okinawa. Moreover, the United States has important naval facilities at Okinawa, extensive and expensive air facilities and carries out from that forward base critical intelligence operations.

Earlier this year the Senate, in the exercise of its constitutional responsibility in the field of foreign policy, adopted unanimously a national commitments resolution. Therefore, it seems appropriate at this time to make clear to the State Department that the issue of Okinawa is not solely an executive decision. Having ratified the Treaty of Peace with Japan, it follows any change in that treaty should come to the Senate for advice and consent.

Furthermore, it is my belief the handling of this difficult problem would be strengthened by such a procedure, especially in view of the critical nature of Okinawa to the security of the people of the United States, as well as to the security of Japan and our allies in the Far East.

Mr. President, this issue is a timely one as the Prime Minister of Japan is to visit Washington November 17 for the express purpose of discussing the future of the island of Okinawa.

Under the Treaty of Peace with Japan the subject of Okinawa, the principal island in the Ryukyu Island chain, is covered in chapter 11, article 3. This article gives the United States "the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters."

This country has exercised these rights since the signing of this treaty, and in fact prior to its signing, our control of Okinawa having been established in a bloody battle toward the close of World War II in which we paid dearly. While

the United States is under no obligation whatever to consider any claims the Japanese Government might have on the Ryukyu Islands, our Government has done so because of the Japanese-American alliance resulting from World War II.

In 1960, the United States entered into a security treaty with Japan which strengthened the American commitment to defend Japan against external attack. The treaty remains in effect until June 1970, after which time either the United States or Japan may give notice of its intention to terminate it. The treaty will expire 1 year after the giving of such notice.

While the Okinawa question is covered in a permanent treaty, the approaching review of the Security Treaty will serve to reopen the Okinawa issue. This situation is also receiving additional emphasis because of pressure on the Japanese Government for reversion of Okinawa.

These conditions, therefore, provide the impetus for the mid-November visit of the Prime Minister of Japan to the United States at which time the Okinawa question will be the chief topic of discussion between the Prime Minister and President Nixon.

Mr. President, our allies in Korea, South Vietnam, Formosa, and elsewhere in the Far East are vitally concerned regarding any decisions made affecting Okinawa. This is natural in that Okinawa amounts to our forward most base in the Pacific and is of critical strategic importance in the fulfillment of our commitments in that area.

The loss of Okinawa would be a crushing blow to the maintenance of peace and security in the Far East. It would result in the United States taking a fallback position into the Central Pacific and entail enormous expenses from the standpoint of withdrawal as well as reestablishment of our military forces which play a dominant role in the Southeast Asia Treaty Organization.

For a moment it would be well to emphasize the military importance of Okinawa to the United States.

Before World War II the Ryukyu Islands were known as Okinawa Prefecture, one of the 47 prefectures of Japan.

American forces in World War II landed on Okinawa on Easter Sunday, April 1, 1945. During the next 3 months in the Battle of Okinawa, American battle casualties were 49,151 of which 12,520 were killed or missing and 36,631 wounded. Approximately 110,000 Japanese lost their lives in the attempt to hold the island as did an equal number of Okinawan civilians.

Circumstances of geography have placed Okinawa in a highly strategic location in the western Pacific. Over the past 24 years it has formed a major link in the chain of military bases along the eastern rim of Asia, from Japan through Korea, Okinawa, Taiwan, and the Philippines and into Southeast Asia. Okinawa lies approximately 800 miles from Seoul, 800 miles southwest of Tokyo, 750 miles northeast of Manila, 325 miles from Taipei, and 700 miles northeast of Hong Kong. From 1950 to 1953, Okinawa bases were used in active support of the United Nations forces protecting the Republic of Korea.

In 1958, the presence of U.S. forces in Okinawa was considered to have been a factor in preventing an outbreak of hostilities in the Taiwan Straits.

Today, Okinawa is still a forward base for the United States.

Unlike other areas, there are no other constraining treaty arrangements limiting our use of Okinawa. On our own initiative, and without the legal requirement for consultation with a host government, the United States has been able to maintain all kinds of weapons on Okinawa, more troops, equipment, and supplies, in and out at will.

Okinawa has been a major staging area for Vietnam. From Okinawa major logistical support has gone to our forces in Southeast Asia, with the 2d Logistical Command playing a primary role. This role will continue for some time in the foreseeable future. Okinawa will be the keystone of the Pacific and play a primary role in any retrograde from the Pacific.

In a statement made in March 1962, the late President Kennedy said:

> The armed strength deployed at these bases is of the greatest importance in maintaining our deterrent power in the face of threats of the peace in the Far East. Our bases in the Ryukyu Islands help us assure our allies in the great arc from Japan through Southeast Asia not only of our willingness, but also of our ability to come to their assistance in case of need.

Mr. President, in view of these points it appears the amendment of the distinguished Senator from Virginia deserves the support of the Senate. While the Senate is most assuredly divided on the proper course for this country to follow in the Far East, it nevertheless would seem wise to approve this consent amendment which would give this body the opportunity to ratify any changes the President might wish to undertake regarding Okinawa and other islands covered under chapter 11, article 3, of the Treaty of Peace with Japan.

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

Mr. BYRD of Virginia. How much time does the Senator desire?

Mr. GRIFFIN. Four minutes. I shall be glad to use time from this side.

I wish to commend the distinguished majority leader for his statesmanlike analysis of this amendment and its possible implications.

Mr. MANSFIELD. In that case, I will give the Senator time.

Mr. GRIFFIN. I can understand some of the reasons which may prompt the senior Senator from Virginia to propose this amendment, but I share the deep concern of the majority leader as to the misunderstanding that it could create. The amendment moves into a very difficult and a very delicate area at a most inappropriate time.

I believe it already has been demonstrated, as a result of the colloquy with the Senator from Arkansas, that the amendment would not affect the constitutional role and responsibility of the Senate. As I understand the wording of the amendment, it would not increase or decrease the constiutional responsibilities that we otherwise have.

The arguments advanced by the Senator from Virginia reach considerably beyond the wording of his amendment. His arguments reach to the policies involved in negotiations with Japan. Because that is the case, it seems to me this is a matter that appropriately should be referred to the Committee on Foreign Relations for hearings. It should not be considered as a rider on an appropriations bill.

I take this brief time at this point to make clear my position and to indicate that, under the circumstances, at the appropriate time, I or someone will move to lay the amendment on the table.

I thank the majority leader for the time.

Mr. MANSFIELD. I yield myself 3 minutes.

Mr. President, I quote from yesterday's RECORD a statement by the distinguished senior Senator from Virginia, the author of the amendment now pending:

> I think the Japanese Government should understand that, while the negotiations properly will be carried out by the executive branch of the Government, the Senate of the United States will participate in the final decision by having the opportunity to accept or to reject whatever commitments are made to that government on behalf of the United States.

The language of the amendment now pending reads as follows:

> It is the sense of the Congress that the President shall not enter into any agreement—

Shall not enter into any agreement—

> or understanding the effect of which would be to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate.

It appears to me, from reading the language which is now before the Senate, that what is proposed in effect is to shackle the President and the Japanese Prime Minister in their discussions and negotiations, if such they may be designated, considering the question of the return of the prefecture of Okinawa to Japan.

I recognize the validity of the argument raised by the Senator concerning the return of the Bonins and the Ryukyus. Perhaps there is a question there based on the use of the executive agreement formula. That is debatable. I do not know the answer, although, personally, I was glad that those islands, which were of little value to us and had so few Americans on them, except a communications base, were returned to Japan, if for no other reason than a gesture of good will and understanding.

So far as the Senate is concerned, I am quite sure in my own mind that the Senate will have the opportunity to consider any agreement reached between the Japanese and the American officials who have been and who are and who will be carrying on negotiations relative to Okinawa itself.

I would most respectfully suggest to the distinguished Senator from Virginia, and to the chairman of the committee, who is the manager of the bill now under

discussion, that perhaps a change in language would get away from a handcuffing of the President and Prime Minister Sato, which would exist under the language now before us.

The proposed modification reads as follows:

SEC. 106. It is the sense of the Congress that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate.

This language would not shackle Prime Minister Sato or President Nixon or their representatives in negotiations. This would protect the rights of the Senate under the Constitution, and I think it would accomplish the end desired by the distinguished Senator from Virginia, although on a more equitable basis, in my opinion.

Mr. BYRD of Virginia. Mr. President, the proposed change is precisely what I feel the amendment I presented seeks to do and would do. I do not see any fundamental difference between them. It seems to me that both of them say and do exactly the same thing.

Mr. MANSFIELD. No.

Mr. BYRD of Virginia. If the Senator from Montana wishes, I would be glad to accept his language in lieu of my language. It seems to me they mean the same thing.

Mr. MANSFIELD. No; they do not, because the word "shall" is not in the proposed change.

Mr. BYRD of Virginia. Yes, it is. The proposed change states "shall not take effect."

Mr. MANSFIELD. Yes, but that appears in a different place. Amendment No. 264 states:

The President shall not enter into any agreement or understanding.

That is the difference, because if that language is retained, it would shackle the President and Prime Minister Sato, and it would place us in an embarrassing situation.

Mr. McCLELLAN. Mr. President, amendment No. 264 states:

The President shall not enter into any agreement.

Nothing could come before the Senate until some agreement had been entered into. That is the difference.

Mr. MANSFIELD. Exactly.

Mr. McCLELLAN. I think the proposed change would do what the Senator has in mind. As the amendment of the Senator from Virginia now reads, the President could not enter into an agreement.

Mr. BYRD of Virginia. The proposed change would do precisely what I had in mind.

Mr. President, I now modify my amendment in accordance with the discussion just had with the distinguished Senator from Montana.

The PRESIDING OFFICER. The amendment is modified accordingly.

Mr. BYRD of Virginia. Mr. President, I wish to say again that if the proposed change tends to clarify the meaning of the original amendment I am very glad to accept it. It was not the purpose of the original amendment to say that the President and the Japanese Government could not enter into negotiations. I said clearly on yesterday that was not the purpose of the amendment.

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

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. BYRD of Virginia. Mr. President, the purpose of the amendment is to say that such agreements shall not take effect without the advice and consent of the Senate. That is all I want to do.

I want to get the matter before the Senate if any agreements are worked out between the Japanese Government and the United States.

So I am delighted and happy to accept the suggested change made by the Senator from Montana. It states precisely what I desire to accomplish.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

In offering the suggested change in the amendment I am only trying to ameliorate a difficult and delicate situation which I thought was inherent in the original language. This does not necessarily mean I will vote for the change because I feel that the Prefecture of Okinawa should be returned to Japan under proper circumstances and as expeditiously as possible, on the basis of a mutual agreement between the two nations. I am sure both nations are aware of the difficulties inherent in this problem at this time, which I assume are tied to Vietnam. Unfortunately, it seems Vietnam is tied into everything in Asia and in other areas.

But this is significant and of importance. It is something the Senate will consider and give due attention to. However, I do not want to downgrade the delicacy, importance, and significance of the negotiations which have been underway and which will be resumed, and hopefully reach a climax after Prime Minister Sato and the President have had a chance to get together and discuss the matter in full detail.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for yielding me this time.

I want to make clear that I stand strongly for the integrity of the jurisdiction of our various committees.

I do not want to make any contribution to the erosion of any committee's powers or responsibilities.

Stated another way, I want actively to oppose any crossfiring or any invasion of the responsibilities and prerogatives of any committee.

Now, this amendment on an appropriation bill would ordinarily not be relevant and would invade the jurisdiction of a committee. The Appropriations Committee does not have primary jurisdiction on this subject matter. But, there is a provision already in the House bill which does open up the general question of legislation of this kind.

The Parliamentarian has said that this is permissible under the special language in the bill. The amendment is on a subject matter in which I am vitally interested, and I am going to support it under these circumstances.

I do not speak for the Armed Services Committee at all, because it has not had a chance to consider the amendment and make any recommendations or even exchange views on it. But I think I can say that we are all vitally interested in this subject matter.

Mr. President, the matter of changing the substance of a treaty concerning Okinawa is one which gnaws at the very vitals of our policy system in the entire Pacific area and particularly military support of that policy.

If we want to change that policy, if we want to alter it, if we want to reverse it, if we want to get out of the Pacific, why, that would be one thing we would naturally be willing to get out of Okinawa under those circumstances, in spite of its strategic location and the tremendous investment we have made there. But I think it is a matter of the greatest consequence that the Senate should play a major role in the formulation of any far-reaching change of policy of this kind.

Certainly, the Commission on Foreign Relations would have primary jurisdiction on a question like that. It is so involved in the military program backing up a policy, that it is one of those matters which I think the Armed Services Committee would also have a vital interest in and a vital responsibility connected therewith.

As I say, this is the reason I speak today.

With all deference to the executive branch of the Government, and I am not averse to it as such, including the present President, I cannot conceive of any substantial change in the status of Okinawa without the legislative branch of the Government having a high priority in the consideration thereof, especially the Senate when a treaty is involved.

The United States has a capital investment in Okinawa military installations of more than $566 million as of April 1, 1969.

As everyone knows, its location is vital and essential to the security of the United States. It was of great importance during

the military operations and modus operandi in the Korean war, and has remained so since that time up to this very minute, including, of course, the war in Vietnam.

If we are to substantially change our status there, and our rights and our prerogatives, it will mean that we will have to pull out and build a base somewhere else. It is unthinkable that, under present conditions, we would be forced to do that.

Mr. President, I think this matter is tied in with the question of what we are going to do about our relations with our friends, the Japanese. I do not think that subject can be considered here today, but if we are going to continue our obligation for the protection of Japan and other areas of Asia, of course, we must have a major base of operations, and this is the base we should have. If we are going to be relieved of that responsibility as to Japan, and let that country take over their own defense, then that would be a strong argument in favor of our receding from Okinawa. This shows how serious the matter is.

I emphasize that I am not in a position to speak for the committee. I speak on my own, as a member. I could hardly be any more concerned about a subject of this nature than I am on this.

I thank the Senator from Virginia for yielding to me.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Mississippi for his comments. As chairman of the Committee on Armed Services he realizes so very well the immense commitments our Nation has undertaken—and the importance of Okinawa to the defense of the far Pacific.

If we eliminate our commitments in the far Pacific we will not need Okinawa, but no one has suggested that.

Mr. FULBRIGHT. Mr. President, will the Senator yield me a few minutes?

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. I appreciate the Senator's yielding. I wish to comment particularly with respect to the idea as to whether this is consistent with the proper role of the Senate in our foreign relations, and also whether it is consistent with the recently agreed to Senate resolution sometimes referred to as the commitments resolution. I told the Senator from Virginia I thought it was. I think it is well taken.

The remarks of the Senator from Mississippi have already gone to the merits of the matter.

I hope very much that the administration will take the sense-of-the-Senate resolution seriously and begin to reestablish the relationship between the Senate and the executive which I believe the Founding Fathers contemplated and which I believe the Constitution provided.

We will all recall that when Mr. Katzenbach testified before the Foreign Relations Committee a number of us were shocked by the attitude in which they approached these matters, which was, in effect, that the Constitution with regard to the war power, and I assume, consequently, the treaty power, to some degree at least, was obsolete. The war power, he said in effect, was obsolete, and no longer was the Congress required or expected to play the traditional constitutional role.

I rejected that view at the time, and I still do. I think the Senator from Virginia, in introducing this amendment, simply recalls to us again the responsibile position of the Senate. I certainly expect to support the amendment. I think it ought to be recorded. I cannot imagine that the State Department would object to it, although the executive has a tendency to say nothing is necessary; "We can attend to it. Leave it to us." That is their first reaction, but I think it is a human reaction and not necessarily a very serious one. I would not be surprised if they said, "Well, we have no objection to it, but it is not necessary." I think it is necessary.

Mr. BYRD of Virginia. Mr. President, I concur in the views expressed by the distinguished chairman of the Committee on Foreign Relations. I think it is necessary.

It is intended to preserve the role of the Senate in foreign policy and to say to the executive branch, "Make whatever agreements you feel wise, but bring them back to the Senate for consideration."

Mr. FULBRIGHT. And I hope they will make them with the view that they will be brought back here, which would mean, if they are wise at all, they will consult the Senate before they go too far in their commitments, simply to avoid friction in the future.

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

Mr. BYRD of Virginia. I yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from Virginia for the very fine work he has done in his presentation. I am not too happy about putting resolutions in appropriations bills which go outside the jurisdiction, and I oppose them generally, but this time the jurisdiction was established, and I commend the Senator for his presentation.

Mr. BYRD of Virginia. At this time, Mr. President, I ask unanimous consent to have printed in the RECORD the national commitments resolution which was presented on February 4, 1969, by the Senator from Arkansas (Mr. FULBRIGHT).

It was considered and agreed to by the Senate on June 25, 1969, and expresses the unanimous view of the Senate that matters affecting commitments to foreign governments should come before the Senate for ratification. The amendment which the Senator is considering is directly in line with the national commitments resolutions which the Senate approved some time ago.

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

S. RES. 85

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Mr. GRIFFIN. Mr. President, once again I wish to indicate my deep concern regarding the pending amendment offered by the senior Senator from Virginia. I believe it is premature for the Congress to go on record at this time in a fashion that might suggest, perhaps, some judgment of policy, rather than a judgment limited to the precise words of the amendment.

I want to announce that I have received assurances as recently as this morning from the State Department that Congress, particularly the Senate, will be consulted fully as to any agreement that might be entered into involving Okinawa.

I have also been assured, and want to indicate for the benefit of the Senate, that if an announcement is made, at the conclusion of Prime Minister Sato's visit here, it would be made clear that any understanding involving Okinawa would be subject to the necessary legislative support.

Furthermore, it should be kept in mind that the exact nature and extent of a possible United States-Japanese agreement involving Okinawa is not at all clear at this point. It is not at all certain that there will be an agreement. Substantial progress has been made with respect to preliminary negotiations, but there are still important matters which remain at issue. Many details remain to be worked out.

Particularly in view of the arguments made for this amendment and advanced by the Senator from Virginia, a vote by the Senate adopting his amendment might be misinterpreted in international affairs and might handicap the President as he seeks to negotiate.

As I indicated before, the amendment opens a very difficult and delicate matter at a very inappropriate time—at a time when the Prime Minister of Japan is about to arrive in our country.

Needless to say, I wish the amendment had not been offered. It is not that I do not agree with the basic philosophy or basic purpose of the amendment; but I believe that, since it seems to be directed at policy matters, it is the kind of amendment which should not be attached as a rider to an appropriation bill. I believe it should have been referred to the Foreign Relations Committee so hearings could be held.

I hope, in the light of these considerations, and in deference to the President and his efforts to negotiate in this field, that the Senate will see fit, at the appropriate time, to lay this amendment on the table.

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

I feel certain that the distinguished Senator from Michigan well knows that I do not wish in any way to handicap

the President of the United States in his negotiations with Japan.

But this amendment will not in any way handicap the President in his negotiations with Japan.

As a matter of fact, in my judgment, it will help him. It will help him in his negotiations, because he is being put under great pressure, by the State Department and by foreign governments, to make concessions to Japan that he might not wish to make.

So all this resolution does is say to the Government of Japan that the President cannot do this unilaterally, but that any agreement he works out must come back to the Senate for approval or disapproval. In that respect, I think it will be helpful to him. It will strengthen his hand in seeking to protect the best interests of the United States.

One other point: The Senator mentioned that there should be hearings on this matter. That is a rather astonishing assertion, it seems to me, that we should have to have a committee hearing to determine whether or not the Senate of the United States should have the right to advise and consent to treaty commitments made by the executive department to a foreign government.

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

Mr. BYRD of Virginia. I yield to the Senator from Michigan.

Mr. GRIFFIN. What the Senator seems to be saying is that there is no need for this amendment; that after all, under the Constitution, the Senate does have the right and the responsibility to advise and consent.

That makes me wonder why the amendment is being offered at this time, if it cannot raise or increase the power of the Senate in any way. My concern is that offering it, and advancing the arguments for it which the Senator has advanced, may create misunderstandings and raise implications which are not intended.

Mr. BYRD of Virginia. I shall be glad to give the Senator from Michigan the reasons why the amendment was offered.

First, the Amami Islands, which were covered by article III of the Treaty of Peace with Japan, were given back unilaterally to Japan. That was accomplished by an executive agreement. There was no consultation with the Senate.

Then we come to the matter of the Bonin Islands. The Bonin Islands reverted to Japanese control in June 1968, following a meeting between President Johnson and Premier Sato. That was accomplished by an executive agreement.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BYRD of Virginia. There was no Senate approval of that action. So I think if the Senate is ever to put any meaning into the national commitments resolution that the Senate recently passed unanimously, now is the time to begin to do it.

I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I think I earlier expressed my displeasure, to some extent, that such a resolution would be offered on this appropriation bill. I expressed that, however, as a matter of practice and procedure.

I do think the better procedure, and the procedure that we should respect and observe unless there are exceptional circumstances, is that a resolution of this kind should go to the appropriate legislative committee, in this instance the Committee on Foreign Relations, for hearings if, in its judgment, hearings are required, or for its recommendation whether hearings are required or not.

In this instance, however, the chairman of the Committee on Foreign Relations has just appeared on the floor of the Senate and announced his support of the amendment, which to me is tantamount to that committee, at least so far as its chairman is concerned, waiving jurisdiction and conceding that no hearings are needed.

If he had asserted jurisdiction, we would certainly have a problem here, and I would be inclined to support the vote against the amendment, and support its referral, in effect, to the Committee on Foreign Relations for consideration and disposition. But that is not the situation here.

Apparently what has happened here is tantamount to that committee's having waived its jurisdiction and consented for the amendment to be considered.

Something has been said to the effect that the action taken here today may be misconstrued. I repeat, I wish that this amendment had not come before the Senate on this bill. But there can be misinterpretations and misconstructions on both sides of this matter. The amendment is before us; what do we do? Do we vote it down, and thus, in effect, say the Senate is waiving its jurisdiction and abdicating its responsibility in these areas?

In two instances, on this same treaty, Executive action has been taken without the advice and consent of the Senate. That should not become a practice on the part of the executive branch, and this is the opportunity for the Senate to express its disapproval of that kind of arrangement and that kind of procedure, and of permitting the Executive by its orders to usurp the authority that the Constitution reposes in this body.

For that reason, I support the resolution; and I support it for another reason also. Mr. President, we hear every day, or almost daily, on the floor of the Senate, criticism of the President, that he is exceeding his authority, that he is entering into secret negotiations that usurp the constitutional authority of the Senate. Here the Senate is stepping forth with an amendment to this bill and saying to those with whom he undertakes to negotiate that in those areas, however delicate the negotiations may be, there will be no binding agreements except as the Constitution is adhered to, and that whatever agreement is made must come to this body for its ratification.

That is the only way to preserve the integrity of treaties. That is the only way to preserve the integrity of jurisdiction, and the separation of powers. For that reason, I support the amendment, though, I should much have preferred that it had come up in the regular way.

I am anxious to see how those who have been criticizing the President about usurping powers and carrying on secret negotiations will vote, today, on a resolution specifically expressing the sense of the Senate that a modification of a treaty which would yield control of territories should not be made by Executive order, except with the approval and ratification of the Senate.

If we are consistent, Mr. President, we will certainly take the position that this amendment is in accord with the Constitution, and with our responsibilities under the Constitution, as emphasized in the separation of powers between the executive and the legislative branches of the Government.

Mr. BYRD of Virginia. Mr. President, the Senator from Arkansas has made a powerful argument in behalf of my amendment. It is certainly persuasive. I wish that I could speak as well. I am most grateful.

Mr. McCLELLAN. Mr. President, will the Senator yield one moment further?

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. I wish to say at this point that I have no opinion whatsoever as to the merits of what was being negotiated. It may very well be that the treaty should be modified. I am not opposing the modification of the treaty. But let it come about in the constitutional way; that is all I am insisting.

Mr. BYRD of Virginia. The Senator from Arkansas was speaking only as to the role of the Senate and its constitutional prerogatives and responsibilities. His argument in this respect is a powerful one.

Mr. McCLELLAN. That is all.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

First, Mr. President, I agree completely with the position taken by my distinguished chairman, the Senator from Arkansas. It seems to me that as we consider this bill, the appropriation bill for the Department of State, in the light of the recent action taken, at the request of the Committee on Foreign Relations, to reaffirm the Senate's unanimous feeling that the Senate should retain, in every respect, its constitutional rights in connection with treaties, this is a proper time to offer this particular amendment, which is simply an expression of the sense of the Senate.

I point out to my friend, the distinguished Senator from Michigan, that I was a Member of the Senate when another distinguished Senator from Michigan, the late Senator Vandenberg, was arguing in behalf of a sense of the Senate resolution that it would encourage the then Chief Executive to enter into the NATO arrangement. One of the arguments which he strongly made at that time, as the record will bear out, was that our expression of the sense of the Senate in that way and our giving of that advice would strengthen rather than weaken his hand in connection with negotiations which were highly complicated, which then went forward and did result in the NATO treaty. The Senator

from Arkansas, I am sure, will remember that incident.

I want my distinguished friend, the Senator from Michigan, to understand that his distinguished predecessor not only supported a sense-of-the-Senate resolution, but also made it very clear that he thought in so doing he was helping his Executive to go through with the highly complicated and very controversial negotiations with which he knew he would be confronted.

I strongly support the amendment, as I stated yesterday to my distinguished friend from Virginia. I do not think that it will hurt in any way. I think it will help the President.

We are talking about a proposed treaty modification. I have heard, although I am not a member of any committees which would hear this matter, any number of suggestions as to what that modification might be. I have heard the suggestion with respect to the entire turning back of Okinawa, likewise for the turning back of administrative authority over the civilian population, coupled with the holding on to military bases and certain other rights, and other specific potential modifications.

I do not know what the best course is. However, I do know that this will be a controversial matter. That already appears here. And for those who would negotiate with our President to know in advance that they are approaching the President on a matter that is very delicate and highly complicated, and as to which there will certainly be controversy, is a good thing, because they will proceed with even greater caution.

I think it will be fine from every standpoint to have the amendment added to the bill.

I thank the distinguished Senator for yielding.

Mr. GRIFFIN. Mr. President, will the Senator yield me a few minutes to respond?

Mr. BYRD of Virginia. Mr. President, the Senator from Michigan has a great deal of time.

Mr. GRIFFIN. Mr. President, I yield myself 4 minutes so that I might respond to the words of the Senator from Florida, particularly his reference to a predecessor of mine from Michigan who was a most distinguished Member of the Senate.

Certainly if we were considering whether to agree to a sense-of-the-Senate resolution urging the President to enter into negotiations concerning this matter, it would be a different question.

I take no back seat to anyone in this body concerning the jealousy with which the Senate guards the power of advice and consent. I feel very strongly about the role of the Senate insofar as those particular words in the Constitution are concerned, both with respect to nominations and with respect to treaties.

If the resolution were worded in more general terms and were to say that no agreement on the part of the executive branch which modifies the status of any treaty could take effect without the advice and consent of the Senate, of course, we would be reiterating what already is provided in the Constitution.

But the pending amendment is pointed at particular negotiations concerning Japan at a time when the Prime Minister of Japan is about to arrive, and it must be considered in light of arguments made by the Senator from Virginia, which goes to policy matters, and not just to the responsibility of the Senate. Accordingly, I share the concern expressed earlier by the distinguished majority leader.

I reiterate that I believe it is unfortunate that the amendment has been offered. I can understand the difficult posture in which the Senate finds itself. When Senators read the words of the amendment, they find themselves in agreement with the words, therefore, find it difficult to oppose it. For that reason I believe the amendment should not be considered on its merits; it should be referred to the Foreign Relations Committee. That is the reason a move will be made to lay the amendment on the table. Under the parliamentary circumstances, I believe that would be the appropriate way to deal with the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield me 1 additional minute?

Mr. BYRD of Virginia. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator for yielding. I reiterate even more strongly the argument already made by my distinguished chairman, the Senator from Arkansas.

The fact that the Senate has expressed no concern or has, in effect, yielded any constitutional interest that it had in these two prior incidents of modifications of this same treaty, makes it peculiarly appropriate and, I think, necessary because of the controversial nature of this particular matter, that the Senate go on record clearly, so that those friendly officials coming from Japan may understand, and also so that the Chief Executive will have bolstering his position in his arguments, the fact that this is a matter on which we do not propose to simply stand idly by, but on which the Senate expects to be consulted and expects its constitutional authority to be respected.

I think the Senator from Michigan should well recognize that, having, in effect, yielded twice—that is, without objecting—the Senate should now on this occasion when a proposed modification is clearly upon us, give notice to all concerned that we do have such an interest and that we expect to be consulted and to have a chance to exercise our power of advise and consent.

I think the situation perfectly justifies the amendment, which I hope will be agreed to.

Mr. BYRD of Virginia. Mr. President, the Senator is quite right. The Senate has a constitutional right to be consulted. Otherwise we would be saying in effect to the executive branch, "We are going to wash our hands of it. Do not worry about the United States Senate. We are not taking any more interest in the matter."

The Senate of the United States must assert its constitutional authority in the field of foreign policy.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the amendment I have offered be modified to insert the word "Senate" in place of the word "Congress."

The PRESIDING OFFICER. Without objection the amendment is modified accordingly.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, no one questions section 105. If it is proper to have section 105 in the bill, then I cannot understand the objection to including the Byrd of Virginia amendment in the bill. It makes a good deal of sense to me, if only to make Japan pause and reconsider her adamant and stubborn refusal to consider import agreements concerning Japanese textiles, shoes, and other products that are flooding American markets—Japanese cheap-labor products which are destroying our textile and shoe industries and destroying the jobs of thousands of American workers.

Mr. BYRD of Virginia. I thank the distinguished Senator from Maine. Her support is of tremendous value.

Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a consponsor of the amendment.

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

Who yields time?

Mr. SCOTT. Mr. President, I have no requests for time.

Mr. BYRD of Virginia. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Virginia has 2 minutes remaining.

Mr. BYRD of Virginia. Mr. President, I understand a motion will be made to table the pending amendment.

Of course, it is within the prerogative of the Senate to table the amendment.

I think the Senate should be aware, however, if it does do that, in my judgment it is abdicating a high responsibility to the executive branch of the Government.

There have already been two cases where islands have reverted to Japanese control by Executive agreement. The Amami Islands reverted to Japanese control by Executive agreement and more recently the Bonin Islands reverted to Japanese control by Executive agreement.

If the Senate were to agree to table this amendment it would be establishing on its own a clear precedent that the President, whoever he may be, may enter into Executive agreements in regard to treaties which already have been ratified by the Senate.

In conclusion I wish to say that the amendment is not directed at the Japanese in any way. Its purpose is to preserve the role of the Senate in foreign policy.

I speak as one who admires the Japanese people and the recovery they have made as a nation since World War II. They are a fine people. I have great admiration for them, but I am speaking in behalf of this amendment because I think the Senate must reassert its role in foreign policy.

We have been involved in three world wars in 25 years. We have turned over to the executive branch too much authority. We have given to the State Department too much authority.

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

Mr. SCOTT. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. BYRD of Virginia. Mr. President, I think it would have a very desirable effect if the Senate were to make clear to all foreign governments, if the Senate were to make clear to all State Department officials, and make clear to all administrations, be they Democratic or Republican, that the Senate will not stand idly by and permit its prerogatives and responsibilities to be usurped and assumed by executive action.

I say again, Mr. President, that this will not in any way hamstring the President of the United States. He can enter into any agreement he thinks desirable. He can negotiate in any way he feels best with the Japanese Government.

What the amendment would say to him is that once he reaches a conclusion, before it shall take effect, he shall submit it to the Senate for advice and consent.

Approval of my amendment could have far-reaching consequences in protecting the role of the Senate in foreign policy, and, incidentally, in protecting American interests in the far Pacific.

Mr. SCOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. I understand that the Department of State has some concern about the resolution. There is a feeling that they would like to be as free as possible to negotiate a highly delicate situation which affects many political and military considerations both in this country and in Japan.

I state only a personal opinion, which I have made in Japan and have made here many times, that I am in favor of negotiating the earliest favorable reversion of Okinawa to the Government of Japan under terms which both countries will come to feel are compatible with their national interests.

Having said that in Japan, I should like to reiterate it here publicly again, that that is my own feeling and I think it will increase the good will between our two great nations, if we can work this thing out as soon as possible and on an equitable basis. It is the desire of the people of Okinawa for a reversion of their island to the homeland of Japan, which is thoroughly understandable to all of us.

Therefore, Mr. President, at this time, I move to table the amendment of the Senator from Virginia (Mr. BYRD), and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCOTT. Yes, Mr. President, I yield back the remainder of my time.

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

Mr. SCOTT. Mr. President, I withdraw my motion for the moment and yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum. I do not believe we have enough Senators in the Chamber to support a request for the yeas and nays.

Mr. SCOTT. The Senator is correct.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I support the increased sum in the State Department appropriations that will provide the American section of the International Joint Commission with two new staff positions, one to be filled by an attorney and one to be filled by an engineer.

In recent years the International Joint Commission has devoted extensive time and attention to the Great Lakes, the largest fresh water supply in the world. With a small staff, the U.S. sector has participated vigorously in the IJC. The Commission has done a commendable job conducting studies and furnishing information and recommendations to the Governments of Canada and the United States in the area of conservation and wise use of the Great Lakes.

The work of this agency would be benefited immensely by the employment of one engineer and one lawyer as part of the permanent staff. This would bring the staffing of the U.S. sector up to the level of the Canadian sector. More importantly, it would allow for a degree of continuity not possible under present conditions. Furthermore, this is the only international agency that we have that treats the lakes as a complete system, and as such deserves our support.

For these reasons, I commend the Appropriations Committee for reinstating this important provision, and urge that the Senate act favorably on it.

Mr. SCOTT. Mr. President, I now renew my motion to lay on the table the amendment of the Senator from Virginia (Mr. BYRD), and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. SAXBE) would vote "nay."

The pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Texas would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Vermont (Mr. AIKEN) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Vermont would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 24, nays 54, as follows:

[No. 136 Leg.]

YEAS—24

Baker	Kennedy	Packwood
Boggs	Mansfield	Pearson
Brooke	Mathias	Pell
Gurney	McGee	Percy
Harris	Mondale	Prouty
Hatfield	Moss	Scott
Inouye	Mundt	Smith, Ill.
Javits	Muskie	Stevens

NAYS—54

Allen	Eastland	Montoya
Allott	Ellender	Murphy
Anderson	Ervin	Nelson
Bellmon	Fulbright	Pastore
Bennett	Goodell	Proxmire
Bible	Gravel	Randolph
Burdick	Hansen	Russell
Byrd, Va.	Hart	Schweiker
Byrd, W. Va.	Holland	Smith, Maine
Cannon	Hruska	Spong
Case	Hughes	Stennis
Church	Jordan, Idaho	Symington
Cook	Magnuson	Talmadge
Cotton	McCarthy	Tydings
Curtis	McClellan	Williams, N.J.
Dodd	McGovern	Williams, Del.
Dole	McIntyre	Young, N. Dak.
Eagleton	Miller	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, for

NOT VOTING—21

Aiken	Goldwater	Metcalf
Bayh	Gore	Ribicoff
Cooper	Hartke	Saxbe
Cranston	Hollings	Sparkman
Dominick	Jackson	Thurmond
Fannin	Jordan, N.C.	Tower
Fong	Long	Yarborough

So Mr. SCOTT's motion to lay on the table was rejected.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment, as modified, of the Senator from Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. GRIFFIN (after having voted in the negative). On this vote, I have a pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "yes"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH), are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Arizona would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Vermont (Mr. AIKEN). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 63, nays 14, as follows:

[No. 137 Leg.]

YEAS—63

Allen	Ervin	Nelson
Allott	Fulbright	Packwood
Anderson	Goodell	Pastore
Baker	Gravel	Pearson
Bellmon	Gurney	Pell
Bennett	Hansen	Prouty
Bible	Hart	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hruska	Russell
Byrd, W. Va.	Hughes	Schweiker
Cannon	Jordan, Idaho	Smith, Maine
Case	Magnuson	Spong
Church	McClellan	Stennis
Cook	McGovern	Stevens
Cotton	McIntyre	Symington
Curtis	Miller	Talmadge
Dodd	Mondale	Tydings
Dole	Montoya	Williams, N.J.
Eagleton	Moss	Williams, Del.
Eastland	Mundt	Young, N. Dak.
Ellender	Murphy	Young, Ohio

NAYS—14

Boggs	Javits	McGee
Brooke	Kennedy	Muskie
Harris	Mansfield	Percy
Hatfield	Mathias	Scott
Inouye	McCarthy	

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against

NOT VOTING—22

Aiken	Gore	Saxbe
Bayh	Hartke	Smith, Ill.
Cooper	Hollings	Sparkman
Cranston	Jackson	Thurmond
Dominick	Jordan, N.C.	Tower
Fannin	Long	Yarborough
Fong	Metcalf	
Goldwater	Ribicoff	

So the modified amendment of Mr. BYRD of Virginia was agreed to, as follows:

SEC. 106. It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in article 3 of the Treaty of Peace with Japan shall not take effect without the advice and consent of the Senate.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of Virginia. Mr. President, I move to lay that motion on the table.

So the motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, it is my understanding that as reported from the Appropriations Committee H.R. 12964 provides the Department of Commerce, for economic development assistance, a total of $275,060,000, of which the sum of $16.5 million is allocated for the regional development commissions authorized under the Public Works and Economic Development Act of 1965.

Mr. McCLELLAN. The Senator is correct. The sum of $16.5 million is the amount of the administration request to Congress for the regional commissions and the same amount as approved by the House. It is $4 million more than appropriated for the commissions last year.

The Senate Appropriations Committee, while aware of the desirability of increasing the funds for these commissions, has decided not to propose any increase at this time in view of the fact that the authorization bill, S. 1072, which authorizes much greater amounts for the regional commissions, has not yet been enacted into law.

Mr. MUSKIE. May I inquire of the Senator from Arkansas whether he would be agreeable to supporting a substantial additional amount for the regional commissions when a supplemental appropriations bill is submitted by the administration, which we hope will be before the end of this year?

Mr. McCLELLAN. I can give the Senator from Maine my firm assurance that I will make every effort as a member of the Committee on Appropriations to urge that the committee approve considerably larger amounts for the title V commissions, particularly in view of the action taken by the Congress in enacting S. 1072, which as I understand would authorize a total of $275 million for the next 2-fiscal-year period for title V.

Mr. MUSKIE. I thank the Senator for his remarks and for his assurances. I hope his views may prevail within the Committee on Appropriations. I further hope that this brief colloquy will indicate to the administration the strong feeling that exists in this body in support of adequate funds for these vital purposes.

FUNDS TO FIGHT SEA LAMPREY IN THE GREAT LAKES

Mr. HART. Mr. President, I want to thank the Senate Committee on Appropriations, and in particular the chairman and members of the Subcommittee on State, Justice, Commerce, and the Judiciary and Related Agencies Appropriations, for recommending that $200,000 be added to the budget request for the Great Lakes Fishery Commission.

Inasmuch as the House of Representatives appropriated a similar amount, the approval of this item by the Senate will insure that the funds will be included when the bill becomes a law.

As I noted in a statement I submitted to the subcommittee urging a budget increase, fisheries is one of the major resources sustained by the Great Lakes.

This resource has been under attack by sea lampreys since the 1920's.

In an effort to protect the fishery potential of the Great Lakes, this Nation joined with Canada to establish the Great Lakes Fishery Commission.

The fight to control the sea lamprey, starting in Lake Superior, then in Lake Michigan, and now in Lake Huron, has been effective.

Under the terms of the agreement setting up the Commission, the United States pays 69 percent of the budget; Canada, 31 percent. That means for every $2 that we refuse to appropriate,

the Commission's budget is reduced by $3.

This year the Commission requested a budget based on a U.S. allocation of $1.29 million. The administration cut that request back to $1.06 million.

A reduction of that amount would mean:

First, suspension of surveys on the lower lakes needed to prepare for control programs;

Second, discontinuation of research projects; and

Third, postponement of treating additional Lake Huron streams.

Mr. President, that is why it is so important that we approve the $200,000 addition passed by the House and recommended by the Senate Appropriations Committee.

With those additional funds, the United States will be able to allocate $1.26 million to the Great Lakes Commission, which would be enough to push the fight against the lamprey in Lake Huron.

UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that a statement prepared by him relative to funding for the United States-Mexico Commission for Border Development and Friendship be printed in the RECORD.

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

STATEMENT BY SENATOR TOWER

I am disappointed that there cannot be provided in this bill funding for the United States-Mexico Commission for Border Development and Friendship. In its comparatively short lifetime—less than three years—this commission has done an outstanding job of designing programs for the mutual development of our common border with Mexico.

The problems of the border area are great. Along the 2,000 mile frontier from Brownsville-Matamoros to San Diego-Tijuana live approximately 5 million people—Mexicans and Americans. The levels of income and education are low; the rates of birth and unemployment are high. These problems and the further problems that they cause cannot be dealt with exclusively by the municipalities along the border, by the state governments or the Federal government of Mexico or the United States. Only through a cooperative effort involving parties from both sides of the border and from the appropriate government agencies of both countries can these problems be meaningfully attacked. It is CODAF that provides the framework for this effort.

Programs of urban planning, industrialization, technical training, transportation planning, health services, cultural exchange, intergovernmental relations, and many more, have been among the projects with which CODAF has been concerned. In its initial work, excellent in itself, the commission has thus demonstrated an enormous potential for the furthering of prosperity along our southern border and for strengthening our relations with Mexico in a spirit of partnership. I am hopeful that the enabling legislation for the continued work of CODAF will soon be reported for the consideration of this body, for I am confident that my fellow Senators recognize the worth of this commission and do not wish to see it terminated.

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. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had passed a joint resolution (H.J. Res. 934) to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000, in which it requested the concurrence of the Senate.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

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

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The assistant legislative clerk read as follows:

On page 45, line 5 strike out the figure "$11,500,000" and substitute therefor the figure "$15,905,000."

On page 45, line 3, strike out the figure "$700,000" and substitute therefor the figure "$1,200,000."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MATHIAS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. MATHIAS. Mr. President, I offer my amendment on behalf of myself, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from New Jersey (Mr. CASE).

Mr. President, the President of the United States included in his budget for fiscal year 1970 the figure of $15.9 million for the Equal Employment Opportunity Commission. The House of Representatives cut the sum requested by President Nixon to $11.5 million. And the Senate Appropriations Committee has retained the figure adopted by the House of Representatives.

I do not think this a sufficient amount of money to permit the Equal Employment Opportunities Commission to effectively carry out the responsibility that had been entrusted to it by Congress in the critical area of job discrimination.

The purpose of the amendment is to restore the $4.4 million which was cut from the amount requested by the President and to bring the amount of the appropriation up to the budget request.

The Equal Employment Opportunity Commission was created by title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin in all aspects of employment. The Commission is authorized to receive charges of discrimination and to attempt to resolve grievances through informal means of conciliation and persuasion.

The Commission also has a technical assistance program to help business firms which seek advice in setting up equal employment personnel procedures. I would emphasize this, because it is a very important preventive function which will help eliminate the need for filing charges against various employers in the future. It is one of the features of the program which can relieve business generally of nit-picking and false charges. It can help them get on with the productive function that they play in our society. But, without adequate funds, the Commission cannot handle the charges which are currently pending, nor can it effectively serve those businesses that come to it wanting advice and technical assistance.

Since its inception, the Commission has been plagued by a steadily rising backlog of cases. Over 4,000 cases are currently awaiting decisions, while the rate of incoming charges continues to rise. It is the unhappy situation today that aggrieved parties have to wait nearly 2 years for relief, and the effectiveness of title VII is very severely reduced. This situation can be attributed to a history of inadequate funding.

The Department of Housing and Urban Development recently hired 164 equal employment opportunity counselors to serve the Department's 14,598 employees, just by way of contrast. The EEOC, on the other hand, must operate with enough money to maintain, at last count, only 244 equal employment officers to handle the discrimination complaints of the 44 million workers under its jurisdiction.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senate will be in order.

Mr. MATHIAS. Neither Congress nor the Commission has any control over the number of complaints the Commission receives. Any individual who feels that he is discriminated against in employment may file a charge.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. MURPHY. During hearings last year there was a question raised as to the administration of the EEOC. This bears on the cost, and this is why I raise the point. In my State of California

there had been no complaints as to the administration of the agency. It had operated in very, very good favor at the State and Federal levels, but there was an attempt to superimpose on the State organization a Federal oversee which I questioned for some time. If the State organization was doing its job and doing it well, I saw no reason why taxpayers' dollars—of which too few are available and too many are collected—should be spent in duplicating this effort, with the result of creating not only a duplication but also a competition for the two,

I wonder if the need for the extra funds may have any bearing on a situation of this kind. Does my distinguished colleague have any information in that regard?

Mr. MATHIAS. President Nixon, in formulating this request, I think had in mind that we would not want to duplicate functions that were already being discharged. But I think he also had in mind the fact that the Commission is directed to process charges which, as I have just said, are filed by those who have a grievance and over which, of course, no one has any right which the law gives them. The law requires that these charges be processed within 60 days.

Without specific reference to the Senator's California experience, I can say that nationwide the Commission has never been able to meet the 60-day deadline. One of the reasons is that, nationwide, we have not had the people to do it.

Let me advise the Senator that the EEOC started business in 1965 with a budget which was intended to handle approximately 2,000 complaints. I cannot tell the Senator how many of those arose in California, or were anticipated would arise, but I can say that the history of the act shows that there were 8,800 complaints in the first year.

I think that a responsible administration, such as we now have, would direct field personnel to the sore points, at places where they were needed, and would not assign unnecessary personnel to an area where complaints were not coming in.

The $4.4 billion which I have suggested to be added to this appropriation would actually add 222 enforcement personnel to the field.

Mr. MURPHY. If the Senator would further yield, it was my recollection of the dialog we had in the hearings that a representative of the Justice Department appeared and pointed out at some length—that most of these cases could only be properly handled in Washington. At the time I pointed out to him that I thought—in fact, I was certain—that there were people of knowledge and capability who could handle these cases at a local and State level. I am, therefore, pleased to hear my colleague point out that this perhaps will decentralize control.

At that time I asked how long it would take some of the cases to be processed. In fact, I spelled out an example of a person who wants a job, and I asked, "How long does he have to wait?"

He said that in some cases he would have to wait 18 months. That is a little long to wait.

I am glad to hear my distinguished colleague point out that these added funds would open local offices so that these cases could be processed more quickly, and therefore provide a much needed service for the unemployed. He does not need a job 6 months from now; he needs it right now.

Mr. MATHIAS. I would say further to the distinguished Senator that the President's aim here, which is to add 222 field personnel—not just in Washington—works both ways. It will help not only the aggrieved employee or the prospective employee but also the employer who is forced to defend himself or else straighten out his situation in various ways to conform to the law. In either case, a rapid decision, a rapid processing, is highly desirable to the employee and to the employer. The extra money which I have requested in this amendment will make that more possible.

The Senator points to the happy record in California. Unhappily, the nationwide record is not that good. Despite an original estimate of 2,000 complaints a year, there were 8,800 complaints the first year, and in the first quarter of this fiscal year there have been 3,500 complaints. This means, of course, that we are getting up somewhere into the range of 12,000 or 15,000 complaints in a year.

The Commission began this fiscal year—and President Nixon's administration was confronted, when it came into office—with a backlog of 6,700 cases, involving over 12,000 separate complainants. Of course, a continuation of this backlog will mean that the average complaint, instead of taking 60 days, which Congress originally anticipated, will take about 20 months per case. As the Senator from California so correctly pointed out, this is a very grievous burden.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MATHIAS. I yield myself 5 additional minutes.

Mr. MURPHY. I thank my distinguished colleague for permitting the interruption. I am sorry I took up his time.

Mr. MATHIAS. I thank the Senator from California for his useful contribution in connection with this matter.

The new and growing Commission has never been given funds to meet the job demanded of it by Congress. President Nixon and Congress both expressed the conviction that we have to provide the means to find work for everyone who wants to work.

Now we do have an opportunity to help achieve some progress in this area. The budget request for the Equal Employment Opportunity Commission is a relatively modest $15.9 million. In view of the need to move ahead in this critical area, I hope the figure adopted in the other body will be increased by $4.4 million to bring it in line with the budget request. This will provide an adequate base figure on which to negotiate with conferees from the other body.

Discrimination in employment has been estimated by the President's Council of Economic Advisers to cost the economy—and this is an important factor in the kind of situation in which we find ourselves economically today—at least $30 billion annually. It would be false economy to deny the small increase requested for the agency of Government which has the prime responsibility to deal with the problem of job discrimination.

Mr. President, I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I rise to support the amendment of the Senator from Maryland. I think I can bring to the attention of the Senate some added aspects of this matter which is my only reason for taking this time.

It is a fact that the equal employment opportunity question is one of the grave basic problems which is creating racial tensions in the United States.

We have adopted the policy of answering to claims for wages wherever possible. We are limited in answering those claims by financial considerations because we do not have sufficient money to go around to do all the things we want to do. Hence, when the opportunity arises to do a great deal with a very little we should take advantage of it.

Mr. President, what is involved here is the matter of adequate enforcement of title VII of the Civil Rights Act. The backlog of cases in the EEOC is about 2 years with thousands of cases backed up. Decreasing this appropriation is the least expensive way in which a grave cause of tension can be dealt with because it is strictly administrative and has tremendous leverage for the amount involved, which is $4.5 million. Great results can be obtained which would otherwise take millions of dollars in job placement, job training, and so forth. The machinery is there and the law is in order. It is a matter of adding more funds for administration.

I said I would bring an additional fact to the consideration of the Senate. There is now pending before the Committee on Labor and Public Welfare, of which I am the ranking minority member, basic legislation with regard to amendments to the statute which created this Commission. This legislation proposes to concentrate in the Equal Employment Opportunity Commission the work of the Office of Federal Contract Compliance. Of course, discrimination in Government departments now is in the hands of the Civil Service Commission. There is some opposition for that consolidation which otherwise would make an enormous amount of sense. The Commission is now 2 years behind and its back would be broken if we do the efficient thing and concentrate jurisdiction of all these matters within this one Commission without substantially increasing funds.

That is the reason we should give this Commission the means to do the job. There is no pretense in the report of the committee that we are giving the means to the Commission. It is based on the fact we are giving them a little more money than last year, so it must be adequate without regard to the substantive questions involved.

For those reasons I hope the Senate will agree to the amendment.

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

Mr. MATHIAS. Mr. President, I thank the Senator from New York.

I ask unanimous consent that I may yield briefly to the distinguished chairman of the Committee on the Judiciary if that time will not come out of my time.

Mr. McCLELLAN. I will yield to the Senator from Mississippi.

THE GREAT PLAINS CONSERVATION PROGRAM—CONFERENCE REPORT

Mr. EASTLAND. 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. 10595) to amend the act of August 7, 1956, 70 Stat. 1115, as amended, providing for a Great Plains conservation program. 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 October 21, 1969, p. 30891, CONGRESSIONAL RECORD.)

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. EASTLAND. Mr. President, the differences between the House bill and Senate amendment are generally of a technical nature. The conference substitute adopts the Senate language, except in the case of fund limitations.

The House provided for an additional authorization of $150 million—excluding administrative costs—while the Senate provided for an additional authorization of $250 million—including administrative costs. Administrative costs account for 25 to 30 percent of total program costs, and when administrative costs at these levels are deducted from the total Senate authorization, the Senate amendment provided between $25 and $37.5 million more for cost sharing than the House version.

The Senate version also required that the $25 million annual limit of expenditure include administrative expenses, while the House version excluded administrative expenses.

The fund limitations under both the Senate version and the House version are completely adequate, and the conference substitute therefore includes the lower House version.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

FULL FUNDING FOR EEOC

Mr. BROOKE. Mr. President, the Civil Rights Act of 1964 was far more than a statement of purpose. In one of its most important and constructive steps, a Commission was created to provide administrative and legal relief to individuals and organizations involved in discriminatory suits. The Equal Employment Opportunity Commission was created in hope, and charged with a major responsibility and with authority to pursue its goals. It only lacked one thing—sufficient funds to hire the people to handle its load of cases. The promise was there, but through no fault of the Commission's, that promise was never fulfilled.

Three years after its inception, in 1968, the EEOC had a backlog of 1,675 cases. It had requested $7.2 million, which would have permitted it to maintain a staff of 424 persons. Instead $6.6 million was authorized, and 389 persons served on the staff.

Therefore, for fiscal 1969, the Commission requested $13.1 million. This would have permitted the hiring of an additional 600 persons to handle a backlog which by June of this year totaled 2,556 cases. But the Congress authorized only $8.7 million, and the EEOC had to function with a staff of only 579 persons. Now, the Commission has asked $15.9 million for fiscal 1970. If this request is not granted, the Commission estimates it will have a backlog of 4,728 cases by June of 1970.

Mr. President, discrimination in employment is a fact. We do not like to admit it, but it exists, it is widespread, and it must be corrected.

In some cases, to be sure, employment opportunities are denied for reasons other than race or color or creed. Discrimination cannot be used as a catch-all excuse in such cases. It is the task of the EEOC—a task which it has performed admirably to date—to distinguish such cases and advise the parties concerned as to whether a court suit is justified. The Commission has in fact found that in a little over 50 percent of the cases brought to its attention there was no violation of the law.

In all too many cases, however, charges of discrimination are justified. In such cases justice must be done. And justice is not done when men and women are required to wait as much as 2 years just to find out from the Commission if they have a case, and may file suit in court.

It is not my purpose here today to discuss the problems of our entire judicial system. But one of the most significant findings of the Eisenhower Commission on the causes of violence has particular relevance here. According to the Commission's report, a major cause of the growing disrespect for law is the inordinate length of time required to secure punishment or redress. An individual may believe he has been unjustly denied the most basic right of all—the right to work. He takes his case to the EEOC and he expects aid will be granted within a reasonable time. If he is then told he must wait 2 years or more before being advised on whether he may file suit in court to seek redress, the ingredients of frustration and despair are readily at hand.

Frustration and despair need not be a part of the process. EEOC offers a systematic administrative process by which this most urgent problem can be handled. It can be handled efficiently, but only if sufficient funds are provided to do the job which Congress has defined.

Having recognized the immensity of this problem, both economically and morally, by enacting title VII of the Civil Rights Act of 1964 and establishing the Equal Employment Opportunity Commission, we must at long last give the full support to the enforcement procedures. The most constructive opportunity before us is immediately to restore the EEOC appropriation to the requested $15.9 million. I, therefore, fully support the proposed amendment, and hope that my colleagues will also support it.

I thank the distinguished Senator from Maryland for yielding to me.

Mr. MATHIAS. Mr. President, I thank the very distinguished Senator from Massachusetts for his observations and for his support.

Mr. President, I now yield 5 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Maryland.

As its primary cosponsor, I welcome this opportunity to support the amendment of the distinguished Senator from Maryland (Mr. MATHIAS) to increase, to the full administration request, fiscal year 1970 funding for the Equal Employment Opportunity Commission. I do so both out of deep personal conviction, and in response to a letter which President Nixon sent to me only yesterday, again confirming his endorsement of this goal.

As you know, Mr. President, the House of Representatives, in passing the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies, approved only $11.5 million for the Commission. I feel strongly that the Commission must have the entire $15,905,000 requested by the President in his budget message; anything less would be simply, and regretfully, inadequate. This amendment, to provide an additional $4,405,000 to the Commission for fiscal year 1970, will accomplish the administration's request exactly.

Mr. President, the Equal Employment Opportunity Commission was created by title VII of the Civil Rights Act of 1964 as an instrument effectively to provide a means of recourse for those individuals who, historically, have been denied the economic aspirations which most of us take for granted. Title VII, which had broad bipartisan support, prohibits—in all aspects of employment—discrimination based on race, color, reli-

gion, sex, or national origin. It authorizes the Commission to receive charges of discrimination and to attempt to resolve differences through the informal means of conciliation and persuasion.

Another important aspect of the Commission's activity has been its technical assistance program through which businesses may seek expert guidance in establishing equal employment personnel procedures.

Without sufficient funds, however, the Equal Employment Opportunity Commission can handle neither the complaints currently pending with it, nor can it usefully continue to serve those businesses which come to it voluntarily seeking assistance.

Unhappily, the Commission has been characterized, since its inception, by inadequate funding and by a rising backlog of cases. This backlog, which continues to grow daily, can be attributed directly to the fact that Congress has never given the Equal Employment Opportunity Commission the funds needed to do the job demanded of it. President Nixon and Congress have expressed the conviction that there must be jobs for all Americans who want to work. Now, with this amendment, we have the opportunity truly to achieve some real progress in this area.

Real progress, of course, demands a willingness to deal with the fact that the effectiveness of title VII is accordingly reduced each time an aggrieved party is forced to wait unnecessarily for relief. It is this situation which exists today, and toward which this amendment is specifically directed. I am informed reliably that over 4,000 cases are currently awaiting a decision by the EEOC, and that the average period of time now required for final disposition ranges from between 18 months to 2 full years. Obviously, a victim of employment discrimination cannot afford to wait for this period of time. A remedy that is not readily available is, at best, illusory. For the millions of our citizens who were given new hope by the enactment of title VII, the result can be only a return to the old feelings of frustration and despair. For the more than 15,000 persons who are expected to turn to the Commission for assistance in the current fiscal year alone, this situation is particularly discouraging.

What is really at issue in this amendment is a consideration that is basic to the quality of American life itself—the decent, self-respect that goes with the ability to secure a job commensurate with one's abilities. Few goals so deserving of high national priority can be pursued at such little cost and yet with such high possible return in contributions to the national well-being.

I am persuaded absolutely that there is compelling need for this amendment, and I urge, most sincerely, its immediate and favorable adoption.

I ask unanimous consent that President Nixon's personal letter of support be printed in the RECORD. I will not read the letter in full, other than to point out that the President fully and without reservation supports the restoration of the funds to the full budget amount and has sent a copy of his letter to the distinguished majority leader.

I want to thank the distinguished Senator from Maryland for his courtesy in yielding to me.

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

THE WHITE HOUSE,
Washington, D.C., November 4, 1969.

Hon. HUGH SCOTT,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR HUGH: This is in reference to the Equal Employment Opportunity Commission's appropriation for Fiscal Year 1970.

In my budget message transmitted to the Congress, I requested that the Commission be allowed a total of $15,905,000 for its FY 1970 operations. The House reduced this figure to $11.5 million, and the Senate Appropriations Committee has not seen fit to restore the cut.

I would be grateful for any action you might take on the Senate floor to obtain the full amount requested. The Equal Employment Opportunity Commission, while charged with fulfilling a heavy task, has since its inception been consistently underfunded. On the very day that it came into existence, the Commission had a backlog of over two thousand cases. During the last four years the backlog has steadily mounted, and now threatens to become unmanageable.

EEOC's mission is one particularly important to the nation's social prosperity. Title VII of the Civil Rights Act of 1964 guaranteed equal employment opportunity to all Americans, and that guarantee must not be allowed to lapse for lack of the relatively modest resources necessary to its implementation.

I am sending this same letter to the Majority Leader.

With warm regard,

RICHARD NIXON.

Mr. MATHIAS. Mr. President, I thank the distinguished minority leader for cosponsoring the amendment and for his support of it. I think that he has succinctly stated the grounds for granting this additional amount of money.

The President's letter, which the Senator has had printed in the RECORD, makes it perfectly clear again that what the President has stated is one of the keystones of this administration; namely, that we are not going to continue to follow, as in the past, the policy of overpromising and underfunding, but that we will say what we can do, and then we will do it. That is really what we are trying to do here in a commonsense, reasonable, and economical kind of way.

We have a problem. We have a solution. Now we have to find the means to achieve that solution.

I hope that the Senate will support the amendment.

Mr. SCOTT. Mr. President, at this time, if the Senator will yield further, I intend to suggest in a moment the absence of a quorum for the purpose of asking for the yeas and nays.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. On whose time?

Mr. SCOTT. On the time of the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland does not have enough time available.

Mr. SCOTT. Then I withdraw that request and respectfully ask unanimous consent that the time for the quorum be not taken from the time of either side.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, may I inquire if there are any further requests for time?

Mr. MATHIAS. Yes, Mr. President. I yield myself 3 minutes, and I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from Maryland for yielding to me. I wish only to say that I heartily commend the Senator from Maryland for his leadership in presenting this amendment, an amendment which has the strong backing of the administration. It is in keeping with the budget. It is in the best interests of the Equal Employment Opportunity Commission, which is an agent that is performing excellent and valiant service in a field where we have great work to do.

I thank the Senator for yielding.

Mr. MATHIAS. I thank the Senator for his very kind remarks and for his support of this amendment.

Mr. President, I have no further requests for time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. MATHIAS. I yield back my time.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

First, I want to say that the Appropriations Committee—first the subcommittee handling the bill, and then the full Appropriations Committee—weighed these items and requests very carefully. No motion was made and no request was made, either in the subcommittee or the full committee, to increase this item.

I think one of the reasons for that was that the Commission was created in 1964, under the Civil Rights Act of 1964. In that same year it was given $2,250,000. In the next fiscal year the amount was increased to $3,250,000. In 1967 the appropropriation for it was increased to $5,640,000. In 1969 it was increased to $9,120,000.

The House, in looking at the figures, increased the amount in this year's appropriation bill to $11,500,000.

That is a pretty substantial increase. Especially is that true when it provides for 85 new positions. With the 85 new positions provided for with the money in the bill now, together with 30 positions which are now unfilled and vacant, it means that there are 115 positions more than the Commission is operating with.

This increase in the amount of $4,405,000, if granted, would be a total increase this year over last year of

$6,785,000, or an increase of over 70 percent. It will be an increase of more than 70 percent in the amount of money with which the Commission was operating last year.

I think the House and the Senate have been reasonably generous. Taking into account the problem of finances and the strain on the budget and the urge to economize that face us at this time, a 70-percent increase is a pretty good increase—so generous, in fact, that the House of Representatives and the Appropriations Committee of the Senate—both the subcommittee which considered the bill and the full committee that reported the bill—felt the House allowance of $11,500,000, an increase over last year of $2,380,000, or about 20 percent, was a pretty generous increase. Especially is that true with 30 positions not filled in the Commission. The money provided by the bill would give an increase of 85.

We feel we have been very considerate and just in this matter. We have gone over the House appropriations in the bill some $34,000,000. If we keep adding to it, we are going to get out of proportion, in my judgment, with respect to an equitable adjustment in the differences between the House and the Senate.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. McCLELLAN. I yield myself 2 additional minutes.

With the 115 positions that will have to be filled, with the vacancies now existing, and with the money now provided in the bill before the Senate, the total number of positions will amount to 664. That does not include 70 temporary positions that were granted on October 31 to help reduce the backlog.

We feel that we have been very just, and we hope the committee will be sustained. The question was raised in committee, and we worked on it very diligently.

I yield 3 minutes, or such additional time as she may require, to the distinguished Senator from Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, as the able chairman has so accurately stated, the Equal Job Opportunities Commission has provided for it in this bill 85 new jobs, in addition to the many vacancies that are still unfilled. Five months of this fiscal year have passed. In addition, there are funds such as those for the legal research program, $1,486,000, and administrative money, $1,421,000, which can be transferred and used in various ways. If investigators are needed, they can be put on by transferring the money.

The agency can cut back a little from each function, if that is necessary.

The committee and Congress do not direct this agency as to how these funds shall be used. In other words, there is no earmarking.

There is not any magic in the figures before us. There is no end to the need in this very good program, which I have supported from the beginning. But I would expect, from what the distinguished Senator from New York (Mr. JAVITS) has said, that the proposals before his Subcommittee on Labor will be approved. As they are supported strongly by the administration, they would be approved and would come up in a very early supplemental bill.

Therefore, with these things in mind, I regret that I cannot support the amendment.

Mr. PERCY. Mr. President, equality of opportunity is the birthright of all Americans. Our failure to protect this right must concern us all. The guarantee of job equality—the right of every citizen to have a meaningful job—is a basic requirement of a healthy and dynamic society. It affects every aspect of a person's life: it gives a perspective, and therefore an incentive, to education; it gives a vested interest in the society and therefore a personal interest in its preservation and its well-being; it provides personal security and therefore a personal identity and itegrity. We must strive to build a better life order. The opportunity to obtain worthwhile employment is essential to this purpose.

Title VII of the Civil Rights Act of 1964 makes it illegal for an employer "to fail or refuse to hire or discharge any individual because of such individual's race, color, religion, sex, or national origin." This provision covers employers, employment agencies, labor organizations, and joint labor-management apprenticeship committees. The Equal Employment Opportunity Commission has been entrusted with the enforcement of this law. Their job is vitally important, widely influential, and increasingly difficult.

The Commission's 589–man staff cannot keep up with the demand for its services. An individual who has been illegally discriminated against must wait nearly 2 years before the final disposition of his complaint—10 times the length of time prescribed in the Civil Rights Act. At the present time, EEOC has a backlog of 2,700 cases, with an additional 4,000 cases awaiting decision. Since its inception in 1966, EEOC has received almost 44,000 charges and has, out of this number, developed some 26,-500 actual cases, but it has been able to dispose of only 14,000.

In reporting out an appropriation for this agency which is $4.4 million less than even the amount the President requested, the committee has failed to take into consideration the enormity—in size and importance—of the task facing the EEOC. At the proposed level of funding, the EEOC can only expect to get further and further behind.

In my view, justice delayed is justice denied, and this is as true in the protection of elemental human rights as it is in other areas of the law. The Congress must not fail to appropriate enough funds to protect these rights.

I urge my colleagues to support the amendment increasing the appropriation for EEDC in light of the demonstrated crucial need for funds.

Mr. CASE. Mr. President, as a member of the Committee on Appropriations, I have cosponsored and do strongly support the pending amendment to restore the funds cut by the House for the Equal Employment Opportunity Commission.

Since beginning its operations in 1965, the Commission has been an expanding agency. The number of conciliations undertaken in 1969 was 10 times greater than those undertaken in 1966. At the same time, the number of cases on hand at the end of the year awaiting conciliation quadrupled between 1966 and 1969.

The investigation and conciliation of employment discrimination charges is a lengthy and involved process, but one vitally important to our society. At the present time, with its existing staff, it takes the Commission nearly 2 years to complete a case. It is hoped that with adequate staff at headquarters and in the field this period of time will be eventually reduced to 60 days.

The House allowed $4.4 million less than the $15.9 million requested by the Commission. This lesser amount will not cover the cost of adding to the Commission staff the personnel demanded by its expanding role.

The EEOC was established to assure all our citizens equal opportunity to work according to their training and ability. To force those denied that opportunity to wait 2 years for vindication of their rights is to make a mockery of the act. It cannot but increase frustrations and encourage cynicism among those already disheartened by the difficulties that so often block the way to equal participation for all in our economic well-being.

Mr. President, I ask unanimous consent that the justification material provided me by the EEOC be printed in the RECORD.

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The House of Representatives has cut the President's FY 1970 request of $15,905,000 for the operation of the Equal Employment Opportunity Commission (EEOC) to $11.5 million. If sustained, this amount would provide an increase of only $1.5 million over the Commission's FY 1969 authorization (after pay increases and annualization), a sum that has proven woefully inadequate.

The Commission currently has a backlog of over 2,500 respondent cases which is steadily mounting. Victims of employment discrimination have to wait between a year and a half to two years for their cases to be processed by the Federal Government, despite the Congressional mandate to complete such efforts within 60 days.

If the employment provisions of the Civil Rights Act of 1964 are to be successfully implemented, the Commission must have a sufficient number of investigators and conciliators to process cases on a current basis. We are mindful of the country's budgetary problems, but we are also mindful of the $30 billion that employment discrimination costs the United States each year, not to mention the continuing damage done to its social fabric.

We respectfully urge the Senate to restore the $4.4 million cut by the House, and to approve the full amount requested by the President.

WILLIAM H. BROWN III,
Chairman.
LUTHER HOLCOMB,
Vice Chairman.
VICENTE T. XIMENES,
CLIFFORD L. ALEXANDER, JR.,
ELIZABETH J. KUCK,
Commissioners.

Investigations backlog as related to personnel authorizations and budget appropriations, fiscal years 1968, 1969, and 1970 (estimate)

Backlog:	
June 30, 1968	1,675
June 30, 1969	2,556
June 30, 1970 (estimate):	
Fiscal year 1969 budget	4,728
Fiscal year 1970 request	1,425
Personnel:	
1968:	
Requested	424
Authorized	389
1969:	
Requested	1,026
Authorized	579
1970:	
Requested	820
Authorized	664
Budget: [1]	
1968:	
Requested	$7,170
Authorized	6,655
1969:	
Requested	13,093
Authorized [2]	8,750
1970:	
Requested	15,905
Authorized [3]	11,500

[1] In thousands.
[2] Adjusted to $9,032 with supplemental pay increase and annualization.
[3] House authorization.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SEPTEMBER 10, 1969

CASELOAD AND BACKLOG

A random sample of cases indicates that the average case completes the investigation process 182 days after filing of the charge. 201 more days elapse before a decision is rendered, and if reasonable cause is found, the conciliation process requires an average additional 211 or 187 days, depending on whether the Commission's efforts are respectively successful or unsuccessful.

Thus the total elapsed time for a case in which reasonable cause has been found and conciliation has been successful averages 20 months. Currently the Commission has a backlog of approximately 2700 respondent investigations, with an additional 4000 respondent cases awaiting decision. The figures below show the four year history of the Commission's workload. The first seven months of the current calendar year indicate that the rate of incoming respondent charges will increase by approximately 48% during the twelve month period.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—CASELOAD STATISTICS FISCAL YEARS 1966-70

	1966	1967	1968	1969	1st quarter 1970	Total
New incoming charges	8,854	9,688	10,095	11,720	3,497	43,854
New charges recommended	3,773	5,084	6,056	9,152	2,496	26,561
Respondent investigations:						
On hand, beginning year		561	1,476	1,675	2,556	
Received during year	1,207	2,875	3,709	5,874	1,714	15,379
Completed during year	642	1,740	3,510	4,993	1,327	12,212
On hand, end year	561	1,476	1,675	2,556	2,943	
Respondent conciliations:						
On hand, beginning year		141	311	535	677	
Received during year	214	339	864	916	156	2,489
Completed during year	68	174	640	774	198	1,854
Successful	45	66	253	319	68	751
Partially successful	7	22	53	57	17	156
Unsuccessful	16	86	334	398	113	947
On hand, end year	141	311	535	677	635	

Mr. KENNEDY. Mr. President, today there is a continuous appeal for law and order. Usually, that appeal is made by those who claim they are hardworking, wholesome supporters of American traditions. But one of our Nation's outstanding traditions is the insistence of the desire to work. All youngsters are taught to look to the day when they can get out and hold a good job to support themselves and their family. Yet we know that all too often qualified workers cannot fulfill their desire. Women, blacks, Spanish-speaking migrants, the physically handicapped, and members of certain religious groups have learned to accept bigotry in employment.

Many a father of four who is barely making enough to support a family has been forced to watch others around him enjoy promotions while he is kept on the same job because of discrimination. Even in 1969, he may have to use different washrooms than those used by his fellow employees if he is black and they are white. Many people are fired from jobs or can never get a decent one in the first place because of discrimination.

Congress provided a remedy to those who suffer from discrimination in employment when it created the Equal Employment Opportunity Commission. The Commission was mandated to provide leadership for all employers in the Nation to insure that hiring, promotions, and working conditions would be equitably available for every worker. Congress also provided, when the Commission was created, enough money to begin exercising that leadership function as vigorously as possible.

During 1969, the agency has not shown that leadership. It has not continued the kind of improvements in employment practices that were developed one or two years ago. More significantly, this lack in leadership has failed to maintain the atmosphere that equal employment opportunities are traditional rights for every citizen who wants a job.

Today, we are considering the Commission's request for an increase in its operating funds. Let me say, loud and forcefully, that additional money is critically needed.

Additional money is vital to making it possible for the commission to follow its mandate. But just as forcefully, I want it to be known that the forward direction in equal employment opportunities has got to be provided in the months ahead.

The inaction of recent months must be ended. I know that there is a tremendous job to be done. It cannot be accomplished if the proper resources are withheld. At the same time, however, those resources must be effectively used to eliminate the patterns of historical mistreatment. I am concerned not only about the people who suffer from discrimination but also about the need to insure that the Executive helps to resolve such difficulties. For these reasons, I shall vote to support the request for increased funds. But I will also watch and express my concern that the Commission will be an active force in eliminating the inequities of employment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Let us vote.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back the remainder of his time?

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 50, nays 26, as follows:

[No. 138 Leg.]

YEAS—50

Anderson	Griffin	Muskie
Baker	Harris	Nelson
Bellmon	Hart	Packwood
Bennett	Hatfield	Pastore
Boggs	Hughes	Pearson
Brooke	Inouye	Pell
Burdick	Javits	Percy
Cannon	Kennedy	Prouty
Case	Magnuson	Proxmire
Church	Mansfield	Schweiker
Cook	Mathias	Scott
Dodd	McCarthy	Stevens
Dole	McGee	Symington
Eagleton	Miller	Tydings
Goodell	Mondale	Williams, N.J.
Gore	Montoya	Young, Ohio
Gravel	Murphy	

NAYS—26

Allen	Ervin	Randolph
Allott	Gurney	Russell
Bible	Hansen	Smith, Maine
Byrd, Va.	Holland	Spong
Byrd, W. Va.	Hruska	Stennis
Cotton	Jordan, Idaho	Talmadge
Curtis	McClellan	Williams, Del.
Eastland	McIntyre	Young, N. Dak.
Ellender	Mundt	

NOT VOTING—24

Aiken	Goldwater	Moss
Bayh	Hartke	Ribicoff
Cooper	Hollings	Saxbe
Cranston	Jackson	Smith, Ill.
Dominick	Jordan, N.C.	Sparkman
Fannin	Long	Thurmond
Fong	McGovern	Tower
Fulbright	Metcalf	Yarborough

So Mr. MATHIAS' amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 44, line 20, strike out "$1,500,000," and insert "$2,850,000." And on page 44, line 22, strike out "$12,000,000," and insert "$20,000,000."

Mr. SCOTT. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. SCOTT. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, this is an item which has been affected, since the original consideration of this feature of the bill, by a recent decision of the Supreme Court which will considerably increase the activities of this Department of the Federal Government, and therefore is a further justification for the restoration—and, I may add, only to the budget figures.

The purpose of this amendment is to restore to the fiscal 1970 appropriations the full amount requested by the administration for title IV of the Civil Rights Act of 1964.

The administration requested $20,000,000 to carry out this program. The House and now the Senate committee have reduced that amount to $12,000,000. My amendment would add $8,000,000 and bring the figure up to the President's request.

The other part of my amendment also has been read by the clerk.

On October 29, 1969, the U.S. Supreme Court declared in the Alexander against Holmes County decision that "it is the obligation of every school district to terminate dual school systems at once and to operate now and hereafter only unitary schools." The Department of Health, Education, and Welfare and the Department of Justice have pledged their full cooperation in carrying out the Court's mandate.

At the present time, there are over 1,400 school districts in the 17 Southern and border States that do not have unitary school systems. In the northern and western sections of the country, it is estimated that there are approximately 350 school systems with one or more schools having more than 50 percent minority student population. In light of the Supreme Court's decision, it is not improbable to assume that all of these school districts could request assistance from title IV during fiscal year 1970.

To deal with the problem of school desegregation, the Department of Health, Education, and Welfare has taken two actions which require a significant increase in staff and other resources. First, we are trying to enforce the law on a truly nationwide basis, instead of focusing mainly on the South. Second, we are attempting to provide more technical assistance so that it will be easier for school districts to comply with the law. Much of the concern with compliance relates to uncertainties as to how to go about it, how to maintain quality education, and how to prepare students, teachers, and the community for the transition. The Office of Education title IV program assists local school officials by providing direct grants for the purpose of training teachers and hiring consultants, by supporting university desegregation assistance centers and State technical assistance units, and by making Office of Education specialists available, largely at the regional level.

A reduction from the appropriation request of $20 million to $12 million for fiscal year 1970 will have the following specific effects upon the assistance available to requesting school districts:

First. The three regional university desegregation assistance centers planned for the Northeastern, Midwestern and Pacific coast sections of the country will not be funded.

Second. The number of new State education department desegregation assistance units planned will be reduced from 12 to 3 units.

Third. Since no less than half the local school board grants funded in fiscal year 1968 will need to continue for another year for full effect, less than $3 million will be uncommitted and available for direct assistance to local school districts—compared to a total of $8,689,000 in the original appropriation request—at a time when most districts will be facing substantial desegregation. Only 63 rather than 137 districts will be aided.

Fourth. Aside from losing three positions authorized for 1969, the Office of Education will not be able to assign desegregation assistance specialists to presently unserved geographic areas in need of help. The 92 new positions requested were to offer assistance, on request, to school districts throughout the country which must now act to end the dual school system by establishing unitary schools.

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

Mr. SCOTT. I yield myself 2 additional minutes.

The volume of the division's workload has risen sharply since January 1, 1969. In the 6-month period of January 1, 1969, to June 30, 1969, all the assistance resources funded under "Civil rights educational activities"—Office of Education specialists, State education department assistance units, and university desegregation centers—received approximately 2,700 requests for help from school districts. This figure represents 68 percent, well over half of all such requests—4,000—received during the entire calendar year 1968. Most significant among the several reasons for this increase in the number of requests for title IV assistance are:

First, in nearly all instances during 1969, where school districts have been ordered to desegregate their school systems, the courts have directed school officials to request assistance in developing desegregation plans from Office of Education specialists. Since April 1, Office of Education specialists have been involved in assisting more than 150 school districts that were ordered by the courts to seek such aid; and

Second, Congress has directed that school desegregation be applied equally in the North and South. Until recently, this division had provided the bulk of its assistance in the South. Thus, the number of requests from school districts in the North and West, which have larger systems with more complex problems, has risen.

This need is great; more than 1,400 school districts in the Southern States alone must move to unitary school systems during fiscal year 1970 in order to comply with the Supreme Court's October 29 decision. As these moves take place, the districts will be requesting the assistance authorized in title IV of the Civil Rights Act of 1964. It is anticipated that increased numbers of large school systems in the urban northern and western sections of the country will need and ask for title IV assistance during fiscal year 1970.

The nature of the title IV program is positive; it is the kind of program which we must expand as the Federal Government moves to help our Nation deal with today's complex domestic problems. I urge my colleagues to support this amendment, and I can tell the Senate that the amendment has the full backing of the President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

Mr. SCOTT. I yield 3 minutes to the

distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to identify myself with the amendment that has been offered by the distinguished Senator from Pennsylvania.

I was in touch with the Department of Health, Education, and Welfare yesterday about this very question, to inquire about their attitude with respect to raising the limitation on the appropriations which were available and what this was going to mean in terms of achieving the purposes of title IV.

As the Senator from Pennsylvania has brought out, I think the important point about this whole provision is that it is entirely voluntary.

Title IV in no way serves as a club. Rather it provides resources that are needed in terms of education and training and overall assistance to help in difficult problems of understanding and adjustment. Rather than increase any kind of friction, it will help reduce it.

We know that there are many different communities which have requested this kind of help and assistance. But only about one-half of them, under present appropriations, will be able to take advantage of title IV. With the recent Supreme Court decision there undoubtedly will be even more requests, and even greater funding needs.

Recognizing that this is an entirely voluntary program, and that a school district and community can decide whether or not they want to take advantage of it, the whole purpose and thrust of the amendment would provide greater understanding and an easing of restrictions and tensions. I think the amendment is extremely important. I certainly hope Senators on this side of the aisle will support it.

Mr. SCOTT. Mr. President, I thank the distinguished senior Senator from Massachusetts very much for his support.

I have no immediate request for time on this side of the aisle.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, the House bill allows $12 million of the $20 million revised request. I might say that the original estimate submitted by President Johnson was $13,950,000. The House allowance and committee recommendation is an increase over the 1969 appropriation of $1.183 million.

The latter figure appears to me to be significant in that it appears that the agency can increase the number of its permanent positions, since the committee was informed that of the $8 million restoration request approximately $1,200,000 would be needed to compensate the 92 additional positions requested for fiscal 1970.

Mr. President, I wish to say that these questions were not raised in the Committee on Appropriations. There was not a motion made. There was not an amendment offered on any of these items. We thought the bill was satisfactory, but if it is not, the Senate has the privilege of overriding the committee.

This figure becomes more significant in view of the fact that the $1.2 million was calculated on a full 12 months. However, only 7 months remain because nearly 5 months will have elapsed before the bill becomes law. Therefore, more money would be provided than contemplated by the House at the time their figure was approved. Therefore, the committee felt that the $12 million recommended would be sufficient in terms of manning this office. It is also worthwhile to point out that since fiscal year 1965, and assuming the $12 million recommended in the bill is approved, the annual appropriation for this agency has grown from $8 million to $12 million.

As of October 31, 1969, this office was employing a total of 73 people out of a ceiling for 1969 of 86 permanent positions. In other words, as of October 31, 1969, 13 positions were not filled.

Mr. President, let me demonstrate what the committee on appropriations has allowed. If the $8 million that is proposed to be restored were agreed to, here is what it would do in these areas: For about 74 grants to local school boards, the Senate bill allows $4,019,350 or 63 grants. This amendment would add to that and more than double it.

With respect to three university desegregation centers, the House bill allowed and the Senate committee on appropriations approved $3,626,000 in 16 centers.

For State education agency technical assistance units, the committee has provided, as did the House, $2,160,650 and 27 units. This amendment would increase that by $720,350.

For technical services and administration, the committee bill and the House bill provide $1.5 million. The amendment would increase that to $1,350,000.

Mr. President, if that is the way the Senate wants to increase these appropriations, the Senate has that right. However, I know this; some of us who favored other programs on the Committee on Appropriations, who would like to have increased their programs, did not do so because we were trying to hold these figures down.

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

Mr. McCLELLAN. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. McCLELLAN. Mr. President, we are about $40 million over the House figure. It is a matter which addresses itself to the Senate. If the Senate wants to increase it, the Senate has that right. But I think we have provided adequate funds here for the 7 months that the committee's figure of $12 million is going to be available.

Mr. YOUNG of North Dakota. Mr President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG of North Dakota. Mr. President, I attend leadership meetings at the White House every week. The President is determined to stay within the $192.9 billion budget, regardless of what Congress does, in his drive to control inflation. When we increase the funds for various programs, that money will have to come out of something else. We should give some better indication of what we think has a high priority rather than to raise every appropriation bill that comes along.

Mr. McCLELLAN. In addition, the President might cut some of the very things that Senators would prefer. That should be brought out. There is so much money, and if the Senate wants to agree to this amendment it may mean doing without another item that may have a higher preference. If the Senate wants to follow that course, there is nothing we can do about it.

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

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, as has been said, there is $12 million in this bill for this civil rights educational program. This is $653,000 more than was appropriated in fiscal 1969.

During the hearings, the chairman asked how much would actually be needed to continue with the present program, and the answer was $11,347,000.

Mr. President, the recent ruling by the Supreme Court may alter the situation. If this is true, a supplemental appropriation request would be considered by Congress and no doubt approved. This would give a better reading on the situation after it is determined what bearing the Supreme Court ruling will have on this program.

I hope very much, with the 5 months already gone, that we would not approve this amendment, but wait for the supplemental and hear the results of the Supreme Court ruling.

Mr. STENNIS. Mr. President, will the Senator yield to me? I am opposed to the amendment.

Mr. McCLELLAN. I yield.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly so that I may ask for the yeas and nays?

Mr. STENNIS. I yield for that purpose.

Mr. SCOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I shall be brief. This matter comes up as a surprise to me. The remarks of the distinguished Senator from Maine (Mrs. SMITH) point out clearly that nothing is yet known as to how much additional personnel will be required if there is any genuine effort to enforce integration of schools outside the southern States. I have no ill will about it. I am not critical of anyone. The amendment, however, is an attempt to be justified on the ground that we need the extra money to enforce integration outside the South.

I want to ask the Senator from Pennsylvania this question: Would the Senator support an amendment that would have the effect of being a mandate that the money used to enforce the law would be enforced in the East, the West, and the North to the same extent as it is in the South? Would the Senator stand for a national policy of that kind on this matter?

Mr. SCOTT. I am glad to respond to my good friend from Mississippi by say-

ing that if the Senator wants an amendment to be offered stating that all the laws and all the decisions of the Supreme Court shall be enforced equally, without fear or favor, in all parts of the United States, I would support it.

Mr. STENNIS. The Senator is not answering my question——

Mr. SCOTT. I thought I would go further with my answer than the Senator asked me.

Mr. STENNIS. This is a practical matter now. The Senator is asking for money, in his own statement, to enforce the integration of schools outside the South. I am interested in finding out whether the Senator would support an amendment here that clearly stated that we will proceed with an equal degree of fairness outside the southern areas, as well as in the southern areas. Can the Senator answer that?

Mr. SCOTT. The Senator would normally object to such a provision as being legislation on an appropriation bill, but if the Senator wishes an amendment to contain such words as, "This amendment shall be enforced with equal fairness and equal diligence in every part of the United States," I would agree to it. That is what the Supreme Court says.

Mr. STENNIS. No. The Supreme Court did not mention anything about any regional law—not this last case, or any other case. There has been no case brought to it by the Department of Justice that raises that issue.

Mr. President, as I say, I am not being personal about this, but the Senator says there are 350 schools outside the South which have more than a 50-percent minority student population.

I stated on the floor of the Senate the other day that there were 106 schools in Chicago alone which have 100 percent black student population.

I judge that is far more than any of the 350 schools outside the South that are more than 50 percent. I judge that there are many a hundred—although I do not have the exact figures—I said 106 in Chicago alone—or in another appropriation bill where it is more relevant or pertinent and I propose to offer an amendment along that line. So far as he went, I thank the Senator from Pennsylvania for his support.

Mr. President, on this matter of unitary schools, the Supreme Court handed down a decision—and I speak with all deference to the Court—requiring a unitary system. It did not say what a unitary system was, nor did it say what a unitary system is. The judges in New Orleans will have to decide that, I assume. But these are major legal questions that the new employees cannot decide. They cannot contribute a thing to it. There are many major legal decisions which will have to be made before this matter can proceed any further.

Therefore, I think that the Appropriations Committee has made a sound decision, just to stay this thing and let us see where we are, let us find out what a unitary system is, let us see what will actually be done, in good faith, and with diligence, throughout the Nation; and then we will appropriate plenty of money and allow plenty of employees. There has been virtually nothing done so far. We talk about needing more. A lot more will be needed if we are really going even to think according to some of the comments made here today.

Mr. President, I got in some facts in my speech of October 16 on the floor of the Senate this year. There is no need to repeat all of them here. There is not even time to look for the statistics but it shows an alarming set of facts, where everything has been concentrated in one area of the country to the exclusion of others.

The other day, I looked into this more recent case, and there was not one word said about defining what is a unitary system, or when it meets the requirements. What is it? There is no word said about it in the national law. We should hold back all the way down the line on this. I think it will continue to be largely until we get some kind of congressional act. Let us not get the cart before the horse. If this is to be a nationwide policy, then we will help to get plenty of money. I think the Senator from Pennsylvania means what he says, that he will help get it. I hope the Senate will support the amendment.

Mr. KENNEDY. Mr. President, I wish to ask the Senator from Pennsylvania this question: As I understand, even prior to the time of the recent Supreme Court decision, in 1967 there were some 1,400 applications. In 1968, there were 4,000. In 1968 there was some $10 million appropriated for the 4,000 applications. In 1969, the best estimate we could get from HEW was between 7,000 and 8,000 applications. That is without the recent Supreme Court decision.

The increase in the appropriations in the House-passed bill before us provides for less than $2 million additional funds. So that the best information we have been able to receive, as I understand it, is that under the existing situation, at best only one out of two applications will be funded by HEW. Is that the impression of the Senator from Pennsylvania?

Mr. SCOTT. Yes, that is my impression. I am the more convinced, after hearing the debate here, that if we are going to implement the decision of the Supreme Court—as indeed we must—this is the minimal amount of money with which we can get along.

Mr. KENNEDY. One additional point. Does the Senator not agree with me that title IV, unlike title VI, is a completely voluntary title? Title VI is mandatory under the act, but title IV is completely voluntary. Therefore this amendment will in no way require any school districts to take any additional action. It will provide additional kinds of services in terms of advice, personnel, education, and university funded programs which will be available in the school districts in the North as well as in the South. Let me add parenthetically that I think the point of the Senator from Mississippi is well taken—that we should be equally concerned with ending segregated schools in the North and other areas besides the South. This amendment will provide additional funds to lessen friction, and to smooth these kinds of adjustments which are necessary.

Mr. SCOTT. The Senator from Massachusetts is entirely correct. This is a program of assistance to school districts. It does not involve any discussion of fund cutoffs at all. It is a voluntary program, a program made necessary by the South on the branch of Government as it seems to me the branch of Government, must in good faith, comply—that is the executive branch—which is seeking to save money and make sure that we adhere to a given budget limitation. This particular request does not exceed the budgetary limit.

Mr. KENNEDY. The administration is supporting it.

Mr. SCOTT. The administration is fully and completely supporting that request, yes.

Mr. KENNEDY. As I understand, it was actually a request of the President.

Mr. SCOTT. This is a request of the President.

Mr. KENNEDY. I would certainly hope that——

Mr. SCOTT. By way of Health, Education, and Welfare.

Mr. KENNEDY. I would certainly hope that the request would be supported.

Mr. SCOTT. Yes.

FULL FUNDING FOR TITLE IV

Mr. BROOKE. Mr. President, the Office of Education title IV program represents a many-pronged approach to the problem of desegregation. Many school districts throughout the Nation have been found in violation of the law in recent years, either by virtue of de jure or de facto segregation. But while a court can tell a school district what must be done, it does not have the capability or the expertise, in most cases, to suggest how it should be done.

One of the functions of the Office of Education, therefore, is to provide advice and assistance to schools in their efforts to comply with the law. Under title IV, for example, grants are provided for the purpose of training teachers, and for hiring consultants on school transition and community relations. Support is provided to university desegregation assistance centers. Office of Education specialists are made available at the regional level to advise local school officials. All of this work is vital to the welfare of the communities involved, and is essential to a smooth transition and the maintenance of high educational standards.

The Office of Education has asked for $20 million for the title IV program. The bill presently before us reduces that appropriation to $12 million. Twelve million dollars was insufficient to meet the Department's needs even prior to the October 29 Supreme Court decision, Alexander against Holmes County. Since the decision, however, the needs have grown dramatically. We cannot permit the Department to function with only $3 million available for new obligations and local assistance programs at a time when hundreds of new districts will be facing substantial desegregation requirements. We cannot leave the Department unable to hire new desegregation assistance specialists at a time when the demand for them is greater than ever before. We cannot require the Department to cancel—for budgetary reasons—three regional university desegregation assistance centers for the Northeast, Midwest,

and Pacific coast sections at a time when the pressure will be upon all sectors of the Nation to meet desegregation orders.

A $20 million appropriation would make possible 137 grants to local school boards, 36 State department of education assistance units, 10 university institutes and 19 university assistance centers, plus nearly $3 million for technical services and administration as needed. Even these are modest requirements. But they must be met if the law of the land is to be enforced. They must be met if quality education is to be provided to all our children. And they must be met if the transition to desegregated facilities is to be made peacefully and productively in those communities where a potential for disruption exists.

The need is great. The proper course is clear. I hope that the pending amendment will be overwhelmingly adopted.

Mr. SCOTT. Mr. President, I yield back the remainder of the time I have not used.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now expired.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Connecticut (Mr. RIBICOFF), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER) and the Senator from Colorado (Mr. DOMINICK) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 51, nays 22, as follows:

[No. 139 Leg.]

YEAS—51

Allott	Griffin	Muskie
Baker	Hansen	Nelson
Bellmon	Harris	Packwood
Bible	Hart	Pastore
Boggs	Hatfield	Pearson
Brooke	Hughes	Pell
Burdick	Inouye	Percy
Cannon	Javits	Prouty
Case	Kennedy	Proxmire
Church	Mansfield	Randolph
Cook	McGee	Schweiker
Dodd	McIntyre	Scott
Dole	Miller	Spong
Eagleton	Mondale	Symington
Goodell	Montoya	Tydings
Gore	Mundt	Williams, N.J.
Gravel	Murphy	Young, Ohio

NAYS—22

Allen	Ellender	Smith, Maine
Anderson	Ervin	Stennis
Bennett	Gurney	Talmadge
Byrd, Va.	Holland	Thurmond
Byrd, W. Va.	Hruska	Williams, Del.
Cotton	Jordan, Idaho	Young, N. Dak.
Curtis	McClellan	
Eastland	Russell	

NOT VOTING—27

Aiken	Hartke	Metcalf
Bayh	Hollings	Moss
Cooper	Jackson	Ribicoff
Cranston	Jordan, N.C.	Saxbe
Dominick	Long	Smith, Ill.
Fannin	Magnuson	Sparkman
Fong	Mathias	Stevens
Fulbright	McCarthy	Tower
Goldwater	McGovern	Yarborough

So Mr. SCOTT's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROOKE. Mr. President, I call up my amendment making appropriation for a weather ship for New England, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Massachusetts (Mr. BROOKE) proposes an amendment as follows:

On page 29, line 11, after "equipment;" insert "the acquisition, commissioning, and operation of a weather ship;".

On page 29, line 12, strike out "$4,385,000" and insert in lieu thereof "$6,185,000".

Mr. BROOKE. Mr. President, New England is in a particularly exposed position when it comes to violent storms. During the summer and fall months of the year the coast is hit by vicious hurricanes. Northeast blizzards sweep up the coast once, twice, and sometimes more during the long winter months.

Science has found no way to dissipate these storms before they reach the mainland, bringing with them a trail of death and economic disaster. But the commissioning of a weather ship, which would be permanently stationed in the waters between Cape Hatteras and Nantucket Island, could provide New England and the whole northeastern section of the Nation with vastly improved weather forecasting information. The data provided by such a ship would save many lives, and avert much economic loss when these storms strike.

New England's last encounter with "killer" storms occurred last winter when snow storms struck repeatedly and without warning, bringing loss of life and great economic destruction to New York and the New England area. Estimates of property loss in this series of storms alone runs as high as $100 million.

Dr. Robert N. White, the Administrator of ESSA, and Dr. George Cressman, the Director of the Federal Weather Bureau, who have conferred with me about this problem, agreed that New England needs the protection which a weather ship would provide. They and a number of other prominent meteorologists share the conviction that the commissioning of a weather ship would enable the Weather Bureau to keep the northeast section of the country far better informed about the approach of these storms, and their intensity. I ask unanimous consent that a letter to that effect from Dr. White 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. DEPARTMENT OF COMMERCE,
Rockville, Md., April 4, 1969.

HON. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for your letter of March 31. Dr. Cressman and I welcomed the opportunity to appear before you and other members of the New England Congressional delegation to review the past winter's weather forecasting of heavy snows in the northeastern part of the country.

As a followup to our meeting I have now sent forward to the Coast Guard a formal letter requesting their serious consideration of acquiring a weather ship for the ocean area south of New England.

Sincerely yours,

ROBERT M. WHITE,
Administrator.

Mr. BROOKE. The only problem with the program I suggest has arisen not on the merits of the case, but on its cost. Funds for the ship were not included in the original budget request, and there is an understandable reluctance to increase expenditures in view of the tight budgetary restrictions under which our Government is presently operating.

But in this instance we are dealing with pennies in terms of the appropriations bill as a whole. The initial cost of the installation and staffing of the weather ship would run no more than $1.8 million. The annual recurring expenditure would range between $500,000 and $600,000. Such a sum is small indeed when measured against the good that this appropriation would do, the protection of property it would give, and above all the lives it would save.

I suggest that in these terms an appropriation for this purpose, this year, is consistent with the true economy which we all seek. As further evidence in support of my argument, I submit an editorial entitled "False Economy," broad-

cast over radio station WBZ, Boston, Mass., on March 4 and 5, 1969; an editorial entitled "The Forecasting Gap," published in the Boston Herald in March 1969; and an editorial entitled "Snow Disaster Inquest," published in the New York Times of February 13, 1969, and ask unanimous consent that they be printed in the RECORD.

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

[An editorial from radio station WBZ, Boston, Mass., Mar. 4, 1969]

FALSE ECONOMY

Weather has been the number one issue around New England these past few weeks. And the situation has focused attention on a long-standing problem that can and should be corrected. Weather forecasters just can't give us accurate information on some storms. And the reason for this is lack of weather data from out in the ocean.

At the present time there are no weather ships or even buoys stationed in that huge stretch of ocean below New England which is so crucial in keeping tabs on coastal storms. Accurate forecasts won't make it snow or blow any less. But they can help public officials, private industry and you and me to be properly prepared. That can save money and a lot of human misery. In the hurricane season, good forecasts can mean the difference between life and death.

This offshore information blackout is something our WBZ meteorologists have been grumbling about for a long time. The last three weeks have driven the point home to many people. Most encouraging was Sen. Edward Brooke's letter to the U.S. Weather Bureau asking remedial action. The head of the bureau in Washington, Dr. George Cressman, is fully aware of the problem. He told us he's working on a package that would include a weather ship, expanded aerial reconnaissance and added reports from shipping in the area. The problem is money. Dr. Cressman puts the cost of this added service at slightly over $2 million a year, at a time when the agency is being forced to cut back. But we think there's such a thing as false economy. And in light of the benefits to the huge population affected, from New Jersey northward through New England, false economy is just what failure to provide this service would be.

The Nixon Administration and Congress should be told in no uncertain terms the public wants the Commerce Department budget expanded to provide the necessary money in the coming fiscal year.

[From the Boston Herald, March 1969]

THE FORECASTING GAP

Man has not yet learned to control the weather, and sometimes—as in this year's February storms—he cannot even forecast it adequately. But perhaps the weatherman does not deserve to be the scapegoat the disgruntled public often seeks to make him.

Obviously a meteorologist's predictions are no better than the information on which they are based. The Weather Bureau knows what is happening at Cape Hatteras, North Caroline, at Nantucket Island and at Logan Airport in Boston, because it has weather stations there. But the weather can change significantly between these points, and an East Coast storm that was nasty at Cape Hatteras can be vicious by the time it moves up to Nantucket and Boston.

Sen. Edward W. Brooke of Massachusetts has called on the government to plug this "dangerous gap" in the weather forecasting system for New England. He is urging that either a weather ship or a series of meteorological buoys be placed off the coast to provide better tracking of storms that affect New England. He suggests the President request a supplementary appropriation from Congress so these facilities can be installed immediately.

Senator Brooke's proposal makes sense. A major storm can be extremely costly, both in lives and dollars. But the cost can be reduced if individuals and their governments can make adequate storm preparations. And for this they need adequate warnings. An improved storm-tracking system along the East Coast would be less an expense than an investment.

[From the New York Times, Feb. 13, 1969]

SNOW DISASTER INQUEST

Like the electric power blackout of 1965, last Sunday's snowstorm provided alarming proof of how inadequately prepared the New York metropolitan area is for a major emergency.

The seriousness of the problems exposed makes it particularly unfortunate that maneuvering for political advantage has already begun to dominate discussion of what went wrong. The real need is for an impartial, orderly inquiry into the situation to diagnose the errors and make recommendations for the future.

Since New York, New Jersey and Connecticut were primarily affected, the Governors of all three states would be well advised to join in naming a high-level study group and providing it with needed financing and technical staff. Out of such a regional approach might come sound answers to the interrelated problems the storm brought to urban and suburban areas.

Even now, however, it is apparent that the single most important error in the city and its environs was the failure—no later than noon last Sunday—to ban motor vehicles from the streets, as Mayor Wagner did in the five boroughs in 1961. The result of this failure was that hundreds of important routes—from the Tappan Zee bridge on the State Thruway to the Van Wyck Expressway in Queens—were made impassable at least as much by abandoned cars and trucks as by the huge volume of snow. Unfortunately, no metropolitan areawide coordinating body can now order such a ban, but this week's events argue strongly for giving the present ineffectual Metropolitan Regional Council special powers for emergencies.

The shortages of men and equipment for the cleanup job in the city and many suburbs point to organizational weaknesses. On Tuesday, for example, this community of eight million was able to recruit only 1,500 persons—aside from regular Sanitation Department personnel—to help break the snow blockade. Yet New York City has many thousands of persons who could have been hired—the hard-core unemployed capable of physical labor, longshoremen and truckers idled for many weeks by the dock strike, tens of thousands of healthy college students and others. After the comparable snowfall in 1961 the number of extra men used was five times as great.

Part of the recruiting difficulty this time may have been the relatively low wage offered—$2.50 an hour, just a little more than half the normal pay of sanitation workers. But there is also a plain need for better stand-by arrangements with unions and employment services to get lists of persons who might be called on for quick help in a crisis. Needed, too, is an inventory of privately owned bulldozers and similar equipment that might be mobilized speedily.

The metropolitan area's railroads—among which the Long Island predictably suffered the worst debacle and failed the largest number of long-suffering passengers—have much to learn from the Erie-Lackawanna whose sterling performance is one of the few bright spots in an otherwise dismal record. It is a tribute to the railroad's labor relations and to the workers involved that so many of its employes reported voluntarily Saturday night and afterward to keep the trains rolling. The techniques used by the Erie-Lackawanna must be made standard procedure on the other lines serving the city, particularly the Long Island.

The airlines and the Port of New York Authority bear a heavy responsibility for the inconvenience and worse suffered—often for 48 hours or longer—by the 6,000 people marooned at Kennedy Airport. The airlines are notorious for assuring inquirers that planes will fly and that passengers should go out to the airport even when there is serious question about the weather. One reason is that the airlines apparently suffer no loss and pay no damages to those they disappoint—or make involuntary prisoners.

The gruesome experience of those who underwent the ordeal at Kennedy Airport demonstrated how grossly inadequate are airport preparations for any such major stalling of air and ground traffic. Pan American World Airways did finally get some people away by commercial helicopter Monday evening, but it was a colossal failure of imagination that no official request was made for evacuation and food delivery by military helicopters based in this district.

The whole dismal story of the mishandling of this emergency—in many suburbs as well as in the city—was the product of inadequate foresight, bureaucratic complacency fed by misleading weather reports, lack of needed areawide leadership and incredible business-as-usual attitudes in many quarters, private as well as governmental. Now is not too early to begin rectifying the appalling weaknesses that have been uncovered, weaknesses that in a future emergency could threaten the safety and lives of even more New Yorkers than suffered after Sunday's snowfall.

Mr. BROOKE. I strongly urge that the Senate give favorable consideration to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield 5 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, this item is now being considered by the Bureau of the Budget. The best information I have been able to obtain is that a decision as to the action to be taken is expected about November 14. It is further indicated that the Coast Guard will be furnishing $1 million toward the project; and the Coast Guard appropriation comes through the Transportation Subcommittee. The remainder, or $800,000, is provided by ESSA and the Weather Bureau, and is being considered together with other hurricane supplementals.

Mr. President, I am in complete agreement on the need for this weather ship, and support the distinguished Senator from Massachusetts in his desire to provide the necessary funds. I hope there will be a budget estimate, so that action can be taken in the near future, in an early supplemental bill.

I would, however, suggest that the Senator not press for the amendment on this bill, but wait for the budget estimate.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield the Senator from Rhode Island such time as he may require.

Mr. PASTORE. Mr. President, I compliment the Senator from Massachusetts for bringing this very important matter to the attention of the Senate; but I hope that he will subscribe to the rec-

ommendation made by the distinguished senior Senator from Maine. I think we would have a much better chance later, in a supplemental bill, once we obtain a budget estimate.

I would not wish to see this amendment go down in defeat, because it is a necessary item which should be brought about; but I am afraid if it were defeated on the floor today, the repercussions would not be favorable to us at all.

I hope that the Senator will subscribe to the recommendation made. I think it is a fine thing that the Senator brought the matter to our attention. However, I sincerely hope that the Senator will not press it at this point.

Mr. BROOKE. Mr. President, I thank the distinguished Senators from Maine and Rhode Island for their words of encouragement.

I certainly will take their advice. I hope that the Bureau of the Budget will include the item in the budget and that we can consider it in the supplemental budget.

The equipment is sorely needed for the entire eastern coast. We all remember that after the devastating Camille hurricane, the President stated strongly that there was a great need for a better weather warning system in the country.

We are very hopeful that we can have this item approved in the supplemental budget.

Based upon the recommendation of the distinguished Senator from Maine, I withdraw the amendment.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. One hour still remains on the bill. Do the Senators yield back their time?

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. KENNEDY. Mr. President, there is one item in the report of the Committee on Appropriations which I believe deserves some notice and some discussion at this point. One of the most important and vital dimensions of the Safe Streets Act of 1968 was the establishment of the National Institute of Law Enforcement and Criminal Justice. The report of the National Crime Commission in 1967 and the unanimous testimony of the witnesses who appeared before us in the Criminal Laws Subcommittee demonstrated the pressing national need for research and development efforts in the field of crime prevention and control. Whereas, in every other kind of public and private endeavor a significant portion of the available resources has been allocated to R. & D. activities, the fact was that before 1968 only a miniscule percentage of the amount spent on our anticrime activities was spent on R. & D. The establishment of the National Institute for the first time gave us hope that we would be able to answer the many unanswered questions about crime in the United States, that we would be able to utilize the latest developments in science and technology in the fight against crime, and that we would be able to take advantage of the great store of expertise in many different disciplines in our universities, in our corporations, in private research organizations and in Government agencies.

Although under the Safe Streets Act we had authorized an appropriation of at least $10 million for fiscal 1969, the actual appropriation last year was only $3 million. This year the Department of Justice requested $20.9 million for the National Institute, which, considering the amount the Nation as a whole spends on anticrime functions, and considering the usual ratios for R. & D. work, is really still a drop in the bucket. It did reasonably reflect the expansion which was requested for all activities of the Law Enforcement Assistance Administration, which received just under $60 million in fiscal 1969, compared to a 1970 request of just under $300 million. Unfortunately the House of Representatives ignored the vital nature of this activity and allowed an appropriation of only $7 million. The Department of Justice very properly objected to this most damaging reduction and requested full restoration in the Senate of the $13.4 million cut. Taking full cognizance of the House position, the Senate Appropriations Committee has moved prudently by proposing a compromise which would restore half of the House cut, leaving the institute with a 1970 appropriation of $14 million. This is still a very minimal amount in relation to the need, but I am pleased that the members of the Appropriations Committee have recognized this need at least to some extent. Certainly we cannot afford to have this appropriation cut by $1 and the figure of $14 million is the lowest acceptable compromise between the $7 million House figure and the $21 million Justice request. I hope that the Senate conferees will keep these facts in mind, and I am hopeful that next year we can see the institute fully and adequately funded. We are being penny wise and pound foolish if we try to carry on the war against crime without a strong research and development dimension. We are going to be spending hundreds of millions of dollars at the Federal level and billions of dollars at the State and local levels to prevent and control crime. If we are to spend this money wisely and effectively, we must know more about our crime problem; we must know more about the effectiveness of different solutions; we must know more about what science and technology can provide in the way of help; we must test out and develop new modes of attack; and we must involve the best brains our Nation has to offer from fields of every kind. The National Institute can and must do these jobs. But it can succeed only if it has the resources it needs.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD), the Senator from Maryland, (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 140 Leg.]

YEAS—72

Allen	Goodell	Muskie
Allott	Gore	Nelson
Anderson	Gravel	Packwood
Baker	Griffin	Pastore
Bellmon	Gurney	Pearson
Bennett	Hansen	Pell
Bible	Harris	Percy
Boggs	Hart	Prouty
Brooke	Holland	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Hughes	Russell
Byrd, W. Va.	Inouye	Schweiker
Cannon	Javits	Scott
Case	Jordan, Idaho	Smith, Maine
Church	Kennedy	Spong
Cook	Mansfield	Stennis
Cotton	McClellan	Symington
Curtis	McGee	Talmadge
Dodd	McIntyre	Thurmond
Dole	Miller	Tydings
Eagleton	Mondale	Williams, N.J.
Eastland	Montoya	Williams, Del.
Ellender	Mundt	Young, N. Dak.
Ervin	Murphy	Young, Ohio

NAYS—0

NOT VOTING—28

Aiken	Hatfield	Moss
Bayh	Hollings	Ribicoff
Cooper	Jackson	Saxbe
Cranston	Jordan, N.C.	Smith, Ill.
Dominick	Long	Sparkman
Fannin	Magnuson	Stevens
Fong	Mathias	Tower
Fulbright	McCarthy	Yarborough
Goldwater	McGovern	
Hartke	Metcalf	

So the bill (H.R. 12964) was passed.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. FULBRIGHT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. CASE conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is with a great deal of gratitude that I point to the fine work accomplished today by the entire Senate and in particular by the chairman of the Appropriations Subcommittee on State-Justice-Commerce, my distinguished colleague, the Senator from Arkansas (Mr. McCLELLAN). His fine presentation and outstanding advocacy assured this splendid success. With it, Senator McCLELLAN has again demonstrated a legislative skill and ability unexcelled in this body. The Senate is deeply grateful.

Aiding Senator McCLELLAN in guiding this important measure through to its unanimous approval was the ranking minority member of the subcommittee, the distinguished Senator from Maine (Mrs. SMITH). Her contributions to the consideration of the bill were exemplary. Her clear and perceptive observations regarding this funding measure were, as always, most helpful and most welcome.

Also noteworthy for contributing to the high calibre of the debate were the efforts of the Senator from Virginia (Mr. BYRD).

The Senate appreciated as well the views of the distinguished minority leader, the able Senator from Pennsylvania (Mr. SCOTT) and those of the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). Their contributions, as always were most welcome.

The same may be said for the contributions made by the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. MATHIAS).

I personally am very pleased about the fact that another appropriations measure has now cleared the Senate. I thank the membership for its cooperation.

TAHOE REGIONAL PLANNING COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 505, S. 118, a bill which has been cleared all the way around, and which I understand has a time limitation on it.

The PRESIDING OFFICER (Mr. SPONG in the chair.) The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 22, after line 23, strike out:

SEC. 3. The right to alter, amend or repeal this Act is hereby expressly reserved.

And, in lieu thereof, insert:

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

On page 23, after line 4, insert a new section, as follows:

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

After line 7, insert a new section, as follows:

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

And, after line 14, insert a new section, as follows:

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

So as to make the bill read:

S. 118

A bill to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe regional planning compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

"TAHOE REGIONAL PLANNING COMPACT

"Article I. Findings and Declarations of Policy

"(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

"(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

"(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

"ARTICLE II. DEFINITIONS

"As used in this compact:

"(a) 'Region,' includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16, East M.D.B.&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

"(b) 'Agency' means the Tahoe Regional Planning Agency.

"(c) 'Governing body' means the governing board of the Tahoe Regional Planning Agency.

"(d) 'Regional plan' shall mean the long-term general plan for the development of the region.

"(e) 'Interim plan' shall mean the interim regional plan adopted pending the adoption of the regional plan.

"(f) 'Planning commission' means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

"ARTICLE III. ORGANIZATION

"(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

"The governing body of the agency shall be constituted as follows:

"One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

"One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

"(1) A member of the board which appoints him; and

"(2) a resident of or the owner of real property in the region.

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance. A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

"One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation; he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

"The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

"(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

"(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years.

"(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as 'the first Monday of each month,' and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each country a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date, place and agenda at least 5 days prior to the meeting.

"(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

"(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

"(g) A majority of the members of the governing body from each state shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members present representing each state shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

"(h) An advisory planning commission shall be appointed by the agency, which shall consist of an equal number of members from each State. The commission shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee, the Chief of the Bureau of Environment Health of the Health Division of Department of Health, Welfare and Rehabilitation of the State of Nevada or his designee, the executive officer of the Lahontan Regional Water Quality Control Board or his designee, the executive officer of the Tahoe Regional Planning Agency who shall act as chairman and at least four lay members each of whom shall be a resident of the region.

"(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

"(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. Upon receipt of certified copies of the resolution or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

"(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.

"ARTICLE IV. PERSONNEL

"(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

"(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency, and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

"(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

"ARTICLE V. PLANNING

"(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this paragraph shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

"The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this paragraph.

"If a request is made for the amendment of the regional plan by:

"(1) a political subdivision a part of whose territory would be affected by such amendment; or

"(2) the owner or lessee of real property which would be affected by such amendment.

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

"TAHOE REGIONAL PLAN

"(b) Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region, and a statement of the policies, standards, and elements of the regional plan.

"The regional plan shall include the following correlated elements:

"(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, includ-

ing but not limited to, an indication or allocation of maximum population densities.

"(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

"(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

"(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

"(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

"In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

"(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

"TAHOE REGIONAL INTERIM PLAN

"(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

"(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information of the availability of and use by other agencies of government and by private organizations and individuals concerned.

"(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

"ARTICLE VI. AGENCY'S POWERS

"(a) The governing body shall adopt all necessary ordinances, rules, regulation and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan.

"Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the interim plan or the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

"Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

"Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

"(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

"(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.

"(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

"(c) Except as otherwise provided in paragraph (d), all public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

"(d) All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

"(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

"(f) Violation of any ordinance of the agency is a misdemeanor.

"(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by State or Federal law.

"(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

"(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

"(j) Every record of the agency, whether public or not, shall be open for examination to the Legislative Analyst of the State of California and the Fiscal Analyst of the State of Nevada.

"(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

"ARTICLE VII. FINANCES

"(a) Except as provided in paragraph (e), on or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion not more than $150,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sums from its general fund or from any other moneys available therefor.

"(b) The agency may fix and collect reasonable fees for any services rendered by it.

"(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

"(d) The agency is authorized to receive

gifts, donations, subventions, grants, and other financial aids and funds.

"(e) As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

"(1) For the remainder of the then-current fiscal year; and

"(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

"(f) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

"ARTICLE VIII. MISCELLANEOUS

"(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

"(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

"(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

"(d) No provision of this compact shall have any effect upon the allocation or distribution of interstate waters or upon any appropriative water right."

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized, upon request of the Tahoe Regional Planning Agency, to cooperate with said agency in all respects compatible with carrying out the normal duties of their Departments.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the Tahoe regional planning governing board.

SEC. 4. Any additional powers conferred on the agency pursuant to article VIII(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. BIBLE. Mr. President, the decade of the 1960's, I think, will be remembered as the period when America finally came awake to the dangers threatening its natural heritage. We have paused in our headlong rush toward industrialization and urbanization to look at our polluted lakes and streams, our vanishing forests, our dwindling open spaces, our scarred mountains and valleys. We have looked in horror and we have pledged that we will do something about it.

My bill, which is before us now, represents one small but significant effort to carry out that pledge. It gives the consent of Congress to a compact between the States of Nevada and California that is dedicated to the protection and conservation of one of the Nation's prized scenic treasures—beautiful Lake Tahoe and the majestic Sierra Mountains that form the lake's basin.

It would not be an exaggeration to say this compact symbolizes the growing battle to save our Nation's priceless natural environment. And it is a symbol with a sense of urgency because time is running out on Lake Tahoe. Its waters are famed the world over for their pristine clarity. The sight of this magnificent, 22-mile-long lake nestled a mile high in the green Sierra forests is as spectacular today as it was 125 years ago when explorer John Fremont discovered it—when Mark Twain a few years later dubbed it a "prized scenic jewel." Unlike many thousands of other great lakes and streams in our country, Lake Tahoe has largely escaped the desecration of urbanization.

But time has run out.

The bi-State Tahoe Regional Planning Compact represents the united determination of the people of Nevada and California to make certain the Lake Tahoe basin survives the advance of civilization. Through their legislatures, which adopted this compact last year, they have pledged that future generations will also enjoy this scenic treasure.

The need for a regional compact is self-evident. The Lake Tahoe Basin in the past two decades has experienced phenomenal growth and development. It has changed from a sleepy summer resort to a year-round water sports, skiing, and entertainment attraction. Commercial development has been rapid and too often ill-planned.

Since the basin is bisected by the California-Nevada line and politically subdivided by five counties and innumerable districts, it has been impossible to mount a unified, coordinated control of this development. Already the first signs of water pollution have appeared. Shoreline forests are giving way to neon lights. The quality of its water and the beauty of its land have been invaded—but fortunately not yet conquered.

I first introduced legislation to ratify the compact last year a few days after it received the final approval of the State legislatures. It was too late in the session to move the bill forward and I immediately reintroduced the bill at the start of the current session. Unfortunately, delays in receiving reports from executive agencies kept the bill in committee most of this year. The result is that far too many months have passed by despite the urgency of the legislation.

I wish at this point to commend the Committee on the Judiciary, its distinguished chairman, the Senator from Mississippi (Mr. EASTLAND), the distinguished Senator from Nebraska (Mr. HRUSKA), and the other members and staff for the fine work they performed in moving the bill to the floor little more than 2 months after receiving the executive reports. In particular, I commend them for the outstanding report on the bill, which I recommend as excellent reading to anyone interested in the cause of conservation.

As outlined in the report, the compact establishes a Tahoe Regional Planning Agency of 10 members—five each from California and Nevada—with broad powers to develop and enforce a plan of orderly developed and resource conservation and to exercise effective environmental control. Because the Federal Government also has a large and continuing interest in the basin and its protection, an amendment proposed by the executive branch and adopted by the committee provides for a nonvoting Federal member of the agency's governing board. The amendment also provides for further consent of Congress to any additional powers exercise by the agency and specifies that nothing in the compact shall affect the powers, rights, or obligations of the United States with regard to resources.

The Governors of both States stated they had no objections to the amendments in letters directed to my office, and I submitted these letters and other pertinent data to the committee. They are included in the report.

No major agreement can be put together without some differences in views but no objections to the compact have been brought before Congress since I first introduced the ratifying legislation. I think it is fair to say this compact is not burdened by controversy.

Further, in addition to my authorship, the ratifying bill has the cosponsorship of my distinguished colleague (Mr. CANNON) and the distinguished Senators from California (Mr. MURPHY and Mr. CRANSTON).

I should add with emphasis that I have received assurances the executive agencies proposing the amendment to the consent language that the change will not delay the implementation of the compact once it has been ratified. Because no changes have been made in the language of the compact, I am advised, it will not be necessary to take the compact back to the State legislatures. The amendment is a condition to congressional consent and not an alteration of the compact.

It is imperative to implement the compact as soon as possible. If there were any danger that the consent amendment might delay such implementation I

frankly doubt that it would have been accepted as it was by the committee. My own agreement, and the agreement of the Governors of Nevada and California, also were based on that understanding.

I might add that this compact legislation is the starting point of a program I am advocating in Congress for the development and protection of Lake Tahoe as a national scenic and recreation resource. Separate legislation I have introduced would authorize a study into the feasibility of Federal recreation development at the lake. The Interior appropriations bill, which I had the honor to steer in the Senate, contained $2.2 million to initiate Federal land acquisition by the Forest Service. And legislation I plan to introduce shortly would extend the boundaries of the Toiyabe National Forest at the lake to make possible additional acquisition of undeveloped areas along the shoreline.

It would not be fair to close without further commendations—commendations to the people of Nevada and California for this insistance on the wise use and management of the Lake Tahoe basin's resources and commendations to the Governors and legislatures of the two States, immediate past and present, for the leadership they displayed in developing the compact.

I urge approval of my bill, S. 118, as reported.

Mr. CANNON. Mr. President, today the Senate has an opportunity to vote on a compact designed to establish a comprehensive long-range plan to harmonize the needs of an entire region with the plans and activities of Federal, State, and local governing bodies and other public and nongovernmental agencies.

The proposed legislation, granting the consent of Congress to the Caliornia-Nevada Lake Tahoe Regional Planning Compact, is before this body for ratification.

The compact, agreed to by the legislatures of both Nevada and California, authorizes creation of a bi-State agency to deal with water pollution control and land development problems in the Lake Tahoe basin.

Today, Lake Tahoe is a State and national treasure; however, it faces many problems due to indiscriminate, largely uncontrolled development. It is essential that its problems be attacked on a regional basis. Stopgap measures have been taken, but these are not, and cannot be, as useful as Federal-State working agreements for planning the development of this beautiful region. For this reason, I urge passage of this timely and important measure.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 118) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–510), explaining the purposes of the measure.

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

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to conform the effect of the compact to the suggestions and recommendations submitted by the Department of the Interior and the Attorney General.

PURPOSE

The purpose of the bill, as amended, is to grant the consent of the Congress to the Tahoe regional planning compact, and to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created.

STATEMENT

Subject to the foregoing amendment, the Department of the Interior, the Attorney General, and the Department of Agriculture have no objections to the enactment of this legislation. Copies of these reports are attached hereto and made a part hereof.

The States of Nevada and California passed enabling acts adopting the compact as set forth in S. 118 and copies of those enactments are maintained in the files of the committee.

Attached hereto and made a part hereof are the following: (1) a letter dated September 17, 1969, from Senator Alan Bible to the Honorable James O. Eastland, chairman of the Senate Judiciary Committee, forwarding a copy of a letter from the Governor of the State of Nevada, together with a report to the Secretary of the Interior regarding the protection of the Lake Tahoe environment dependent on the California-Nevada Lake Tahoe planning compact as submitted by Governor Reagan of the State of California; (2) a letter dated September 2, 1969, from Coe Swobe, State senator for Washoe-Storey Counties of Nevada to Jack Carpenter, administrative assistant to Senator Bible; and (3) a letter dated October 6, 1969, from Senator Alan Bible to Senator James O. Eastland, chairman of the Senate Judiciary Committee, forwarding a letter from the Governor of California.

The compact itself is dedicated to the proposition of increasing the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake. The compact further provides the commission created under the compact to make plans and exercise such functions as to enable the described area to remain in the public interest so that Lake Tahoe and the surrounding area will remain as far as possible undisturbed by population growth and attendant spoilage that is a natural result thereof.

Article I of the compact sets forth the policy of the compact. Article II contains definitions necessary to define terms and areas involved within the compact. Article III of the compact sets forth the organization of the Tahoe Regional Planning Agency. Article IV sets forth the personnel to be employed by such agency. Article V sets forth the method and scope of the plan to further the policy of the compact. Section (b) of article V of the compact relates the Tahoe regional plan for the basic application of the compact including land use, transportation, conservation, recreation, and so forth. Article VI defines the agency's power in furtherance of this compact. Article VII allows for the agency to establish the amount of money necessary to support the activities of the agency commencing July 1 of each following year and further provides for the allocation of such amounts from the States of California and Nevada as its interest appears. Article VIII of the compact provides that the compact shall be reasonably and liberally construed and further provides that the provisions of the compact shall be severable so as to make the compact separate even though a certain part or parts thereof may be contrary to the constitution of any of the participating States or of the United States and further provides that either State may withdraw from the compact by statutory enactment in order that this compact shall not have any effect upon the allocation or distribution of water rights. Article VIII further contains a provision that no provision of this compact shall have any effect on interstate waters or upon any appropriative water right.

Section 2 of the bill, as amended, requests the Secretary of the Interior and the Secretary of Agriculture upon request to cooperate with the agency in all respects and to carry out the normal duties of their Departments.

Section 3 of the bill, as amended, provides for a nonvoting representative of the United States to the Tahoe Regional Planning Governing Board.

Section 4 of the bill, as amended, provides that any additional powers provided for in the compact shall not be exercised unless consented to by the Congress.

Section 5 of the bill, as amended, provides that the consent to the compact shall not affect the powers, rights, or obligations of the United States into or over the region or waters which are the subject of this compact or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

Section 6 of the bill reserves the right to alter, amend, or repeal this act.

The following is a historical background, basic description of the area involved, its recent development, the problem involved to which this compact addresses itself, the need for a regional compact, the State legislation concerning the compact, together with its interim measures which clearly give a picture of the desirability for the Congress to consent to the compact.

HISTORICAL BACKGROUND

Lake Tahoe, a High Sierra Mountain lake, is famed for its scenic beauty and pristine clarity. Of recent geologic origin, the 190-square-mile lake bore little evidence of even natural aging processes when it was discovered by John Fremont in 1844. Because of its size, its 1,645-foot depth and its physical features, Lake Tahoe was able to resist pollution even when human activity began accelerating as a result of settlement and early logging operations. Even by 1962 its waters were still so transparent that a metal disc 20 centimeters in diameter reportedly could be seen at a depth of 136 feet and a light transmittance to a depth of nearly 500 feet as detected with a hydrophotometer.

Only two other sizable lakes in the world are of comparable quality—Crater Lake in Oregon, which is protected as part of the Crater Lake National Park, and Lake Baikal in the Soviet Union. Only Lake Tahoe, however, is so readily accessible from large metropolitan centers and is so adaptable to urban development.

BASIN DESCRIPTION

The Lake Tahoe Basin comprises a 500-square-mile area bounded on the west by the crest of the Sierra Nevada and on the east by the Carson Range. It is divided lengthwise by the California-Nevada State line with 75 percent of the land area and 70 percent of the lake surface area in California. About 40 small mountain lakes and 60 streams are within the basin which is drained by the Truckee River. Lake Tahoe itself is 22 miles long and 12 miles wide with a natural surface elevation of 6,223 feet above sea level. A small outlet dam raises the level to a maximum 6,229 feet above sea level. About one-third of

the basin is comprised of mountainous terrain with the remainder made up of slopes ranging from 1 to 25 percent. Vegetation is a mixture of desert, montaine, and alpine species typical of the Sierra Nevada's east slope. Most of the pine and fir forests surrounding the lake, having been heavily logged in the late 1800's, range in age from 40 to 80 years. A few stands of virgin timber remain in the more inaccessible areas.

Climate is strongly influenced by topography. Marine air moving in from the Pacific Ocean 150 miles to the west drops most of its moisture as it rises over the crest of the Sierra Nevada. Annual precipitation averages 50 to 60 inches on the basin's western slope but diminishes rapidly to about 30 inches or less along the east shoreline. Under the influence of marine air and the lake itself, temperatures are moderate: summers are cool and winters seldom severe. However, the basin's high elevation produces a relatively short growing season averaging only 70 frost-free days a year near the lake and about 30 in higher elevations.

The combination of weather, terrain, and vegetation together with highly erodable soils create within the basin a fragile environment. Consequently, greater than normal attention is required to preserve the quality of environment which is a prized asset that could be destroyed forever without proper controls.

RECENT DEVELOPMENT

A combination of modern trends has triggered explosive growth and development in the basin and along the lake shore. First, the advent of the high-speed, all-weather highway brought Lake Tahoe to within a short few hours' drive of major California population centers. This was coupled with a postwar boom in tourism and outdoor recreation that converted Lake Tahoe from a quiet summer resort to a year-round playground for water sports, skiing, and entertainment.

Population growth in the postwar years, particularly since the mid-1950's, has been rapid, perhaps exceeding even the explosive increases now characteristic of the Western United States. Although population data are not normally gathered on a regional basis, a special tabulation by the U.S. Census Bureau fixed the 1960 population of the basin at 12,461 permanent residents. Estimates in 1966 put the figure at 28,750, representing a tenfold increase since 1956. Peak summer population, estimated at 36,400 in 1956, now exceeds 150,000. It is forecast that by 1980 the permanent population will top 50,000 and the summer peak will exceed 300,000.

THE PROBLEM

This rapid population growth and accompanying commercial and residential development has posed a serious threat to the Lake Tahoe Basin's fragile ecology. Not only the scenic beauty of the region but the very quality of its natural environment are now at stake. Ominous signs of water pollution are becoming all too evident. The native Lahontan cutthroat trout no longer survive in Lake Tahoe because of man-caused changes in the habitat. Tree removal, excavations, highway construction, landfill, and other development activities have scarred the basin slopes and triggered destructive erosion. Outdoor recreation facilities, meanwhile, have not kept pace with the expanding public demands and accepted projections are for that demand to increase by five times in the period between 1960 and 1980. Fortunately, Federal and private land ownership patterns have served to maintain much of Lake Tahoe's natural shoreline quality, particularly the eastern shore. owever, pressures are mounting to develop these areas.

NEED FOR A REGIONAL COMPACT

The Lake Tahoe Basin, shared by the States of California and Nevada, has five county political subdivisions, two municipalities, more than 10 general improvement districts, three public utility districts, several sewer and sanitation districts, and innumerable public entities for schools, fire protection, soil conservation, and varied public services. In addition, the Federal Government owns and manages nearly half the total basin land area. The threat to Lake Tahoe's environment has been obvious and efforts to contain development and control the dangers of irreparable damage have been genuine and determined. However, the political fragmentation in the basin has prevented a unified and organized approach to the mounting problems.

STATE LEGISLATION

Recognizing the seriousness and complexity of the problem, the legislatures of California and Nevada in 1965 authorized a concurrent study of the Lake Tahoe Basin's planning and development control needs. The Lake Tahoe Joint Study Committee created by this legislation worked closely with local government in developing its report that was submitted to the two legislatures in March of 1967. Legislation developed from the study authorizing the formulation of a bistate Tahoe Regional Planning Agency with broad powers subsequently passed both legislatures and was submitted to Congress for ratification in 1968.

INTERIM MEASURES

Because of the urgency of the regional planning needs the Nevada Legislature adopted interim legislation in February of 1969 creating the Nevada Tahoe Regional Planning Agency to work with a counterpart California agency that had been operating since 1967. This provided immediate authority for the States to prepare a regional plan and for the exercise of individual controls pending congressional ratification of the bistate compact. Although the States cannot work together officially until the compact is ratified, the State agencies did undertake the employment of a joint staff to insure coordinated efforts. The Nevada agency, with the concurrence of the California agency, was prepared by the summer of 1969 to retain a planning consultant for the purpose of drawing up the Nevada portion of the regional plan.

After a study of all of the foregoing, the committee is of the opinion that the compact is meritorious and recommends that the bill, S. 118, be considered favorably.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the intention of the distinguished Senator from Mississippi (Mr. STENNIS) to lay before the Senate at this time the conference report on the military procurement authorizations bill, S. 2546.

Mr. STENNIS. Mr. President, if the Senator will yield, I should like to make a very brief statement about the conference report.

This is a very big bill. It contains many items. I assure the Senate that it has been gone over with a fine-tooth comb. There were 99 points of disagreement between the two bills.

The PRESIDING OFFICER. Does the Senator from Mississippi wish to call up the conference report at this time?

Mr. STENNIS. Yes, I do.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, 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 Nov. 4, 1969, pp. 32919–32922, CONGRESSIONAL RECORD.)

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. MANSFIELD. Mr. President, for the information of the Senate, there will be no action taken on the conference report which is now pending.

MARIHUANA, NARCOTICS, AND THE DRUG SCENE

Mr. KENNEDY. Mr. President, as a member of the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, I share the interest and concern of so many Americans over the facts, issues and laws relating to the use of marihuana. We have much still to learn about the nature of this subject, and the whole question of regulation and control of the use of marihuana is currently receiving a very necessary and long overdue reexamination.

There is no question that the subject is timely and important. An estimated 12 million Americans today have used marihuana at least once. From 30 to 40 percent of today's college undergraduates have smoked marihuana more than once, according to the best estimates of university health officials; and an estimated 20 percent of high school seniors in urban areas have tried marihuana.

Life magazine for October 31 presented a discussion of several aspects of the subject. Most shocking is the account of a young college student with an impressive academic and all-around background who is now serving a 20-year jail sentence for possession of marihuana. As the article points out, in the Commonwealth of Virginia the minimum penalty for possessing marihuana is 20 years, the same as the minimum penalty for first-degree murder. Penalties are equally startling, and equally harsh, in several other States.

The issue of Life magazine also contains a discussion by Dr. James L. Goddard, former Director of the U.S. Food and Drug Administration, of whether or not marihuana should be legalized.

The articles raise some very important questions about our laws and our attitudes on marihuana today.

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

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

FOR THE LONG-DISTANCE RUNNER WHO GOT CAUGHT—20-YEAR SENTENCE

(By Jane Howard)

Long-distance running is what Frank LaVarre misses as much as anything, now that he sits in the Danville, Va. city jail serving a 20-year sentence for possessing marijuana.

At his Tennessee preparatory school, Frank broke several track and cross-county records. When he entered the University of Virginia on a full scholarship in 1967, the track coach was glad to see a boy whose idea of a vacation was to ride a bicycle all the way to North Carolina. Often, for the joy of it, Frank ran alone through the Virginia woods—as many as 15 miles a day. Last year, the *Rapier*, an off-campus literary magazine, pretended to have stolen the flame from the Olympic Games in Mexico, and sought relay runners to take a torch supposedly lit from that flame from the Charlottesville campus to the Mexican embassy in Washington, D.C. Most volunteers did one-mile stints; Frank ran eight, nonstop.

But his next long-distance run was not on his own legs but in a Trailways bus, and his cargo was not a torch but three pounds of what court records were to call "a brown-green-grasslike substance—marijuana." In the Commonwealth of Virginia the minimum penalty for possessing more than 25 grains (about half a teaspoonful) of marijuana is 20 years, the same as the minimum penalty for first-degree murder.

Frank LaVarre was arrested in the Danville bus station Feb. 24, 1969. His bus was bound for Atlanta, where friends awaited the marijuana they had wired him $700 to buy. Acting on a tip from the police chief in Charlottesville, 110 miles north, where Frank had boarded the bus, Danville detectives took him into custody. In jail, he was invited to "cooperate" by divulging names of all university students he knew of who used drugs. As Frank declined to do this, his bond was raised from $5,000 to $8,000 to $50,000.

In court, he pleaded guilty. On July 30, after several hearings, Judge Archibald Aiken sentenced him to 25 years in the penitentiary, with five years suspended for good behavior. "Now, I want to say to you, young man," the octogenarian judge proclaimed, "that you still have time to mend your ways and make a useful citizen out of yourself." By this the jurist presumably meant that with luck Frank LaVarre might be eligible for parole after only five years, a quarter of his unsuspended sentence. That thought did not console Frank's mother and other kin in Nashville, Tenn. They feared the exposure to veteran criminals and homosexuals that the 20-year-old boy, who had never so much as stolen a hubcap, could expect in the penitentiary.

Until three weeks before his arrest Frank LaVarre had never tried marijuana. "I used to think grass was oh-oh, horrible, dangerous stuff," he says. But he kept hearing a lot of talk to the contrary—in Europe, where he spent a summer, and on campus. He heard it was "a nice way of relaxing and opening your senses, of getting into a real nice thing very quickly, with no hangover." He heard it would deepen his already keen sensitivity to music and arts. Still skeptical, he made many trips to the medical school library to read all he could find on the subject. (He forgot, however, to read about drug laws.) "He prepared for getting stoned," one of his friends says, "the way you'd prepare for a trip to the moon."

Finally convinced it wouldn't harm his body or his head, Frank tried marijuana and liked it. "When Frank liked something," that friend continues, "he liked it super." So it was with photography ("He'd stay all night working in the darkroom, and hang around all day at train stations taking pictures of old colored guys"), and music (Frank's taste had switched from Mahler to Bob Dylan) and food (he liked to astound his friends by cooking *escargots* and beef Stroganoff). So it was with his own dark brown hair, which to the woe of his elders grew down to his shoulders.

"I'd have grown it long sooner," says Frank, who has since had a prison crew cut, "but, see, McCallie is a semimilitary school." At McCallie, his preparatory school in Chattanooga, Frank was short-haired and exemplary. "He is very personable," his headmaster wrote to whatever college admissions officers it might concern, "a boy of high ideals and character, cooperative, loyal, interested in good literature and artistic things—a well-rounded, fine young man."

Two years later the fine young man was in police custody, being asked to name names. "I guess they figured Frank for a big-time head, the brains behind a ring of dope pushers, who was planning to make a big profit," a friend speculates. "But he wasn't even going to earn his *bus* fare. He was incredibly naive. In a way I envied his innocence. Friends asked him to carry them some pot, and he didn't want to be the low man on the T.P.—totem pole—so he was going to do it."

"He may not have been pushing," says one Danville official, "but he was doing right much transporting." Right much indeed—enough so that the court was little swayed by the 50 or so letters that poured in commenting on the boy's dazzling potential, lamenting his unlawful act, and respectfully requesting leniency. One letter offered to arrange group therapy sessions if the boy could be paroled to Nashville. Another, from a corporation president, offered him a job. "We need young men like him," the letter said.

Though some of Frank's friends regard him now as a romantic martyr-hero, others make it clear that he is, as one says, "no rose." Frank "didn't always make his bed or balance his checkbook," his roommate says. "Sometimes he'd do things, like letting his hair grow, just to rile people." He also was suffering an extreme case of a syndrome known to his mother as a Sophomore Slump, and to his contemporaries as a Freakout, or Zapout. His grades had slipped so badly that the university had suspended him for a semester.

Frank hoped to work that semester as a photographer in Atlanta. His arrest en route there was instigated by a tip to the Charlottesville police chief. The tipster, suggests a classmate, "had to be a close friend of Frank's, who was worried about him and thought it would be doing him a favor to get him busted. Some favor."

"I think it was a nark [undercover narcotics agent]," another classmate speculates. "Remember, Frank was a loudmouth. All his broadcasting around town about how great grass was could have got to the wrong ears. With pot, he was like a kid with a new go-cart: cautious at first, but then reckless. He wouldn't listen when I told him it *was* conceivable to be busted. The funny thing is, he didn't *need* grass to turn on with. Before he ever tried it he'd just sit sometimes and stare at a candle."

I've always been," as Frank says, "a staunch individualist." And so the individualist was into pot, with as much abandon as he had got into photography and Buddhism.

Now he has plenty of time to read of Zen and Gandhi and Asian wisdom, jailed in a city where the phone book lists 208 clergymen and 124 churches to serve 49,900 souls, where a boy recently died from inhaling Bactine sprayed into a paper bag. Danville people fear, as a prominent citizen puts it, "that the marijuana seed might get loose and grow wild in this part of the country.

"It worries the goose eggs out of me," the man says. "But we're not going to put up with any foolishness, and everybody knows it."

An honor student at the university disagrees. "The older generation had better get used to pot," he says, "because it's *here*, and I don't think it's going anywhere. If they're going to lock up people like Frank LaVarre, they're going to have a violent revolution on their hands."

"We went to college in the Depression," says Frank's mother, "but these kids had so much handed to them on a silver platter." She and her husband, who died six years ago of cancer, gave their three children an exceptional childhood. Mr. LaVarre represented the Singer Company in South America, and raised his family there in what apparently was a cheerfully bilingual atmosphere, with servants, and, as Frank puts it, "a lot of cultural enrichment."

It puzzles many people that so promising a scion of so enriched a background should now face two decades—or at the very least five years—behind bars. Among the puzzled is a minister in Danville, who comments that "the law Frank was tried under was meant to catch very heinous persons." Clearly the minister has doubts that Frank, whom he has often visited, is "very heinous." In fact, he seems to detect in the young prisoner a certain contemporary valor. "Nobody's going to sing Homeric chants about most of the bravery in today's world," the minister says. "Is Frank religious? He might not want me to say so, but he *is*, in the best sense of the word.

In jail, right much though he longs to be elsewhere, Frank quotes a Japanese haiku: "My storehouse having burnt down, nothing obscures my view of the bright moon."

"See," he says, "I love life. I love the world. Everything about it fascinates me. I'm stoned all the time on nothing, just on being alive. The food here is a gastronomical disaster, sure, and I miss a lot of things, but I have to try to learn something from the experience."

Frank's attorney has filed an appeal to the Virginia State Supreme Court. Frank sits waiting and doing calisthenics in the Danville city jail, pallid as your belly from being outdoors only three days since last February 24, but, he says, "incurably hopeful."

SHOULD IT BE LEGALIZED? "SOON WE WILL KNOW"

(By Dr. James L. Goddard)

Man has used marijuana both socially and medicinally for several thousands of years and yet today there is little scientific knowledge of its dangers or merits. In spite of our lack of knowledge, an estimated 12 million Americans have used the drug in recent years. Now we are in a near crisis caused by ignorance and the blanket of misinformation which governmental agencies have used to cover their ineptitudes.

One thing we know about marijuana is that it is definitely not a narcotic even though our federal laws (and most of our state laws) restricting its usage erroneously define it as such. The effects of the drug are variable, depending largely on the experience of the user, his mood, the quantity smoked or eaten, the potency of the plant and the form the drug is used in—leaf (grass) or resin (hashish). The drug effects sought by the user are a state of relaxation, an enhancement of sensory stimuli, particularly sound, an apparent expansion of time, a dispelling of the problems of the day. He may also experience a marked increase in appetite, a slight increase in pulse rate, a pronounced dryness of the mouth and throat, a sensation of heaviness of the extremities. He may even experience a mild period of depression and in some rare cases, an acute panic reaction which may lead to brief hospitalization.

Marijuana, unlike narcotics, does not pro-

duce tolerance, requiring higher dosages to produce the same effect. Nor does it produce addiction, which is true of narcotics. But this does not mean it is without its dangers. The principal danger is that one may become psychologically dependent on marijuana and, instead of coping with the everyday problems, withdraw through frequent use of the drug. Adolescents are particularly vulnerable to this danger because of their limited experience and less well-developed habits of living.

Though marijuana has been the drug first used by 90% to 95% of heroin users in the U.S., there is nothing inherent in it to cause people to switch from it to the addictive and more potent drugs. Rather it is thought that personality factors are responsible. I find parents to be most concerned about this one facet of the problem, and the only reassurance I can offer them is that while marijuana usage has skyrocketed in the last decade, heroin addiction has increased only gradually.

Some of the questions we must answer are:

Does long-term usage of marijuana have harmful effects?

Does it affect the reproductive processes?

What type of treatment will be most effective in rehabilitating chronic marijuana users?

What conditions favor continuation of marijuana use as opposed to moving to hard drugs?

What kinds of educational approaches are most effective in reducing misuse?

Does marijuana affect human chromosomes?

Steps are being taken to obtain answers to these and other questions. The major support for this research comes from an element of the U.S. Public Health Service—the National Institute of Mental Health. Its program was initiated early this year, although limited studies had been supported in earlier years, and involves providing funds ($1 million in fiscal year 1969) and supplies of the drug in both natural and synthetic forms to scientists in institutions across the U.S.

Phase I of the program—assuring adequate supplies of the drug for testing—has been largely completed. Phase II—study of the effects on various animals—is under way. Parts of Phase III—clinical tests on humans—have been started. Answers to some of our questions will be forthcoming within a matter of months. Within two to three years, according to Dr. Stanley Yolles, director of NIMH, most of what we need to know will be available.

Our laws governing marijuana are a mixture of bad science and poor understanding of the role of law as a deterrent force. They are unenforceable, excessively severe, scientifically incorrect and revealing of our ignorance of human behavior. The federal and state laws should be revised to reflect the fact that marijuana is a hallucinogen and should be classified as such. The federal statutes should be repealed, and the Food, Drug and Cosmetic Act should be amended to bring marijuana under the jurisdiction of that act, thereby automatically de-escalating the penalties for simple possession to a more reasonable level (a misdemeanor, with the judge being given considerable authority to adjust the penalty to more nearly fit the circumstances). At the same time sufficiently serious penalties should be provided to handle the major traffickers in the drug. State laws should then be revised in conformance with a model law containing similar provisions.

I do not believe that marijuana should now be legalized, and the steps which I have suggested will not satisfy those who seek to legalize it. Their arguments are that the laws are not enforceable, that the use of marijuana is a private act and does not harm society, and that marijuana is less a danger than alcohol. These are attractive arguments but they begin to break down upon closer examination. First, although not precisely defined, law may have a deterrent effect. Second, although the use of marijuana is a private act, it has the potential to cause harm to society. One has only to visualize marijuana being more freely available and more widely used by adolescents who have not learned to cope with the problems of daily life, and it is not difficult to reach the conclusion that cannabism would become a societal problem. Our inability to keep cigarettes away from minors should serve as a reminder that we would not be able to keep marijuana out of their hands.

I know that my stand on marijuana may seem contradictory. If the *known* harmful effects of alcohol and tobacco are greater than those of marijuana, and those substances are legal, why do I not advocate legalizing marijuana? I believe that if alcohol and tobacco were not already legal, we might very well decide *not* to legalize them—knowing what we now know. In the case of marijuana, we will know in a very few years how harmful it is or is not. If it turns out to be relatively harmless, we will be embarrassed by harsh laws that made innocent people suffer. If it turns out to be quite harmful—a distinct possibility—we will have introduced yet another public-health hazard that for social and economic reasons might become impossible to dislodge.

Mr. KENNEDY. Mr. President, last Sunday the Boston Globe contained an impressive, in-depth, and informative discussion of the more general question of drug use and drug abuse in our society today. The Boston Globe presentation discusses the wide use of marihuana among college students, high school students, and even junior high school students, as well as among many of our other young citizens. The discussion also covers the subject of laws against marihuana and the need for reform.

The Boston Globe presentation includes firsthand observations from those who have used marihuana, and from parents of teenagers who have turned to serious drugs.

I am acutely aware of the drug problems because of the situation in my own State of Massachusetts. In 1967–68, there were 1,323 heroin arrests statewide. In 1968–69 the figures jumped to 5,295 cases, and the projected figures for 1969–70 will bring the cases up to almost 7,000.

In Boston, the average age of a drug user has dropped from age 27, 5 years ago to age 21 today. The rate of known drug use in Boston is rising at a higher rate than in any other city in America. Heroin use in Boston has increased 10 times since 1965.

The nationwide costs of situations such as this are staggering. As Dr. Stanley Yolles, Director of the National Institute of Mental Health, testified before the Subcommittee on Alcoholism and Narcotics:

A conservative estimate of the total involuntary social costs of narcotic drug abuse amounts to $541 million per year. Unfortunately, it is not possible to provide an accurate estimate of the total narcotic and non-narcotic drug abuse costs to society . . . it is probably 5 times the narcotic drug estimates, hence in the range of $2 to $3 billion per year.

Mr. President, the Boston Globe discussion covers a number of important points and issues on the drug scene today. I ask unanimous consent that it be printed in the RECORD.

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

THE DRUG SCENE—WHAT EVERY PARENT AND TEENAGER SHOULD KNOW

(By Carl M. Cobb)

America is a drugged society, in the grip of an epidemic that is spreading rapidly to teenagers in city and suburb alike.

Psychiatrists agree that today's teens have had 20 years of widespread drug use among adults to serve as a model.

"There are more than five million alcoholics in this country and millions more using the martini on a regular basis to escape from reality," one psychiatrist observed.

"It should come as no great surprise to see the teen-ager using different, more powerful, more effective drugs as an escape mechanism," he added.

Millions of today's college and high school students grew up in homes where the sleeping tablet, the tranquilizer and the pep pill were used regularly by adults.

The single most startling fact about the current drug scene in America is the rapid drop in the age level of boys and girls experimenting with a wide range of drugs.

Authorities note that it took five years for the use of hallucinogens to move from the postgraduate to the undergraduate college level.

It took only three years to spread from college campuses to senior high schools.

. . . And it has taken only two years to reach into the junior high schools and the upper grades of some elementary schools.

Drug users in the junior high schools?

"Marijuana and pill popping are a reality in junior high schools throughout the Greater Boston area," Richard Callahan, regional director of the Federal Bureau of Narcotics and Dangerous Drugs, says emphatically.

Middle class America's smug assumption that the drug problem is confined to a small inner city area has been smashed in recent years.

Spreading beyond the college campuses, the drug scene and drug arrests are a reality in every Boston suburb. The past year has seen the sons and daughters of physicians, professors and parole officers "busted" for drugs in more than a dozen Boston area communities.

Perhaps the best barometer of drug use is heroin arrests.

"When the 'hard-stuff' is making the rounds we know the whole spectrum of drug abuse is in the area," a leading police official explained.

There have been a score of heroin cases in Maine in the past 18 months, according to federal officials. Vermont had never had a federal narcotics raid two years ago. Today heroin arrests are a fact of life and federal agents are working the Green Mountain State on a regular basis.

The declining age level and rapid spread of drugs are just part of today's realities.

Some others:

Americans are paying an estimated $500 million for ILLEGAL drugs every year.

In Boston, heroin addicts will spend more than $5 million this year to feed their habit, most of the money obtained through criminal activity.

One of every ten college students in the United States is believed to have tried "mind-blowing" LSD or similar drugs at least once.

Roughly one third of today's college undergraduates has smoked marijuana more

than once, according to the best estimates of university health officials.

Probably 20 percent of high school seniors in urban centers have tried marijuana at least once.

One of every six of the nation's physicians misuse drugs or are addicted to them, according to the American Medical Assn.

In some American units in Vietnam regular marijuana use runs as high as 90 percent of the troops, according to military psychiatrists.

Most parents know little about the extent of the drug problem and even less about the language of drug usage.

The teen-ager who does not know where to obtain illegal drugs, especially marijuana, is a rarity.

How "square" parents can be was dramatized recently at an evening discussion between students and parents at a local suburban high school.

During the question and answer period one mother said she could see that marijuana might be a serious problem if there were a source of the drug, but there was none in her community and, anyway, most of the kids didn't "get into Cambridge" very often.

The discussion leader asked a boy in the audience how long it would take to find a source.

"About 30 minutes," the boy replied.

The fact is that at most high schools a marijuana source—usually another student—is as near as the school parking lot or washroom.

Profit is not always the seller's motive. In many high schools the student with a reliable source of marijuana has replaced the athlete as the Big Man on Campus.

Somewhere along the line, of course, there has to be a supplier dealing in marijuana, LSD or heroin for profit.

The presumed sharp decline in LSD and related drugs among college and high school youths may be reversing itself, federal officials report.

A nationwide survey shows hallucinogen arrests up enormously in the last six months, and Boston is part of the pattern.

Richard Callahan, the top Federal drug abuse official in this area, offers two explanations for the marked increase in LSD and similar drug arrests.

"Either we are getting better at tracking down the sources and breaking up the distribution rings, or there is a resurgence in the use of these hallucinogens."

Despite all the adverse publicity LSD had received, Callahan believes it is now a regular part of the scene among the drug-addicted.

Acid remains a serious problem and the "bad trip" is a reality.

The first documented case of a baby born with birth defects because the mother had taken LSD was reported in 1967. The baby was born with a severely deformed right leg.

The infant's mother, a 19-year-old college co-ed, had gone on four LSD trips during her pregnancy, causing a breakdown in the body's chromosomes controlling hereditary characteristics.

Since then literally dozens of similar cases have been documented in girls across the nation. A recent medical meeting heard a report on 20 LSD deformed babies from a single Washington, D.C., physician.

Boston has been a center for the "underground chemist" turning out LSD, and now, related compounds.

Most parents and teen-agers don't know dimethyl-tryptamine, but many teen-agers do know DMT. Callahan's agents report DMT was being manufactured in Boston in "large quantities, apparently for distribution to other parts of the country."

There are a whole string of letter combinations standing for various chemicals that will produce the mind-blowing trip that provides an escape from reality unlike anything the alcoholic ever encountered.

The current rage in the Midwest is 3-methoxy-4, 5-methylenedioxy-amphetamine (MDA), and there have been increasing amounts turning up in Boston in the past 90 days.

Officially described as three times stronger than mescaline, the ancient Indian hallucinogen derived from cactus, MDA is a nutmeg derivative being manufactured illegally.

Marijuana, although conceded by medical authorities to be less dangerous than LSD, also can lead to behavioral problems. Despite this reality it is in growing favor among the under-25 set.

Some young married couples use marijuana at social gatherings as casually as their parents offer guests a cocktail. They are quick to point out that alcohol is a drug, a killer and that millions of the previous generation are "hooked."

Reaction to the mounting drug problem ranges from a firm denial that it exists and deep concern about adverse publicity over drugs in some communities, to vigorous education programs for both parents and teen-agers in some communities.

"Any drug education which is not scrupulously honest will fail with the kids," one psychologist stresses. "Once you exaggerate, you lose them."

Parents are wrong if they believe that marijuana is an inevitable stage in a progression toward stronger drugs like LSD or heroin.

Teen-agers are wrong, if they argue that marijuana never leads to any of the other drugs that come along in an almost endless chain.

It is true that most marijuana users do not go on to heroin, yet at the same time it is true that most heroin users did start on marijuana.

This is the aspect of the problem that has school officials, psychiatrists and law enforcement officials worried.

"If only 1 of every 1000 marijuana users ultimately goes on to heroin we are in for big trouble in the 1970s," a local university psychiatrist predicts.

Marijuana use has mushroomed in recent years and law enforcement officials are seeing striking changes in the heroin problem.

In Boston, Callahan reports "the entire heroin picture has changed in the past two years in this region.

"Heroin sources were limited to the South End and Roxbury two years ago. Today it is being pushed on Beacon Hill, in Beverly, in East Boston—no section of the city is immune. Lowell and Lawrence have a heroin problem today."

Callahan continues, "It is not just the location that has changed. Two years ago the bulk of the heroin supply came in with individual traders from New York City. They would go down, buy a $5 bag of 'H', return to Boston and sell it for $10.

"Today Boston is a distribution point. Heroin is shipped here in bulk, cut down and sold directly. We are on our own. New York City is no longer the source for Boston."

The dramatic changes in the heroin picture reported in Boston are being substantiated by police officials in other cities where the problem was once considered minor. Pittsburgh, St. Louis, Detroit, Dallas all report sharp increases in heroin arrests over the past 24 months.

Another change in the picture of "hard stuff" in Boston is the growing use of cocaine, almost non-existent two years ago. Cocaine is addictive and is linked to other drug use. Unlike marijuana, the number of users who jump from cocaine to other drugs is substantial.

Callahan puts the drug problem in two categories: the experimenter, and the drug-dependent user. Both categories are growing.

Psychiatrists are convinced that a portion of the experimenters go on to become drug dependent, whether it is with marijuana, hallucinogens or, ultimately, heroin.

Another official in the Federal Bureau of Narcotics and Dangerous Drugs, John G. Evans, sums it up this way:

"I sometimes think the whole world is going insane, but I doubt that drugs are the cause. They are the result—a form of escape.

"Meanwhile a lot of good kids are going down the drain before they can be stopped.

"The ultimate solution has to involve everybody in this country. No one arm of the government is capable of doing it. Everyone has to put in some collective thinking on solutions. And it is going to cost a lot of money—one hell of a lot of money."

MARIJUANA: JUST WHAT IS DANGER IN THE GRASS FIRE?

(By Herbert Black)

One of today's most controversial questions is whether marijuana is a dangerous or harmless drug.

Parents and non-users assert it is more dangerous than alcohol and attack its use in righteous and indignant tones. Young people, on the other hand, label police as unknowledgeable and narrow-minded establishment squares.

Most would agree that there can be no simple answer. Many factors are involved in addition to the actual smoking of pot. These include the personality of the user, the purposes for which marijuana is used, the circumstances under which it is smoked, the quality of the pot, the age and economic status of the user and frequency of use.

A big problem in making a true assessment is that these factors often become confused with rebellion—driving the young into a rigid defense posture and their elders into an equally rigid attack position.

It is essential to look at the record.

Two major committees of the American Medical Assn. have labeled marijuana as dangerous to certain individuals. Its Council on Mental Health and Committee on Alcoholism and Drug Dependence took a formal position after a conference in Chicago.

The doctors agreed that marijuana will not hurt everybody but that it will harm certain people. "Because it is impossible to tell in advance who will be harmed, the drug must be classified as dangerous. Everybody takes a risk in using it."

It is estimated that 20 to 25 percent of the population—the percentage with demonstrable instability before taking marijuana—is the most likely to be harmed.

A study at Boston University, during which marijuana was smoked under settings simulating pot parties, indicated that marijuana could be classified as "a mildly intoxicating drug that significantly affects behavioral and thought processes for short periods of time."

The investigators said their study, involving only nine persons, was too limited to make generalizations about dangers. The study found no increase in heart rate and no change in respiratory rate or in sugar levels. They found that the effects wore down in about 15 minutes and were completely gone in three hours.

American Medical Assn. physicians, however, reporting on the basis of their own clinical practices, said they have treated many young persons for psychiatric complications associated with marijuana use.

The Massachusetts Supreme Judicial Court ruled last January, in upholding state laws banning the use and possession of marijuana, that pot is a mind-altering drug.

The court made the point that marijuana can have different effects on different people and said the evidence in a trial here indicated "the smoking of marijuana may cause

a state of euphoria and hallucinations or mental confusion and acute panic."

The court said "use of marijuana tends to exacerbate underlying mental conditions and to accentuate the smoker's basic personality makeup."

It also said "there is considerable evidence that marijuana does lead some people to the use of more dangerous drugs. The progression from marijuana to heroin is a frequent sequence."

Dr. Dana L. Farnsworth, director of the Harvard Health Service, told a conference on drugs of the American Medical Assn. that recent interest in drugs has centered in large measure on quite different motives—of the users—than formerly. It now involves the desire for a new experience, the development of greater insight into the nature of behavior, a means of expressing disapproval of the values of society, a form of expressing adolescent rebellion against parents.

He made the point also that there is no "typical user" either in terms of economic status, individual psychodynamics, motivation or frequency of use. "Moreover, individual responses to drugs vary greatly, and even vary in one person from time to time."

The greatest obstacle to studying drug use, he said, is that it is so laden with meanings, some appropriate and some not, that the issue becomes a vehicle on occasion of intellectual or emotional acting out.

When drug users talk about drug experience they frequently employ a tone of self-righteousness which may stem from their belief that they have found "the right way," he said. "Rather than believing in everyone's right to do his own thing, drug enthusiasts tend to proselytize and to dismiss those who disagree or who are not interested."

A number of experts have testified in recent months, both in the Boston trial and at medical meetings, that chronic marijuana use does decrease an individual's drive. If a person wants to drop out of society, the drug road is an easy avenue of escape. But if normal ambitions to achieve something are important, then it appears that one must exercise caution.

Most marijuana users and many impartial observers would contend that moderate use of marijuana and conventional drive and achievement are not mutually exclusive. But the question arises—as it does with an alcoholic—when does one reach the point between moderation and habituation. Even casual use blunts normal drive temporarily and this could be easy for some people to get used to.

As doctors have been saying more and more frequently in recent months, "We have 5 million alcoholics in the country now. We can do without 5 million potheads in addition."

The use of marijuana might be viewed then as a highly individual matter. At one end of a sliding scale are people who have no serious imbalance of personality, no serious emotional problems, who try marijuana once or a few times out of curiosity. They may even enjoy an occasional pot party in adulthood. Most of them find pot fails to provide insights into the meaning of life or into their own character that they thought it might. They smoke it for pleasure.

Then there is a group who get involved with marijuana, grow to enjoy the pot parties and associations and suddenly find out that they are deeply dependent on it. They manage, often only with help, however, to extricate themselves from the situation.

A third group comprises people with serious emotional problems who find they can put such problems out of their minds under the influence of marijuana. These people often find themselves falling deeper and deeper into a dream world where they drift along. These people often are the ones who eventually move on to LSD and heroin.

Many psychiatrists have pointed out that while marijuana is not what one considers an addictive drug—that is a user does not suffer pangs as in heroin withdrawal—a minority of users can become marijuana-dependent. This means that they can become so habituated to a way of life in which they don't use their mental capacities that they become noncontributing and passive members of society.

The following are questions most often asked about marijuana.

Q. What is there about smoking pot that gets the user "high"?

A. A resin called tetrahydrocannabinol is carried into the lungs. The resin passes across the lungs into the blood and circulates to the brain, where it affects the central nervous system.

Q. How can one tell if a person has been using marijuana?

A. There really is no way to tell. Marijuana can mimic both the depressing and exhilarating effects of alcohol. The user might be quiet and introspective one time and highly excitable and talkative the next.

Q. Does marijuana affect vision?

A. It often makes near objects appear distant. A driver under the influence risks danger of collision. For some people colors are heightened. A driver might be unable to distinguish between a green light and a red light on a traffic signal.

Q. Are there other effects on perception?

A. Yes. Perception is disturbed. Minutes may seem like hours and seconds appear to last minutes. Space may be broadened so that a driver obtains a distorted view of what is in front of him. Oddly enough, however, marijuana appears to make drivers more cautious and less sure of themselves. Alcohol makes drivers overconfident in most instances.

Q. Does marijuana lead to criminal acts or violence?

A. Usually not unless there is an underlying personality defect. There is no evidence that marijuana "per se" will induce criminal acts.

POT AND THE LAW—A FELONY IS A FELONY IS A FELONY

(By Richard A. Knox)

Dr. Dana L. Farnsworth, director of the Harvard University Health Services, says various estimates of marijuana use among the 10,000 students at Harvard and Radcliffe range from 15 to 70 percent.

"No one really knows, of course," Dr. Farnsworth said, and the problem is further complicated by the need to specify whether any statistic refers to regular, occasional or one-time users—and what is "regular" and "occasional."

The health service director's personal impression is that "at least half have tried marijuana at least once." Of these perhaps 10 percent are "regular," chronic users. In the remaining 90 percent, there are probably as many who have smoked marijuana more than 20 times as there are those who have smoked the weed less than 20 times.

The doctor also quoted from the thesis of a "very responsible student" who found that 100 out of 172 Harvard students had used marijuana. A book published this Fall by Harvard senior Mark Gerzon entitled "The Whole World Is Watching" asserts that 50 percent of Harvard students use marijuana.

A recent survey of high school students showed that in some areas 50 percent of them have had some experience with it, Dr. Stanley F. Yolles recently told a Senate judiciary subcommittee considering changes in the federal narcotics laws.

By the conservative estimate of Yolles, who is director of the National Institute of Mental Health, marijuana has been used at least once by at least eight million Americans, and possibly by as many as 12 million.

"Can you imagine what would happen to the law enforcement and corrections system of this country if each of these 12 million people had been caught by a policeman when smoking his first marijuana cigarette?" Yolles said.

These figures have more than shock value. Lurking beneath the various raw percentages is the unavoidable fact that there are between 1500 and 7000 potential felons enrolled at Harvard.

Obviously, all these people cannot be dismissed either as a "hippie fringe" or as hardened criminals. Thousands of the nation's brightest students, the leading professionals and scholars of the future, could have their careers ruined if they happened to be in the wrong place at the wrong time.

They wouldn't even have to be marihuana-smokers to become narcotics felons. Under Massachusetts law, merely being in the presence of marihuana (or other narcotic) can get a person five years in the state penitentiary.

Under this statute, a government attorney must demonstrate that the person charged had "knowledge" of the drug's presence, according to a state Supreme Court decision of about eight months ago.

"But as a practical matter, 'knowledge' must be inferred from facts," according to a government attorney. In other words, a specific jury may decide that the circumstances surrounding the arrest of someone on a "presence" charge may warrant the assumption that he must have known a drug was being used.

Item: One of the many inconsistencies in the drug laws is the fact that the first-offense penalty for marihuana possession is 3½ years, compared with a five-year sentence for merely "being in the presence."

Critics may ask whether it isn't being overly dramatic to say that careers are ruined by a simple marihuana conviction. What, exactly, does it mean to be "a felon?"

One indication is the number of routine forms filled out as a person progresses through life: job forms, drivers license application forms, credit and insurance forms. Many if not most of them inquire whether the applicant has ever been convicted of a felony.

If the answer is "yes," the next question invariably is "what type?" and the applicant is forced to reply: narcotics. The law makes no real distinction between conviction for a marihuana felony and a heroin felony, and neither do most questionnaires.

Revocation of a drivers' license, or of the right to vote, may be a major nuisance. It doesn't really compare, however, with the difficulty a "felon" encounters when he attempts to join a state bar association in order to practice law, or to be licensed to practice medicine.

He quickly finds: a felony is a felony is a felony.

"We're talking now about millions of young people who are using marijuana and thousands and thousands who are being arrested in raids every single day," said Boston attorney Neil Chayet recently at a convention of the American Medical Assn.

Chayet, who also teaches legal medicine at Boston and Tufts universities, is one of the most vocal and articulate advocates of reforming the state and federal drug laws to conform with changing social patterns and the overwhelming evidence that marijuana—whatever its debatable physical and moral effects—is not in the same drug category as heroin, LSD, and methamphetamine or methadrine ("speed").

(Paradoxically, the most dangerous, "speed," which is injected hypodermically, is legally classed as merely a "harmful drug," not a narcotic.)

Conclusion: "The first thing we have to do is to have a realistic classification of these substances" so we stop treating all mari-

juana smokers like hardened criminals. Chayet ardently believes.

If reclassification is "the first thing," then revision of the arbitrary and harsh penalties is the second.

As already mentioned, the unshakeable label of "felon" is a severe penalty in itself. But on top of that, sentences specified for marijuana possession, "pushing" (in the eyes of the law, transfer of pot from one person to another, no matter how casual) and "being in the presence" range from 3½ years in Massachusetts to 20 years in states like Michigan, Georgia and Washington.

In Georgia a subsequent marijuana conviction can actually bring the death penalty, according to statute. "There is a fellow in the state of Washington," Chayet said, "who is serving a 20-year sentence for simple possession of marijuana. He finds it very difficult to understand why he has 20 years and the fellow in the next cell who killed his mother has only seven."

On top of state drug laws, the punishments prescribed by federal narcotics laws for marijuana as well as other narcotics are also harsh.

Present law provides a mandatory five-year sentence for the first sale of marijuana. Penalties range to 20 years for the first offense and 40 years for a second with no provision for probation or parole.

Two pending bills would retain those penalties but allow for parole and probation.

Pending bills also would retain the present 2-to-10-year first-offense sentence for possession of marijuana. Like the present law, they would allow probation or parole.

"The principle and the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users," Dr. Yolles told the Senate subcommittee.

In Massachusetts, however, a new law signed this Fall by Gov. Francis Sargent will begin to provide a more humane alternative to harsh prison sentences when it is put into effect in about a year.

The new law will give first offenders the legal right to receive physical and psychological treatment for drug dependency instead of prosecution for the offense—if a medical examiner certifies to the court that the defendant needs such treatment.

In other words, if the defendant requests treatment and the court finds that he needs it, the court must stop prosecution if treatment facilities are available. In the event that treatment is not available, the court will continue the case until treatment becomes available.

The law will cover both "hard-core" addicts, marijuana users, and drug users in between because of the broad way that "drug-dependency" is defined: a drug-dependent person is a person "unable to function effectively and whose inability to do so causes or results from the use of a dependency-related drug."

While the so-called new Quinn Drug Law (after Atty. Gen. Robert Quinn) will provide an alternative for those picked up the first time for possession and being in the presence of drugs, it will not affect the penalties for these offenses in cases where the defendent is found not to "need" treatment for "drug-dependency."

Those who smoke marijuana, for example, but also "function effectively" will not benefit from the new rehabilitation provision. They will still be subject to the same penalties as before. While the law may be viewed as a liberalization of drug laws in making treatment a legal right, it will not allay the criticism of many who take issue with the harshness of the penalties for possession and "presence."

Obviously, out of thousands who have been arrested in marijuana raids, few have actually served time in jail, with the exception of those arrested in California, where courts have shown a disposition to sentence even first-offenders to prison.

So if only a few people are actually serving the lengthy terms, why worry about what's on the books?

The reason, as Chayet and others have explained, is that the severity of punishment invariably forces the plea of guilty—whether or not there was actual guilt.

Although Nixon's Atty. Gen. John Mitchell recently said he favored more lenient penalties for marijuana offenders, the official Justice Dept. recommendations for legislation would class marijuana with heroin and LSD and continue mandatory jail sentences for its use—with total disregard for medical and scientific evidence of the properties of the drug or its effects, Yolles charged.

Chayet talked at the A.M.A. convention about the implications of these legal policies.

"It's a very funny thing," Chayet said. "Many people want to be the test case that takes these laws to the Supreme Court of the state or of the country—until they get arrested. Then they don't want to be a test case any more."

The reason is simply the intimidation of severe penalties if the court battle is lost. Few attorneys are willing to take that risk for their clients. Fewer still are the young people who have access to the kind of legal help and money to pay for it that legal resistance would require.

The result: a couple of days before the trial date, the district attorney's office commonly calls a defendant and offers probation in return for a guilty plea.

When the alternative is either probation (in which "all they have to do is call a much-harassed probation officer once a month to let him know they are still within his jurisdiction," Chayet explained) or almost certain incarceration, the temptation to plead guilty is overwhelming.

"The thing that troubles me," said Chayet, "is that they think they have gotten off free. In reality they have not."

The lawyer personally believes that the severe penalties for marijuana convictions are unconstitutional by reasoning parallel to a federal court's recent finding that the mandatory death penalty in the Lindbergh federal kidnap law was unconstitutional. The severity of the punishment invariably forces the plea of guilty, and makes a fair trial impossible.

Still other faults that are found with current drug laws include one involving the statutes in Massachusetts and New York which require every physician and every hospital to "squeal" on patients they have treated for abuse of narcotics.

One doctor, when asked his opinion of this requirement, responded: "I don't even want to tell you that I know about that law. If I knew about it and followed it, I wouldn't be able to help anybody who came to me for drug abuse, for the simple reason that no one would come."

Specifically, the law requires doctors to supply to state authorities "within 72 hours of treatment" a statement containing the patient's name, address, height, weight, date of birth, eye and hair color, and narcotic drug treated for. This is made available to any state or federal agency that requests it.

Opponents of this law include many otherwise conservative doctors who complain that it forces a breach of the confidential relationship between patient and physician.

On a larger scale, they say, the law militates against a drug-user seeking medical help if he needs it. In effect, he is punished for going to a doctor.

Meanwhile the pot parties go on at all levels of society, from junior high schools to professorial cocktail parties, and young people continue to be stigmatized by drug arrests.

More than ever, the administration of drug laws is being left in the hands of local police, who may not have the expertise or the manpower to exercise this authority so as to preserve everyone's full legal rights.

This is of prime concern to Richard Callahan, director of the Boston area office of the Bureau of Drug Abuse Control.

Callahan said that his professionals are spending nearly all their time on a burgeoning heroin problem, in tracing the supply and distributors of the "hard stuff." This means that administration of marijuana laws is left to local police, and ultimately the responsibility rests with the beat cop and the lower police echelons.

"The man on the beat with a high school education is forced to decide whether to raid the local junior high school," Callahan said recently. "Who interprets who gets busted? Who gets in the patrol wagon? These are the questions that must be answered in each instance.

"The police are more unsure of what to do. This is no longer the black kid, but the professor's son or daughter." Callahan worries that "we may be heading toward a double standard of law enforcement."

Many people are complaining, too, about the way in which the youths are arrested. Many drug raids are "gangbusters" affairs, with kids being hearded against the walls, hands up, by policemen brandishing guns.

The new Massachusetts law will attempt to remedy injustices stemming from careless or unsophisticated administration. The new measure provides for establishment of a program to train all Massachusetts law enforcement men—state, municipal and Metropolitan police—in what the narcotics laws are and in techniques such as detection and identification of drugs and procedures in carrying out drug raids.

Unknown at present is whether the state Legislature will appropriate enough funds to carry out a program of the scope the new law provides. Even if funds are forthcoming, it will be some time before the program can be set up and begin to train the state's police officers.

Meanwhile, with the opening of schools and colleges and congregations of large numbers of young people again, more abrasive contact between drug-users of all categories and policemen can be anticipated.

Neil Chayet, for one, is worried about this abrasion and ill will between cops and kids, and what it may all mean. "I think we've been making a mockery of justice for a huge segment of the American people," said Chayet (who does not, by the way, support legalization of the drug.) "The youth of America are our most important asset and we must deal with them on a level which they deserve."

For many people, marijuana particularly, has come to be associated with defiance of the law in a cause-and-effect way. Thus many arguments against the drug are based not on avoiding possible physiological effects but on crushing the youthful defiance that the weed symbolizes.

No matter what side of the fence one is on, the most moderate observers of the present emotion-laden situation appear to agree that two things are needed:

—First, more medical and psychological research. Young people are immune to moralizing and temperamentally impelled to question everything from the opinions of "authorities" to the "validity" of a law;

—Second, new laws must be drawn up at the state and federal level and new training methods must be developed to teach police to enforce them. Present laws and present methods of enforcement are unrealistic to most police, court officials, parents, school administrators and youth alike.

DRUGS AND CRIME: CONSTANT COMPANIONS, THOUGH VIOLENCE RARE

(By Ray Richard)

Both crime and the prevalence of illegal drugs have climbed at an alarming pace in recent years in Massachusetts and throughout most of the country, and law enforcement officials see a correlation between the two.

Not all of the increase in crime can be blamed on drugs. Deputy Supt. Joseph Jordan of the Boston Police Dept. observes, "The main cause of the climbing crime rate is the changing attitudes and behavior of our people."

But people who illegally want or need drugs need money. It is an expensive habit. And most of them, because of their addiction, can't keep steady legal employment.

Heroin costs anywhere from $2 to $40 a "fix." Even a small habit requires two or three fixes a day. "That could add up to $120 a day," explains Jordan.

Boston has an estimated 500 heroin addicts, he adds.

There are also people on pills—the barbiturates, amphetamines—even tranquilizers. An increasing number are resorting to methamphetamine, commonly called "speed." The number of people in Massachusetts seeking money for these drugs reaches into the thousands.

They account for a lot of crime. Not so much the violent crimes often in the past thought to be typical of the drug addict.

More likely, the addict will shoplift, steal from parked cars, seize handbags, forge checks, write fake medical prescriptions, or break into houses.

"The percentage of armed robberies by addicts is negligible," says Edward Cass, deputy regional director of the Federal Bureau of Narcotics and Dangerous Drugs, an agency established two years ago under the Justice Dept.

"Their psychological makeup precludes armed robebry, usually," he adds. "They can't plan that far ahead. And they usually don't have the nerve to commit an armed robbery."

Shoplifters can hit six or seven places in a day—and must in order to obtain the money they need, because the most they can get for stolen goods is about one-third of its retail value.

That many shop-lifters are drug addicts has been proved by the admission of many addicts themselves when picked up. Cass corroborates the connection more dramatically.

"In one midwestern city where we knew there were about 250 heroin addicts on the street at any one time, we made a mass arrest of many of them one night. Immediately there was a drop in the number of thefts from department stores."

Unless desperate for the money to get a "fix" (in which case they might resort to violence) most addicts usually are mild-mannered. They "prowl around" looking for something to steal.

Some police experts find a correlation between the increasing number of house breaks in suburban communities as well as in the city, and the increase in drug use.

Many addicts do have stolen goods in their possession when arrested.

Television sets appear to be the most commonly sought objective of the house-breaker.

Lt. William P. Gross, head of the narcotics unit of the Mass. State Police, says there is a great increase in house breaks throughout the state and his unit has inaugurated a special file on such breaks to determine more precisely their relevance to drug abuse.

Addicts "on the prowl" often watch mailboxes for checks. The arrival date for social security, welfare and other regularly mailed checks is predictable, and the checks often are easy prey from unlocked, unwatched mailboxes.

Books and movies often portray the heroin addicts as a crazed man who sadistically beats his robbery victim, or as an innocent young girl forced into prostitution to obtain money to support her drug habit.

The few "crazed" addicts who sadistically beat their victims generally fall into two categories, says Jordan, who was a member of the Boston Police vice squad for many years. They are addicts in the state of withdrawal from heroin. Or other drug-hooked people who are addicted to pills.

"Bennies", Jordan says, using the addicts terms for benzedrine pills, "can make a person aggressive. Too many of them and a guy will rob a bank, commit a violent act, or do almost anything."

Cocaine also can trigger such actions, he adds. And cocaine is now more prevalent in the Boston area than ever before, he says.

And the "innocent young girl" supposedly drawn into prostitution to satisfy her addiction also is the exception instead of the rule. Most of them, vice-squad veterans say, more likely were prostitutes before they got hooked on drugs.

While a recent New York City survey showed that 90 percent of the prostitutes in that city were drug addicts, Jordan feels the ratio in Boston is just the opposite. Only a small number of Boston prostitutes, he says, are addicts, in terms of heroin or other "mainline" drugs.

The following basic conclusions can be drawn about the relationship between drugs and crime:

Most heroin addicts with police records began their criminal careers before they became hooked on drugs.

Heroin addicts vastly outnumber other addicts involved in non-narcotics crimes since their drug habit is more expensive to maintain.

Many of the individuals committing street crimes, whether addicts or not, take amphetamines or other stimulants to bolster their nerve.

Drug-taking, in most instances, seems to be a companion to crime rather than a cause, although the high cost of heroin is a major factor in the number of robberies committed.

A recent study by the FBI showed that 72 percent of heroin users involved in its survey had an arrest for some other criminal act prior to their first narcotics arrest. The study covered more than 150,000 criminal offenders, 4385 of whom were identified as heroin users.

Some persons believe that marijuana also is a major cause of crime and violence, particularly in the nation's larger cities. But the President's Ad Hoc Panel on Drug Abuse, which studied such a possibility extensively seven years ago, reported insufficient evidence to substantiate it.

Not to be overlooked, of course, in associating illegal use of drugs with crime is the fact that thousands of violations of the narcotics laws—often serious offenses—are committed each year.

SUPPOSE YOU SUSPECT YOUR CHILD

Drug abuse?

Children don't abuse drugs.

They abuse themselves with drugs.

And until parents understand why children take drugs, there will continue to be a drug problem, psychiatrists say.

It will require an awareness by parents of the emotional needs of their children, along with some self-education in recognizing the danger signs.

When teen-agers begin using drugs regularly, there is usually a marked change in behavior.

Think of them as "signal flags."

A child might:

Change his style of dress. When children start on drugs, they often acquire a new sense of identity which will be reflected in what they wear.

Change his social pattern. This could mean suddenly dropping old friends in favor of a new crowd. It could also mean suddenly finding new forms of activities with his old friends.

Change his personality. A child who has been out-going may withdraw; the loner may suddenly blossom.

Call for help.

It takes a willing ear to hear a child's plea for help.

Children seldom speak directly, especially to their parents. They'll mask an appeal to protect themselves.

The simplest form goes something like this:

CHILD. "Hey, guess what? Cindy says she's smoking pot!"

Translation: "I've started smoking, and I like it, but I'm frightened because I don't know why I like it. Help me!

The parent who doesn't really comprehend will say:

"Stay away from Cindy. You can't see her anymore!" . . .

Then wonder why the child turns resentful.

Another way children seek to attract the attention of their parents is to antagonize.

Recently, a 16-year-old Swampscott girl, who felt unloved, told her parents she was going to visit a girl friend. She gave her parents the friend's name, address and telephone number—and made a point of saying she'd be home by 6 p.m.

She went to the friend's house and waited by the phone until midnight, desperately hoping her parents would show some signs of concern for her safety.

They didn't.

They waited until she came home—then scolded her.

It's this type of home situation that often pushes children into experimenting with drugs, according to doctors.

What are the chances that your child has experimented with illegal drugs?

By the time he graduates from high school, the chances are about one in five that he's smoked marijuana at least once.

Of the teen-agers who have tried marijuana, 75 percent will quit after the first or second cigarette.

If your child has gone beyond this point—smoking regularly or "moving up" to other drugs—there are physical signs to look for:

Marijuana will leave a distinctive odor—almost like sage—on a person's clothing for several hours.

Marijuana smokers experience an unusual appetite for sweets and starches. Users call such people, "food freaks."

Tranquillizers, obviously, will make a person sleepy and lethargic.

Opiates—like heroin and morphine—will cause eye pupils to contract.

Drugs containing atropine (a heart stimulant) may cause the pupils to dilate. A user frequently begins wearing sunglasses indoors.

One of the latest drug fads involves a capsule that can be purchased without a prescription—and from which youngsters have learned to extract atropine.

LSD type drugs produce a sense of disembodiment. A user may begin talking about feeling a "oneness" with love, nature, the universe or God. A "bad trip" on LSD is unmistakable—the user is locked in a personal nightmare and displays panic.

A heavy dose of amphetamines shows itself in a great burst of activity, total loss of appetite, and inability to sleep.

Parents may also find some drug paraphernalia—cigarette papers, hypodermic syringes and needles, a bent spoon, unusual tobacco-smoking devices, and incense burners to mask marijuana's distinctive odor.

But what's a parent to do when he's convinced his child is using drugs?

Some parents—from sheer anger—call the police. This action can break the final link between parent and child.

Other parents launch into a tirade about the danger of drugs. They're horrified by the word "Drug." They don't stop to think that alcohol and aspirin are drugs, too.

Most children know more about drugs than their parents, and scare tactics based on half-truths generally will be ignored.

Remember that children who use drugs are experimenting in much the same way that today's parents experimented with alcohol when they were teen-agers.

If a child is beyond the experimentation stage, it usually means that he is seeking something outside himself: that drugs have opened a gate; that he has a problem.

Find out what the problem is. Just listen; really listen.

There isn't a teen-ager alive who hasn't experienced feelings of emptiness, loneliness, confusion and worthlessness.

He is filled with profound philosophical questions.

Many of which have no answer.

But that doesn't mean a parent can't listen.

Drug-taking is an "acting-out" behavior just like disrespect for property, accident proneness and delinquency.

It means the child already has a problem too big for him.

Too often, the parent will scream: "You're ruining me!" The child's sense of guilt, and his feeling of rejection, can be unendurable.

Youngsters want their parents to be fair, and to hear them out before pronouncing judgments.

But if a child becomes truly "hooked" on drugs, the problem is usually beyond the parent's ability to handle it alone.

Counseling is needed. It could be a family friend, school adviser, a minister or family doctor—not necessarily a psychologist or psychiatrist.

Very often, the child just wants, and needs, an understanding adult he can talk to.

FROM FURTIVE FADS TO ESTABLISHED FACT

(By Richard A. Knox)

Back in the mid-1940's, it was a solemn article of faith that you could get "high" on a combination of aspirin and "Coke."

Nobody really did. But some teen-agers thought they were getting tipsy, and the first "drug fad" lived for years on that tenuous myth.

Later years brought increased dependence on drugs in the whole society, and other drug fads that were not so harmless.

In 1966, authorities noticed a surge in glue-sniffing among teens and sub-teens. The fumes of such solvents such as acetone, xylene, butyl alcohol and tricresyl phosphate would cause loss of coordination, slurred speech, blurred vision, a ringing in the ears and mild hallucinations.

They also were found to cause death in dozens of instances. In others, permanent kidney disorder and even damage to the chromosomes was found.

The drug fad of 1968 was a different phenomenon. "Mellow Yellow," a supposed mild high induced by smoking oven-dried scrapings from banana peels, was a big joke.

The "Amy Joy" fad in 1968 was, perhaps, less widespread—and less innocuous.

The use of "Amy Joy" or amyl nitrate for a 5 to 10-minute "warm feeling" marked a heightened awareness of, and recklessness towards, more potent drugs.

Amyl nitrate is a potent drug prescribed for treatment of angina pectoris—pain around the heart. It comes in "pearls," inch-long capsules of fragile glass wrapped in cloth. Angina victims shatter the glass in their hand, inhale its contents and get relief from their sharp pain.

The drug, which until very recently could be purchased without a prescription, relaxes the muscles that surrounds the body's blood vessels. The result is a flush that starts in the face and spreads downward.

Police have known teen-agers to crush as many as a half dozen ampules and inhale the volatile fumes. In some cases their blood pressure dropped so precipitously that the drug produced heart arrest and death.

A Boston Police narcotics specialist said recently that such fads as "Amy Joy" are no longer the principal problem with youngsters.

Youngsters who once experimented with various kicks are now using the same drugs—marijuana, amphetamines, benzedrine—as their collegiate counterparts.

Some of them are emulating not the college types with their pipes of pot but the heroin addict with his hypodermic needle.

A recent article in CITY magazine reported that some estimates of heroin use in some Boston and Philadelphia high schools approach 35 percent of the student body.

"Ex-addicts say the kids are getting 'garbage'—heroin that has been cut so many times it is incapable of causing more than a psychological addiction," says the magazine.

"But the pusher tells them they're hooked, they think they are, and continue to use the drug in ever stronger doses as their body develops tolerance."

Professional pushers have been distributing marijuana that has been laced with opiates—thus getting customers "hooked" without their knowing it.

In general, Boston with its post-high school student population of 100,000 is a "pot" city. Heroin use has probably not reached widespread proportions. Most of the college pot smokers are well aware of, and properly wary of, the addictive dangers of opiates.

The distribution in Boston of psychedelics such as LSD and its cousin DMT, of pep pills and depressants, and of officially "harmful drugs" such as methamphetamine ("speed") is widespread among all levels of young people, according to authorities.

In the national marketplace of psychedelic drugs, Boston is known as the "second city" behind Los Angeles, a local narcotics expert said recently, adding that LSD and "Speed" are "readily available in high schools."

IT WAS CHARLIE'S LAST TRIP

(By James A. Treloar)

Charlie Michaels did something to himself.

Just as his mother feared.

She'd call his apartment near an in-town universty almost daily and ask:

"Charlie, you wouldn't do anything to yourself, would you?"

And if Charlie were away from the phone, attending class, she'd ask relatives:

"You don't suppose Charlie has done something to himself, do you?"

Mrs. Margaret Michaels used to make the same plaintive plea about her first husband's safety. One day he ran off with another woman, and she got herself a divorce.

She married a bartender in a Western Massachusetts town, and when she was 47, Charlie was born.

Charlie seemed a normal, well-adjusted boy until he was six and his father died.

Then he started putting on weight.

And he turned bookish. His mother saw to it that he came straight home from school every night and didn't fool around with the other kids.

After all, Charlie was all she had left.

When he graduated from high school, where he played tuba in the marching band, Charlie had never dated a girl, and he was grossly overweight.

He had been a good student, and earned a scholarship to college.

When he came here to enroll in 1966, his mother came with him, and they lived together for a while. But Charlie soon split and got his own apartment near the university.

For nearly two years Charlie studied hard, made the dean's list, and inched his way toward his goal—a degree in foreign languages. He wanted to become a college professor.

Last Fall, the pattern of his life began to change. Young men with beards and scruffy jackets and girls who wore sunglasses at night began to move in and out of Charlie's apartment.

It was the first time in his life he seemed to have any friends.

One day, while cleaning, his landlady noticed some empty gelatin capsules and granules of drugs on the floor of Charlie's apartment.

"Those are just diet pills," he told her. "I can't swallow them whole."

Then one night she smelled a "perfumey" odor coming from Charlie's apartment. She knocked, and quite a while later somebody opened the door, and there was a gang of hippies sitting around a lighted candle.

"We're just reading poetry," Charlie told her.

Next day, she told him, "If I ever smell anything like that again, I'm calling the narcotics squad."

"They'd be the right people to call, all right," Charlie admitted sheepishly.

The people who visited the apartment looked progressively tougher.

"He was just so hungry for someone to like him," his landlady said, "that he got in too deep and couldn't get out."

He'd been a neat boy, but Charlie's attire became sloppy, then filthy.

His landlady called Charlie's family to warn them he was headed for trouble, but his mother wouldn't hear of it.

"Charlie's a good boy, and don't you say he isn't," she scolded.

Somebody told Charlie that his mother was the cause of all his problems with people, and by last Christmas he had turned against her.

He bought Christmas presents for everybody in the family except her. And he denounced her in front of everybody else for her possessiveness.

"You wouldn't even let me play with my little red wagon!" he berated her.

In February, Charlie called his half-sister and proudly announced:

"Guess what! I've got gonorrhea!" He was—at 21—proclaiming his achievement of manhood.

But still Charlie brooded. He wrote poetry about not being able to find a place for himself in the world.

His use of drugs quickened, and his school grades slipped. In March, Charlie moved into a cheaper apartment.

The new landlady wasn't fond of Charlie's hippy friends.

"I know the type. They weren't college students—just hangers-on. And they took advantage of Charlie. They knew he usually had food in his refrigerator and that they could always use his apartment to smoke pot.

"I finally had to warn him that this tough crowd had to leave or he'd have to move."

Charlie couldn't reject his "friends." Moochers, perhaps, but they were the only ones who'd shown him any attention.

So next day Charlie wrote notes to his friends. One said in part:

"Life has given me all that it had to offer. This was my last trip, and I want to unite again with the infinite."

Then he sat down in an overstuffed chair, propped the stock of a shotgun against a door placed the barrel to his temple and pulled the trigger.

That was March 19 . . .

. . . his mother's birthday.

ILLICIT (PROHIBITED) DRUGS (MANUFACTURE AND DISTRIBUTION PROHIBITED EXCEPT FOR APPROVED RESEARCH PURPOSES)

[A guide to some drugs which are subject to abuse]

	What they are	Primary effect	How to spot abuser	Dangers
Hallucinogens (LSD, acid).....	LSD-25 is a lysergic acid derivative. Mescaline is a chemical taken from peyote cactus. Psilocybin is synthesized from Mexican mushrooms.	All produce hallucinations, exhilaration, or depression, and can lead to serious mental changes, psychotic manifestations, suicidal or homicidal tendencies.	Abusers may undergo complete personality changes, "see" smells, "hear" colors. They may try to fly or brush imaginary insects from their bodies, etc. Behaviour is irrational. Marked depersonalization.	Very small quantities of LSD may cause hallucinations lasting for days or repetitive psychotoxic episodes, which may recur months after injection. Permanence of mental derangement is still a moot question. Damage to chromosomes, and hence potentially to offspring, has been demonstrated.
Heroin (snow, stuff, H, junk, and others).	Heroin is diacetylmorphine, an alkaloid derived from morphine; it does not occur in opium. A white, off-white, or brown crystalline powder, it has long been the drug of choice among opiate addicts. Its possession is illegal.	Like morphine in all respects, faster and shorter acting.	Morphine-like.....	Like morphine; dependence usually develops more rapidly. Dependence liability is high.
Marihuana (Cannabis) (pot, grass, joints, weed, Mary Jane, reefers, sticks).	Marihuana is the dried flowering or fruiting top of the plant Cannabis sativa L., commonly called Indian hemp. Usually looks like fine, green tobacco. its possession is illegal. Hashish is a preparation of cannabis, taken orally in many forms.	A feeling of great perceptiveness and pleasure can accompany even small doses. Erratic behavior, loss of memory, distortion of time and spatial perceptions, and hilarity without apparent cause occur. Marked unpredictability of effect.	Abusers may feel exhilarated or relaxed, stare off into space; be hilarious without apparent cause; have exaggerated sense of ability.	Because of the vivid visions and exhilaration which result from the use of marihuana, abusers may lose all restraint and act in a manner dangerous to themselves and/or others. Accident prone because of time and space sense disturbance. Dependence (psychic but not physical) leads to antisocial behavior and could be forerunner of use of other drugs. (The effects of marihuana, as with so many drugs, have never been fully demonstrated. The effects noted here are those suggested by many competent authorities.—Editors).
LEGITIMATE (PERMITTED) DRUGS (ESSENTIAL TO PRACTICE OF MEDICINE; LEGITIMATE MANUFACTURE AND DISTRIBUTION CONFINED TO ETHICAL DRUG CHANNELS)				
Amphetamine (bennies, copilots, footballs, hearts, pep pills).	Amphetamines are stimulants, prescribed by physicians chiefly to reduce appetite and to relieve minor cases of mental depression. Often used to promote wakefulness and/or increase energy.	Normal doses produce wakefulness, increased alertness and a feeling of increased initiative. Intravenous doses produce cocaine-like psychotoxic effects.	An almost abnormal cheerfulness and unusual increase in activity, jumpiness, and irritability; hallucinations and paranoid tendencies after intravenous use.	Amphetamines can cause high blood pressure, abnormal heart rhythms and even heart attacks. Teenagers often take them to increase their "nerve." As a result, they may behave dangerously. Excess or prolonged usage can cause hallucinations, loss of weight, wakefulness, jumpiness, and dangerous aggressiveness. Tolerance to large doses is acquired by abusers; psychic dependence develops but physical dependence does not; and there is no characteristic withdrawal syndrome.
Barbiturates (Red Birds, Yellow Jackets, Blue Heavens, goof balls).	Barbiturates are sedatives, prescribed to induce sleep or, in smaller doses, to provide a calming effect. All are legally restricted to prescription use only. Dependence producing both psychic and physical, with variable tolerance.	Small amounts make the user relaxed, sociable, good humored. Heavy doses make him sluggish, bloomy, sometimes quarrelsome. His speech is thick and he staggers. Sedation and incoordination progressive with dose, and at least additive with alcohol and/or other sedatives and tranquilizers.	The appearance of drunkenness with no odor of alcohol characterizes heavy dose. Sedation with variable failure of muscle coordination.	Sedation, coma, and death from respiratory failure. Inattentiveness may cause unintentional repetitious administration to a toxic level. Many deaths each year from intentional and unintentional overdose. Potentiation with alcohol particularly hazardous. The drug is addictive, causing physical as well as psychic dependency, and withdrawal phenomena are characteristically different from withdrawal of opiates.
Cocaine (the leaf, snow, speedballs—when mixed with heroin).	Extracted from the leaves of the coca bush. It is a white, odorless, fluffy powder that looks like crystalline snow.	Oral use is said to relieve hunger and fatigue, and produce some degree of exhiliration. Intravenous use produces marked psychotoxic effects, hallucinations with paranoid tendencies. Repetitive doses lead to maniacal excitation, muscular twitching, convulsive movements.	Dilated pupils, hyperactive, exhilarated paranoic.	Convulsions and death may occur from overdose. Paranoic activity. Very strong psychic but no physical dependence and no tolerance.
Codeine (Schoolboy).....	A component of opium and a derivative of morphine, in most respects a tenth or less as effective as morphine, in individual doses.	Analgesic and cough suppressant with very little sedation or exhilarant (euphoric) action. Dependence can be produced or partially supported, but large doses are required and risk is minor.	Unless taken intravenously, very little evidence of general effect. Large doses are morphine-like.	Occasionally taken (liquid preparations) for kicks, but large amount required. Contribution of the alcohol content to the effect may be significant. Degree and risk of abuse very minor. Occasionally resorted to by opiate-dependent persons to tide them over with inadequate result.
Methamphetamine (speed, crystal).	Stimulant, closely related to amphetamine and ephedrine.	Effects resemble amphetamine but are more marked and toxicity is greater.	Extreme restlessness and irritability; violence and paranoid reaction possible.	Excessive psychotoxic effects, sometimes with fatal outcome.
Morphine (1 M, Dreamer, many others).	The principal active component of opium. Morphine sulfate: white crystalline powder, light porous cubes or small white tablets.	Generally sedative and analgesic (rarely excitatory). The initial reaction is unpleasant to most people, but calming supersedes and depending on dose, may progress to coma and death from respiratory failure.	Constricted pupils. Calm inattentive, "on the nod," with slow pulse and respiration.	Man is very sensitive to the respiratory depressant effect until tolerance develops. Psychic and physical dependence and tolerance develop readily, with a characteristic withdrawal syndrome.

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METHADONE

(By Jean Dietz)

Methadone: A controversial synthetic drug offers only temporary help to overtaxed traditional state health agencies—and serves as sort of a sugar pill to shield a society not yet willing to be aware.

The Boston area may be emerging as the only region in the world where middle-class young people who could enjoy all the material possessions and educational opportunities slum-dwellers envy are shooting themselves downhill with heroin.

The state's Drug Addiction Rehabilitation Board receives dozens of telephone calls daily from private social agencies, hospitals, school counselors, and doctors alarmed by drug addicts in their midst.

"What shall we do with them?" ask the workers in the community's traditional agencies.

Demands on the board created by state legislation some five years ago could be inexhaustible, because the days of shipping narcotics addicts to some far away specialized hospital are over.

"The addiction problem is in the community, and it must be treated in the community" says Dr. Victor Gelineau, the psychologist who directs the state's research activities in drug dependency.

Statistics are nearly meaningless in the mushrooming narcotics jungle today because the scene is so fluid.

One new state-wide study suggests that

20 percent of all boys and girls in grades 7 through 12 have had "some contact" with drugs—even if only in experimentation.

Some 1800 addicts with serious drug dependency have been evaluated or are now in treatment under state auspices. This figure can be considered non-epidemic in view of the state's population of 6 million, — or as a serious signal of countless numbers of addicts starting to seek help as resources become available.

At a state-funded treatment unit in the city health center on Whittier st., Roxbury, addicts of all ages are swarming in for aid at the rate of 50 a day.

The carrot-on-the-stick which brings them in is methadone, a synthetic narcotic now widely used to bolster the admittedly feeble resolution of addicts to "kick the habit."

Methadone does not dope or sedate. It does ease symptoms of withdrawal.

Using methadone to treat symptoms of withdrawal is a rare practice at an outpatient clinic, according to Dr. Frank Haendel, director of the Whittier st. program for the past year.

While Boston's Dept. of Health and hospitals has operated the unit for two years, no more than two addicts a day turned up so long as a "vague psychotherapy" and advice were offered.

Use of methadone is held to be among the most promising—and, at the same time, controversial—methods of treatment.

Methadone does not produce the euphoric feeling of heroin or any distortion of behavior. It allows the patient to remain alert and function normally. If the patient on methadone for maintenance after withdrawal takes heroin, the heroin has no effect. It is "blocked out" by the synthetic narcotic.

Until recently, methadone was used for maintenance at the first state-sponsored Drug Rehabilitation Center at Boston State hospital, directed by Dr. David J. Myerson.

Fifty percent of the addicts on methadone achieve some sort of "social recovery," says the psychiatrist. "But you are also saying to them that your problem is hopeless and you can never get off drugs."

Heroin is the drug of choice of at least 95 percent of the patients now being treated at the state-sponsored clinics, reports Andre St. Pierre, senior drug addiction counselor at the Boston treatment units.

This upswing in the use of heroin has occurred at an alarming rate in the past year.

St. Pierre emphasized certain facts in a recent report to Massachusetts School Adjustment Counselors:

The difference between today's typical heroin addict and one of a few years ago is that he is no longer in his mid- and late-twenties but in his late teens and early twenties.

These young heroin users are supporting $30 to $100 a day habits by living outside the law, so that the community is taking an awful licking from crimes against property.

Drug addiction is spreading to all classes in society, with no exception as to color, creed, social status or location. Typing drug-dependent personalities is no longer possible because many of the youngsters now becoming addicted are bright and capable.

These young people have the usual transitory emotional upheavals of adolescence such as having to make school, work and sex adjustments and having to adopt some philosophy of life.

"Very likely, if drugs had not been there to take, many would have eventually resolved their difficulties, and made their place in society," notes St. Pierre.

But drugs are here, on the "scene," and creeping fast into every hamlet and town—spreading out from the Boston area, which now has a reputation as one of the "hippiest" drug center in the United States.

In Texas, heroin addicts are likely to be poor Mexicans, in Washington, D.C., they are often black ghetto dwellers, in Puerto Rico, the educated classes stick to alcohol, according to Dr. Haendel, who toured drug treatment centers from coast to coast recently.

Only in Boston apparently are rehabilitation workers struggling to motivate patients who have a high percentage of college degrees or high native academic ability.

A young man and young woman interviewed at Whittier st. described themselves as "experience seekers" who turned to drugs, they suggested, because of "lack of communication" with their parents.

With an honors science degree from a local university most students would give their eye teeth to enter, the young man, now 27, had worked for a few months in his field, and spent most of the last six years shooting drugs.

Neither member of the couple wore a wedding ring. "Track" marks on their arms from repeated needle injections were the only external bond holding them together.

The girl, whom he described as "my common law wife," was bright and attractive, obviously gently reared. She was also a heroin addict. She said she would agree to marriage only if children came because "marriage leads to divorce and breaks down communication."

The young woman, who works at office jobs from time to time, said she left college because "sociology was all in books and I want to learn about people."

Like many others, the couple came to the clinic because they felt sick. They knew methandone would make them feel better. They seemed a long way off from coming to grips with whatever their problems were.

THORNS GROW IN GARDEN OF EDEN

(By Stephen Cain)

The flower children are wilted.

The hippie culture of love—that innocent search for peace, brotherhood and happiness through mind-expanding psychedelic drugs—has virtually disappeared.

Hippies remain, and drugs are used more than ever. But the honest seekers of something better have discovered that the drugs are a fraud, an illusion rather than a solution.

"Flower power" has left its mark, however, through the well publicized love-ins staged from San Francisco to New York.

Straight people can now talk publicly about love without being too embarrassed. Witness Detroit Police Commissioner Johannes Spreen's "love your cop" campaign.

Drug-inspired psychedelic art tried to portray what it's like to "see sounds" and "taste colors" while on an LSD trip.

These illustrations, combined with the distortions of time and space which are part of the drug experience, were translated into brightly colored posters.

This new wave was quickly commercialized into such diverse things as mod neckties and automobile ads.

Pockets of gentle flower children remain, but the seekers were driven out of places like San Francisco's Haight-Ashbury district, not by the police but by the motorcycle hoods.

Replacing the love-seekers were the thrill-seekers.

Today, the youth world of such hallucinogens as LSD, amphetamines and barbiturates is populated by people seeking kicks, escape, or both.

The amphetamine users—"speed freaks"—display a hostility, a drug-induced aggressiveness foreign to the ways of the flower children.

The drug world attracted an undue share of misfits and psychotics.

With these people on one side and police on the other, there was little middle ground left for the flower children.

The famous (or infamous) apostles of the drug experience, like Dr. Timothy Leary, have lost much of their appeal.

For one thing, they charge high fees as speakers.

The Eastern mystics are saying that drugs are not the way of wisdom and meditation.

It seems that many of those who remain to preach the "rewards" of drugs are merely trying to justify their own use.

Hospitals like Boston State simply don't have the space or manpower to help all the young drug-takers struggling with severe mental problems.

The drug world has proved to be no Garden of Eden for the flower children.

NOW, INSTEAD OF DOLLS IT WAS DRUGS: "YOU'LL HAVE TO COME RIGHT DOWN HERE. WE HAVE YOUR DAUGHTER FOR POSSESSION OF MARIJUANA"

(NOTE.—This is a true story—of a mother who remembered her daughter as a little girl with cuddly dolls and skinned knees—and then saw her as a teenager hooked on drugs. It was written anonymously by the girl's mother in the hope that her experience might help others to be alert for the danger signals. Only names are changed. The events are as they happened.)

My real-life nightmare began two years ago with the ring of a telephone at 3 o'clock in the morning.

When I picked up the receiver, a male voice identified himself as a sergeant at the police station.

"You'll have to come down here," he said matter-of-factly. "We have your daughter for possession of marijuana."

Marijuana? It couldn't be. Judy was spending the night at her friend Karen's home. She had called at 11 to say goodnight and that she loved me.

No, it couldn't be, I thought. Not marijuana. Judy was, after all, only 15.

Ripping curlers out of my hair, I slipped on a pair of slacks, a blouse and my coat. Fog was thick, and my arms and legs were shaking so violently I could hardly control the car.

Karen's parents were at the police station, too. Her mother was crying. An officer led me to a back room.

There Judy sat—not quite like the blond, blue-eyed daughter I knew. The aggressive expression, general disarray of her person and dilated pupils did not fit the picture. My stomach turned.

They released her to me. Instructions from Juvenile Court would follow.

We didn't speak . . . not then. I decided to wait. She apparently wasn't ready to talk, either.

But next morning she was first to break the ice.

"Where are you going to do to me, Mom?"

"I'm not going to yell at you, Judy. You must know how I feel—how disappointed and sick at heart I am. But because I think I know you, I'm going to give you another chance. All I want is your promise that this will never happen again."

"It won't, Mom. Please believe me and forgive me."

"I don't have to tell you how wrong you were, or what fire you were playing with," I said. "You don't even have to tell me the details if you don't want to. All I want is to help you."

Thoughts of dolls, mud pies and skinned knees flitted through my mind as I looked at her. I remembered her as a little girl when she would unexpectedly throw her arms around me and say, "I love you, Mom."

Now, instead of dolls, it was marijuana cigarettes.

What had happened? More than ever, I needed the loving strength of Warren. Maybe this wouldn't have happened if he had lived. Judy missed him, the two boys missed him . . . and so did I.

An uneventful week passed after I had taken Judy home from the police station. I decided that a long week-end at the cottage would be good for all of us. Each of the youngsters invited a friend.

An hour after they were expected to be in bed, the girls came into the cottage—obviously elated but looking strange. I let it go and sent them to bed. With the boys asleep there was little I could say without fear of disturbing anyone.

In the morning I was the first up and left to buy some milk. Emptying some trash as I left, I lifted the lid and notice a paper bag. Inside was a water pipe and package of cigarette papers. I knew who had put them there.

The nightmare was continuing.

The girls were quiet Sunday. They helped clean up and pack and asked if they could walk to a nearby fruit stand before we left for home.

An hour later and a trip on my part to the stand failed to turn up the girls. I was frantic.

Then a state police car swung into the driveway. My heart leaped.

Judy and Karen had been taken into custoday for breaking and entering a closed cottage.

My Judy? I couldn't believe it.

Local authorities released the girls to my custody with a severe reprimand because they were juveniles. I paid the breaking and entering damages.

On the way home I asked them if they had remembered to pack their water pipe. It was a silent trip.

I grounded Judy for a month with no phone privileges—the crulest blow of all.

Two weeks into the punishment period, I arrived home early one afternoon. A couple of cars were parked in front.

As I turned the key and took a deep breath, I was already afraid of what I was going to find.

The pungency hit me immediately. Judy, Karen and four boys sat in the living room. Two incense burners smoked on the mantel. Stereo and hilarity going full blast. Enough to drown out my entrance.

There it was. A pot party in full bloom.

My God! Would there be no end to this. I suddenly realized the need for professional help.

I told Judy this was the end of the line. Our pediatrician referred us to a psychiatrist and set up a series of appointments. The doctor could take Judy the next afternoon. Surprisingly, she agreed to go.

When I came home to keep the appointment. Judy was gone—lock, stock and pot.

My son Jeff—with tears in his questioning 10-year-old eyes—told me his sister had left by bus for Toronto. She took money from his piggy bank which he hadn't touched in three years.

I felt defeated, helpless and desperately alone.

She was home a week later—bedraggled and with the pleading eyes of a stray puppy.

The old parental hang-up. I was so happy to see her alive, I could only clasp her to me.

Whatever she had seen or done or had been frightened by, a remarkable change seemed to come over Judy in the ensuing weeks.

Toward the end of three months, I began to breathe easier and sleep through the night. Some kind of miracle had taken place. It lasted three more wonderful months.

Judy asked if she could redecorate her room. Because she displayed excellent taste in colors and clothing, I gave her carte blanche. Walls were painted black; her ceiling fixture bulb was replaced with a black light; and psychedelic posters dotted the walls.

I should have known. But once more I was trying to relate— "that's teen-age taste for you."

On her 16th birthday, I allowed Judy to have a party for 16 of her friends. Judy, her brothers and I all pitched in to decorate the basement and set up a refreshment table.

All went well as her friends arrived. I checked on the festivities every now and then without posting myself on the bottom step like a warden.

The doorbell continued to ring, and I went along with Judy when she asked to admit a few more pals who hadn't been invited. Word of the party had spread.

At 11, I had to ask her guests to leave. Judy had allowed 10 more boys to sneak into the house through the back door near the basement. It infuriated me and I hastily kicked out the whole group. Judy went to her room in tears.

I went to the basement and through my tears picked up the party dregs. They included plastic bags of greenish-gray material; "Band-Aid" wrappers; a charred spoon and some white material that looked like flour. All in the basement lavatory.

No one had to tell me our refreshment fare had included more than soda pop and chips.

Things quieted down for a few weeks until the day Jeff called me at the office. Through his sobs he explained "Mama, I'm over at Timmy's house and I want you to come home."

It seems Jeff and John had walked into Judy's room without knocking. As punishment, she sadistically forced her brothers to watch her raise the vein in Karen's arm before jabbing in a needle. She said she was going to do the same thing to them if they told me.

I ran into the house and up to Judy's room. She was alone, listening to records and reading a comic book. I pulled her to her feet and slapped her face. It was the first time I had touched her in years, but I couldn't stop myself.

Then, almost screaming in my rage, I told her:

"If you ever do such a thing to your brothers again, I'll murder you. You're grounded for two months, and you're never to have Karen in this house again."

Judy just looked at me—silent and defiant.

She remained quiet in the days to come, merely going to and from school. The only conversation I had at home was with her brothers. But she seemed to be behaving.

Maybe she has seen the light, I dared to hope.

Then came the day that I found the note addressed to Judy! It was in her bedroom wastebasket, which I checked periodically.

"Please do not leave these things under your mattress. They scare me."—signed "Clara."

Clara is the woman who comes to clean once a week. She was referring, I learned later, to the hypodermic needles she found while changing Judy's bed.

Clara is loyal to our entire family. Judging from recent events in our once-happy home, she knows how upset anything of this nature can make me.

Judy was in deep trouble.

When she came home I called her into my bedroom.

"Judy. I'm going to say something I never thought I could: Leave home. You are heading for hell. You won't cooperate and you are not only killing me, but you are ruining your brothers' lives.

"Since you refuse to be a normal member of this family, I don't want to consider you a member. So this time, go to Toronto and stay."

She just stared at me and went to her room.

That evening Judy came to me.

"I've been thinking it over, Mom. I don't want to leave you. I want to finish school. I'm all mixed up and I want to be better. If you let me stay, I'll go to that head shrinker."

What could I do but go along with her?

She has weekly sessions with the doctor. It is encouraging to find library books in her room on the dangers of drugs.

But I don't know what tomorrow will bring. I can only pray that the nightmare is over.

CONFRONTATION AS A "CURE"

(By Phyllis W. Coons)

The only sound in the Boston State Hospital ward room was the echo of an empty coffee can rolling off the table after the 14-year-old boy ground out a cigarette. An empty grin was pasted across his mouth.

A dozen other drug addicts, two ex-addicts and a psychiatrist in a torn blue shirt watched and waited for him to answer their questions.

"Man, you . . . mother's son, I'm real teed-off at you. Do you think you're keeping the sidewalk clean by just sitting there? You might just as well be lying on the street if you're going to sit there while we try to drag it out of you like we had a pick and shovel."

Tim, the group leader and an ex-addict, fixed tired eyes on the grinning mouth. "You think you're cool, dont' you? Well I have news for you. A lot of junkies thought they were cool because they wouldn't talk and wouldn't show their feelings, and they're dead now.

"How does it make you feel when you don't answer us?"

"Stupid!" was the barely audible reply.

"Speak up, man. We can't hear you," put in the doctor.

"STUPID!" This time it came out like a scream, but the smile was still there.

"Look at me, Steve, when you're talking to me," said the doctor.

"He can't look at you because he's crying behind that smile," said a thin, drawn-looking girl. Her bracelets almost fell off a needle-scarred arm as she pushed tissues at Steve.

"Look at your mother. She's crying, too. Look at her. Say something to her," prodded Tim. "Do you ever talk to her?"

"He don't, but his sister does," offered Steve's mother.

"I can't," Steve whispered, tears rolling down his bumpy adolescent face.

"If you think anybody can make you stop taking 'smack' (heroin) you're crazy. You got to do it yourself, man. What do you think of yourself, Steve? Do you want to be a man or do you want to be a . . . junkie until you can cop out with an O.D. (overdose)?"

"Do you think I never cry?" said Tim, holding a cigarette lighter close to Steve's face to focus his attention.

"When I came in here with an O.D. I didn't know if I was going to live or die. When I came out of it, I had to sit here in front of my brother and tell him how I forged morphine prescriptions and stole to shoot dope. Do you think I don't want some right now?" prodded Tim, rubbing a stubbly jaw.

Steve had started to shake. He looked at his mother.

"Will you talk to her and to your uncle? Will you tell her that if you want to go out at night it's your own choice because you're a man now. Can you be a man?"

Phil came in, late. A dark-haired boy with a high forehead and an over-cultivated accent, he was the next target.

"Don't be late, again, Phil," said Tim, cutting off his excuses. "Did you take a fix this week?"

"First, I said no . . . damn you," started Phil with an ingratiating smile. "I didn't invite my friends to my house. They just came and said did I want to get high with them?"

"Did you get high or did you say that it was your house and you didn't want the stuff?"

"I took the stuff, but I couldn't get high. I was angry with myself because it was so pointless."

"What do you do when you get angry? Do you dare to show it or do you try to keep your friends on your side by letting them push you around?"

"I won't let them push me around any more."

"How do you know you won't?"

A girl on crutches put her face down and began to moan. "I lost my baby. I lost my baby."

"Do you think I didn't feel bad, too, when I lost my baby?" asked a doctor.

"I just don't seem to be able to take it," said the girl, rubbing the deep circles under her eyes.

"Do you think your pain is worse than anybody else's pain?" asked a former addict.

Alice was qualifying as a patient at the Drug Addiction Rehabilitation Center at the Boston State Hospital. It was started by Dr. David J. Myerson in 1964.

By limping in on crutches for three consecutive weekly meetings with other addicts, she was showing the depth of her commitment to therapy.

Her skin was bruised purple by falls, but sympathy was something that she would have to earn by showing courage through exhausting marathon sessions of confrontation with other addicts led by ex-addicts and lasting up to several days. After her third visit and a wait for one of the 19 beds at the unit, she received a physical examination and was treated with methadone.

"There is no question that it helps many to adjust to society, but we are not really treating patients to acquire self-respect if we keep them going with methadone. We are treating society by protecting it against stealing and prostitution."

Dr. Myerson compares his confrontation treatment to the methods of Synanon, a group pressure "attack" therapy started by ex-alcoholic Chuck Dederich in Santa Monica, Calif.

Other self-help groups like Synanon are springing up with private support. Many do not apply for Federal funds, since they operate on mutual trust and are unwilling to require urinalysis to prove total abstinence and do not wish to comply with rigid requirements for professional staffs.

A relaxed but authoritative figure, Dr. Myerson has accepted more than 1300 addicts for treatment during the past five years. He and Dr. Albert B. Samaraweera, who will take over when Dr. Myerson becomes director of Worcester State Hospital shortly, have a dedicated staff, which relies on frequent meetings among nurses, secretaries, psychiatrists and former addicts hired by the hospital as group leaders.

Analyzing some 500 patients referred by welfare and child guidance agencies, vocational centers, prisons, probation officers and law enforcers during a three-year period, Dr. Myerson described the progress of 197 accepted for treatment.

Some 22 percent have been able to give up drugs and have returned to work or to school; 16 percent were able to give up drugs periodically; 23 percent have not renounced drugs but are in longterm involvement with therapy; and 39 percent gave up treatment after six months.

Dr. Myerson speaks of a patient's adjustment to life, not of his being cured.

"The average addict we treat, started at 13 or 14 and dropped out of school by the 10th grade.

"If we accept a patient, we expect him to cut way back on drugs but not renounce them entirely at first. He is accepted by a vote among fellow patients in a group, and spends two hours a day or more, five days a week, in confrontation," Dr. Myerson explained.

"Each recovered addict is tremendously valuable to the community," points out Dr. Myerson. "Addicts react best with other addicts.

"We send recovered addicts out to speak."

Self-government is the rule on the open wards of the Boston State Hospital. Self-analysis and honesty are the principal tools. One girl, admitted after an overdose, lied consistently for a week, until she identified closely enough with her group to admit that a drunken mother and a hen-pecked father had prompted her to "run away" through drugs.

In a chapter he has written with Dr. Joseph Mayer of the Washingtonian Hospital for "The Practice of Community Psychiatry" Dr. Myerson notes, "Certainly we have demonstrated that, given an environment that encourages growth, some are able to control their addictive needs and progress to a point where they can cope with their problems as responsible adults."

Giving addicts a chance to earn a sense of self-respect is no sure or quick or easy way, but therapists like Dr. Myerson, and a widely increasing number of self-help groups, believe that working through the patient's own potential, with the help of others who have renounced drugs, is a positive first step.

TUNED OUT: THE ONSLAUGHT OF DRUG USE CAUGHT AMERICA UNPREPARED

Drug-swallowing, drug-injecting and drug-sniffing have become so prevalent among young people that some scientists are now viewing the problem as a "medical Pearl Harbor."

And, as in the early hours after Dec. 7, 1941, no one is quite certain how much damage has been done or what the final outcome will be.

Youth's swing to drugs—amidst a whirling confusion of facts, half-truths and myths—has clearly caught the nation unprepared.

Drug and medical authorities, law enforcement officials and local, state and federal agencies agree on one stark truth:

We are a long way from any kind of solution to "the drug problem"—if, indeed, a solution is possible at all.

The first and most urgent needs are for extensive research programs to explore the nature and long-term effects of various drugs, and for new drug treatment and rehabilitation centers.

Education—of parents, teachers, children, doctors, the police and public officials—is seen as the ultimate answer. But education must await facts, and facts come from research.

No one can begin to estimate the time, cost or effort that will be required, but it will take money, money and more money. Even establishing priorities is a complex problem.

It would be oversimplification to characterize drug abuse as nothing more than a product of the tensions of modern life, but there IS an element of truth in this generalization.

For we have become a pill-oriented society. Americans gulp pills faster than candy. We are taught from crib to grave that there is a simple medical remedy for most ailments.

"Why suffer?" is the cry heard hourly from Madison Avenue.

Magically, in the span of a 60-second television commercial, the frowning, pounding symptoms of headache are converted into smiling normalcy by a vast array of pills and tonics.

And, just as magically, colds are relieved, insomnia is conquered, jangled nerves are calmed, fatigue vanishes and "the blues" are routed.

Why not, then, pills to cure poor grades in school, a boorish personality, a sudden financial crisis or anxiety over world problems?

Why not, indeed!

In the pages of this magazine, the dimensions of the problem have been drawn. There is a mushrooming abuse of drugs among young adults and teenagers. And the age level is dropping alarmingly.

Such drugs as heroin, marijuana, the amphetamines, the barbiturates and LSD have acquired new names—and new meaning—to a young world that refers to pot, speed, bennies, goofballs, junk and acid.

It's a world where turning-on and turning-off can be a way of life. And most parents are tuned-out.

There is little reason to suspect that the situation will change for the better quickly.

But there are some hopeful signs.

For one thing, today's young people—the "now generation"—are the product of a technological society. They see, and believe, the miracles of space flight, medical advances and computers.

And they hold a healthy respect for facts and research findings—when they are presented without distortions and with supporting evidence.

Already, the use of one of the more dangerous drugs, LSD, is declining at the nation's universities and colleges. This decline can be traced at least in part to solid scientific findings that genetic damage can result from its use.

Young people won't be fooled. They are brighter, better educated and more inquisitive than previous generations. They want to be told "like it is."

But how is it with the drug scene?

Americans today, including the drug "experts," don't really know. The nation needs more facts, more facilities, more manpower, better educational programs and revamped laws to cope effectively with the problem.

Congress is beginning to recognize the enormity of the problem. Senator Harrison A. Williams Jr., New Jersey Democrat, introduced a bill during this session to authorize a $350 million attack on drug abuse.

The bulk of Federal money for drug research currently comes from the National Institute of Mental Health. It has a budget of $6 million for such research and $900,000 for educational programs.

The institute also is supporting 23 projects directly related to the use of marijuana. One is a two-year study of the pharmacology and the physiological and psychological effects of synthetically produced THC—the active ingredient in marijuana.

A preliminary study of THC's effect is reported to show that 200 micrograms—one-quarter of a drop of the liquid—has the potency of about 10 marijuana cigarettes for a man weighing 170 pounds.

In controlled experiments, the quarter-drop was enough to cause hallucinations, distortions of sensory perception, loss of insight, muscle rigidity and muteness.

At 480 micrograms, all of the volunteer subjects experienced severe psychotic episodes.

"We still know very little about how THC acts on the brain," says Dr. William R. Martin, director of the addiction research center at Lexington, Ky.

Marijuana smokers—and there may be millions who have tried it at least once or use it routinely—are breaking laws that now carry heavy penalties.

Another research warning has been sounded by Dr. Daniel X. Freedman, of the University of Chicago's department of psychiatry. At an AMA conference on drug abuse last year, he advised physicians and biomedical scientists:

"One implication of research in drug abuse is that we should not use it prematurely to control people's behavior.

"It is fair enough to warn people what we in medicine know: that there is always the unexpected which occurs with drugs, and that they are never given without weighing the risk.

"Publication of suspicions about LSD certainly offended the pride of youth who believed that there were drugs and experiences which were their civil right to have with im-

punity. They expected parental, but not biological recriminations!

"It seems to me that what is at stake in many arguments about the use of drugs for recreation and self-enhancement is the arrogance of those who believe that drug dependency cannot occur and that adverse reactions are an invention of the moralistic medical people.

"No society can thoroughly regulate what a population of two-year-olds, adolescents or depressed adults can put in their mouths.

"It can try to regulate personal 'vice'—but not successfully. It cannot avoid establishing stabilizing, or harmful, customs surrounding the recreational use of drugs.

"Society may very well wish to regulate the spread of indiscriminate self-medication and advertisements which lure the unwary. But it is not the business of research to provide flimsy rationalizations for issues that require value judgments and public choice.

"With appropriate support, the data required can be generated, evaluated and shared with those who will arrive at means for social control."

At the AMA conference, attorney Sheldon Krantz, member of the Committee on Law Enforcement and Administration of Criminal Justice of Massachusetts, discussed the role of law as one of the deterrents to drug abuse.

"Never in our history," he declared, "has it been quite as important to re-assess the role of law in controlling the misuse of drugs as it is today.

"There is a present cynicism about the validity of many of the restrictions and penalties imposed by federal and state drug laws, particularly among youths, that parallels the attitude toward the Volstead Act during the prohibition era.

"Much of this cynicism may be warranted. Many of the drug abuse laws have not been the result of careful analysis, but rather have been the result of an emotional response to what is, admittedly, a serious problem.

"Possibly even more disturbing is the fact that it is often difficult to convince legislative bodies to update laws or rectify old mistakes, even though substantial evidence exists that change is desperately needed."

Krantz contended that the role of law could become a significant deterrent to the misuse of drugs if the following steps were undertaken simultaneously:

Accelerate medical research to determine the harmfulness of drug consumption, both controlled and uncontrolled, and to evaluate various treatment programs.

A review of all narcotic and drug abuse laws at both state and federal levels based upon current knowledge.

Provide greater resources for law enforcement agencies, along with improved coordination of efforts to insure that illegal trafficking in drugs is more effectively curtailed.

Research hopefully will provide some answers for the future but what is being done today to help drug addicts and those emotionally dependent upon drugs?

For years, about the only answer that could be given was "Lexington," the U.S. Public Health Service Hospital in that Kentucky city. For male addicts west of the Mississippi, the answer was a smaller federal facility at Fort Worth, Tex.

They are still the chief centers for "large" numbers of patients—1042 beds at Lexington and 777 at Fort Worth. But these are pitifully few for the demand.

At one time, the only way an addict could get into Lexington was as a prisoner. Now the regulations permit voluntary commitment, and about half the patients at any given time are in this category.

The relapse rate, however, remains extremely high.

More recently, new state-supported programs have gone into effect, particularly in California and New York, where drug abuse is higher than the national average.

Of wider scope, the state programs often provide both in-patient and out-patient care; vocational and academic training; halfway houses for those returning to society; and follow-up guidance or supervision.

THE PICTURE IN BAY STATE

In Massachusetts, warnings issued five years ago by the special White House Conference on Narcotics and Drug Abuse, the then newly-created State Drug Addiction Rehabilitation Board, police, doctors, youth counselors in schools, the courts and the corrections system unanimously agreed that drug abuse was increasing at an alarming rate.

For a while, there was little response from the public. It still visualized drug addicts solely as opium-smokers, or heroin-shooters sprawled in dark and dingy dens in the poorest sections of the big cities. Kids from nice homes don't take dope, many people still thought, particularly kids from suburbia.

Bay Staters learned, fast, however, and many learned the hard way. Drug abuse suddenly broke out in nearly every community in the state.

The public began hearing almost daily about drug raids. Often, they involved high school students, sometimes even junior high pupils were involved.

Coupled with this were reports from colleges, where pot, LSD and illicit pills suddenly, it seemed, became as prevalent as school books. The state, indeed, became frightened that the "drug problem" was racing out of control.

"People began participating in programs to help drug addicts and abusers, and to prevent the problem from spreading. Parents, youth, addicts themselves, wanted to become involved in the fight," explains Lawrence D. Gaughan, director of the Drug Addiction Rehabilitation Board.

Local committees were set up in cities and towns throughout the state, most of them within the past two or three years. Some were sponsored by local government, others by neighborhood groups or other civic organizations, some by medical associations.

But these new committees of persons who knew little about a new problem, needed guidance. They got it from Gaughan and his board.

"We set up a model co-ordinating plan for local groups," says Gaughan. "We told them to be sure to get the local government, the city council or selectmen, the police, the school committee, any other agency in the community which could help, involved.

"We also pointed out the safeguards they should set up. They should establish themselves as a non-profit organization, for example. They should have no more than 15 nor less than 10 members on their board, and they should include a lawyer, a doctor and a clergyman. And their books, if they are set up by the mayor or a local governmental agency, should be subject to auditing."

Every major city in Massachusetts, and some towns, now have such a citizen's group fighting drug abuse. And they, in turn, are generating new interests and enthusiasm among other people in the community.

To help these local groups further, Gaughan asked the Legislature for $250,000 in a supplementary budget this year.

In 1964, the Massachusetts Legislature gave this state the third state-sponsored drug rehabilitation unit in the country, and the first to work with voluntary patients, as well as those assigned by the court.

The first year, the board had about $265,000 to work with. Its only facility was a 12-bed unit set up at the Boston State Hospital in Mattapan. With its budget doubled in five years, the board has expanded services into many sections of the state, and has plans for even further expansion.

A goal, points out Gaughan, is that "every person who is a drug addict or abuser should be able to get help in his immediate area." Another goal, based on a recommendation by the 1962 President's Committee on Drug Abuse, is that state facilities be reserved for the hard-core, serious cases, people who can't help themselves on an out-patient basis. For those who can—and this seems to include most persons with a drug problem—out-patient facilities should be provided.

Set up throughout the state now, usually because of the help from Gaughan's board, are seven facilities. Two more are planned. And another 49, including the 12 State Mental Hospitals and 39 proposed community mental health centers, will be drawn into the program under legislation passed this year.

There are two key facilities: the Boston State Hospital unit, which now has 20 beds (which treated 497 patients, both in-patient and outpatient last year) and the drug rehabilitation center at the Massachusetts Correctional Institution at Bridgewater. Last year the Bridgewater unit treated 586 persons, 417 of them sent there by the courts. The remainder were voluntary commitments.

In Boston, the city's Dept. of Health and Hospitals, in conjunction with the state board has established an out-patient clinic on Whittier st., Roxbury, and an information and referral center in East Boston. An evening clinic at Boston City Hospital is to be opened soon.

Elsewhere in the state, a new unit has been set up at the Massachusetts Correctional Institution for women in Framingham. Units are planned at the Springfield Medical Center and Pittsfield General Hospital. An Oct. 1 target date has been set for opening these.

Also planned, but due to open later, is a drug rehabilitation units at Northampton State Hospital.

Gaughan also is seeking to establish rehabilitation units in private hospitals, a move authorized by the Quinn bill. He is working with the Massachusetts Hospital Assn. to expedite this.

The director warns that while the Quinn Bill "was a good bill," use of the 37 Community Mental Health Centers is a long way off. Only one such facility has been built, and all 37 are not due to be operating until 1973.

Massachusetts, in other ways, is waging a new attack on drug abuse. Public meetings to discuss the problem are being sponsored with increased frequency by community groups, the schools or the police.

Doctors are more willing now, than five years ago, to accept as patients people with drug problems.

Gaughan finds several reasons for this. Drug addiction now is recognized is a middle-class problem, as well as one for other economic levels. Also, today's drug addicts aren't so frequently involved with crime as they formerly were.

CORRECTION OF THE JOURNAL AND THE RECORD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal and the RECORD of February 7 be corrected to change the Roman numeral "XXI" to "XVI" so that the order granted that day to permit the Committee on Appropriations to file reports during adjournments or recesses of the Senate will read "with accompanying notices or motions to suspend paragraph 4 of rule XVI."

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

RETIREMENT OF THE HONORABLE STEPHEN M. YOUNG BRINGS APPRAISAL OF HIS CONSTRUCTIVE LEADERSHIP IN WATER RESOURCE PROGRAMS—ARTICLE IS CITED

Mr. RANDOLPH. Mr. President, recently our esteemed colleague from Ohio, Senator STEPHEN YOUNG, announced his intention to retire when his term expires in 1970.

As chairman of the Committee on Public Works, I personally and officially press tribute to the work that Senator YOUNG has done in the area of water resource development. He is chairman of the Subcommittee on Flood Control—Rivers and Harbors, and has become a recognized expert on these matters.

The subcommittee is one of our most important. It has the responsibility for recommending legislative authorizations for the comprehensive water resources development programs. These are carried out under the jurisdiction of the various Federal water resources agencies, including the Corps of Engineers, Department of the Army, the Soil Conservation Service, Department of Agriculture, and the Tennessee Valley Authority. Under the leadership of Senator YOUNG, the subcommittee has recommended the enactment of legislation which has enhanced water resource development throughout the Nation.

Wherever water resources exist—whether in the Great Lakes region or the Ohio River in his own State, or in the Mississippi Valley, the West, or the East—Senator YOUNG has been an ardent spokesman for the wise and prudent use and development of these water resources.

It is significant that less than 2 weeks before Senator YOUNG announced his intention to retire, a paper on water resource development authored by him was published by the National Waterways Conference, Inc. It is entitled "A Water Development Program for America's Future," and outlines graphically the water resource needs that the Nation faces, as well as a plan of action to meet these needs.

I am sure we can count on Senator YOUNG's advice and counsel in years to come as we grapple with various water resource problems—whether they be water supply, pollution abatement, flood control, river development, or navigation.

Because his article on water resource development is both informative and timely, I ask unanimous consent that it be printed in the RECORD.

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

A WATER DEVELOPMENT PROGRAM FOR AMERICA'S FUTURE[1]

(By U.S. Senator STEPHEN M. YOUNG)

FOREWORD

Recent studies and official reports, notably *The Nation's Water Resources, Summary Report* published by the U.S. Water Resources Council in late 1968, highlight the urgent need for an expanded and accelerated program of comprehensive water resource development—if we are to meet the pressing needs of a rising population and a growing economy. Recurrent droughts, even in the humid East, and devastating floods from California to New England are grim reminders of the inadequacy of our present efforts and of the vital urgency of a greater commitment of national energy and resources to an enlightened water resource development program.

Ironically, the funding of Federal water projects in recent years manifests a steady downward trend. In Fiscal Year 1970, for instance, the construction budget of the Army Corps of Engineers for water resource projects is the lowest since 1959. We are losing ground, much less keeping pace with increasing needs.

This essay by Hon. Stephen M. Young, senior Senator from Ohio, Chairman of the Flood Control—River and Harbors Subcommittee of the Senate Committee on Public Works, is a major contribution to public understanding of this critical problem. In this paper, which the National Waterways Conference, Inc., is privileged to publish, Senator Young clearly defines essential goals, analyzes the principal obstacles to their attainment, and proposes water policies designed to facilitate accomplishment of "the massive and challenging task * * * which confronts the Nation."

America lives on water. Our industries are enormous and growing users of this vital resource. For example, over 68,000 gallons of water were used to produce the steel in your automobile. Navigation on our lakes and rivers sustains the efficiency of the country's basic industries, such as petroleum, steel, coal, chemicals, building materials, electric power, and agriculture. The average American municipality withdraws 110 gallons of water a day per resident. Our water resources are basic to rising standards of health and well-being—to the resilience of a free society in a threatening world.

But, while our people and their water needs are multiplying, the available supply of water stays the same. From the wells, lakes and rivers the American people in their industries and homes now draw a daily average exceeding 1500 gallons per person. By the end of this century, the Nation's water needs will more than double. But, for most of the country, the only water we can use is that which falls as rain and snow. This is fixed. It will be the same in the year 2000 as it is today—as it was when America was discovered.

Even now, in much of the country, most of our waste water is returned to the lakes and rivers, to be drawn out and used again by downstream communities and industries. The water becomes less and less fit for reuse. If we are to have the water we need for our homes and industries by the year 2000, we will have to maintain its quality while using it over and over again.

I venture to say, therefore, that we are on the threshold of a fundamental change in attitude and practice with regard to water. We have looked upon our fresh waters as limitless and incorruptible, as did the Indians before us. But, we now see that this is not so. We enter, therefore, into an era of highly comprehensive husbanding of our water supply. Either we embark upon such a program, unprecedented in scope and concept, or this civilization will wither.

Water resource neglect and the urban crisis

A challenge of the scope I have indicated penetrates to the basic issues of our national destiny. History is strewn with the wreckage of great civilizations which neglected their water and land resources. Senator Allen J. Ellender of Louisiana, an extensive world traveler, recently pointed to the tragic history of the Valley of Mesopotamia, between the Tigris and Euphrates Rivers, which once produced food and fiber to sustain 15 million people. Today it barely provides for 2 million. The great water resources of the Tigris and Euphrates Rivers, with their countless tributaries, were allowed to deteriorate, and, as the rivers carried away the fertile soils in uncontrolled floods, the countryside became a semi-desert. The people little sensed the water thirst which underlay the dissensions and turmoil of their decline.

As in ancient societies, guilty of this improvidence, riots are now erupting in American cities. Again, the neglect of water resources lies at their roots. From 1955 to 1965, over 8.5 million Americans migrated from rural areas to the cities. Millions of these migrants are desperately poor and ill-equipped to cope with the complexities of urban life. Our cities have consequently become festering centers of poverty and frustration in which both rats and riots breed.

Much of this migration could have been avoided. Data compiled by the American Waterway Operators, Inc., disclose that from 1952 through 1968 about $136.3 billion was invested in industrial production facilities at waterside locations in the United States. Commenting on this remarkable record, Lt. General William F. Cassidy, as Chief of Engineers, U.S. Army, testifying in 1968 before the Public Works Appropriations Subcommittee of the Senate stated:

"Comparably, the Nation's total capital investment on all navigation work to date—for harbors, inland waterways and the navigation share of multiple-purpose developments—is less than $5 billion. This represents an investment ratio of more than 26 to 1, and the result has been more jobs for more people while reducing the cost of goods and services to consumers.

"It is a program in our Nation's welfare where the direct benefits exceed the direct costs and where the indirect benefits from the public investments multiply the economic values many times."

Thus, if we had developed adequately the water resources of the great basins from which the people have migrated in such vast numbers, many of these people would have found opportunity and a better life in their home areas and the scale of urban in-migration would have been greatly reduced. At the same time, the hopeless stagnation of depressed rural areas would have been relieved.

The former Secretary of Transportation, the Honorable Alan S. Boyd, stated in a 1967 speech in Atlanta, Georgia:

"I am forced to conclude that at the present time there is only one transportation mode in which technological progress is not generally weighted in favor of metropolitan areas. That is the inland waterway system. * * * I see at least one implication, and that is the likelihood that rural industrial sites will remain a stable locational pattern here in the Southeast."

The continued neglect of water resources will continue to strain the fabric of society in directions not now discernible. If we persist in this neglect, the turmoil of the cities will almost surely prove to have been but the first chapter of progressive deterioration in the structure and unity of American society. We must not let this happen.

Fortunately, America has been blessed throughout her history with leaders with the wisdom to read the lessons of the past and the foresight to build for the future. We must be eternally grateful to men such as Teddy Roosevelt, Gifford Pinchot, George Norris, and in our own day Robert Kerr,

[1] The author wishes to thank William J. Hull of the Ohio Valley Improvement Association for invaluable assistance in editing this article. The author is also indebted to Professor Marvin J. Barloon of the Department of Economics, Case Western Reserve University, Cleveland, Ohio, for research and factual information.

Carl Hayden, Allen Ellender and Michael J. Kirwan, to mention only a few, who with vision and courage have fought unceasingly for reclamation, conservation and development of our water and related land resources against the forces of inertia and, at times, against the misleading propaganda of special, self-centered interests. Only the broad and far-sighted vision of such leadership, dedicated to the interest of the Nation as a whole will prove equal to the task ahead.

1. THE GOALS OF WATER RESOURCE DEVELOPMENT

Let us first spell out our goals. Then we can gauge the obstacles to be overcome for their achievement.

Water supply

Our first goal is to have enough water. Sufficient rain and snow fall on the United States each year to flood the whole Nation to a depth of two and one-half feet. But, most of this evaporates or passes off into the air through the leaves of trees, grass, and farm crops. We are left, then, with the residue, only 1/40 of an inch per day. Each time you burn up a gallon of gasoline in your car, bear in mind it took seven gallons of water to produce that gasoline. This illustration could be multiplied with respect to steel, aluminum, paper, chemicals and countless other products. Personal uses run high—washing cars and sprinkling lawns.

Besides, every region doesn't get its daily 1/40 of an inch. The yearly runoff of water in New England, at two feet a year, is the highest in the country. But, the Upper Missouri River Basin gets only 1 inch per year—1/24 as much.

The American people now withdraw from wells, lakes, and streams about 270 billion gallons of water a day. By the year 2000, they are expected to withdraw about three times this amount. Where will we get all this water?

Research for additional water

New technologies may be developed to add to the supply. We should redouble our support of research to this end. But, invention is very conjectural, and at best, new technologies will almost surely fall far short of total solution. We must prepare, therefore, for the use of three times as much water from an available supply only moderately enlarged—or not enlarged at all.

Water resources and food supply

The management of water bears also on the food supply. Multiplying world populations confront us with the terrible prospect of mass starvation abroad with its associated disorders and its menace to world peace. By the year 2000, our own population will very probably exceed 300 million. Already our surpluses of grain are depleted and the margin of our abundance grows thinner.

Uncontrolled water runoff erodes our richest soils. The massive mud deposits in the Missouri and Mississippi Rivers represent the irreplaceable loss of fertile topsoils in such states as Iowa and Nebraska while obstructing navigation in the rivers. Meanwhile, blocked by such obstruction and, without ready access to domestic and foreign markets via the Missouri, grain rots while piled in the streets awaiting railway cars in chronically short supply.

Potentially rich, but arid, lands call for irrigation. The endless cropping of our soils depletes their nutrient content, requiring massive chemical refertilization. The industries which supply the fertilizers are built on a base of water transportation via the inadequate river channels.

Pollution abatement

Growing public concern regarding our water resource development program is particularly manifest in the field of pollution abatement. Ohioans witnessing the deterioration of Lake Erie with continuing biological changes and large accumulations of unsightly algae; citizens of all Great Lakes States alerted to the encroachment of filth and noxious wastes into these God-given resources of beauty and usefulness; residents of our river communities facing destruction of priceless natural assets and of recreational waters by untreated sewage and industrial pollution—all these comprise an aroused public demanding action now. Efforts on this front are demonstrably productive, but far too slow.

The control of floodwaters

Floods are a continuing problem, wasting the soil and causing enormous property damage and loss of life. The vast development of industries along the Nation's rivers encouraged by water supply and navigation raises each year the quantity of the U.S. wealth committed to areas of flood exposure. Extensive networks of railroads and highways follow the exposed river flood plains for ease of grade. Much has been done toward flood control and protection, but a great task remains ahead.

With the continued growth of industrially-oriented cities and towns in the river valleys, the cost of floods in human life and suffering is beyond calculation.

Recreation

Still another goal must be the preservation of the Nation's heritage of open spaces in a form to enrich the life of an increasingly urbanized society. The rising portion of our population living in cities now approaches 75 percent, and the fringes of our great metropolitan areas reach ever outward and merge with each other. No longer can we take for granted our native forests, open vistas, and wild life. The enhancement of the natural environment, including fish and other wild life, and the provision of wholesome recreational opportunities on our lakes and rivers assume, therefore, a high priority.

Navigation

Since the end of World War II, the volume of vessel freight carried on our rivers has multiplied more than five-fold. Extensive industrial areas and communities have grown to new dimensions on this traffic, and efficient river carriage will have much to do with achieving the expansion in the national product required to meet our goals for a rising standard of living. The rivers carry ever-growing tonnages of those materials and fuels most basic to the economy—bituminous coal for electricity and other uses, industrial chemicals, iron and steel, petroleum, farm crops, and chemical fertilizers, for example. New jobs, rising incomes, and a more abundant life depend on this mounting traffic.

The inherent advantage of water transportation is its ability to move immense tonnages of bulk commodities at very low cost. For every dollar spent on railroad freight the very same tonnage could be moved an equivalent distance by river barge for only 25 cents. This advantage is derived from dramatic improvements in barging technology since World War II: navigation by radar, ship-to-shore telephone, and the adoption of huge Diesel-engine, screw-propelled power units which move assemblies of barges through the circuitous river channels in tonnages bigger than those of an ocean liner.

Meanwhile, however, the navigation works and channels of our rivers and canals remain at obsolete, pre-war dimensions. The navigation system of the Ohio River, now only partially modernized, was completed in 1929. Its structure and dimensions are woefully out of date. Most of the system of the Upper Mississippi River, between Minneapolis and St. Louis was completed some 30 years ago, and that of the Illinois River in the same period. Barge tows a quarter of a mile long have to be repeatedly broken up to get through 600-foot (or smaller) locks of these major rivers. Many hours are lost waiting for access to one-way lock installations. Moving modern vessel units through the antiquated passages is like compressing superhighway traffic into an old fashioned two-lane country road—with occasional one-way traffic. As our population and national product expand to unprecedented dimensions, the construction of improved navigation facilities becomes increasingly urgent.

Waterways complementary to railways: We must dispel completely the widespread notion that waterway carriage takes needed business away from the railroads. The rapid expansion of our industries is placing such mounting demands upon the railroads, and upon all other modes of transportation, as to strain the capacity of the system. Since 1966, the railroads have been carrying more freight than in any previous era in their history. Railway freight has gone up five times as much since 1960 as that on the inland waterways. One of our serious national problems, in fact, is the inability of the railroads to handle the freight now being offered them. One government official is reported to have estimated that the freight car shortage is trimming some $7 billion a year from our Gross National Product.

Without the expansion of water transportation in recent years, the railway freight car shortage would have become insupportable. A single tow of barges on the Mississippi River can carry as much as 60,000 tons, a load exceeding that of 36 average railroad trains; just one 1,500-ton barge carries the equivalent of over 38 average railway freight cars.

By 1975 the national product will exceed $1 trillion; for the year 2000, it is projected at $2 trillion, nearly three-fold the present level. We must move decisively toward modernizing and increasing the capability of our railroads and our water ways, too, as we expand, also, our airports and improve our highways.

Adequate and modernized transportation by all modes of carriage releases the forces of industrial growth in which all share. We have already noted the enormous industrial expansion occurring along our navigable rivers. With good water and land connections, the new plants receive and ship large tonnages of bulk materials and fuels by vessel, while moving, at the same time, large volumes of high-rated components and finished products by rail and truck.

Since 1950, more than $25 billion has been invested in major plant projects on the banks of the Ohio River and its tributaries. This has obviously been a boon to the railroads serving the region. From 1955 to 1965, the ton-miles of freight carried by the five major railroads serving the expanding water-based industries of the Ohio and Mississippi Valleys increased by 30 percent. Meanwhile, the ton-miles carried by all other railroads in the country went up only 10 percent. The harmonious relationship between waterway and railway freight traffic and their common reliance on industrial development should be evident in these figures.

As Herbert Hoover pointed out long ago:

"The new waterways are not competitive but complementary to our great and efficient railways. It is the history of transportation that an increase of facilities and a cheapening of transportation increases the volume of traffic."

Vital instrument of national defense: Modernization and extension of the waterway system has an important bearing on the national defense. For one thing, waterway equipment conserves scarce materials. Only 250 tons of steel will build a 10,000-barrel gasoline barge of simple box design. But, to build this same carrying capacity in the form of railway tank cars would require 1,000 tons of steel, in addition to lots of skilled and scarce manpower for the intricate rolling undercarriage and brake mechanisms.

The attractions of waterway transportation induce widely dispersed industrial growth

throughout the continental interior, minimizing vulnerable concentrations of industry at coastal ports.

The contribution of inland navigation to the national defense was well stated by President Truman's Water Resources Policy Commission when, in its 1950 Report, the Commission said:

"The service rendered by inland waterway transportation during World War II demonstrated conclusively that it is a vital instrument of national defense."

Surely the importance of our inland waterways to the national defense is even greater today, when the Soviets have a great fleet of vastly improved submarines, when a hostile regime is entrenched in Cuba, and when Red China is developing a nuclear rocket capability.

The locks and channel systems of our rivers are open and free to all—to recreational craft such as house boats and power cruisers—as well as to commercial vessels. With the rapid growth of power boating in this country, recreation and commerce have a common stake in a modernized waterway system.

Upstream reservoirs

Water management begins with catching the rain and melting snows close to where they fall. This means upstream reservoirs. Upstream reservoirs are, in fact, man-made lakes impounded, usually, by big earthen dams on small tributary streams back up in the hills. During the wet season these reservoirs fill with water, thereby saving the downstream communities from devastating floods. In the subsequent dry season of late summer, the impounded waters are released in controlled volumes, thus maintaining water supply in the downstream basin, cleansing the lower-river waters with a flushing action, and keeping navigation channels deep for pleasure boaters and commercial vessels. At times as much as one-half of all the massive flow of water where the Ohio River pours into the Mississippi consists of releases from these distant upstream impoundments.

Nor are all the benefits of the upstream reservoir system bestowed on the distant downriver communities. In its immediate locality, the reservoir is a vital component in a local system of barriers to soil erosion. And it is commonly an attractive base for local fish and wildlife enhancement and for recreation.

Reservoir benefits, nevertheless, are widely distributed. During the drought of 1954, water from the Upper Missouri River reservoir in Montana and North Dakota was combined with releases from reservoirs as far away as West Virginia and Pennsylvania to save the municipal water supply system of New Orleans from ruinous salt water intrusion. If ever there was an interstate function lying in the area of Federal administration, this is certainly it.

Defense against major floods: The pairing of reservoirs with local flood protection works can be immensely effective. Although much of the task still lies ahead, enough has been done to provide its efficacy. The Federal government, over many years, has paid out about $6 billion to build flood control works. These works have already warded off flood damage which would have exceeded $15 billion, not counting the cost of interruptions to production, employment, and income which would have ensued. The Nation's attention in early 1969 was centered on the disastrous floods in California and the Mississippi Valley highlighting the inadequacy of our defense against the menace of major floods. But how few of us realize what the scale of these tragedies would have been without the control and protection works already in place!

In Southern California, where the deluge exceeded even the record flood of 1938, the works built by the Corps of Engineers prevented more than $1¼ billion in damage, and some of the projects more than paid for themselves in the single storm. Existing works in the Missouri and Upper Mississippi prevented another $100 million in damages and the temporary work done in the Northern Tier has already averted damages in excess of $250 million. The incalculable values of flood control in preventing disease and saving human life represent, of course, an additional value beyond dollar measurement.

Water-based recreation enhanced: The contribution of reservoirs to recreation must be viewed in the light of the emerging urban structure of the Nation. Where the terrain and patterns of precipitation are favorable, upstream reservoirs, in association with recreational areas and refuges for wildlife, will maintain among our urban population a continuing contact with open spaces, forests, and vistas, and provide as well facilities for boating, swimming, fishing, and other water-based recreation so essential to wholesome family and community living. Much of the life of such character-building groups as the Boy Scouts, the Girl Scouts, fraternal lodges, and local parish societies is enriched by available waterside vacation and picnic sites.

The benefits of water recreation are not confined to these vital, but intangible, values. Recreation is a big and growing industry, and it holds high promise for jobs and incomes in such depressed regions as Appalachia and much of the South. The manufacture and sale of powered boats, boating fuels and supplies, as well as camping and vacation equipment, combine with numerous services at recreational centers to constitute a valuable and growing area of economic production.

Thus, the construction of upstream reservoirs and flood protection works constitutes a joint undertaking with modernization of our inland navigation system. Navigation works increase water supply on the major rivers and improve its quality. The contribution of upstream reservoirs in the dry season to unimpaired depth in the lower rivers contributes to aquatic life and recreational values. Our navigation system is thus a joint product in the total program of water resource development.

Magnitude of the task

I have pointed to past achievement as an indicator of the efficacy of the various elements of our water resource program. But this does not mean that we can be complacent with present accomplishment. The task is barely begun.

Nowhere is the inadequacy of our effort more glaringly evident than in the critical area of water pollution abatment upon which the health of the Nation depends. Already there is a backlog of applications for municipal waste treatment projects being processed or prepared with a total eligible cost amounting to $13 billion dollars, involving a Federal share of about $5.2 billion dollars. At the present rate of Federal expenditure—about $200 million a year—26 years would be needed just to work off the backlog. Very conservatively, an annual outlay of at least $3 billion dollars for all levels of government—national, state, and local is needed to meet requirements for municipal waste treatment projected to 1980. This would mean Federal matching grants at an average rate of more than $1 billion a year—or five times the present level.

Our multiple-purpose reservoir program, a crucial element in comprehensive river basin development, is also seriously behind schedule. In the basin of the Ohio River, for example, 50 reservoirs have been constructed. But these reservoirs will accommodate only 14 percent of the basin's water storage estimated by the Army Corps of Engineers as necessary by the year 2020 for all water supply and quality control needs. For the Nation as a whole, the Corps estimates an additional need of 500 million acre-feet by the end of the century. The cost may well approach a total of $20 billion, to be paid out at a rate exceeding $600 million a year.

Admittedly, too, existing flood control works have saved the Nation several-fold their cost in damages averted. But, there remain throughout the country 250 additional flood control projects already authorized by Congress on which construction has not yet even begun. We must work off this backlog at a faster pace. Growing industry and urban extensions will soon pre-empt the needed land sites. Only prompt action will avert excessive economic cost and community dislocations.

The time may well be at hand when Congress should consider legislation to assume Federal responsibility for reservoirs for comprehensive stream flow regulation and to authorize a system of grants to states to share the costs of state reservoirs for such purposes.

Sound investment in our national water resource base

Should we be shocked, then, at the enormous dollar outlays we shall have to make for water resource development? Sobered, yes—but not shocked. For one thing, our present outlays are relatively stingy. Let's take as a measure the present total outlays of all major Federal agencies, combined, on water resource development. These agencies are: 1) the Army Corps of Engineers; 2) the Bureau of Reclamation; 3) the Soil Conservation Service; 4) the Federal Water Pollution Control Administration; 5) the Office of Water Resources Research; and 6) the Office of Saline Water. These agencies altogether are now paying out about $2.4 billion a year on water resources. A huge sum, yes; but, actually, it is equivalent to less than 10 percent of our annual expenditure on the Viet Nam War. Another measure: For every $100 of our Gross National Product, the American people, through all these Federal agencies combined, are expending only 35 cents on the water resource base which makes that product possible!

Our outlays on water resource should never be viewed as an expense. These outlays are an investment. By making them wisely and adequately, our national product will be substantially increased. We cannot regard ourselves as a prudent people by confining our pay-out to only 35 cents to expand a national product of $100. If we raise this wisely, the resulting output expansion would repay us many-fold. No man is more improvident than the farmer who, to save an immediate dollar, neglects the fertilization of his soil—none more wasteful than the businessman who fails to maintain and modernize the equipment which produces his living. So it is with the American people and the water resource base of their livelihood. Can we afford to invest more in our water resources? We cannot afford not to.

2. THE PSYCHOLOGICAL OBSTACLES TO PROGRESS

Why, then, do we hesitate? I think we have shackled ourselves with out-of-date notions. We are afflicted by attitudes of timidity, a heritage, perhaps, of the privations of the Great Depression with its attendant doctrine of economic stagnation. These attitudes have been reinforced by a stream of well-financed propaganda, issuing from selfish and short-sighted interests, intent on fostering a body of myth to confuse public understanding and obstruct action.

The "pork-barrel" myth

Most people who are victims of the "pork-barrel" myth undergo a kind of split personality in their attitude toward the United States Congress. The American people have a well-founded confidence in the generally high level of intelligence and responsibility of Congress in almost every area of national policy.

While every American will disagree with some particular congressional actions, in the

overall view, he understands, and quite rightly, that this body is fundamentally dedicated to the national welfare. The United States Congress is living testimony to the effectiveness of representative government.

But, there is one exception. Whenever action is taken by Congress toward the development of water resources, it is supposed by some that the Congressman suddenly sheds his customary concern for the Nation and in this area, almost uniquely, seeks to plunder the public treasury. Strangely, he is supposed not to do this to any comparable degree on other matters involving Federal spending in his state or congressional district—not on urban renewal, not on poverty programs, not on agriculture, not on military programs. On these, while he may exhibit some bias for his home area, it is not bad enough to be "pork barrel". But, if the spending is for water resources—so goes the supposition—the magic wand is waived, Dr. Jekyl becomes Mr. Hyde, and the Senator or Congressman wantonly squanders the public funds. This is the "pork-barrel" myth.

We have seen in 1968, and in numerous earlier periods, the courageous and persistent labors of congressional leadership to bring about reductions in government spending. How can anybody believe that a body of men among whom dedication to government economy is so prevalent can, in the water resource field, suddenly transform itself into a pack of vultures? Yet, the "pork-barrel" myth is one of the most deeply-rooted superstitions in American folklore. It is costing the country dearly in water resource development.

The unspoiled wilderness

Urgently needed water resource development will be seriously obstructed if we allow our recreational objectives to become a focus of inter-group conflict. On the one hand, there are those who seek to preserve the peace and beauty of the wilderness where man has not intruded. Their sentiments are to be respected. Certainly I wish to protect and enhance our fish and wildlife resources and to preserve the majesty of forest and mountain.

Often, however, the wilderness is accessible only to the fortunate few who can afford the high outlay of time and money to reach its remote and sequestered recesses. Meanwhile, the overriding demands of an expanding and urbanized population require recreational accessibility for ever larger numbers. These demands and the mounting requirements for a clean water supply, low-cost transportation, and flood control inevitably shrink the untouched areas of the wilderness.

I believe a balanced development will solve this problem. Admittedly, a wilderness landscape peopled with campers and boaters is no longer a wilderness. But, with careful planning, the beauty of hill and lake can be preserved, or even enhanced, to be enjoyed by vastly larger numbers of people. Multipurpose reservoirs can, and do, incorporate features for enhancing the fish and wildlife habitat. Releases of water in dry seasons dilute wastes and help restore conditions favorable to aquatic life. If we must choose between moose and people, we will, of course, have to serve the people, meanwhile conserving all wildlife for human enjoyment. We can only strive for the best practical balance—for the best features of the wilderness accessible to the greatest numbers of people. The "books in running brooks" are meaningful only if people can read them.

The vital role of news media

Our mass media, particularly the newspapers and some of the news magazines, must assume greater responsibility for balanced presentation of news about water resources. Much of the "pork-barrel" myth is a product of the press. Admittedly, a headline such as "Mammoth Pork Barrel Bill" is more eye-catching and suggestive of congressional indiscretion than a headline describing a "Water Resources Development Bill." Snide comments about a Congressman's "pet project" supposedly hold reader attention.

But, the newspaper readers are American citizens. Their awareness of the water development crisis mounts. They want, and need, to learn about the issue on its merits. And, what, after all, will happen to our newspapers—and their circulation and advertising revenues—in an economy stifled by water shortages, water pollution, transportation congestion, and lack of recreational facilities? A hard look at newspaper circulation in the long run will show that nothing is so profitable as full and fair reporting.

3. NEW WATER POLICIES FOR THE AMERICAN PEOPLE

The stream of railroad propaganda, broadcast by a short-sighted press has induced in the official procedures of government a set of policies almost guaranteed to hamstring water resource development. Let me sketch briefly the present structure of these policies and the revisions which must be adopted if the full potentials of our water resources are to be realized.

There are, it seems to me, two major areas of policy to be revised and clarified. These two are: 1) A broadened view of the total social value of each water resource project, so as to liberate our judgment from the present artificially narrow standard of the direct dollar benefit to be expected; and 2) An explicit and conclusive rededication to the principle of open availability of water resource and waterway projects to all the people, free from restrictive and self-defeating use taxes, tolls, or user charges. Let me discuss briefly the implications of each of these policy revisions.

Toward a realistic measure of public benefits and costs

For a very large segment of our water resource program, both the Executive Branch and the Congress now scrutinize each project as though it were a narrow commercial undertaking. We concentrate attention on those direct prospective benefits which are strictly measurable in dollars and cents such, for example, as the dollar value of property saved from floods, or the amount by which river navigation saves freight charges. We then compare these narrowly construed monetary benefits with project cost to derive a ratio of prospective benefit to cost. In almost every instance, the benefits, sharply constricted in this manner, must exceed the cost for the project to win approval. Indirect benefits, human and social values, and vital objectives of national policy which cannot be measured in direct money terms often receive only supplementary attention, or none at all.

How narrowly mercenary we are to consider only the dollar value of property saved by flood control, while giving scant attention to the saving of human life and the averted anguish of families driven from their homes by rising waters! How short-sighted to measure only the saving in freight cost offered by a new navigation facility, while largely ignoring the new employment horizons for many thousands of our young people which the resulting industrial expansion will generate! The relief of social turbulence in our cities, the strengthening of the national defense, and a more wholesome recreational environment for millions of families in an increasingly urbanized society—all these, as "indirect" or "secondary" benefits, are left out of the benefits-cost formula. They enter the decision-making process somewhat as an afterthought or are omitted altogether.

How startling that development of our water resources is the only major Federal program which is subjected to this strictly calculated commercial screening! We place no such restriction on public expenditure for the highway program, nor on aid to agriculture, nor on foreign aid. The War on Poverty and the financing of our schools are not put through this acid test of the cash register.

As Chairman of the Subcommittee on Flood Control-Rivers and Harbors of the Senate Public Works Committee, I was particularly gratified that the Subcommittee took note in 1968 of the need for full consideration of all water resources projects. For six years it has been the explicit, but unfulfilled, policy of the government to do so. Senate Document 97 of the 87th Congress formulated by members of the cabinet, and approved by President Kennedy in 1962, calls for uniformity and inclusiveness in the weighing of prospective benefits of all water resource projects. We are already seven years late in implementing this explicit and necessary policy.

Releasing the straitjacket of the interest-discount factor

Meanwhile, the straitjacket of the benefit-cost calculation is being drawn tighter. Because a water resource facility is a long-lived investment, it has been Federal practice to saddle it with a yearly charge of assumed "interest" on that investment. This is in addition to the annual cost of maintenance. As for the estimated benefits, they will be realized by society only in the future. For this reason, Federal practice "discounts" these benefits to a lower-level present value. Obviously, the higher the rate of "interest" assumed, the higher will be the estimated yearly "cost" and the lower the present value of the future benefits.

In late 1968, the Water Resources Council of the Executive Branch announced a new formula for a rate of assumed "interest" based on the average yield of long-term government obligations during the preceding fiscal year. The immediate effect was to increase the interest-discount rate from 3¼ percent to 4⅝ percent, a 40 percent hike. For a project where the benefit-cost ratio has been computed on the expectation of a 50-year service life, a benefit of $1,000 to be realized in the 50th year would have a present value of $202 at 3¼ percent, but of only $110 at 4½ percent. The estimated benefits of each of the other 49 years would also be trimmed down substantially. Clearly, numerous water resource improvements, vitally needed by the American people, are going to be withheld from them by the computer.

Threat of "opportunity costs" approach: I do not quarrel with the new formula of the Water Resources Council as such. It is a technical decision, supported by technical reasoning. The problem, however, is that it may be construed as an official blessing upon a movement which would virtually cripple the Nation's entire water resource program. This is the growing clamor of the "opportunity cost" set.

The "opportunity cost" school, consisting principally of theoretical academicians, would shackle water resource projects with a rate, not of 4⅝ percent, but with more than double this amount, contending for a rate in the range of 10 to 15 percent. The protagonists argue that this is the rate of return on new business investments in the private sector of the economy and that the government is a sucker if it doesn't get the same. In this view, the Federal government is considered a shrewd negotiator seeking to strike an advantageous arms-length bargain with the people rather than a sovereign power promoting the general welfare.

We have seen that at the long-used interest-discount rate of 3¼ percent, a $1,000 benefit to be realized in the final 50th year of a project's life is assigned a present value of $202.00. But, at the rate of 10 percent, this valuation would shrink to $8.50, and at 15 percent, the $1,000 would be valued at only 90 cents. Every benefit of each of the other 49 years would likewise be drastically reduced. This is a blue print for a Berlin Wall against any significant progress in the Nation's water resource program. If we are going to place a value of only 90

cents, or even of $8.50, on $1,000 worth of future benefit to our children, we have become a short-sighted people, indeed. We must decisively reject such a flagrant disregard of the essence of conservation philosophy—concern for our posterity.

The danger is not an imaginary one. A number of influential Senators and Congressmen, beguiled by the ostensible "logic" of the "opportunity cost" theory, are already advancing this doctrine, seeking to prove that if Federal investment in water resource development does not show prompt profits at a rate normal to business corporations it should be disallowed. This "logic" based upon a false analogy.

Government's obligation to posterity: The Federal government is not a profit-seeking business. In water resource development it must look ahead beyond the life-span of living persons to the needs of posterity, a longer view than private enterprise can normally take. The government must be dedicated to the general welfare, advancing values of health, security, and well-being which are now under-rated or totally ignored in our preoccupation with the narrowly construed monetary values of the benefits-cost ratio.

We need stability in our water resource policy with some independence from repeated drastic revisions of the kind proposed. Stability requires that all agencies give full weight to all benefits reasonably anticipated from every water resource project considered and that the principles of evaluation, including such techniques as the interest-discount factor, remain constant as between projects and from year to year.

The avoidance of special, restrictive taxes and user charges

Finally, I must issue a warning against a policy of the Executive Branch which I believe to be profoundly inimical to the sound and essential development of our water resources. This is the matter of special fees, taxes, tolls or user charges repeatedly proposed by the Bureau of the Budget for imposition on the use of Federally provided water resource facilities. High on the list is the proposal for user charges on navigation facilities. Such charges are inherently in the nature of an excise tax clearly regressive in character, which should be rejected out of hand for that reason alone. In addition, they are objectionable by reason of their dislocative and destructive effect on both public and private investments made in reliance upon our long-established, toll-free waterways policy. Moreover, they would tend strongly to disrupt deeply-rooted patterns of commerce affecting major movements of basic industrial materials and fuels as well as enormous quantities of agricultural commodities.

Use taxes, tolls, or user charges on our waterways would reduce freight traffic very severely. Naturally, of course, this cut-back in waterborne freight would reduce the transportation benefits to be expected of new water resource improvements. Navigation benefits are often only a joint product with other objectives. For example, the dams on the main stream of the Ohio, the Mississippi, and the Illinois Rivers, constructed primarily for navigation, provide stable pools for water supply on which countless communities and industries depend. Upstream reservoirs maintain channel depths for navigation in the main river during the dry season while providing attractive sites for recreation, reducing the downstream flood hazard and improving water quality. Illustrations could be multiplied. Use taxes or user charges on navigation, therefore, would spread backward like an infestation in a tree, stunting every root and branch of our water resource development program.

With respect to proposed charges for recreational use of water resource projects, such as charges for access to reservoirs or for licenses of docks or mooring facilities, I was pleased to give my full support in 1968 to legislation to prohibit, or sharply limit, such charges on Corps of Engineers reservoirs. Such charges penalize the very uses Congress seeks to encourage in providing these facilities. Many water-based recreational facilities are located within easy reach of urban area, affording wholesome outdoor recreational opportunities to the disadvantaged poor.

In view of the present crisis in our cities and the frightening turbulence in the central slum areas, no program to provide release from tensions and relief from the crushing urban confinement should be burdened with taxes and charges. Use charges on water-based recreation in proximity to the cities would conflict directly with Federal programs of poverty relief, improved schooling in the central city, and neighborhood renovation and housing. The prohibitions and limitations on such charges recently enacted serve the public interest in this vital area of concern and must be preserved.

The lesson of the St. Lawrence Seaway

The problem of tolls on the St. Lawrence Seaway is a matter of deep concern to me, and, from the very start, I have been opposed to such tolls. The public has made the outlays for construction of the Seaway, but it is deprived of the benefits of otherwise available traffic by the toll barrier.

Tolls on the St. Lawrence Seaway act as an excise tax on the American farmer and worker. The Seaway, for example, carries enormous quantities of export grain from such ports as Duluth, Milwaukee, and Chicago. This special tax placed on its sale to foreign consumers impairs the price realized at the farm throughout the upper Middle West.

Our experience with Seaway tolls demonstrates the insatiable appetite for ever higher charges on the part of the narrow interests opposed to waterway improvement. Although these tolls were set very high to begin with, the demands that they be raised never cease. For those who seek tolls or user charges on waterborne commerce, there is no ceiling, and the demands will be stilled only when the commerce itself has been destroyed. From the St. Lawrence Seaway we have learned that the central target of the user charge advocates is the elimination of waterborne commerce. There is no conceivable level of waterway user charge which, as long as cargo still moves, will lay the issue to rest.

Thus our experience with tolls on the St. Lawrence Seaway leaves no doubt as to the folly of attempting to apply such an imposition to our domestic waterways.

The conditions of success

A massive and challenging task in developing its water resources confronts the Nation. With vision and determination we can do the job. But it is imperative that the public understand its urgency and the true values at stake. To that end, it is my hope that special interests will refrain from misleading propaganda undermining public confidence in the competence and integrity of the Federal agencies involved, and that communications media will seriously concern themselves with objective presentation of the facts to the public. It is essential also that Congress take all appropriate steps to develop and implement a truly adequate program under meaningful standards appropriate to so commanding a task, and that it reject with unmistakable conviction all proposals for imposition of unsound taxes, tolls or special charges which would frustrate attainment of vital national water resource objectives. These conditions are basic to success in achieving goals on which our future welfare depends. We must see to it that they are fulfilled.

MODERN PROGRESS IN WYOMING

Mr. McGEE. Mr. President, Field Editor Bob Shafer, of Rural Electrification, the magazine of the National Rural Electric Cooperative Association, recently visited the State of Wyoming and reported upon its modern progress. In particular, of course, Mr. Shafer's article deals with the key role played by the rural electric cooperatives in Wyoming's growth and development. And he is right; they do indeed play a key role, often setting the example for progress. I ask unanimous consent that his article, published in the October issue of Rural Electrification, be printed in the RECORD.

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

BIG WYOMING: TAKING ITS PLACE IN THE SUN

(By Bob Shafer)

The afternoon sun stood so tall in Wyoming's "Big Sky" it seemed centuries from setting. Had it been early morning, there would have been a reason for wet grass clinging to Merle Rissler's boots. Frost and dew are no strangers to a Wyoming daybreak, even in August. But it was mid-day, and dampness underfoot brought cooling contrast to a sunny blast so fierce it drove both cowboy and dude to refuge in the shade of wide-brimmed hats.

Rissler watched his electric sprinkling system plod insistently along, raining life-giving drops of water on drought-dried range grass. Rainbows in its shower made him wonder if this was to be a wraith-like pot-of-gold, considering how miserly with rain the weatherman had been all summer.

About irrigation, and his own particular stake in it as a rancher, Rissler theorized: "It's not just going to revolutionize farming in Wyoming; it may well save it."

When reminded that the state's agriculture survived well enough before sprinkler irrigation systems were devised, Rissler elaborated:

"At least once every ten years," he began, "Wyoming farmers could count on losing an entire crop to natural calamities such as frost, drought, hail or early snow. You learned to accept this, even though it just about put you in the poor house when it happened."

"Now-a-days, such acceptance of the whims of weather *will* put you in the poor house. Modern transportation and packaging methods being what they are and the markets so close-knit, farmers from far away with more favored growing seasons can beat your price if you have an off year."

"Today's farm market is too competitive to disregard the advantages of technology and the investment it demands. Those who choose to ignore these factors will, sooner or later, die on the vine."

Rissler named a few such "casualties" in his own county, ranchers who had clung to the self-sufficiency dream and, as a result, proved to be as expendable as the pony express.

Rissler and others like him are determined to make those necessary changes and continue ranching as a way of life in Wyoming. Saying goodbye to open range with its gangs of hired hands, and hello to fences and farm machinery, is part of the transition. Windmill waterpumps will stay as a reminder of the romantic past—a trademark without a future. Electric motors will shoulder the work load.

But, when Rissler relates how little remains unchanged in his 30 years of ranching, there is no trace of sadness in his voice, no tearful farewell for an age gone by. To a man whose week knows no weekend and whose day has no quitting time, any deliverance from yesterday's drudgery is a god-send.

On today's working ranch, co-op electricity is the best hired hand, and the only help whose wage is not dogged by inflation.

"The cost of one kilowatt hour," says Rissler, "is the same as it was 20 years ago when Hot Springs Co-op first pushed lines into these parts."

PERIODS OF ADJUSTMENT

If there is anything small about "Big Wyoming" it would be the time-span of its history. In contrast to neighboring Colorado, Wyoming has had half-a-century fewer years to grow: a century less than the sophisticated agricultural midwest and industrial east. To match contemporary trends, Wyoming had to come from behind without breath-catching "periods of adjustment"—valuable respites from rapid progress which allow time for growing pains to ease.

One hero in the cowboy state's frantic "catching-up" has been an electric power supply with pioneering instincts. Chaperoning every step of Wyoming's growth, the state's 15 co-ops are no longer content with just being power suppliers on demand. With co-ops in the vanguard, progress is no longer an act of nature in Wyoming. Today's headway is purposely promoted.

Vital to Wyoming's bright tomorrow is the gaining of "total" industries. As things stand now, of the state's big three—tourism, mineral and oil, and agriculture—only tourism keeps much of the income dollar inside the state. Meanwhile, Wyoming's wealth of crude uranium, ore and oil deposits are exported to other states where refining, marketing and consumption levels are more advanced.

The same is also true of the state's cattle industry. Beef and sheep are bred in Wyoming, graze on Wyoming pasture, fatten-up there, then are hustled off to be butchered, processed, and shipped from market centers outside the state. Unless considerably more than one-third of the industry revenue can be retained, Wyoming's native oilmen, cattlemen and co-op men know their state's potential will be dissipated.

Stuart Crawshaw, manager of Wyoming Statewide, believes the mantle of leadership in securing "total" industries should fall to the co-ops. By virtue of their organizational strength, financial know-how, and as merchandisers of a commodity basic to all economic interests, Crawshaw believes this role of uniter and promoter is a natural for electric co-ops.

According to State Agriculture Commission Jack Hertzler, Crawshaw's idea has merit but should begin with the cattle industry. Disregarding bias, he may be right. Considering Wyoming's lack of a single metropolitan center and the nature of oil drilling and mining, the lucrative processing phase of that industry may continue to elude the state. But beef and wool processing are Wyoming industrial possibilities.

"About 75% of our agricultural industry lies in livestock—most of the remaining 25% consists of feed crops such as barley, alfalfa hay and oats. Keeping the 'finished' livestock inside the state would not only spawn new industries, it would put a fairer share of the grocery dollar into the pockets of Wyoming ranchers."

The new industries Hertzler speaks of are scientific feed lots, slaughter houses, processing and packaging plants, warehouses. Because Wyoming is one of the nation's major beef states and second only to Texas in wool production, developments on these fronts could improve revenue figures in spectacular fasion.

It will take a Wyoming-size effort to make this come true. In the long run, Merle Rissler's irrigation investment, and those of other ranchers, will be just as vital as that of giant corporations.

A good "how-to-do-it" lesson on total industry promotion could be taught by lower Valley Electric Coop at Afton which has thrived for years on its own initiative. With a service area scattered in-and-around the Grand Teton Mountains, this Rocky Mountain co-op has shared largely in developing a resort empire at Jackson Hole. Conspicuous in this vacation area is the absence of national-chain infiltration. There are no Hot Shoppes, no Howard Johnsons, no Holiday Inns. All lodging, restaurant and entertainment spots are locally-owned, which does as much for preserving the charm of this old outlaw haunt as the plush dude ranches nestled at the foot of the mountains. Local ownership also does much for keeping economic yields from siphoning off to coffers of businesses outside the state.

Teton Village is a model of co-op promotion from the ground up. Boasting one of the world's longest aerial trams (which is all electric), this resort offers electric room and swimming pool heating, all electric kitchens, electric fireplaces, and even the novelty of infrared heaters around restaurant and lodging entrances to melt the ice and warm the feet of chilled skiers.

Action at such places at Teton Village and Jackson is largely seasonal, but new home building in the valley is year-round. And 95% are total electric!

Lower Valley's service image is so well known the U.S. Park Service and Bureau of Reclamation, which operate vast acreages in national parks and wildlife refuges, rely on co-op electricity rather than construct and maintain their own lines. Working and planning for Wyoming progress, this co-op shines as a prototype of leadership which inspires similar ideas in other co-ops.

Such ideas are being born faster than they can be put into action. If thought processes could be heard, rumblings would be sounding all across the state—throughout the farmlands of Goshen and Laramie; around the mines of Medicine Bow and oil wells of the Big Horn; across the pasturelands of Sweetwater.

Wyoming has been called a sleeping giant. That characterization is a misnomer. More fitting would be a streaking Indian runner or galloping bronco—anything that could "catch-up" so fast it would pass the others without ever knowing it.

ALBUQUERQUE SOUTH DIVERSION CHANNEL PROJECT—AN APPEAL FOR HELP

Mr. MONTOYA. Mr. President, on numerous occasions in the past, I have spoken in the Senate, I have testified before the Senate Appropriations Committee, I have negotiated with the Corps of Engineers, and I have held other discussions with others in an effort to seek adequate funding of the Albuquerque south diversion channel project in Albuquerque, N. Mex.

This project is a flood control project which is greatly needed in the city of Albuquerque in order to alleviate the threats of future flooding. In this effort to seek the adequate funding of the Albuquerque south diversion channel project, I have had the active support of many individuals and organizations. Among them is Mr. Edward Apodaca, member of the Model Cities Citizens Board of Albuquerque, chairman of the New Mexico Operation Jobs for Progress, Service Employment Redevelopment Board, and member of the student senate at the University of Albuquerque.

I ask unanimous consent to have printed in the RECORD a statement which Mr. Apodaca recently presented to the Subcommittee on Public Works of the Appropriations Committee in the Senate on behalf of funds for this project.

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

STATEMENT OF EDWARD APODACA

My purpose in submitting this statement in support of appropriations for fiscal year 1970 for the construction and completion of the southern portion of the Albuquerque Diversion Channels Project is in my capacity as a member of the Model Cities Board. The area that has over the years been affected by the flooding in what is known as East San Jose, South Broadway and adjacent areas. This is the area that flooded on September 7, 1969, and in recent years. My statement will be limited to discussing, not past floods, but the flooding of September 7, 1969.

The last flood was perhaps one of the most vicious and devastating floods that has affected our area. The results were devastating in that over thirty-nine families received extensive damage to their homes, approximately thirty-four homes received moderate damage, and 32 homes were slightly damaged. This accounts only for the loss of homes. The individual damage exceeds the damage to property. Many people lost their furniture, furnishings, clothing, food supplies, and other personal belongings and I would estimate that these losses approach almost one million dollars annually.

Many individual lives, including those of children, were affected by the last flood. Children had to disrupt their schooling because of their parents inability to replenish their loss which included no clothing or food for their children. The flood also caused a severe problem in that most of the homes affected were shortly thereafter swarmed with rodents, mosquitos and other disease carrying insects. Naturally, this greatly endangered the health and welfare of our citizens. The human misery and the demoralizing effect that the flood had on the individual family residing in the area was far greater than the damage to property.

Many of the people that are generally affected are persons who are wage earners, who earn low incomes, have large families and are generally paying on a mortgage on their homes or loans that they obtained in the past from individuals, and in some cases, from institutions to replenish losses from past floods. These flash floods occur annually and people in the American tradition go back and rebuild their homes only to lose their property the next year.

This cannot be tolerated in a nation such as ours where in one decade this nation committed itself to conquering space and did so. And yet, the flooding conditions that exist in Albuquerque, New Mexico have existed before and since New Mexico became a State in 1912, and these conditions, as our population increases, become more unbearable. Today these conditions are affecting primarily the impoverished, the wage earner, the old, the young and the needy. Unfortunately, there is no end in sight to the problem unless and until our local, state and federal governments make this problem their goal and seek to resolve it in this next fiscal year. We ask not for a ten billion dollar commitment, but only for enough funds to complete this project to alleviate at least 80% of the misery. I have nothing against this great nation in setting goals that take us to the moon and space, I am all for it. As an ex-serviceman who responded to the call of his country during the Korean War, I ask for nothing more than the dedication of the government to resolve the problem that affects us in Albuquerque, New Mexico.

Flooding can be prevented if, and when, the commitment to prevent is genuinely made by our local, state and federal government. If the completion of the South Diversion Channel is delayed two or more years,

the suffering and misery will be more devastating.

We need a crash program to solve the flooding, and I urge that you give this problem your most serious consideration.

I welcome a visit from the members of the Congress, the Executive Branch of the Government and all persons concerned, to view the area and see for yourselves what the citizens are going through.

TRIBUTE TO U.S. DISTRICT JUDGE LAWRENCE GUBOW, OF MICHIGAN

Mr. HART. Mr. President, the CONGRESSIONAL RECORD is a difficult publication in which to reflect the pleasure and excitement and pride which attended a magnificent meeting in Michigan, but the circumstances of that occasion are such that permanent record of it should be made. Several factors combined to make it a remarkable evening: Tribute to a distinguished Michigan citizen, U.S. District Judge Lawrence Gubow, from America's oldest institution of higher learning under Jewish auspices, Yeshiva University, and the discerning message from the distinguished Senator from Connecticut (Mr. RIBICOFF). It was the occasion of the 14th annual dinner of the Detroit Friends of Yeshiva University. The University presented to Judge Gubow its distinguished service award, recognizing his remarkable contributions not alone as a lawyer and a jurist, but as a courageous and sensitive leader in community and veterans affairs.

In order that a record of this significant evening not be lost, I ask unanimous consent that the program of the evening with the identification of those who were primarily involved in the arrangements, and the speech by Senator RIBICOFF, be printed in the RECORD, a RECORD which I hope is read not alone by Members of Congress, but by many other Americans, as well.

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

DETROIT FRIENDS OF YESHIVA UNIVERSITY FOURTEENTH ANNUAL DINNER IN HONOR OF JUDGE LAWRENCE GUBOW

A TRIBUTE TO LEADERSHIP

An eminent jurist and public servant imbued with a deep and abiding concern for the common good of man, Judge Lawrence Gubow epitomizes the spirit of human understanding and compassion eternally linked to the Judaic tradition—eternally linked to the hope for all mankind.

Thus, as America's oldest and largest center of higher learning under Jewish auspices, Yeshiva University is proud and pleased to present to Judge Gubow its coveted Distinguished Service Award.

DINNER PROGRAM

Opening: Nathan I. Goldin, dinner co-chairman.

National Anthem and Hatikvah: Cantor Jacob H. Sonenklar, Congregation Shaarey Zedek.

Invocation: Rabbi Irwin Groner, Congregation Shaarey Zedek.

Grace: Norman Allan.

Introduction of Stanley J. Winkelman, dinner chairman, by David Pollack, dinner co-chairman.

Greetings from our host, Abraham Borman.

Address by Senator ABRAHAM A. RIBICOFF.

Greetings from Dr. Samuel Belkin, president, Yeshiva University; by Miss Deborah Leah Hertz of Detroit, student, Stern College for Women.

Presentation of master builder plaques by Edw. C. Levy to Norman and Esther Allan, Abraham and Molly Borman, Tom and Sarah Borman, David and Florence Goldberg, Nathan and Ruth Freedland, Nathan I. and Betty Goldin, Samuel and Lillian Hechtman, Morris and Hannah Karbal, Daniel A. and Elsie Laven, Edw. C. and Pauline Levy, John E. and Edith Lurie, Max and Frieda Stollman, Phillip Stollman.

Presentation of the Distinguished Service Award by Senator PHILIP A. HART to Judge Lawrence Gubow.

Benediction: Rabbi Jay Braverman, Midrasha. Detroit College of Jewish Studies.

OFFICERS

Honorary chairmen

Tom Borman, Rabbi Hayim Donin, Max M. Fisher, Rabbi James I. Gordon, Joseph Holtzman, Hon. Nathan J. Kaufman, Philip Slomovitz, Philip Stollman, David P. Zack.

Chairman: Abraham Borman.

Co-Chairmen: Morris Karbal, Edward C. Levy.

Treasurer: David Goldberg.

Secretary: Daniel A. Laven.

DINNER OFFICERS

Chairman: Stanley J. Winkelman.

Co-Chairmen: Nathan I. Goldin, David Pollack.

Scholarship co-chairmen

Norman Allan, Mandell L. Berman, Louis Berry, Jack Bushkin, Avern L. Cohn, Irwin I. Cohn, Howard S. Danzig, Louis M. Elliman, Nathan Fishman, Nathan Freedland, Irwin Green, Samuel Hechtman, Jack Korman, Sol Lessman, Julius Rotenberg, Harry Rott, Max Stollman, Isadore Winkelman, Charles S. Wolpin.

Dinner committee

Philip Ash, Samuel Berger, David I. Berris, Paul Borman, Paul D. Borman, Rabbi Aaron Brander, Morris Brandwine, Rabbi Jay Braverman, Robert Brody, Norman Cottler, A. J. Cutler, Alfred L. Deutsch, Julius Feigelman, Walter L. Field, Dr. Leon Fill.

Hyman Freedland, Joseph Frenkel, William A. Genser, Jack Greisman, Rabbi Irwin Groner, Jack I. Kraisman, Joseph Lee, Morris Ben Lewis, Jack Lieberman, Hyman Lipsitz, Alfred A. May, David M. Miro, Isadore Muskovitz, Meyer H. Must, Werner Osten.

Max R. Ostrow, Irving I. Palman, Henry Pariser, David Rosen, Meyer Rosen, David Safran, I. William Sherr, Joseph B. Silver, Richard Sloan, Nathan Soberman, Harold Soble, Max Sosin, Rabbi Samuel S. Stollman, Morris Tulupman, William J. Weinstein.

SPEECH BY SENATOR RIBICOFF

By conventional standards, America is the promised land.

We produce two-thirds of the world's goods and consume one-half of them.

Our gross national product is approaching one trillion dollars.

The average man can buy stock in General Motors and listen to the results when the Dow-Jones averages are broadcast every hour on the hour.

And some people even predict that within 15 years, Americans will only have to work six months a year to maintain their current standard of living.

But what if you are not a conventional American?

What if you and your children are among the 26 million Americans who live in poverty?

What if you and your children are among the 10 million Americans who are hungry and underfed?

What if you were among the 11 million Americans who were without work some time during the past year.

What if you were among the millions who had to live in our 6.7 million units of substandard housing?

How would you then feel about life in the promised land?

Would you be patient, thoughtful and understanding when the richest nation in history debated—for more than a year—whether it could afford to feed the hungry?

Would you quietly accept the judgement that unemployment was necessary to fight inflation?

Would you listen to the various explanations offered to explain why the United States never made good on its 20-year-old promise to end substandard housing?

If anyone in this audience were forced to live in such conditions, he would not tolerate it.

He would protest and rebel.

He would shout from the rooftops that such conditions destroy human spirit and individual dignity.

He would insist that a nation that can land a man on the moon should be able to end its slums.

And he would insist that we end a war that has shattered our morale, distorted our priorities, cost us $30 billion a year and 35,000 lives.

That is exactly what American youth has been saying for the past several years.

With devastating accuracy, they have exposed the inequity and injustice in our society—the difference between the game we talk and the game we play.

They have exposed the casual attitude with which we accept these injustices as natural facts of life, the price of progress.

They have exposed the fact that, as a nation, we have been judging ourselves almost solely on the quantity of our goods, rather than by the quality of our lives.

They have reminded us how the sheer size of society can overwhelm and crush the individual—sprawling government bureaucracies, huge impersonal corporations, universities as big as cities.

And they have reminded us that institutions become stale and stodgy when we neglect them—especially our institutions of politics and learning.

In short, the youth of America has given this nation a heart transplant.

We needed one very badly.

All this has made many people and institutions very uncomfortable.

And they would like nothing better than to turn the clock back a dozen years or so.

For then life was very sedate and relaxed. Young men and women moved in and out of universities and took their place in society with hardly a ripple.

If it weren't for some panty raids and a few students who swallowed goldfish, we might never have known they were alive.

And the only problem the university faced was the problem of any corporation—gathering money to run the school and making sure they turned out their quota of the national manpower needs—enough engineers, lawyers, doctors, teachers, businessmen.

In fact, one university administration recalls with a profound sense of loss and nostalgia the 1957 panty raid that fizzled out—because, when the boys got to the main intersection of this urban campus, the light was red.

As far as the politicians were concerned, we were so secure we never worried about anyone under 50.

But suddenly, all of this changed.

Our young people want us to get out of Vietnam, end the draft, cut the defense budget and spend the money in our cities. They want to participate in our politics and restructure our universities.

And a bewildered older generation is asking:

How did it happen?

When did it start?

Where did they get their ideas?

The last question is the easiest to answer.

By and large, they got their ideas from us. They are the ideas Americans have been professing for generations. But the difference was that this generation wants to put our principles into practice. They had the courage of our convictions.

Another part of the answer can be found in the number of young people and college students in the United States.

Two years ago half the country was under 25. By next year, half will be under 21.

Our college population has doubled in the past ten years. Though we comprise only six per cent of the world's population, we have 32 per cent of the world's college students.

These young people have developed a strong identity. They may come from different social or economic backgrounds. But they share similar social and political concerns.

Another factor that accounts for the change relates to the basic purpose of education.

College is a time when young people are supposed to develop both their intellectual abilities and their moral priorities.

It is a time to question and doubt.

And the first institution the students began to question and doubt was the university.

Why, they asked, do our universities teach more about America Samoa than the American city?

Why, they asked, does the university publicly defend the individual's right to be heard and then refuse to give students and faculty a voice in major policy matters?

Why, they asked, do universities hire people as deans and administrators who are totally out of touch with the younger generation?

And they began asking the university questions of conscience.

They asked why the university accepted money from the CIA.

They asked what intellectual purpose was served by granting ROTC full academic standing.

And they asked how a university could dispossess people from their homes one day to get more land for expansion—and on the following day hold memorial services for Dr. Martin Luther King.

They asked these questions—but received few answers.

Moderates were viewed as radicals—and little change occurred.

The universities played right into the hands of the anarchists. They fell victim to the politics of confrontation. They were convulsed with violence.

They provided no outlet for the unrest, the frustration, the sense of anger, disappointment and powerlessness that students—and many faculty members—were feeling.

Emotions were bottled up. Voices were not listened to. Ideas for improving the university were stifled. Dialogue and a genuine exchange of ideas did not occur.

Today, change is on its way. The year 1969 will mark a new era in university life.

But we are paying a terrible price for this change.

Because, once again, we gave credence to the view that significant social change only occurs in the wake of violent action.

What can we do to prevent this?

First, we must learn to distinguish between the moderate and the radical, between the activist and the anarchist.

This is critical.

There *is* a difference between the two. All of us must recognize this—especially politicians and university officials whose business it is to *know* the difference.

The activist is seriously dedicated to social change. He knows this change will be difficult, but he believes it must come in a peaceful manner. The anarchist seeks only ruin and destruction. He rides a tidal wave of terror.

For if we have reached the day when we are so set in our ways, so smug in our affluence, so oblivious to our shortcomings that peaceful men with strong views send shivers down our spine, then we are in some very deep trouble as a nation.

Second, we must be willing to listen and talk to students, or anyone else who feels lost in our society or troubled by its direction. And then we must be willing to take constructive action to relieve this anguish and anxiety.

Retaliations and threats are no answer.

Nor is telling somebody else to talk tough when you don't know what to do yourself—and when you are not willing to spend the time developing a solution.

Nor is threatening to cut off financial support to any university that riots—as some Congressmen have proposed. This does not support democratic principles. It tears them down. It is thought control—a payoff to those who agree with you, a cutoff for those who don't.

It is right that we should condemn violence. We should be outraged when students seize buildings, attack professors and their fellow students, arm and barricade themselves and burn manuscripts. None of these actions is the least bit consistent either with the meaning of a university or a democracy.

But what do we do *after* we condemn the violence?

That is the real question we must answer.

For four years, since the Watts riots of 1965, we have been trying to answer this question in our cities—without much success.

Today, we must also answer it on our college campuses.

We cannot reform this country or any of its institutions overnight. But we can reform them a lot faster than we have moved in the past.

To do this, we will need the kind of wisdom and foresight for which Yeshiva University is famous.

For example, last month, President Belkin approved a new College Senate that has been described as one of the most ambitious and far-reaching undertakings in the country.

This new body reflects the general student concern for direct involvement in the governing structure of the universities.

But in practice, the College Senate goes far beyond the formulas adopted by other universities.

The Senate will be composed of students, faculty and members of the administration. It will have jurisdiction by a simple majority vote over the following:

First, academic standards, admissions policy, curriculum and requirements for a degree.

Second, the establishment of new majors and new courses.

Third, the determination of policy on standards of scholaristic performance, student attendance, the grading system and academic honors.

Furthermore, the Senate will make policy recommendations on various matters affecting the faculty, including appointments, promotions and remunerations.

Many universities would find the request for such a Senate—let alone its establishment—a powerful threat to their authority.

But Yeshiva is more concerned with education than authority, more devoted to sharing responsibilities than fighting for power.

And that is why Yeshiva was not among the list of universities that were racked with crisis and confrontation this spring.

That is why Yeshiva was able to achieve what other universities could not.

This is an accomplishment of major proportions.

Its true significance lies far beyond the fact that a College Senate has been established.

The true significance of this action is that Yeshiva has shown the power and strength of reason. Yeshiva has shown that the greatest change occurs in a peaceful context when all voices are heard and respected.

That is the lesson the rest of the country—and hundreds of universities—must learn.

If only more of our universities and more institutions in our society could follow the example of Yeshiva.

If only they could view the changes that must come in our society as opportunities to be met and not as enemies to be conquered.

I am proud to be here tonight—to speak once more in support of this great university.

I am proud to speak in behalf of a university that understands what a university should be—a place to educate the young, not control or stifle them.

I am proud to be associated with a university that understands the difference between tradition and dogma, that knows intelligence requires both intellecual capacity and human compassion.

Let us resolve, collectively and individually, to follow the example of this great university—the example it has always set with regard to reason and justice.

BUSING OF SCHOOLCHILDREN

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Rocky Road for Busing," written by Mr. James T. Wooten, and published in the New York Times of Monday, November 3, 1969. The article concerns the difficulties being encountered across the country by schoolchildren who are being used as pawns in the silly game of "busing."

Compulsory busing of children for great distances is being increasingly advocated by activists school superintendents and school districts throughout the country in an attempt to effect their own notions of integration. The article which I have included highlights the difficulties that this engenders and shows that reaction against this practice is growing.

My great fear is that if this sort of nonsense continues, the people will lose faith in their public school system. More and more middle-class parents—black and white—are abandoning the public schools rather than have their children forcibly shuttled about the country. Valid educational goals are being sacrificed and children's lives and welfare are being needlessly endangered.

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

ROCKY ROAD FOR BUSING

(By James T. Wooten)

ATLANTA, November 2.—Like an old song or a faded photograph, the school bus, for many American adults, has always been a nostalgic, innocuous reminder of the good, golden days long past.

It lumbers innocently along in second gear, calling up memories of a thousand things—of spitball fights and football games, of lunch in a sack and gum on the seat, of little kids laughing up front and sweethearts holding hands in the back.

But that image is passing quickly.

In these frenetic days, as the nation wrestles with the perplexities of classroom desegregation, the school bus and its role in the integration process is fast becoming a

mobile symbol of much that many other Americans believe is wrong in their country.

In Denver and Pittsburgh and Birmingham and Boston and Dayton and Grand Rapids, in Midwestern hamlets, in sprawling urban centers of the North and the South, the school bus has come to represent for thousands of people the stupid, stubborn, clumsy, inept attempt by a heavy-handed bureaucracy to force school integration, a problem they believe only time can solve.

Moreover, with last week's insistence of the Supreme Court on immediate, complete compliance with its 1954 school integration mandate, the furor over the school bus is likely to increase both in scope and intensity in the urban South in coming weeks as busing is chosen as a tool for quick desegregation.

"My kids ain't riding no buses all over the country just to make the damned Supreme Court happy," vowed a disgruntled Georgia parent last week, a sentiment voiced over and over again by Mississippians whose schools will feel the initial impact of the Court's sweeping decision.

"What goes against my grain is my little children riding buses, sometimes in sub-zero weather, to places I've never even seen," complained the Rev. Alan Walbridge, a white Episcopal priest in Pittsburgh who has organized a private school to avoid the city's busing program.

"They might get lost or never come home again," he added.

All across the country, there is considerable antagonism.

In Denver, two school board candidates ran successful campaigns this year on antibusing platforms.

TWO SOCIAL ILLS

In Grand Rapids, many white and Negro parents have objected strenuously to the city's busing program, and one group boasts that its efforts helped elect three new school board members.

In California, according to a newspaper survey, parents of school-age children are "most concerned" about drug abuse among youngsters and the busing of their children to schools out of their residential neighborhoods—two facts of life the parents describe as "social ills."

In Birmingham, Ala., an organization of white parents is raising money to use in a court fight against their city's integration plans, which include the use of busing.

In Dayton, Ohio, boycotts, school strikes and occasional violence have marked that city's efforts to achieve racial balance in its schools by using buses.

Here in Atlanta, Negro parents staged vehement protests against a school closing and the busing of their children to a new, integrated school.

SOME ACCEPTANCE, TOO

There are examples of acceptance as well. In Berkeley, Calif., where the idea of busing to achieve racial balance originated, it is working and working well and there is little if any conflict, local official say.

In Rochester, N.Y., and Verona, N.J., the story is the same. And even in Boston, where Louise Day Hicks received thousands of votes after her anti-busing mayoral campaign in 1967, the busing program has met with wide acceptance and will probably be expanded.

ONE HUNDRED BUSING PLANS

Advocates of busing, such as Neil V. Sullivan, the Massachusetts Commissioner of Education insist that it can work and is, in fact, the best, fastest, safest and most economical way to get children to school.

"If you can provide a good education, people don't mind busing," he said, referring to the success of the plan now in force in Boston. "Transportation does not become the problem. All they [the parents] want at the end of the bus ride is quality education."

Although exact statistics are hard to come by, officials in the United States Office of Education believe there are more than 100 separate busing plans in effect in the country, most of them in urban centers and outside the South.

The promise common to all of those plans is basically simple and emerged as an answer to a question school administrators have been pondering since the 1954 decision:

How can any school be racially balanced when the neighborhood it was designed originally to serve has become or always was racially unbalanced?

One answer, as first devised in the Berkeley school system five years ago, is the dissolution of the time-honored concept of the neighborhood school and the physical movement of students from the residential neighborhood to a school in another neighborhood, thereby achieving substantial classroom integration.

DEVASTATING IMPACT

The impact of that solution is, however, for many parents and students, devastating. There are long rides in the morning and afternoon to and from their new school. There is a loss of identification with the school itself, since it no longer is "the neighborhood school."

"I suspect, also, that many of the angry ones are simply saying, whether they are Negroes or whites, that they do not want their children in a school with children who aren't their own color," a school administrator in Evansville, Ind., said recently.

An official of the United States Department of Health, Education and Welfare agrees. Paul Rilling, chief of the department's Civil Rights Office here in the South, ventured that, in his own region, at least, it is not busing that "heats up" the parents, but rather, integrated education.

In fact, records in Mr. Rilling's office and at the United States Department of Justice here indicate that busing has not been a significant factor in or a substantial part of the South's struggles with classroom desegregation.

PROBLEM FOR NEGROES

"I think it is fair to say that if it has been a problem at all, it has been a problem for Negroes rather than whites," Mr. Rilling said.

In most desegregation plans in the South, there is substantial "one-way desegregation," a plan that moves Negroes from their schools to previously all-white schools and in most cases simply closes the schools that formerly were Negro. Mr. Rilling's agency is prohibited from either suggesting or ordering that busing programs be initiated in any Southern school system to achieve racial parity in schools under its aegis.

Mr. Rilling also finds support from other Southern officials and educators for his view that, even with the Supreme Court order last week, the "busing syndrome" will not become an important factor here in the South.

"It is really an urban problem," he argued. "In the South, where the bulk of the student population is enrolled in smaller systems, most of them rural, there is absolutely nothing new about riding a bus a long distance for a long time to school."

OFFICIAL SUPPORT

Regardless of the size or the intensity of the South's reaction to busing plans, the issue is sturdy enough and substantial enough to remain alive across the country. Parents of every description and officials with a variety of powers and authority will probably continue to oppose both the idea and the fact of the busing.

They have support from high places.

In Williamsburg, Va., for instance, Vice President Agnew, in an attempt to mollify the heated interests of several Southern governors, recently stated his blunt opposition to busing. And in many corners of the country, editorial writers and public officials are constantly referring to a campaign remark by President Nixon in Charlotte, N.C. last year.

"We will not tolerate arbitrary busing," Mr. Nixon said then.

Gov. Lester G. Maddox of Georgia has described busing frequently in vitriolic terms, once calling it "a Communist ruse."

Gov. Albert P. Brewer of Alabama has expressed similar sentiments in less vivid terms, as have his counterparts in Louisiana and Mississippi.

The public officials' distaste for busing is also frequently expressed in Northern States and cities.

And not long ago, George C. Wallace, the Presidential choice of nearly 10-million Americans, twirled a cheap cigar in his fingers and offered his own contribution to the continuing argument.

TRIFLING WITH OUR KIDS

"I'll tell you this," Mr. Wallace growled. "It don't make any difference how many judges they appoint from the South or what their philosophies are, and it don't make any difference how they try to court the South—if they keep on busing our kids from one end of the town to the other, then there's going to be trouble because, I'll tell you this, parents are not going to put up with it. They're just trifling with our kids when they bus them around like that."

And so the debate continues, as steadily and as noisily as old yellow and black vehicle that rolls along the country's streets and highways, alternately swallowing and then disgorging children and making as remarkable a contribution to the nation's bent for controversy as the internal combustion engine's role in the improvement of transportation.

THE TORTURE IN GREECE

Mr. FULBRIGHT. Mr. President, recently, Look magazine published an article entitled "Greece: The Torture Goes On," written by Mr. Christopher S. Wren. In view of our support of the regime in Greece, I think it is appropriate that the article be drawn to the attention of the Senate, which will be called upon to vote for continued military assistance to the present regime.

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:

GREECE: THE TORTURE GOES ON

(By Christopher S. Wren)

Last June 7, George Papadopoulos, the Greek colonel who runs Western Europe's only new dictatorship since World War II, mused before an Athens news conference that he might agree with the view that the press was a "whore." The self-appointed Prime Minister was referring to Look magazine's disclosure of political torture in Greece (May 27, 1969).

His indignant response was delivered once the offending article, *Greece: Government by Torture*, was safely off the newstands (in Athens, copies were bought up by the junta: "How could we consider ourselves part of a civilized society when we accept the most imaginary and malignant accusations produced by a mentally deranged person . . . and how could we reproduce those accusations for the use of tens of millions of readers throughout the world?" Under the subhead "Feeble

Author," the censored Athens *News* picked up the cue: "Papadopoulos said this article was written by a mentally deranged person." It was later quietly explained the Prime Minister really meant not this writer, only his sources.

Papadopoulos thereupon invited Look to send to Greece "a duly authorized representative with the purpose of investigating the truth. He could be accompanied by the person who supplied the writer with the false accusations. . . ."

The Prime Minister promised that if he were shown torture did take place, he would hang the culprits in Constitution Square. The last such public executions in central Athens, Greeks recall, were carried out by the Nazis during the Occupation. The Prime Minister never bothered to send his invitation to Look. It appeared the next week among the routine Greek Embassy press releases handed out to the Washington press corps. Still, Look accepted.

Since the details had come from torture victims within and outside Greece, Look had no single "person who supplied the writer with the false accusations." It proposed sending James Becket, an American lawyer who has investigated torture charges within Greece for Amnesty International, the worldwide organization concerned with political prisoners. Becket had given some of his documentation to Look. Congressman Don Edwards of California was suggested as an observer. Rep. Edwards, chairman of the U.S. Committee for Democracy in Greece, offered skill as a former FBI agent and current member of the House of Representatives Judiciary Committee.

Following the Prime Minister's invitation, further evidence and offers of assistance came in to Look from Europe. Thirteen prisoners in Averoff prison, Athens, smuggled out a signed statement that they wanted to talk about their torture. A Scandinavian diplomat wrote: "I could furnish you with a number of names of people who have been tortured much worse than those you mention in your article."

A month later, the Greek Prime Minister finally authorized the consul general in New York to inform Look that Representative Edwards and Becket, as "participants of movements inspired by prejudice and anti-Greek hysteria" were not welcome in Greece. The article's author was "absolutely unacceptable." As for the Prime Minister's promise to summarily execute anyone guilty of brutality, this, the consul general explained, was merely a "Greek metaphor" used "by the Prime Minister to emphasize the depth of his convictions. . . ."

Yet as long ago as April, 1968, the Greek junta was given *prima facie* evidence that political prisoners had been abused. Anthony Marreco, a British lawyer for Amnesty International, was allowed into three Greek prisons. Afterward, he gave Minister of Interior Stylianos Pattakos the histories of ten prisoners whom he had interviewed and believed were tortured. Pattakos dismissed them as Communists and Marreco's findings as Communist propaganda. Pattakos closed the matter: "The Greek Government has to protect its people against its Communist enemies." Amnesty International is now banned from Greece as "Communist," just as it has been banned from the Soviet Union as "CIA-controlled."

The Greek dictatorship insists that torture claims have been refuted by the International Red Cross and the so-called British Parliamentarians Committee. It was in fact the subsidiary International Committee of the Red Cross that visited Greece. Its initial report dealt with prison-camp conditions, not torture. A second report concluded that the ICRC did not wish to declare whether or not prisoners were tortured. Because the ICRC cannot release its findings without the permission of the host government, no other reports have been published. The ICRC in July, 1968, and again in February, 1969, privately protested to the junta its misrepresentation of the reports.

The Red Cross has secured from the junta some improvement in prison conditions. But its business is mercy, not politics. Restricted to diplomatic channels, it can see only what the government decides to show. In World War II, for instance, a Danish Red Cross team finally allowed into the Theresienstadt concentration camp in June, 1944, found new flowerbeds and freshly painted barracks. To tidy up, the Nazis had shipped 2,780 Jews to Auschwitz.

The British Parliamentarians Committee turns out to be five British Members of Parliament who were junketed with wives to Greece for the 1968 Easter holidays by Maurice Fraser Associates. Fraser, a former gambling-casino promoter, had persuaded the junta to pay his new firm $253,000 a year to handle its public relations in Britain. Two of the MP's did visit the prison camp on the island of Leros, where torture did not occur. The spokesman, Gordon Bagier, MP, scoffed: "Quite frankly, I am getting a bit fed up with the sensationalist reporting to come out of Greece. We found that reported torture had always 'happened to someone else.' "

After a long court fight the following fall, the London *Sunday Times* won the right to publish a secret memorandum from Maurice Fraser to the junta that he had a British MP in his employ. Confronted with it, Gordon Bagier confessed that Fraser was paying him £500 ($1,200) a year.

The junta has grown desperate for good publicity. It reprints in government pamphlets—*The Foreign Press About Greece*—favorable letters to the editor under the masthead of the foreign newspaper that has carried them. The casual reader will take the unlabeled private letter for an official editorial endorsement. The government recently extended round-trip New York-Athens air fare and 24 days of full hospitality to a California radio-TV team of four, in the hopes of some friendly spot reports.

But when Christopher Janus, Jr., a 25-year-old vacationing Peace Corps teacher, visited Greece on August 2, he was detained overnight and deported without explanation to Nairobi. His father, Christopher Janus, a Chicago stockbroker of Greek descent, had written two articles for the Chicago *Sun-Times* after visiting Greece in 1967 and 1968.

Janus, who was decorated by an earlier Greek Government for his work in Greece during the civil war, had simply repeated what a lieutenant colonel in Athens told him last year: "A little torture is necessary to preserve civilization."

The Look article has been translated, mimeographed and circulated inside Greece along with the novels and poetry banned by the regime. But a half-dozen new escapees from Greece separately insist that the beatings in the police stations have been stepped up in an attempt to stem the bombings and other stiffening resistance among the Greek people.

Six weeks after the article appeared, Athens radio felt free to boast: "The U.S. Government recently decided to include Greece among the four countries to which 90 percent of U.S. military aid for 1970 will be distributed."

When 50 American congressmen petitioned the Secretary of State in a July 30 letter for "a clearer sign of U.S. moral and political disapproval of the dictatorship," an Assistant Secretary of State, William B. Macomber, conceded that "we see an autocratic government denying basic civil liberties to the citizens of Greece," but insisted that the junta was meeting Greece's NATO treaty obligations. Calling the NATO argument an excuse for U.S. inaction, Rep. Don Edwards took issue: ". . . the present dictatorship violates the very principles of NATO, the very reason for NATO, the protection of free people through the preservation of governments chosen by the people."

American taxpayers' money still flows to a government that relies on torture to survive. Among the new allegations of brutality is a letter from a woman who wrote Look that her aunt, a middle-aged dressmaker, was arrested and, the niece heard, tortured the week after Papadopoulos issued his angry denial. "She was released after having been kept for 40 days under strict confinement [and] continuous interrogation. Before her release, she signed a declaration saying that she was treated 'very politely and kept under very human conditions of imprisonment.' She had been warned, of course, that in case she is going to say anything to anyone related to her interrogation, she will be rearrested and 'properly' treated." Her name, like dozens of others, has been sent to the Human Rights Commission of the Council of Europe, which has been examining such cases and will announce its conclusions later this fall.

If, in the meantime the Prime Minister is anxious to examine the validity of the pyramiding charges of torture, he has only to honor his pledge of June 7, to let Look into Greece to "investigate the truth" he says he so desperately wants.

THE PESTICIDE PERIL—LXXIV

Mr. NELSON. Mr. President, this week Canada joined the growing list of countries who have placed substantial controls on the use of the pesticide DDT.

According to reports in the New York Times and the Wall Street Journal, the Canadian Government will reduce the use of DDT beginning January 1, 1970, by 90 percent. Prime Minister Pierre Trudeau said that the regulations are being imposed—even though the long-term effects on human life are unknown—because definite and alarming evidence has confirmed the injury and destruction to fish and wildlife from pesticides.

Sweden, Denmark, and Czechoslovakia have already banned this persistent pesticide from use in their countries. In the United States, Arizona and Michigan have banned DDT, and many other States are presently considering similar measures in their legislatures.

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, Nov. 4, 1969]

OTTAWA WILL REDUCE USE OF DDT BY 90 PERCENT NEXT YEAR

OTTAWA, November 3.—Canada announced measures today to reduce the use of the pesticide DDT by 90 per cent next year.

The number of cultivated food plants on which it may be used will be reduced from 62 to 12 beginning Jan. 1. Also, the tolerance levels in various foodstuffs are to be substantially reduced.

Prime Minister Pierre Elliott Trudeau, making the announcement in the House of Commons, said the Government was acting on the basis of studies showing effects of DDT on birds and fish. Long-term effects of the pesticide on human life are still unknown, he said. He emphasized that the Government had no evidence of injury to human beings.

The Prime Minister noted that the Canadian diet contained on an average only one-fifth the maximum daily intake of DDT

(0.7 milligrams) accepted as unsafe by the World Health Organization.

In recent months several Canadian provinces have curbed the use of the pesticide, whose effects have been found harmful in a number of studies in the United States. Ontario announced a general ban on DDT six weeks ago.

Mr. Trudeau today commended the provincial governments for the initiatives they had taken to control the use of DDT, but he said more comprehensive action was needed.

The new regulations, to be enforced through the Food and Drug Administration of the Department of Health, provide that in 1970, DDT will not be registered for control of insects in outdoor areas except under emergency situations.

The Government will reduce the permissible level of DDT in common vegetables and fruits from 7 parts per million to 1 part per million. For apples, pears and celery, the level is to be reduced to 3.5 parts per million.

There will be no change in regulations forbidding any DDT in potatoes, eggs, fish, milk, butter, cheese, ice cream and other dairy products.

In the United States, the Department of Agriculture and a number of state agencies have taken similar steps to reduce the use of DDT.

[From the New York Times, Nov. 4, 1969]

SEVENTEEN IN CONGRESS ASK ACTION

WASHINGTON, November 3.—Seventeen Representatives urged President Nixon today to ban the pesticide DDT except in emergency situations.

They contended, in a letter to Mr. Nixon, that studies had produced evidence that DDT can cause cancer.

Those signing the letter were:
David R. Obey, Democrat of Wisconsin.
Joseph E. Karth, Democrat of Minnesota.
Marvin L. Esch, Republican of Michigan.
Arnold Olsen, Democrat of Montana.
Don Edwards, Democrat of California.
Clarence D. Long, Democrat of Maryland.
Jonathan B. Bingham, Democrat of the Bronx.
William Clay, Democrat of Missouri.
Thomas M. Rees, Democrat of California.
Jerome R. Waldie, Democrat of California.
James Kee, Democrat of West Virginia.
Edward I. Koch, Democrat of Manhattan.
Richard D. McCarthy, Democrat of New York.
Abner J. Mikva, Democrat of Illinois.
Benjamin S. Rosenthal, Democrat of Queens.
James H. Scheuer, Democrat of the Bronx.
Leonard Farbstein, Democrat of Manhattan.

[From the Wall Street Journal, Nov. 4, 1969]

DDT USE RESTRICTED BY CANADA TO REDUCE DANGER TO WILDLIFE—RULES FOR 1970 TO CUT SPRAYING TO 12 CROPS FROM 62, LOWER TOLERABLE AMOUNT IN PRODUCE

OTTAWA.—Canada announced new regulations aimed at reducing the use of DDT in the Dominion by 90%, effective Jan. 1.

Prime Minister Trudeau said in the House of Commons that while there wasn't any clear evidence of injury to humans from buildup of the pesticide, the regulations were being introduced because of environment pollution, especially among fish and birds.

Under the new regulations, DDT won't be registered for insect control on any more than 12 food crops, down from 62 in the current year. And it won't be registered for insect and biting-fly control in outdoor areas except in emergencies.

The acceptable presence for DDT in common vegetables and fruits will be reduced from seven parts per million to one part per million.

The tolerance would remain unchanged for the fat of cattle, hogs and sheep.

The basic ingredient for DDT has been imported from the U.S. Canadian makers are agreed, however, that there are numerous substitutes available.

A spokesman for the Agriculture Department said these substitutes involve "greater occupational hazard and in some cases three to four times the expense" but were worth employing in order to protect wildlife.

ABOLITION OF FORCED LABOR

Mr. PROXMIRE. Mr. President, ever since 1947, the American Federation of Labor has been trying to get the forced labor convention adopted. The record of organized labor with regard to this convention has been excellent. Mr. Andrew J. Biemiller, director of legislation for the AFL–CIO, outlined the arguments in favor of ratification at the hearings held by the Senate Foreign Relations Committee in 1967. Mr. Biemiller's remarks present the case for adoption very concisely:

There is nothing in the forced labor convention that does not coincide with the fundamental rights guaranteed under our Constitution. There is nothing in this convention that will alter the balance between the jurisdiction of the federal government and the jurisdiction of the states. There is nothing in this convention that is not already covered by federal constitutional protections. Finally, from a legal standpoint, approval of this convention would require no implementing legislation.

Mr. Biemiller goes on to point out that ratification of the convention would not in any way interfere with the criminal sanctions imposed by the National Labor Relations Board for violation of court orders. What is more, the convention would not interfere with sanctions imposed for having participated in illegal strikes or other illegal activities. The point is that ratification of the convention could not possibly interfere with domestic law covering labor disputes or labor relations.

The moral imperatives for immediate action, however, are even greater. Mr. Biemiller makes a very eloquent argument for ratification:

Until our government ratifies this convention, the United States will continue to abdicate its moral leadership on an issue that goes to the heart of the struggle between democracy and communism. Our inaction refuses to recognize the effect this lack of leadership has on the uncommitted countries of the world just as it refuses to recognize the millions of persons still denied human dignity in the slave-labor camps that continue to exist behind the iron curtain.

Mr. President, there is absolutely no logical justification for continued failure to ratify the convention on forced labor. Not to do so is to continue to deny the very precepts which Americans consider basic. The time for action is now. Let us start moving toward ratification now.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. FULBRIGHT. Mr. President, beyond doubt, Everett McKinley Dirksen was one of the most memorable individuals ever to serve in the Senate.

He was a talented and vigorous leader and an influential Senator. All of us know that he played an important role in some of the most significant legislation passed by this body in recent years. I recall particularly his contribution in securing ratification of the Nuclear Test Ban Treaty in 1963.

His influence was not, of course, limited to the Senate. The Dirksen style was well known throughout the country, and he was highly regarded by millions of Americans.

Everett Dirksen served in Congress for more than 34 years, more than half of that time in the Senate. For 10 years he had the burdensome responsibility of serving as his party's leader in the Senate. During this period, I had numerous occasions to visit with Everett Dirksen, and always found him cordial and responsive in his attitude. While we did not always agree on all important public matters, he never allowed bitterness or ill feeling to enter into the debate or discussion of these differences. He had an unusual gift for friendship, and a unique memory for interesting anecdotes. I always found him to be one of the most entertaining and interesting companions, especially when the day was over, that I have ever known.

The loss to his family, to the Senate, to the people of Illinois, and to the Nation is certainly a great one. He is destined to be long remembered.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. BIBLE. Mr. President, the Senate of the United States has lost one of its most able and influential leaders. Each of us has lost a friend. America has lost a great citizen.

Everett Dirksen was unique. In death, as in life, he defies comparison. Perhaps Daniel Webster was his forensic equal, and perhaps his effectiveness as a Senate minority leader had precedent, but never has there been another who projected the diverse personality characteristics of this remarkable man.

America loved him, not for his stunning eloquence alone, nor for his undisputed skill as a lawmaker. He was loved for his human qualities: humor, warmth, affection—all generously shared by an unfailingly generous human. He was quick to tell a joke on himself, and he could place issues in proper perspective with a few words of gentle humor. It was possible to disagree with Everett Dirksen politically; it was not possible to dislike him personally. He was that kind of man to us, and to the American people.

But we cannot eulogize the man without paying equal tribute to his deeds. As the Washington Post perceptively observed, Everett Dirksen's colorful personality sometimes threatened to overshadow his substantial legislative achievements. Those of us who knew him well, and worked with him over the years, are best qualifiel to pass judgment on those achievements. And I think all of us would agree that he was a great legislator and a great leader. The imprint of his labor will survive us all.

Mr. President, I am proud to have been a contemporary of Everett Dirksen, and I shall always treasure the warmth of his friendship. He earned our respect, our admiration, and a lasting place in the pages of American history.

OBSERVATIONS UPON DEMONSTRATIONS DEMANDING THE IMMEDIATE WITHDRAWAL OF ALL AMERICAN FORCES FROM SOUTH VIETNAM

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD my response to an invitation to participate in demonstrations to be held in Washington on November 13, 14, and 15, 1969, to express the demand that all American forces be immediately withdrawn from South Vietnam.

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

U.S. SENATE,
Washington, D.C., November 4, 1969.

Mr. STEWART MEACHAM,
Co-chairman, New Mobilization Committee to End the War in Vietnam, Washington, D.C.

DEAR MR. MEACHAM: I have received the letters in which you state that you and others associated with you demand that the President withdraw all American forces from South Vietnam immediately, that you and others associated with you are going to stage demonstrations in Washington on November 13, 14, and 15 to express this demand, that you invite me to join in these demonstrations, and that you wish to ascertain whether I am willing to meet with North Carolinians who may participate in them to discuss the South Vietnam matter.

For reasons hereafter stated, I decline the invitation to join in these demonstrations. Let me assure you, however, that I am willing to discuss any public question with any group of North Carolinians at any mutually convenient time.

As the result of the blood, sweat, tears, and prayers of multitudes of brave and patriotic men and women, Americans enjoy freedom under the Constitution, which secures to them the right to dissent from governmental policies and to express their dissent in peaceable demonstrations. This right exists and may be exercised even in circumstances where its exercise is incompatible with the best interests of the nation.

For these reasons, I do not question your constitutional right and that of persons associated with you to engage in peaceable demonstrations to express the demand that the President withdraw all American forces from South Vietnam immediately. Candor compels me to confess, however, that I most seriously question the wisdom of staging demonstrations of this character at this particular time.

As Saint Paul said, "All things are lawful for me, but all things are not expedient."

At this time, the President is engaged in an exceedingly complicated and difficult task. He is seeking to obtain by negotiation with the rulers of North Vietnam a settlement which will end the fighting in South Vietnam and permit the orderly withdrawal of our forces from that unhappy country.

The praise heaped by the rulers of North Vietnam upon similar demonstrations last month makes it obvious that the demonstrations proposed by you and your associates will encourage these rulers to refrain from engaging in any meaningful negotiations looking to the settlement of the conflict in South Vietnam. As a consequence, they will tend to thwart the President in his efforts to achieve a settlement by negotiation, and thus constitute a disservice to the best interests of our nation. Moreover, they will constitute a disservice to the brave men fighting in South Vietnam because they will encourage the rulers of North Vietnam to prolong the war.

Sincerely yours,

SAM J. ERVIN, Jr.

GENERAL GOODPASTER'S COMPELLING ADDRESS TO NATO PARLIAMENTARY CONFERENCE

Mr. MUNDT. Mr. President, several of us who were members of the Senate delegation to the North Atlantic Assembly meeting in Brussels during mid-October have had occasion to speak to our colleagues about our experiences there. Today I shall not take the time of the Senate to give my own individual account of the assembly proceedings and of my activities while attending the annual meeting. What I shall do is to place in the RECORD the remarks made 2 weeks ago to the assembly by General Goodpaster, the Supreme Allied Commander in Europe. It is an address I consider possibly the most important and impressive statement heard by the delegates to the meeting of NATO parliamentarians.

There are those who will say that General Goodpaster's speech does not contain new doctrines or novel thoughts about the future of the Atlantic Alliance. But it seems to me that the Supreme Allied Commander's main tasks go in a different direction. In his speech he rightly says that those responsibilities are chiefly represented by the two elements of stewardship and leadership.

On the first count, I think his remarks solidly establish that General Goodpaster is carefully and wisely conserving and employing the resources made available to him. On the second count, I think the very excellence of his comments incorporates leadership of high quality indeed.

The remarks by General Goodpaster represent a clear and persuasive statement of where the Alliance stands and the direction in which it should travel over the months and years immediately ahead. It is straight from the shoulder and uncomplicated, yet it is clearly the work of a powerful intellect. As such, I believe it should be shared with all Members of the Senate. I ask unanimous consent that General Goodpaster's address be printed in the RECORD.

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

REMARKS BY GEN. A. J. GOODPASTER

Mr. President, Your Excellencies, Ladies and Gentlemen: It is a great pleasure for me to be here this afternoon and to have this opportunity to address this distinguished gathering of NATO parliamentarians. I do so in my capacity as Supreme Allied Commander, Europe, a position I took over from an outstanding soldier-statesman, General Lemnitzer, on the 1st of July.

Although I have met many of you individually, this is the first time I have had the opportunity to address you as an organization; one so important to the vital affairs of NATO. This being the case, I should like to express my conception of the responsibilities of SACEUR to you. This involves two main elements; one of these is stewardship; the second, leadership.

Within the scope of those responsibilities, I will then proceed to an examination, in the context of NATO, of some of the relationships between the fruits and the costs, of war and of peace.

But first let me say that by stewardship I mean the requirement of taking the forces and resources that are made available by the NATO nations, then welding and organizing them into an effective force to accomplish the security aims that the Alliance has established in common. I am fully aware how important a role is played by each of you and by each of the institutions you represent in relation to that stewardship, for it is by your actions that such forces and resources are made available and it is by your actions that the aims of the Alliance are established.

Secondly, by leadership I mean not only exercising command over Allied Command Europe, but giving recommendations to the nations that point out quite clearly what they individually, and the Alliance as a whole, could and should do to maintain the credibility of our deterrence and the effectiveness of our mutual defense. Here, too, I am fully aware of the importance of your legislatures, for they affect that leadership by their exercise of the power of the purse, and by the view they take of such military recommendations and by the action they take to support them.

I have previously made clear my intent to continue to carry out these duties of stewardship and leadership with the utmost in dedication and professional effort. This great Alliance deserves no less from each of those who serve it.

On numerous occasions in the past few months, discussions of NATO—and especially of the military aspects of the Alliance—have seemed to focus on two specific areas of interest. The first of these is the perception of the Soviet threat; the second is the cost to the Alliance in preparing to meet that threat. I will dwell at some length this afternoon on these two subjects—the threat and the costs.

Many of you here will recall, I am sure, the famed "Iron Curtain" speech made by Winston Churchill in Fulton, Missouri, in 1946, when he declared that "From Stettin on the Baltic to Trieste on the Adriatic an iron curtain has descended across the continent."

But there was another most important statement in that speech, one that Mr. Churchill was to repeat some months later on the floor of the House of Commons. What he said was, "I do not believe that Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines." In short, the Soviet union wanted the fruits of war, without the costs of war.

But if the Soviets have sought the fruits of war without the costs of war, it also seems clear that within our own Alliance there are some who have wanted the fruits of peace without the costs of peace. Let us consider these two points.

First, a consideration of the fruits of war that have been sought or gained by the Soviets.

It is worthwhile to recall the territorialist expansion that featured Soviet policy in the years prior to the founding of NATO. We are too often prone to relegate these still living facts of Soviet domination to some dusty, historical corner; only occasionally to see them in the light of events such as the invasion of Czechoslovakia.

We need to remember that twenty-four million people came under Soviet annexation or administration during the years 1940 to 1945. As Paul-Henri Spaak said before the United Nations, "There is but one great power that emerged from the war having conquered other territories and that power is the USSR."

We need to recall that with the rapid demobilization of the democracies following World War II, but with the Red Army still in force in Eastern Europe, a string of nations fell under communist control—capped, of course, by the first communist coup in Czechoslovakia. By 1948 an additional ninety-two million people had fallen under communist domination.

While we know that such territorial expansion was halted in Europe with the signing of the North Atlantic Treaty in 1949, we must still reflect today on the Soviet intentions to continue that "indefinite expansion of its power and doctrines." We must do

so with clear and unblinking realization of the military power that the Soviets dispose.

Too quickly forgotten has been the impressive demonstration of Soviet military might and professional capability shown by the Warsaw Pact invasion of Czechoslovakia. Communist propaganda now charges the Czech leadership prior to the invasion with "weakness, indecision, toleration." There had been no such weakness or indecision on the part of the Soviet leaders—the invasion clearly indicated the capability and the willingness of the Soviet Union to take military action when it thought the future security of its Western border, or the grip of its Communist regime on its people, or possibly simply its domination over its Communist neighbors, to be potentially imperiled.

An *ex post facto* attempt at legalization of the invasion from the communist point of view, contained in Gromyko's "socialist commonwealth" and Brezhnev's doctrine," gives grounds for concern. We must ask whether what they call "military aid to a fraternal country" may lead to further military adventures; and who besides the leaders in the Kremlin know the boundaries of this so-called "commonwealth."

The continued movements and growth of the Soviet fleets in the Mediterranean, the Baltic, the North Atlantic are visable elements of Soviet power which are already having a psychological effect. This presence adds political strength to the position of the Soviet Union among the nations of the North African littoral.

In other parts of the world as well, the fact that Soviet military strength is available, even if not used, opens to them the possibilities of achieving other fruits of war by the mere threat of such power.

That military power must be related to what I have called the costs of war. When I say that the Soviet Pact has shown itself not willing to pay the costs of war, the statement perhaps needs further amplification. The Communist leaders thus far have not been willing to pay what may be called the external costs of war—that is, the price in lives and property destruction that would result from actual open combat. Their pullback of their missiles from Cuba in 1962 perhaps illustrates this most vividly. But that same experience shows how close they had come to military conflict, and what risks to the whole world they were capable of creating.

In contrast to their reluctance to pay the external costs of war—a reluctance which I must say we welcome—they have been quite willing to pay what may be called the internal costs of military power—the increased defense budgets, the high levels of personnel manning, the constant modernization of equipment, and more and more intensive training—despite the heavy burdens on their economy and their people that result.

For example, earlier this year the Secretary of Defense of the United States, Mr. Melvin Laird, pointed out that the Soviets were outspending the United States for strategic weapons systems, both defensively and offensively. For defensive strategic weapons systems, it was estimated that the Soviets spend approximately $4 for every $1 spent by the United States. For offensive strategic weapons system, the increased spending was at a rate of $3 to $2. But a dollar comparison does not tell the entire story. In terms of national priorities, the Russian effort is really much greater, since its gross national product is but one-half of that of the United States.

Secretary Laird went on, "We must understand that the Soviet Union is escalating the arms race and has done it within the last 24 months."

At the same time, all the members of the Warsaw Pact have continued to improve what was already a substantial conventional capability. This modernization of equipment and expanding schedules of exercises and maneuvers increase the Warsaw Pact capability—already dramatically demonstrated in August 1968 during the Czech invasion—for mobilization and attack with little or no warning.

Similarly, the rise of Soviet naval power has been impressive. The Russian fleet now totals almost 1600 vessels; their submarines rapidly approach the 400 mark—and these are essentially new ships equipped with the best of modern technology. It has been estimated, for example, that less than one percent of the ships of the Soviet combat fleet are over twenty years old—such a low figure obviously does not apply to the combat vessels of the NATO navies.

I believe these hard facts illuminate well the contrast I mentioned earlier, between Soviet willingness to pay for the internal costs of military power, and their avoidance for the past twenty years of action in Europe which would have required them to pay the external costs of war.

Why is this so? I submit to you as a principal reason that it is because they have been faced with the deterrent and defensive capabilities of the military commands of the North Atlantic Alliance. It is true, of course, that history does not disclose its alternatives, but the fact remains that the territory of the members of NATO has been secured, has remained free from any physical incursions by the potential enemy.

There is a contrary viewpoint to this idea, one interesting in its challenge. A Soviet professor has recently written, "There was not a single day in those twenty years in which the NATO armies could say that they could successfully defend European territory in a war with the Soviet Union. Consequently, a war was avoided not due to this organization's efforts. Rather, no one made any attempt upon the NATO countries' territories."

Yet in contrast to the bold claim of unconquerable Soviet power inherent in that statement, it is revealing, I believe, that even today the Soviet Union continues to avoid the external costs of war.

Why do they do this? One reason is surely that as they look out toward the West, they not only see these NATO forces in-being which are directly on line today, but know there are rank after rank of other Allied forces and other resources which can be called into action tomorrow. They must consider the potential of all these forces. It is the rank after rank of in-being forces, reinforcements and reserves that makes our deterrent posture credible. Despite the undoubted damage an enemy could inflict, he would know that linked to the direct Allied defenses, in a doctrine based upon a flexible and balanced range of appropriate responses, are weapons of tremendous destructive power ready to be employed against him if required. It is this rank upon rank of forces and weapons that will enable us to make aggressive attack costly and unsuccessful to its initiator, whatever its form and scale. When the question is asked why war has been avoided, this fact I believe gives the strongest clue to the answer.

How likely is the Soviet Union to continue to avoid these external costs in the future? Undoubtedly the answer lies largely in the strength and resolve of our nations and their governments. Deterrence cannot be maintained without the presence of tangible, concrete capabilities.

In-being forces must be capable of reacting immediately to any emergency. To do so, they must be modernly equipped, fully manned, well trained, and properly deployed. Reinforcing forces must be made available immediately to assist Allied units which may be facing an initial assault. Behind them, reserve forces must be the product of a functioning and responsive mobilization system that provides results in weeks, not in months. These units, too, require proper levels of manning, training, and equipment.

To sum up, there is no evidence that the threat to the West has somehow disappeared. If the member nations of Alliance were to be divided from one another; if we were to reduce our military strength unilaterally; if our nations were to open themselves to political and military pressures in situations that would weaken their resolve—then opportunity might be given to the Soviets to gain the fruits of war, without the costs of war. By our determination to remain free and by the steadfastness of our efforts toward this purpose, we can prevent such divisions, stop such reductions, and unite ourselves in the face of such pressures.

Thus prepared, the Atlantic Community will be in position to welcome any valid steps the Soviets show themselves ready to take to remove or reduce the causes of tension and, specifically to reduce the military threat to the security of the Atlantic nations.

We have been talking about war, its prevention and the Communist threat. I should now like to turn to a consideration of the fruits of peace and the costs of peace within our own Alliance.

Let us first consider the gains that have been made over the NATO years.

First, of course, peace itself. This is perhaps best encapsuled by recalling that on the Anniversary of the Signing of the Treaty in April of this year, the French Association for the Atlantic Community took out advertisements in most of the newspapers of France. This ad featured the insert photographs of fifteen young people, one from each nation of the Alliance. The caption was quite simple and to the point, "Ils ont 20 ans, ils ont grandi en *paix*."

Second, the restoration of confidence among the peoples of Western Europe. I worked with General Eisenhower during the early days of the Alliance and I recall that he wrote at one time that there "was serious question as to the state of public morale" in Europe. Yet, just a year after SHAPE had been founded he was able to write, "As months have passed, confidence has grown throughout the NATO community from the existence of greater and more effective forces and an organization to direct and support them." One could literally sense the rising tide of that feeling of confidence, as contribution grew on contribution, and the Alliance became progressively stronger militarily.

Third, the solidarity that exists among the members of the Alliance. I consider this an objective and an achievement that belong in equal rank with our missions of deterrence and defense. During the past twenty years our nations have risen above the divisions that beset them in the past; they have worked with one another, not against one another. By uniting their collective efforts for the mutual defense they have provided a shield of security that has kept them free and independent, shunning the kinds of conflicts that in the past have pitted them against each other with devastating and destructive result.

Fourth, the increased availability of material goods and the leisure time in which to enjoy them. This has come about through the hard work and imaginative efforts of our peoples and we can all take pride in what has been accomplished. But it must be remembered that this has occurred because there has been no outside interference; because there has been a climate of security, not fear, in our lands.

All these accomplishments of peace, all the freedom that exists, all these achievements have been made because our nations have enjoyed a high level of security against external pressures.

Now, what about the costs of peace?

These have been borne for twenty years. Why has this been so?

Because for the past twenty years there has been no end to the threat of aggression. Whenever it has seemed to lessen, there

have always come sharp reminders of the true nature of the threat we face—history recalls the episodes of Poznan, of Hungary, of Czechoslovakia.

These costs are being borne today; why is this so?

Because the threat remains potent today, just as it was when the treaty was originally signed. I have already discussed the military capabilities of the Warsaw Pact and some of the increases in those capabilities. We have seen a readiness to move against weak neighbors, to hold nations in subjection, and there are examples in plenty of continuing attempts at subversion, infiltration, and extension of the Communist hegemony.

Will the costs of peace be borne tomorrow? This is the question that parliaments and congresses, peoples and nations must answer. Deeply involved, as all our countries are, in domestic and social problems, we must nevertheless remind ourselves of the basic problem of a free existence—how much would a nation gain by solving its domestic problems, if it were at the same time to lose its freedom?

Simply stated, if the Alliance is to avoid having to meet the terrible costs of war, then it must pay the much more modest costs for peace. NATO represents an enormous net "plus" to every member nation, when its costs in resources are weighed against its benefits in peace and security. To preserve that net "plus," what is needed is not an attitude of doing less, but one of doing more.

Manning levels of both active and reserve units need to be corrected. Stockage levels need to be built up to the proper standards. The availability of in-being forces should be improved. Conscription periods and consequent refresher training time should be increased. Reception and reinforcement capabilities should be expanded. These are concrete, meaningful, valid steps.

It is not my intention to present a shopping list here—the qualitative and quantitative improvements needed for Allied Command Europe have been presented to the higher military and political authorities of the Alliance through the proper channels. But it is my intention to recommend to you, and through you to the nations you represent, that the necessary steps be taken to ensure that the military capabilities of the Alliance are kept at the level necessary for us to carry out the defense missions assigned. It is perhaps obvious, but always timely, to recall that we of the military commands can only provide the Alliance with that degree of defense that your constituents are willing to pay for.

It has often seemed to me that there is a kind of relativity at work in matters of this kind. In a very literal sense, the measure of our dedication and determination to remain free is what we are willing to give up, or to pay, for this purpose. This is as true of a nation, or a government, as it is of an individual.

I believe my presentation this afternoon can be quite quickly summarized by saying that.

NATO seeks no fruits of war,
But if it is to avoid the costs of war,
If it is to enjoy the fruits of peace,
Then it must pay for the costs of peace.

As long as those costs are paid, the integrated military structure can carry out its missions of deterrence and defense and make its continuing contribution to the solidarity of the Alliance.

Thank you.

OUR ONLY OUT IN VIETNAM

Mr. FULBRIGHT. Mr. President, the Washington Post of November 2 contains an article entitled "Our Only Out in Vietnam," written by Mr. Townsend Hoopes. This is one of the most perceptive and well-written articles that has come to my attention. 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:

OUR ONLY OUT IN VIETNAM

(By Townsend Hoopes)

(NOTE.—Hoopes served in the Pentagon from January, 1965, to last February, first as Deputy Assistant Secretary of Defense for International Security Affairs and then as Under Secretary of the Air Force. The following is excerpted from the epilogue to his new book "The Limits of Intervention," published by David McKay Co., and is reprinted by arrangement with David McKay Co., Inc. © 1969 by Townsend Hoopes.)

In the final 10 months of the Johnson administration—from April 1, 1968, to Jan. 20, 1969—the Vietnam policy struggle between rival coalitions within the U.S. government continued almost unabated, even though the decisions of March 31, had they been applied by a President who meant what he said, ought to have resolved it in favor of the moderates. As it was, the fact that the American people promptly endorsed the decisions did put new limits on the debate.

To Washington's surprise, North Vietnam responded quickly and affirmatively to President Johnson's new call for negotiations, accepting the half loaf of a partial bombing halt as an adequate basis for preliminary talks while adding the significant caveat that the initial meeting could have only one purpose—to determine how and when the bombing of North Vietnam was to be totally stopped. Because Hanoi's acceptance included the essential element of face-to-face contacts, the administration was hardly in a position to refuse, and so had to take the caveat as well.

But there was immediate evidence of confusion and thinly veiled discord inside the administraton. Secretary of State Dean Rusk and Presdential Assistant Walt Rostow tried to slow down and, if possible, avoid altogether the kind of initial talks proposed by North Vietnam. Rusk, who was in New Zealand attending a closed meeting of SEATO foreign ministers at the time of the President's speech, reportedly told his colleagues that neither the neutralization of Vietnam nor a coalition government was a workable solution. Returning promptly to Washington, he lost no time in making evident his general distaste for the enterprise, emphasizing the limited purpose of the talks and denigrating the possibility of a total bombing halt.

MUSICAL CHAIRS

On April 3, the United States had offered Geneva as the site for initial talks. North Vietnam, in its response, had proposed the Cambodian capital of Phnom Penh. Although the President had repeatedly said he would "meet anywhere, at any time"—most recently in his speech of March 31—the administration quickly refused Hanoi's proposal.

On April 9, the United States proposed Vientiane, Rangoon, Djakarta and New Delhi. On April 11, Hanoi proposed Warsaw, which had been the site of desultory but undisturbed U.S.-Chinese diplomatic exchanges for a number of years. This, too, the Administration refused. When Hanoi reiterated its preference for Warsaw and lobbied in the world press, Washington thereupon trotted out a further counterproposal consisting of an additional 10 cities: Colombo, Tokyo, Kabul, Katmandu, Rawalpindi, Kuala Lumpur, Rome, Brussels, Helsinki and Vienna. On May 3, North Vietnam proposed Paris.

By this time, the matter had become a travesty, with the American and foreign press charging the U.S. government with "bad faith" and "quibbling." The unedifying spectacle of the American President chivying Hanoi on a location for the talks after having told the world several dozen times that he set no conditions on the time and place of negotiations was painful in Defense Secretary Clark Clifford's memory.

He had opposed Phnom Penh on the grounds that it afforded inadequate communications facilities, but he saw no objection to Warsaw and told the President so. When Paris was finally agreed upon, the President took credit for it and lectured Clifford as follows: "You've got to stand up to the Communists and not give in even on minor points; that's how we got Paris. You wanted to give them Warsaw, etc." Clifford got that LBJ speech at least ten times, but declined to respond because the issue seemed to him *de minimus*.

This fight over where to talk was merely the opening skirmish in the renewed conflict between the opposed coalitions within the administration. The President's speech had brought momentary harmony based, it was apparent in retrospect, on the assumption of the hard-liners that Hanoi would give a negative response, thus creating a situation in which all issues dealt with in the reappraisal could be reopened.

Emerging from a Senate committee hearing in mid-April, Rusk said he had seen "no evidence of restraint" by the other side and emphasized that infiltration was continuing "perhaps at an increasing rate." Gen. Maxwell Taylor was soon sending "innumerable memoranda" to the President telling him how serious were the military consequences of the partial bombing halt. Rostow and the Joint Chiefs of Staff were taking a similar line.

In early June, when enemy rockets were falling again on Saigon, Ambassador Ellsworth Bunker urged retaliatory bombing attacks on Hanoi. On the other side, Clifford in Washington and Averell Harriman and Cyrus Vance in Paris pressed hard for a total bombing halt and thus a beginning of substantive talks.

The hard-liners were soon arguing that Hanoi's affirmative response showed that North Vietnam was all but beaten; that its coming to Paris reflected the crushing military defeats administered by American firepower in the post-Tet period. With a little more delay and stonewalling, so the argument ran, and with steady military pressure, the United States could soon have Hanoi over barrel and could thus negotiate on far more favorable terms.

That the renewal of these discredited arguments had any force at all was attributable to the fact that the President himself remained instinctively disposed toward military victory and opposed to compromise. In March, he had been reluctantly persuaded of the need to take dramatic steps toward de-escalation and disengagement by the arguments of Clifford, Dean Acheson and others and by the irresistible pressure of events. In April and May, it was clear that his conversion had been, at most, intellectual but never visceral; his continued susceptibility to hard-line arguments during the spring, summer and fall amounted to serious backsliding from the major implications of the March 31 decisions and produced an official U.S. posture of acute ambivalence.

He understood that domestic political realities would not sustain a policy of renewed escalation of the bombing or any significant reinforcement of U.S. ground troops, but he remained receptive to the idea that the enemy could be worn down by sustained military pressure even within the newly established limits on resources.

The Johnson administration thus never acquired the necessary unity to redefine the U.S. political objective in Vietnam in the context of the post-Tet realities. Until Oc-

tober, when Clifford, Harriman and Vance succeeded in bringing off a total bombing halt, the bombing effort was not really curtailed but only geographically rearranged; statistically, there was an intensification. On the ground, Gen. Creighton Abrams made a number of sensible adjustments, including a greater emphasis on protecting the populated areas and undertaking fewer cavalier sallies to the uninhabited borderlands. But these changes hardly constituted a dramatic new strategy born of the knowledge that search-and-destroy had failed. They reflected primarily the fact that additional forces could no longer be obtained merely by telephoning the White House.

A RELUCTANT HALT

The President told Clifford in the autumn that his primary purpose was now to leave his successor with "the best possible military posture in Vietnam." Clifford argued that, for the sake of the President's ultimate standing before the bar of history, he ought to want something much broader and more positive, namely, to leave his successor "an ongoing, substantive negotiation firmly committed to ending the war and reducing the American involvement in Vietnam."

The President was finally willing to accept a total bombing halt in late October, but in November and December he was still listening to the siren song of those who clung tenaciously to the prospect of resolving the conflict by military pressure. He was listening despite evidence that the enemy's determination to fight seemed unimpaired and that his capacity to regenerate his forces remained significant.

As the Administration left office, therefore, ambivalence remained at the very heart of its Vietnam policy. Were we in Paris to negotiate a political compromise on the clearly accepted premise that military victory was infeasible? Or were we there to stonewall Hanoi in the belief that, given enough time, we could grind out something resembling a military victory in South Vietnam and thus avoid the dangers, and the further affronts to our prestige, that would attend a compromise political settlement? There were no clear answers to these questions.

At this writing (early August, 1969), the answers to these questions are only a little clearer. President Nixon is on record as believing there can be no military solution, but large murky patches remain on the fabric of American policy in Vietnam. Perhaps understandably, Mr. Nixon has insisted on going through the whole painful learning process at first hand; in any event, he has thus far declined to come down firmly on a clear-cut course of action and has maneuvered skillfully, yet with increasing evidence of improvisation, to avoid a fateful choice.

The choice, basically, is between trying yet again to strengthen and salvage the Thieu regime for the sake of a gradual, far from complete but hopefully honorable American disengagement from a war that might, in such circumstances, continue for years to come; and casting that government aside for the sake of a fairly quick, probably unpalatable political settlement which would, however, permit—indeed require—the prompt and complete withdrawal of American forces. The Nixon administration has not yet bitten the bullet; in fact, it seems to be pursuing a deliberately hedged policy of carrot and stick.

The carrot elements are embodied in the formal U.S. proposal of May 14 that the "major portion" of all foreign forces in South Vietnam be withdrawn within 12 months; the remaining "non-South Vietnamese forces" would thereafter retire to base areas, thereby creating a de facto cease-fire and setting the stage for internationally supervised elections. The stick elements are embodied in a supposedly tough alternative aimed at threatening the enemy with the grim prospect of interminable war through a combination of strengthening the South Vietnamese army and withdrawing enough U.S. forces to assure that American public opinion will support the continued participation of the remainder for an indefinite period. This alternative is known as "Vietnamization."

The Nixon administration appears to be experimenting with various combinations of carrot and stick—tabling presumably generous offers in Paris while exerting "maximum military pressure" in South Vietnam in an effort to enlarge the area of Saigon's control before the onset of significant U.S. force withdrawals.

The result thus far is continued stalemate in Vietnam and deepening deadlock in Paris. Such a result should not be surprising, for, unfortunately, this approach confronts the fundamental weakness of the U.S. bargaining position at this stage of the war.

WAITING US OUT

The Nixon offer of mutual withdrawal plus elections may indeed be generous by past standards, but it depends for success on reciprocal action by Hanoi. But Hanoi gives no indication that it feels the need to make significant concessions (like promising to withdraw its forces) in order to achieve large-scale U.S. troop withdrawals or avoid resumption of the bombing against North Vietnam.

This position is no doubt based on Hanoi's quite accurate assessment that, nearly 18 months after Lyndon Johnson's proclaimed de-escalation, American public opinion more than ever favors and expects a liquidation of the U.S. war effort (I would go so far as to say that the American people have just about written off this war). The evidence strongly suggests that Hanoi is not going to reciprocate but intends simply to wait us out.

The alternative of "Vietnamization" suffers from similar frailties, for in truth its viability as a threat to the enemy depends far less on augmented material support for Saigon's army than on the long-term retention of significant U.S. combat power (air and ground). Effective "Vietnamization" would probably pose a genuinely bleak prospect for the enemy notwithstanding his determination to return, if necessary, to a strategy of low-level, protracted guerrilla war.

Here again, however, the political situation in the United States palpably deprives this Nixon alternative of any real credibility. Those who still cling to the hope of vindicating the strategy of victory-through-attrition have of course warmed to the concept of "Vietnamization," but they have assumed it would involve a very gradual and carefully calibrated U.S. withdrawal—say, 50,000 men per year. Such an assumption seems, however, to stand on a gross misreading of domestic political feasibilities, as President Nixon himself has now substantially conceded.

In his press conference of June 19, when asked what he thought of Clark Clifford's proposal to bring home 100,000 troops in 1969 and all of the remaining combat ground forces by the end of 1970, he expressed the "hope" that his administration could beat the Clifford schedule.

The reply, whether deliberate or accidental, sowed consternation in Saigon and among the supporters of "Vietnamization" at home, for it seemed to make the real situation crystal clear to Hanoi. It has produced stiffened North Vietnamese intransigence in Paris and a protected lull on the battlefield—a lull rather openly designed to induce larger and faster U.S. troop withdrawals and thus to deprive Mr. Nixon's "tough" alternative of its credibility.

At this writing, then, the United States remains in a tenuous position; its strategy has not succeeded, but the national leadership has thus far refused to accept either the consequence of failure (which is defeat in some degree) or the need to devise a new strategy for carrying on the war. It is very late in the day—much too late—to try a new and different military strategy. But even if it were not, "Vietnamization" would seem an unpromising horse to bet on.

For, so far as one can tell, such a strategy would involve essentially more of the same: further enlargement of the already too large and cumbersome South Vietnamese army, organized in conventional formations, heavily armed with artillery, equipped with helicopters, supported by large-scale U.S. tactical air power and sent out to vindicate the Westmoreland doctrine. The painful trials and frustrations of Vietnam have, momentarily at least, exhausted the intellectual capital of our military leaders and brought American military doctrine to a conceptual impasse. So we limp along, Micawber-like, hoping for something to turn up in Paris or Saigon.

A RISKY COURSE

Beyond the immediate tactical weaknesses of the Nixon administration's apparent posture, there are, I believe, inherent dangers in a policy of substantial, but less than total, withdrawal from Vietnam. Such a policy was perhaps seriously proposed for the first time by McGeorge Bundy in October, 1968. More recently, Clark Clifford argued for it in the July, 1969, issue of Foreign Affairs.

Bundy argued that a withdrawal down to about 100,000 men was now possible without the need to lose "what has been gained in the strategic sense." Clifford argued that withdrawal of all U.S. combat ground forces by the end of 1970 would "be consistent with continued overall military strength"; indeed, he thought it might confront Hanoi with the painful possibility that Saigon could "with continued but reduced American support, prove able to stand off the Communist forces."

Yet the idea that the United States can resolve its difficulties in Vietnam through the progressive, but still partial, unilateral withdrawal of its forces rests on two crucial assumptions: (1) either Saigon can really supply substitute power equal to that of the departing U.S. forces or (2) the present and future situation in South Vietnam can be managed at a lower level of aggregate Allied power than has been required in the past.

Clifford has no trouble with the second assumption, arguing cogently that present Allied power is excessive if the aim of military victory is excluded. Nevertheless the two assumptions are in a real sense interdependent, and both are inherently fragile. The first requires a dramatic improvement in the South Vietnamese army that we have not, in fact seen over the past seven years; the second requires a belief not only that the North Vietnamese are much weaker than they have been but also that their weakness is now a permanent condition.

Should the U.S. government pursue a course of partial withdrawal in Vietnam while leading the American public to believe all will end well, I am afraid a number of unpleasant shocks, surprises and politically dangerous consequences would arise to confront us. For at best, such a course is a prescription for interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become explicitly open-ended as we leveled off our forces at 100,000 men or thereabouts.

Sooner or later, and probably sooner, the American people would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement and could not remain in power for more than a few months without our large-scale presence. These things are predictable because the

Thieu regime is both self-serving and wholly unrepresentative; its strong anticommunist stance (which our support has both nurtured and hardened) bears little or no relation to the vaporous, myth-filled, unideological, village-oriented political sentiments of the vast majority of people who inhabit the noncountry of South Vietnam.

At worst, the course of partial withdrawal would produce a progressive erosion of the military situation in Vietnam, leading downward to a time when we faced the prospect of outright defeat. With U.S. strength reduced to 100,000 men, with no corresponding enemy reduction and with no dramatic improvement in the South Vietnamese government and army, developments could seriously threaten the safety of our smaller forces and thus pose the same hard question we faced in 1965—to escalate or liquidate. Were the United States to face, several months or years from now, the serious prospect of military defeat in Vietnam, I believe that fact would strain our capacity for wise choice beyond the breaking point, and that any decision in such circumstances could only further divide our people and imperil our political process.

There is, unfortunately, an unbreakable interconnection between victory and the avoidance of defeat in the Vietnam situation. You really must have the first in order to ensure the second; or, as others have said, if guerrilla insurgents are not totally defeated, then they win. If victory is not possible, defeat in some degree (and by whatever name you arrange to call it) is not avoidable. A concept of partial unilateral withdrawal that tries to have it both ways—to forswear victory yet avoid defeat—is an inherent contradiction. It won't work.

FOR COMPLETE WITHDRAWAL

Deliberate orderly but complete withdrawal has become, in my judgment, the only practical course open to the United States if we are to restore our foreign policy to coherence, regain our psychological balance, alleviate the deep-seated strife in our society and reorder our national priorities in ways that will win the support of a large majority of our own people. Vietnam is not, of course, the only source of division in America today, but it is the most pervasive issue of our discord, the catalytic agent that stimulates and magnifies all other issues. In particular, there can be no real truce between the generations—no end to the bitterness and alienation of even the large majority of our youth that is neither revolutionary nor irresponsible—until Vietnam is terminated.

A major premise of the Johnson administration's war effort was that a vital U.S. interest was at stake in Vietnam, requiring a total and tireless commitment to cleansing that area of Communist influence. That presumption has now fallen of its own weight—even if one broadens the context to include the argument that an unlimited commitment in Vietnam, though not vital per se, was necessary to safeguard other vital U.S. interests in Asia.

If we can forthrightly acknowledge the basic, unpalatable truth—that our intervention in 1965 was misconceived, that viewed through cold, clear eyes it could not be justified on the grounds that a vital national interest was at stake—then we can bite the bullet in Vietnam. We can acknowledge past failure and the inevitability of some degree of defeat.

We can move to a phased, unilateral and total withdrawal of forces, not as a means of pretending we have discovered a painless way to achieve partial victory or even a settlement consistent with our original objectives but as a means of liquidating an enterprise that is beyond retrieval and a condition that is poisoning the bloodstream of our society; as a means of putting the Thieu government on notice that, after a reasonable period of months, our military forces will no longer be there; as a means of demonstrating beyond words that Saigon must either move decisively to a settlement during the limited time our remaining military presence can provide supplementary leverage or else decide to fight on alone without U.S. troops beside it. The deed once done would, in my judgment, be accepted by American and European opinion and would be adjusted to by Asia without serious repercussions in areas of principal strategic concern to us.

I do not say we should abruptly abandon the South Vietnamese government; I do say we should give it a definitive indication of our intention to be totally gone within a time frame that affords a reasonable period for leaders throughout South Vietnamese society to chart their own course.

Such a U.S. policy would be extremely painful for several strata of South Vietnamese, bringing to the surface the root question of whether they could accommodate to the new political uncertainties or would have to leave the country. But only such a policy could push the Thieu group to a serious contemplation of settlement.

If our course is resolute, the chances are fairly good that the submerged factions in South Vietnam will come to an accommodation or a balance which will be able to avoid domination of a new government by the National Liberation Front. Almost certainly, there will be major changes in the social order producing a different distribution of political, economic and social power. But Vietnamese society, twisted and torn by the colonial era, the French Indochina war, the Diem period and the Great American Infusion, clearly needs reorientation and self-rediscovery. For despite our massive economic assistance and its accompanying rhetoric of revolutionary development and social change, our presence and our actions there have in fact tended to confirm and even to strengthen the old order. But that order cannot be upheld except by external military support.

THE PRESTIGE PROBLEM

A severe loss of U.S. prestige in Asia and throughout the world is frequently cited as the compelling reason why we cannot withdraw unilaterally from Vietnam. It is accordingly of central importance to see this problem in perspective, admitting that Americans face a special difficulty here.

Russia, Germany, Japan, France and Britain have all suffered terrible military failures throughout long and checkered histories; some have barely managed to survive the attendant domestic convulsions. But the United States, alone among the powers of consequence now on the world scene, has never known a major defeat. We should be able to understand that, in the nature of things, we could not expect our record to remain permanently unblemished, especially not when our involvement has pervaded the globe in an era of seething change, instability and violence.

Yet the apparent perfection of the past record is admittedly an obstacle to our taking setbacks in stride. Before World War II, a large body of domestic opinion believed implicity that America was somehow morally superior, and by this fact protected against the terrible disasters that regularly befell less splendid and upright nations. We are, I think, clearer today that such attitudes reflected the immaturity and naivete of a people not yet fully involved in the complexities of the world; we now understand that the life history of any great nation must show over time its fair share of victories and defeats.

Moreover, it is an advantageous truth that mere loss of prestige for a great power is always transient and usually brief. Many times in the past two decades, the Soviet Union has suffered painful rebuffs—in the Greek civil war in 1947; at the Turkish straits the same year; in the Berlin blockade of 1948; in the determined U.S.-U.N. response to the attack on South Korea of 1950, which so badly disrupted Stalin's calculations, and most emphatically in the Cuban missile crisis of 1962. Yet no one would deny that the Soviets quickly recovered from each of these setbacks; no one doubts that they have subsequently projected their foreign policies with undiminished vigor and determination.

PRESIDENTIAL FACE

The point is, the great powers quickly recover from blows to their prestige alone, precisely because of their power. When the world wakes up the next morning, the great power has not quit the scene. It is there, as solid as yesterday, and the world must make new arrangements to cope with it.

As with the Soviet Union, so essentially with the United States. We too have had our share—although a far smaller share—of deflations affecting our prestige since the end of World War II, and they have not affected our fundamental strengths in any way. There was the shooting down of the U–2 over Russia, the besieging of President Eisenhower by Tokyo rioters and the travesty at the Bay of Pigs.

At the time of that last fiasco, President Kennedy gave evidence that he understood the limited requirements of U.S. national prestige and he refused to inflate these by injecting considerations of presidential face. By quickly admitting his own error and by nobly taking on the full burden of responsibility, he enabled the country to see the incident in true proportion and to be steadied by his candor.

I have no trouble in believing that, had he lived, he would have similarly cut off the U.S. involvement in Vietnam—possibly at the time of Gen. Khanh's coup in January, 1964, but in any event well below the astronomical level it finally reached. It was the country's tragedy that Lyndon Johnson tended instinctively to equate the nation's prestige with his own, and that his personal needs were greater than the objective requirements of the nation.

Johnson was at bottom a combination of sentimental patriot and gambler which led him to compound original misjudgments many times over rather than risk the loss of prestige associated with an American "defeat" in Vietnam. Kennedy was too skeptical, too attuned to cold reality (as one admirer said, "too smart an Irish Mick"), not to have foreseen the developing morass. He would, I believe, have overridden the quite predictable military arguments and acted to cut the nation's loss, accepting and absorbing whatever deflation was required in terms of national and presidential prestige and taking such measures as lie within the national power and interest to cushion the consequences in places like Thailand, Korea and Japan.

This is still the road to the recovery of our lost sense of proportion, to the healing of our deep domestic divisions, to the reestablishment of a wise and respected foreign policy.

ALICE IN WONDERLAND ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, in recent months the subject of pretrial preventive detention has received a considerable amount of attention in Congress. In January and February of this year, the Subcommittee on Constitutional Rights conducted 7 days of hearings on the issue. The House Judiciary Committee has conducted 4 days of hearings and has scheduled another one for this week.

Of all the many hundreds of pages of testimony on preventive detention, perhaps the most succinct commentary was made by an individual who died 71 years ago, Mr. Lewis Carroll, the author of "Alice in Wonderland" and "Through

the Looking Glass." I believe the RECORD should reflect his observations on preventive detention; therefore, I ask unanimous consent that an excerpt from "Through the Looking Glass" be printed in the RECORD.

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

[From Dodgson, Lewis Carroll, book, p. 223, copyright 1931]

"THROUGH THE LOOKING-GLASS"

"What sort of things do you remember best?" Alice ventured to ask.

"Oh, things that happened the week after next," the Queen replied in a careless tone. "For instance, now," she went on, sticking a large piece of plaster on her finger as she spoke, "there's the King's Messenger. He's in prison now, being punished: and the trial doesn't even begin till next Wednesday: and of course the crime comes last of all."

"Suppose he never commits the crime?" said Alice.

"That would be all the better, wouldn't it?" the Queen said, as she bound the plaster round her finger with a bit of ribbon.

Alice felt there was no denying that. "Of course it would be all the better," she said: "but it wouldn't be all the better his being punished?"

"You're wrong there, at any rate," said the Queen: "were you ever punished?"

"Only for faults," said Alice.

"And you were all the better for it, I know!" the Queen said triumphantly.

"Yes, but then I had done the things I was punished for," said Alice: "that makes all the difference."

"But if you hadn't done them," the Queen said, "that would have been better still; better, and better, and better!" Her voice went higher with each "better," till it got quite to a squeak at last.

Alice was just beginning to say, "There's a mistake somewhere—," when the Queen began screaming, so loud that she had to leave the sentence unfinished.

THE BEGINNING OF SALT

Mr. SYMINGTON. Mr. President, at times an editorial is written which expresses accurately one's thinking on a particular subject. Such is the case with respect to an editorial entitled "The Beginning of SALT," published in the St. Louis Post-Dispatch.

I ask unanimous consent that the logical and constructive comments contained therein be printed in the RECORD.

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

[From the St. Louis Post Dispatch, Oct. 20–26, 1969]

THE BEGINNING OF SALT

News that the United States and the Soviet Union will begin Strategic Arms Limitation Talks three weeks hence in Helsinki comes none too soon, and the world will hope that agreements on ending the nuclear arms race can be reached before it is too late. No one knows how long the conferences will continue, but the fact that they are in progress will of itself be a deterrent of sorts.

The Nixon Administration has been pressing for the meetings since early in June, but the Russians have delayed a response. The Soviet invasion of Czechoslovakia in August upset whatever plans may have been in the making, though it was in essence irrelevant. A likely reason for Soviet delay is the Russian quarrel with China. With the recent start of Sino-Soviet talks this may be on the way to a solution, leaving Moscow free to turn its attention to SALT.

In the course of time the conferences ought to cover the whole range of nuclear weaponry—hydrogen bombs and delivery systems, multiwarhead missiles (MIRV) and antimissile defense systems. It goes without saying that the meetings between the two superpowers are as important as men have ever proposed. The survival of the human race may be at stake, and both sides are well aware of what is involved.

CONTROL OF PORNOGRAPHY

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Growing Public Outrage Over Pornography Stirs Congressional Response," published in the New York Times of Monday, November 3, 1969. It seems to me that the time is long overdue for us to take affirmative action to rid the mails of salacious and pornographic materials and literature, particularly that which is directed to young children. We now have before the Judiciary Committee proposed legislation dealing with this problem which I and a number of other Senators have cosponsored. President Nixon in his October 11, 1969, message on the administration's legislative program has urged us to give high priority to legislation to control pornography. I urge bipartisan action on this most serious matter at the earliest possible moment.

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

[From the New York Times, Nov. 3, 1969]

GROWING PUBLIC OUTRAGE OVER PORNOGRAPHY STIRS CONGRESSIONAL RESPONSE

(By Donald Janson)

WASHINGTON.—"The enclosed printed matter makes me speechless and aghast to think it can be circulated through the mail."

The remark, from a doctor in Prospect, Conn., is from one of thousands of letters recently added to the bulging files of Congressional committees considering legislation to curb the country's increasingly aggressive pornographers.

Representative L. H. Fountain, Democrat of North Carolina, testified before a House Judiciary subcommittee last week that he was receiving more mail from outraged constituents on the growth of pornography than on any subject in his 16 years in Congress.

"OUTPOURING OF FILTH"

"People in my district are furious and can't understand why we can't put a stop to this outpouring of filth," he said.

"If this Congress accomplishes nothing else, it should provide relief for the vast majority of our citizens who are demanding help in ridding their homes of this obscenity," said Representative Ed Foreman, Republican of New Mexico, as he waved a copy of the newsprint magazine Screw, with a two-page photograph of a nude man and woman on the centerfold, in front of the committee.

A staff member of a Senate Judiciary subcommittee investigating pornography said that subcommittee members were receiving more protests on pornography than on the Vietnam war.

President Nixon noted in May, in asking Congress for three new laws to stop the flood, that "American homes are being bombarded with the largest volume of sex-oriented mail in history." He reminded Congress two weeks ago that none of his proposals had been passed and urged prompt action. There is little likelihood that he will get it.

Part of the reason is that Congressmen are so eager to testify at subcommittee hearings in person rather than by submitting statements that additional hearings are being scheduled to meet the demand. Since early August, the Congressmen have been among witnesses before two House subcommittees. Their interest is directly related to the spurt in the volume of mail they are receiving from back home.

Five more Congressmen testified last week. They are among 175 who have introduced more than 200 anti-obscenity bills, including the Administration's proposals.

HIGH COURT GUIDELINES

Shaping final legislation from this tangle is not expected until next year, not just because of the stampede to get into the act but also because of the difficult task of meeting tests of constitutionality required by Supreme Court decisions of recent years.

Under Supreme Court rulings, material cannot be banned unless it panders to a "prurient interest in sex," affronts "contemporary community standards" and is "utterly without redeeming social importance."

But about 50 million pieces of lurid material are being mailed annually, including millions of unsolicited advertisements for books and films. New approaches are being sought to keep this third-class mail from reaching homes and offices.

The President, declaring that the Administration had carefully studied "the legal terrain" of the problem, proposed the following curbs:

Prohibiting use of the mails to send to minors "material dealing with a sexual subject in a manner unsuitable for young people."

Barring use of the mails or other interstate facilities for sending advertising intended to appeal to a "prurient interest in sex."

Prohibiting, as an invasion of privacy, use of the mails to send sexually oriented advertising—even if it is not legally obscene—to any who says he does not want it.

Protection specifically for minors has not been tried before on a Federal level. This approach was prompted by a Supreme Court decision last year upholding a New York state law prohibiting the sale to minors of anything the law defined, using a separate standard for children, as obscene for minors.

The effort to bar "prurient" advertising rests on 1942 and 1951 Supreme Court desions that commercial advertising does not have the same constitutional protection as noncommercial speech.

The invasion-of-privacy proposal would complement a law passed in 1967. It allowed anyone who received sex-oriented advertising to cut off the flow by listing his objection with the Post Office.

But the receiver had to initiate action against each publisher of smut who solicited him. The new proposal would let householders bar all such advertising from any source with a single protest in advance of receiving any smut. Advertisers would have to buy a Post Office master list of objectors and keep it current or risk heavy fines and long jail terms.

These measures—the 1967 law and the proposed expansion—were inspired in large part by a 1966 Supreme Court decision against Ralph Ginzberg, holding that, whether or not his magazine Eros was obscene, his manner of advertising it pandered to prurient interests.

Last week, the Supreme Court said it would rule on the constitutionality of the 1967 law. The complementary proposal will probably stand or fall on that ruling. Publishers of erotic wares contend that the first law violates their right of free speech by restricting distribution of ideas.

The other Nixon proposals, if adopted, would also face constitutional challenges.

"The theory that the First Amendment does not protect commercial advertising is a very shaky one," Lawrence Speiser, director

of the Washington office of the American Civil Liberties Union, testified before the House Subcommittee on Postal Operations recently.

He urged that Congress wait for its Commission on Obscenity and Pornography, which has been conducting studies since it began operations last year, to report next July on what legislation is needed, how best to meet all constitutional questions, how pornography affects adults and minors and whether it causes antisocial behavior.

But as letters from indignant constituents pour in—usually accompanied by choice examples of eroticism received in the mail—Congressmen and other politicians pay less attention to cautionary advice.

"Where is there any freedom of speech issue in that?" Representative Foreman shouted last week waving his copy of Screw.

Attorney General Louis J. Lefkowitz of New York wrote the subcommittee that he was receiving many letters from parents who "justly complain" that the contents of lurid mail fall into the hands of their children.

The Federal Government should do more to curb the spread of unsolicited smut mail," he declared.

Each of the Congressmen who have testified so far agreed. Most said they did not care whose bill was adopted so long as it would stand the scrutiny of court review.

ELECTION DAY, 1969

Mr. PEARSON. Mr. President, I wish to congratulate the voters of two great States on the results of yesterday's elections.

With Bill Cahill's landslide win in New Jersey, our Republican Party is now in control of the statehouses of all the large, northeastern industrial States. It is essentially in the statehouses where a larger, more comprehensive base must be built for our national Republican Party, and we now number 32 of the 50 in the Republican column.

I am particularly proud of the voters of the Commonwealth of Virginia, where I spent a large part of my early life. With their election of Republican Linwood Holton to be their next Governor, we have certainly seen history in the making. There is no doubt that the two-party system, which has been growing steadily but surely in Virginia since 1952, is now an accomplished fact. Just two short decades ago, it was a difficult and lonely thing to be a Republican in Virginia. What a change a relatively few short years can make. Not only will Virginia have a Republican Governor for the first time since Reconstruction Days come next January; in last year's election five of Virginia's 10 seats in the U.S. House of Representatives went to the Republicans.

My heartiest congratulations to the people of the State of New Jersey and the Commonwealth of Virginia for their choices on election day 1969.

NEW OPTIMISM IN VIETNAM

Mr. McGEE. Mr. President, optimism inside Vietnam has seen a recent revival, as reported in the pages of the Washington Post in recent days by Robert G. Kaiser in his series entitled "The New Optimists." In two installments, Mr. Kaiser reported on the success of today's pacification program, which his sources were more apt to attribute to the weakening position of the Vietcong in South Vietnam and the relative improvement of the Saigon Government's position in the countryside.

The Vietcong's high-water mark was reached in the 1968 Tet offensive, Mr. Kaiser reports, and its influence in the countryside has been declining since. All this is not to say that the war in Vietnam is near to what we would call a successful conclusion or a victory. What Mr. Kaiser's "new optimists" are saying is that things are better and that an independent Saigon Government can prevail with continued U.S. support.

I ask unanimous consent that the second and third installments of Mr. Kaiser's series from the Washington Post 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. 30, 1969]

THE NEW OPTIMISTS—II: PACIFICATION, 1969 STYLE, SEEMS TO BE WORKING

(By Robert G. Kaiser)

VINH LONG, SOUTH VIETNAM.—The French tried to "pacify" Vietnam, but they failed. So did Ngo Dinh Diem, and so have the many regimes that succeeded Diem's—all with enormous American aid. One year's progress in pacification has become the next year's disaster so often that the whole idea has an unshakably bad reputation with many Vietnamese. Many have stopped listening to the boasts.

This year's progress has a new set of promoters, a group of new optimists—including many former pessimists—who believe that the Vietcong's revolution in South Vietnam may have been defeated.

The impending defeat of the local Vietcong, which many Americans now claim to foresee, is usually not attributed to the specific successes of current pacification programs. Many believe that the pacification programs have worked this year primarily because the Vietcong have lost the ability (or the will) to fight back.

In the past pacification always failed because the National Liberation Front (or the Vietminh before it) eventually proved stronger than the regime in Saigon. Now the new optimists are predicting—privately, and not for attribution—that the Vietcong will not be able to come back, at least for many years, and never if the government can consolidate its apparent new strength.

American officials have talked about the demise of the Vietcong before. But old hands here say the new optimism differs from its predecessors, if only because its adherents include many who were always pessimists or cynics before. The revival of optimism in the last few months has come after a long period of caution and doubt that followed the 1968 Tet offensive.

The current pacification program is more than a copy of its predecessors. It is simpler and more radical. It has provided the first meaningful decentralization of government functions in the history of independent South Vietnam. And it appears more successful at the moment than any of its predecessors. But it is also clumsy, often self deluding, and often ineffective, according to many of the men trying to make it work in the countryside.

The pacification campaign is aimed at specific goals that seem little more than commonsense objectives. They are to provide security, reduce the Vietcong's military and political strength, stimulate the economy, resetttle war refugees, propagandize the government's cause and establish local government.

The Vietnamese and their American advisors have agreed on a process for achieving these goals. Ideally, the process works like this:

Government troops enter a contested area, establish outposts and force the enemy's military forces out of the area. Then teams of "revolutionary development cadre" (known less dramatically in Vietnamese as Rural Development workers) come into the village. They undertake small public works projects, then a census of the population, conduct a flamboyant if elementary public relations campaign for the government and generally establish what is called the GVN's presence. They are followed or sometimes accompanied by appointed hamlet and village chiefs. (A village in Vietnam is a geographic area of perhaps several square miles composed of, on the average, seven hamlets.)

Once some security has been established, provincial officials and the new local appointees begin to institute the government's basic program. The RD cadre, perhaps helped by American advisers, may try to open a new school. Representatives of the Open Arms (Chieu Hoi) campaign will begin propagandizing for Vietcong to rally to the government side. The "Phoenix" program will begin to gather intelligence and track down Vietcong operatives.

The government may provide financial or material aid to refugees who decide to move back to their old homes in a newly entered area. The government will organize a Peoples' Self Defense Force, give its members rudimentary training and arms. After a few months elections will be organized to choose hamlet and village councils. The elected council is then supposed to select a new village chief to replace the government's appointee.

In many parts of the country, some of these things are happening as planned. Elsewhere, some happen and some don't. Almost everywhere the government's (and their U.S. advisers) performance is erratic, but on balance there is progress.

On the ground, the ideal procedure is tempered by Vietnamese realities. Perhaps the harshest of these is the shortage of talented and honest men to fill a growing number of government posts. At their worst, local officials can be appalling.

CORRUPTION INEVITABLE

A district chief only recently removed from his job, for example, was maintaining 10 ladies in 10 different houses, giving them about $80 a month pin money—financing the whole operation out of government funds.

A certain amount of corruption is both expected and inevitable. Salaries of local officials are not big enough to support a man and his family. But the government is trying to apply—or says it is—new standards to the behavior of its officials. Village and hamlet chiefs are going to a special school to learn both good administration and honesty.

The 7,800 Americans working on pacification are not all suited for the work. Some experienced Americans here bemoan the low caliber of U.S. advisers. "We've got a bunch of police advisers around here that are nothing but small town misfits and failures," said one senior adviser recently. All but a few of the 6,200 soldiers assigned to pacification are in Vietnam on one year tours (which civilians often contend is too short a time to be useful).

Vietnamese realities also mean that programs described in glowing terms at headquarters briefings occasionally can look discouragingly ineffective in the field. Someone looking for weaknesses can find them.

"My PF (popular force) platoons were supposed to go on a joint night operation," a boyish American second lieutenant in the Delta explained to a recent visitor, "but they hadn't moved out, so I went down to the outpost to see why. It turned out that they were drunk—rice wine."

STATISTICS IMPROVE

The regional and popular forces have always been the weak sisters of the Vietnamese armed forces, though American and Vietnamese officials now regard them as crucial to the success of pacification. This year almost all of them have been equipped with M–16 rifles, and their performance has been improving, according to the statistics that inevitably measure all progress here.

A year ago it took, statistically, three PF platoons going on operations every night for a month to make one contact with the enemy. Now, when there are probably fewer enemy soldiers moving about, those same three hypothetical platoons average one contact every three weeks.

More important, officials say, is the growth of these local forces. There are now about 200,000 PF troops (which are supposed to operate defensively around individual villages) and more than 50,000 RF troops (which conduct wider ranging and sometimes offensive operations). More than 50,000 of these have been added this year—at a time when, at the very least, Vietcong local force strength has declined slightly.

Statistically, the Chieu Hoi (open arms program) has been one of the most dramatic successes of the pacification program. This year, the figures show, more than 6,000 former Vietcong have voluntarily rallied to the government side, more than three times as many as in the comparable period last year.

Many Americans in the field are skeptical of these figures. Some of the ralliers are apparently just draft dodgers who know they can get a six month deferment by rallying. Others rally for the cash benefits involved. But again, on balance, the program is obviously depleting the enemy's ranks, though the vast majority of even legitimate ralliers are admittedly low-level personnel.

Another much-touted program is the Peoples' Self Defense Force, now said to have nearly 2.3 million members. "That figure is wildly exaggerated," according to an American responsible for a large part of the field program. This official said a more accurate impression was provided by the number of weapons issued to PSDF members—about in the field said some of the 350,000.

Local elections are another subject of official boasts. Village self-government, a tradition in Vietnam, was suspended by Ngo Dinh Diem, and has now been revived by the Thieu government. Potentially this is a dramatic reform. It has already provided some effective and popular new village governments. But it, too, has weaknesses, as the official statistics on new elections suggest.

For instance, in 102 village elections held in September, 1,001 candidates ran for 733 positions—nearly two thirds of the seats were, in effect, uncontested. The government reports that more than 90 per cent of the registered voters cast ballots. Officials in the field say this often means 15 to 20 per cent of the adult population.

But U.S. and Vietnamese officials insist that all these weaknesses can only make a difference—in the short run at least—if the NLF takes advantage of them. They point out that in the past year the front has failed to make a significant challenge to the continuing extension of government influence into the countryside.

Officials acknowledged that the situation today would be much less favorable for the government if rural security and prosperity depended on the complete success of pacification programs. But the new optimists obviously think they have a successful formula for progress based on a combination of partially effective government programs and feeble resistance from the Vietcong.

The most dramatic progress—and the clearest example of the enemy's inability or unwillingness to defend his old position—has been the steady advance of the government's military and administrative forces into the countryside. Thousands of troops have moved into formerly hostile areas this year, bringing with them at least a measure of security, and in many places true peace.

Commerce is thriving. The roads and waterways of the Delta are crowded with trucks and barges loaded with the countryside's produce and the city's new consumer of goods. The government's village development program, which provides a million piastres for every new elected village government for a project of its own choosing, is a bustling "success"—the money is being spent all over South Vietnam.

It is much too soon to know if this sort of progress can be the basis of a permanent improvement in the situation. Many of the new optimists believe it can be, but there are dissenters. Some say it is not the United States' business to win the people to the Saigon regime, but only to give that regime a fair chance to compete for popular allegiance.

Many Vietnamese politicians tend to discount pacification as a negative achievement. "The people in the countryside feel no increased loyalty to the government yet," according to Nguyen Van Bong, a leader of the Tien (Progressive Movement), probably the most active non-Communist political party in Vietnam. The Vietnamese are generally much more pessimistic than the Americans here, perhaps because they have seen so much "progress" in the past.

WAIT AND SEE

Similarly, some of the Americans with many years experience in Vietnam, are men who speak the language and feel they know people, not yet joining the new optimists. (On the other hand, many of this group are clearly among the optimists.) "Let's wait a few more months," said one skeptic. "I don't think the people's attitude toward the government is appreciably different yet," said another. The government and its officials are "just as corrupt, just as inefficient as they ever were," said a third. The old hands tend to take a longer view of the situation. Some foresee a few years of "pacification" followed by a revival of the Vietcong.

The basic assumption of the current pacification program is that active allegiance to the government is less important than a security that would allow people to lead normal lives and have reasonably good public services. Whether the government can prevail without winning the active allegiance of the masses will probably depend largely on the resilience of the Vietcong. Many of the new optimists believe it is too late for a Vietcong political revival in the foreseeable future.

A more likely challenge to this assumption could come from 100,000 North Vietnamese troops who are in or near South Vietnam. If they are willing to accept heavy losses, those troops could destroy security—at least temporarily—in much of the countryside, especially north of the Delta.

Some of the new optimists are eager to take on the North Vietnamese, but more are nervous about the prospect. The presence of those troops makes it impossible for even the most optimistic ones to talk about "winning the war," even as they speak glowingly about recent progress.

[From the Washington Post, Oct. 31, 1969]

THE NEW OPTIMISTS—III: TET SEEN AS VIETCONG'S PEAK

(By Robert G. Kaiser)

SAIGON.—The National Liberation Front was a model of successful insurgency. Tightly organized, brilliantly led, resourceful and ingenious, the Vietcong first stole the countryside from under the noses of Saigon's many governments and their American allies, then defied them to take it back.

Americans in Vietnam took a long time to agree on it, but today such a definition of the Vietcong is a cliche here. Through 1967, many American officials insisted on underestimating their enemy, but the Tet offensive of early 1968 changed that.

If the Tet offensive changed the conventional wisdom about the Vietcong, it also changed—and drastically weakened—the Vietcong itself; that is the new conventional wisdom of today. There is a new optimism among American officials here that is based largely on the increasingly popular theory that the Vietcong are now too weak to prevail in South Vietnam.

This theory has gained wide currency in the American mission here, and it is being reported to Washington. It is probably one of the factors President Nixon is weighing most carefully as he tries to find a way out of Vietnam.

The new optimists in Vietnam are not predicting that the war is about to be won, though they often leave that impression. Rather, they insist that things are going much better now than ever before, and that an independent Saigon government can prevail—with continued U.S. support—because the enemy is losing its strength inside South Vietnam.

Some American officials here, including high-ranking diplomats, believe that the enemy's apparently deteriorating position in the countryside could bring a change in Hanoi's attitude at the Paris peace talks. These officials speculate that the Communists may conclude that they can salvage more by negotiating than by sitting by while the remainder of their local forces are decimated.

But this view is sharply disputed by other officials in Vietnam, especially military officers, who reason that Hanoi would be well advised to remain obstinate while the United States is withdrawing troops under increasing pressure from American public opinion.

In its most popular form, the theory of the Vietcong's demise goes something like this:

The Tet attacks of 1968 cost the Vietcong thousands of their most valuable cadre, including irreplaceable veterans of the 10 to 20 years of revolutionary activity. Thus the boldness and ingenuity that made the Tet offensive possible was largely eliminated in the bloody toll of the offensive itself.

The incredibly determined troops who fought suicidally into the American Embassy compound, the leaders of assaults on the cities throughout the country, the political cadre who came into the open for the first time to lead the "general uprising"—all these were lost.

Since then, the theory continues, the local Vietcong have become progressively weaker. Thousands have "chieu hoied" or rallied to the government side rather than fight on against increasingly adverse odds. Thousands more have been eliminated by the Phoenix program which tracks down, arrests and jails Vietcong cadre.

FRONT IN DISARRAY

The NLF has lost control of most populated areas of the countryside, therefore losing its base for recruiting new personnel. Today the Front's vaunted organization is in disarray or worse; in many areas it is said to be nonexistent, or dependent on a handful of local cadres where once there were hundreds.

To support the theory, officials here generally cite the same bits of evidence: The self-evident fact that Vietcong losses at Tet were enormous, the self-evident fact that the Vietcong now control very few populated areas, the increasing percentage of North Vietnamese troops in nominally Vietcong units, reports from prisoners and ralliers about the desperate straits the Communists

are in, and statistics showing how many thousands of the "VCI" (members of the Vietcong infrastructure) have been neutralized, and how dramatically pacification is progressing, almost without opposition.

Hard evidence to contradict the theory is not easily found, though there are a number of seasoned cynics, especially among the Vietnamese who still are unwilling to believe that the Vietcong is in such precarious straits.

SOME AMERICAN VIEWS

One Vietnamese-speaking official believes that the Vietcong have gone underground deliberately, perhaps expressly to induce the sort of optimism that is now flourishing on the allied side. But he has no evidence to support his hypothesis and none of the notorious captured documents confirm it.

There is evidence that the boasts made for the Chieu Hoi and Phoenix programs may be misleading. American officials in the field acknowledge that a substantial number of ralliers are only draft dodgers or insignificant figures looking for a temporary accommodation with the government.

Many of the suspected Vietcong arrested by the Phoenix programs are able to bribe their way out of prison, others get off with prison terms of a few months. Some skeptics think reports of the enemy's hardships can be attributed to ralliers and prisoners who tell Americans and South Vietnamese officials only what they want to hear.

There are pessimists in Vietnam who make these points, but the new optimists make them, too. They are willing to acknowledge possible flaws in their arguments, still insisting that on balance, their optimism is justified.

Typical of these confident optimists is an American official who has been in Vietnam for most of a decade. His early years here were spent as a critic of American policy. Then a pessimist about the outcome of the war, he now exudes optimism, and offers a detailed defense of his new position—but not, please, for quotation.

His might be called the advanced optimists' theory, supported in part or completely by a number of the most knowledgeable Americans here and by many Vietnamese government officials.

Implicit in this optimism is a belief that the conditions which existed in the first half of the 1960s when the NLF built its strength and organized local administrations that "clearly outperformed the government's on every count," as Bernard Fall once wrote—have now virtually disappeared. Vietnamese society has changed radically since 1965, almost entirely in ways that work against the Vietcong, according to the analysis.

CONDITIONS IN 1961

One experienced official gave this example: "When I came into the Delta in 1961, I found that people believed ridiculous lies that the Vietcong told them. Their propaganda was unchallenged." Peasants believed that Saigon had been almost destroyed, that Americans in Diem's palace ran the government and other tales, he said.

But today, thousands of television sets and hundreds of thousands of radios later, the Vietnamese peasantry is no longer so gullible. Ordinary people daily see and hear things that they never dreamed of in the early 1960s. They get a detailed version of national and world events that contradicts Vietcong propaganda.

Since 1965, this analysis continues, the Vietcong have also lost their popular support. In the early days of the insurgency there were real benefits to life under the Vietcong: Land was distributed to farmers, social services that Saigon had never provided were available, reasonably free local elections (suspended by Diem) were held.

NLF SUPPORT ESTIMATED

"I am convinced," says one American who was here at the time, "that in 1964 and 1965, at least 50 per cent of the people actively supported the Vietcong and expected them to win the war."

The same official thinks the number of NLF supporters now is no more than 10 or 15 per cent of the population. He attributes much of the change to the experience of the Tet offensive. Tet is much the most important holiday of the year in Vietnam. Superstitious Vietnamese—of whom there are many—believe that the luck of the whole year will be determined by their luck during Tet. The Vietcong assured that Tet in 1968 was as bad a holiday as it could have been for millions of Vietnamese when it launched nationwide attacks.

In many parts of Vietnam the Tet attacks resulted in Vietcong occupation of territories that had been controlled by Saigon. "Three to six months under VC control," says Col. Duong Hien Nghia, the province chief of Vinhlong, "gave the people a chance to make a comparison between communism and nationalism."

Much of Col. Nghia's province was under Vietcong control for several months after Tet. He is now convinced that the experience convinced many people in Vinhlong to opt for "nationalism," and that this change of the "popular spirit" has made it possible to pacify most of the province.

More practically, it is said, there are no longer any advantages to life under the Vietcong but there are numerous apparent disadvantages. Now that they are on the defensive, the Vietcong must press into service whoever they can find. Their taxes are now extremely high, much higher than the government's. Vietcong areas are subject to military sweeps, air strikes and artillery fire and the NLF's shadow government has disappeared or gone underground, offering few if any benefits to its followers.

Moreover, the optimistic analysis continues, South Vietnam has been transformed from a quiet agrarian economy into a bustling marketplace of consumer goods. Motorbikes, radios, televisions and other appliances have transformed the lives and ambitions of urban Vietnamese and many peasants, too.

One can find television aerials in the deepest corners of the Mekong Delta, even where there is no electricity, and radios can be found in almost any hamlet in Vietnam. Motorbikes have become a way of life in Vietnam. Capitalism has come to the scene of the revolution, and the revolution has suffered—at least temporarily—as a result.

VIETNAM IS CHANGED

This analysis is not easily tested, for its assumptions about what appealed originally to followers of the NLF cannot be proved. But there is no doubt that the war has radically changed Vietnam. There is widespread agreement among the Vietnamese and knowledgeable outsiders here that the Vietcong have largely lost their claim to the affections of their old followers.

The revolution used to be easy and attractive. Now it is rigorous, dangerous and uncomfortable. Many South Vietnamese are apparently no longer interested.

What could reverse the trend and put the Vietcong back in the ascendancy? The new optimists offer few answers to that question.

"If President Thieu were assassinated, that might do it," says one, foreseeing a possible unraveling of the Saigon government that would both encourage the Vietcong and discourage the populace.

Some officials believe the enemy do serious, though perhaps only temporary, damage to the pacification program by targeting its forces against such vulnerable pacification targets such as U.S. local forces in marginally secure areas, new village development programs, and local officials. But many of the optimists believe that purely military action, even an attempt to repeat the Tet offensive, could have only a fleeting effect. "Really, that would only weaken them more," said one.

LIMITS TO OPTIMISM

Nevertheless, a trip around the country reveals that the new optimism has its limits. Despite the widespread feelings that the local Vietcong will soon be beaten, this reporter found no one on several recent trips who would predict when this might happen.

How long will it take to completely pacify Rachkien district in Longan Province, an historic Vietminh and NLF stronghold just south of Saigon? "I hope we will have all C hamlets by the end of next year," replies the district chief, Capt. Vuong Van Hoa. In the rating system of the pacification program (A through E or V for Vietcong-controlled), C means relatively secure, but not fully pacified.

How long would it take to really pacify Rachkien, to bring the hamlets all up at A or B? Capt. Hoa giggled self-consciously and showed the fine gold trimmings of his teeth. But he did not answer. How long? "You know, it is very hard to bring a hamlet up to B . . ."

The new optimism is also limited by what Henry Kissinger has described as "one of the cardinal maxims of guerrilla war: The guerrilla wins if he does not lose . . ."

For the guerrillas to lose in Vietnam, they must acknowledge defeat or be eliminated. None of the officials interviewed for this series of articles anticipate the former or will yet predict the latter.

If the local Vietcong can maintain the barest pretense of a presence in much of the country while North Vietnam's 100,000-odd troops in or near the South continue to attack and kill allied forces, the war will continue. It may well appear in the United States to be relatively unchanged.

Recent intelligence assessments suggests that North Vietnam may be about to increase the number of its troops within striking distance of the South. In recent months, North Vietnamese soldiers have moved into the Mekong Delta for the first time. "They may lose the revolution but still win the war," one American here says.

The frustration of this situation was summarized recently by a senior U.S. official in the pacification program. "If we could just eliminate the Vietcong infrastructure," he said, "then the war would be won." The words were barely out of his mouth when he smiled and shrugged: "But of course, it wouldn't be."

DRAFT REFORM NOW

Mr. DOLE. Mr. President, I urge the Committee on Armed Services to take up President Nixon's draft reform bill this year.

Although the bill passed by the House is only a partial answer to the inequities of the present draft law, it would provide relief for the most obvious shortcomings.

Young men of draft age think of conscription as an institution which they cannot justify and are unable to change. It has a disruptive influence on a crucial period of their lives which can no longer be tolerated.

The President's plan for reform including a youngest-first order of call, limited vulnerability for draft age men and a random selection system is a step in the right direction.

At present, a young man can live from age 19 to 25 uncertain how to plan for the future because of changing Selective Service regulations and their interpretation by local draft boards. The Nixon plan would reduce the anxiety and uncertainty from 7½ years to only 12 months of draft vulnerability whether at age 19 or after college.

Obtaining a student deferment under the Nixon random selection would not allow the student to escape the pool of potential draftees. Upon reaching age 19 or 20, the student would be given his sequence number, deferred until completion of undergraduate education or a year of graduate work, and then his name is returned to the pool.

The Senate Calendar for the remainder of the year is crowded with matters which require attention. Undoubtedly the Committee on Armed Services has much to do before adjournment. However, in view of the serious disenchantment with the present draft system among our young people, we must find the necessary time. If we fail to act we will further exacerbate our relationship with the young and reinforce their opinion that the "establishment" does not respond to their needs.

Yale President Kingman Brewster, Jr., clearly described the damage the draft is doing to the attitude of our youth when he said:

> The deep misgivings about the war, compounded by the immorality of using an inequitable draft to fight it, generates a bitter skepticism of the values which motivate all established authority.

It is my hope that the Senate leadership will not be governed by partisan considerations in deciding on the appropriate action to take on the President's draft reform proposal. Reform of our draft system is too important to let politics control its disposition. The promise of comprehensive reform next year will be of little help to those affected by the draft today or tomorrow.

I strongly urge the Senate to demonstrate the same empathy for our youth that has been demonstrated by the President and the House of Representatives and take expeditious action on draft reform.

THE PRESIDENT'S VIETNAM SPEECH

Mr. GOODELL. Mr. President, President Nixon has once again stated his desire for peace.

I am most disappointed, however, that he has offered no new policy initiatives.

Instead of making a firm decision to disengage, the President's plan will make the pace of troop withdrawals depend upon factors beyond our control. It will keep American forces in Vietnam—and continue American casualties—well into the 1970's.

Our present policies rest on the false assumptions that we can coerce North Vietnam into making concessions; that we can convert the corrupt Thieu regime into an effective government supported by the Vietnamese people; that our vital interests are truly at stake in Vietnam; and that the American people will go on enduring the loss of American lives in this tragic war.

I will continue to press for the enactment of my bill, S. 3000, to require the withdrawal of all American troops from Vietnam by December 1970.

The President's speech will increase support for my bill.

One indication of this growing support is the lead editorial published in the St. Louis Post-Dispatch of Sunday, October 26. The editorial states that should the President fail, as he now has done, to offer any new initiatives, the first order of business of Congress should be to consider and enact S. 3000. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Oct. 26, 1969]

THE GOODELL BILL

In postponing hearings on Vietnam until after President Nixon's address to the nation Nov. 3, Senator Fulbright is leaning over backward to be fair. A spate of rumors, some traceable to the White House, has created the impression that Mr. Nixon means to take some dramatic new step toward ending the war, and he is entitled to a chance to lay it before the country.

Nevertheless, we hope Senator Fulbright is prepared to reschedule his hearings promptly if, as Richard Dudman of our Washington bureau suggests is possible, Mr. Nixon's Nov. 3 speech turns out to be essentially more of the same. Should Mr. Nixon reject any substantial change in American policy, it will be the first order of business for Congress to take up, and we hope to pass, the Goodell bill, cutting off funds for the maintenance of any American armed forces in Vietnam 12 or 15 months hence.

The critical difference between the Goodell bill and present Administration policy is not the setting of a deadline for troop withdrawals. Mr. Nixon has virtually adopted a deadline himself by proclaiming as his goal the withdrawal of some 300,000 combat troops by the end of 1970. But his present policy would leave more than 200,000 troops in Vietnam after that date. The Goodell bill would require that they too be brought home.

Stripping away the doublethink and doubletalk, Mr. Nixon's present policy is not to get out of Vietnam, but to stay there. He aspires to make the occupation politically more tolerable by reducing American casualties on the ground and relying less on draftees. But to accept what could become a permanent obligation to finance, supply and give air support to a "Vietnamized" war is in some ways a morally less defensible strategy than the one we have pursued. Inviting a mercenary South Vietnamese army to do the fighting and the dying, while we contribute dollars, weapons and air power, all for the purpose of sustaining a corrupt Saigon government which the people do not support, would be nothing short of wicked.

The Goodell bill would frustrate these intentions, and in the absence of any different intentions on the part of the President it should be adopted. We cannot agree that the bill would invade the Executive prerogative to conduct foreign policy. Mr. Nixon is not conducting foreign policy in Vietnam, he is conducting a war. Congress has every right, constitutionally and politically, to speak for the people in deciding to end it. If the only function of Congress is to pass a Tonkin Gulf resolution authorizing the President to wage war, and then to supply unlimited funds for waging it at his discretion, the Constitution is dead.

Should Mr. Nixon find it difficult to accept the now unquestionable public demand for a drastic change in Vietnam policy, we commend to him the wise words of President Kingman Brewster Jr. of Yale.

"Let us admit," Mr. Brewster told a moratorium audience in New Haven, "that it is not easy to stop short of victory in a cause for which so many have fallen. Let us say simply that we cannot tolerate the abuse of their memory as a justification for continuation of the killing and the dying at the behest of a corrupt Saigon government which rejects both democracy and peace. Let us admit that it is not easy to abandon the anonymous masses of South Vietnamese who have relied upon us. Let us say simply that their interest as well as ours can no longer be served by the perpetuation of terror and death."

Mr. Nixon has been unable to bring himself, so far, to a resolute termination of the war because he has so far confused self-determination by the South Vietnamese people with imposing on them the Thieu-Ky government. The best guarantee against a "blood bath" after the end of hostilities would be a coalition government which gave the Communists and everybody else an incentive for national reconciliation. This would not be a "defeat" for the U.S. It would mean realization in fact, not just words, of the promise of self-determination.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. McGOVERN. Mr. President, I regret that I was away on official business when the eulogies of our late esteemed colleague, Senator Everett Dirksen, of Illinois, were offered on the Senate floor. I should like to add a few thoughts to what has already been said about this illustrious and remarkable man.

I have always felt that Senator Dirksen's most enduring contributions were his efforts on the Nuclear Test Ban Treaty and civil rights. It is doubtful whether either of these landmark accomplishments in the Senate would have been possible without the leadership and the powerful voice of Senator Dirksen. I especially recall his speech closing the debate on the Nuclear Test Ban Treaty. It was one of the three or four most eloquent and moving statements that it has been my privilege to hear on the Senate floor.

Mr. President, on the day that Senator Dirksen died, I was speaking at Libertyville, Ill., to a large rally sponsored jointly by the Democratic reform commission, of which I am chairman and the Illinois reform effort under the leadership of Adlai Stevenson III. It became my responsibility to announce to this Illinois audience the death of their senior Senator. I shall never forget the hush which fell over that partisan Democratic audience as they thought about our common mortality and those fundamental concerns that cut across political lines.

Mr. President, I salute Senator Dirksen for a long career in public service, marked by good humor, imagination, and devotion to the national interest. My sympathy goes to Mrs. Dirksen and to other members of the Dirksen family.

THE "HUNGER" COMMITTEE'S TENURE

Mr. PERCY. Mr. President, today I joined a majority of Senators and voted to extend the Senate Select Committee

on Nutrition and Human Needs for another year. Without this positive action on our part, the "Hunger" Committee's tenure would expire on December 31, 1969, and our task would remain undone.

Previously, I joined with those who felt the time had come to put more stress on legislative action to combat hunger and relatively less stress on the investigative arena. For this reason, I took the position that unless sufficient evidence developed to support the continuance of the committee, it should expire.

I am now convinced that this evidence exists.

On October 7, 1969, Dr. Jean Mayer, the President's Special Assistant for nutrition and health problems, said:

> It would be a catastrophe if the Select Committee went out of business at the end of the year. Both Republicans and Democrats on the Select Committee have been the best friends the poor and the consumers have had in the field of nutrition.

Dr. Mayer also said that the Select Committee would be the proper panel to review the forthcoming recommendations of the White House Conference on Nutrition, which is scheduled for early December.

There are still several problem areas that the committee has not had an opportunity to investigate which would help us to deal better with malnutrition, hunger, and illness in the country. These areas include nutrition and health care, nutrition education, school lunch programs and child nutrition, and the relationship between food programs and income maintenance. Thus, while we have had many fruitful sessions revealing the scope of hunger and the depth of the misery it creates, we still have more work to do.

I hope that our action today indicates the strong support that exists in the Senate for devoting the highest priority toward eliminating hunger in America, both through our legislative and investigative efforts.

SPEECH BY PEACE CORPS DIRECTOR BLATCHFORD

Mr. JAVITS. Mr. President, on September 23, the dynamic new Director of the Peace Corps, Joseph Blatchford, made an important speech before the National Building Trades Council meeting in Atlantic City. The title of Mr. Blatchford's speech was "Willing Hands and Skilled: A Partnership for Peace."

In this speech, Mr. Blatchford broke new ground in Peace Corps thinking and laid out his rationale for broadening Peace Corps recruitment to include significant representation from the ranks of skilled craftsmen and tradesmen—men who have the practical skill and experience in many of the jobs most urgently needed to be performed in the developing nations. I hope his eloquent plea will be heard and responded to by the new audiencies Mr. Blatchford is trying to reach.

I ask unanimous consent that the text of Mr. Blatchford's address be printed in the RECORD.

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

WILLING HANDS AND SKILLED: A PARTNERSHIP FOR PEACE

It's somewhat symbolic that I'm here today before the National Building Trades Council. Building—who does it and how—is your business. Lately, it's become mine too. And I'm here this morning to discuss with you some blueprints for the future of the Peace Corps that involve you, and require your cooperation.

The building in which I am involved, and for which I want your help, doesn't involve starting from the ground up with bricks and mortar; rather it involves some well-planned additions to a structure whose foundation is strong. I am speaking of the Peace Corps, its role and future, and I come here asking for your advice and your help.

The Peace Corps is at a crucial hour. The work we are in, and in which we firmly believe, we cannot carry forward alone. To keep pace with the needs of those we hope to serve, to sustain what we have started, I come here today to propose a partnership for peace:

I have come to ask you to give the Peace Corps hands outstretched in service, as well as those that have long been extended in friendship.

Now in its eighth year, the Peace Corps remains what it was intended to be: the implementation of the idea that if we are going to live in a better world, it's up to each of us to do something about it. Forty thousand Americans in this decade, most of them young, have responded to that idea with good hearts and willing hands.

The Peace Corps is justly proud of its Volunteers and their achievements. They have been a true expression of the best that is in us. Overcoming barriers of language and culture, Peace Corps Volunteers have at one time provided half of all the secondary school teachers in some countries, and in others they have helped to feed hundreds of thousands of people with donated United States Food for Peace.

They have been instrumental in quadrupling rice productions elsewhere; in saving precious fruit and wheat crops; and in bringing water to arid plains and planting new forests for the next generation.

Because of the tremendous need that exists, however, we must strive to do more.

Two-thirds of mankind live trapped in poverty, and half of the more than 3 billion people on this planet live in perpetual hunger. For these people, deprivation, disease, and illiteracy are not mere facts of life, but a way of life that smothers any hope for things to get better.

Perhaps no one is as aware of this as our own Volunteers in the field. Soon after I was named Director of the Peace Corps, I visited Peace Corps projects in Kenya, Libya, and Iran. Everywhere Volunteers told me of the need to provide more skills to support the work they have been doing.

While I was overseas officials from the governments with which we are working told me the same thing.

I talked with government officials at all levels, from the Shah of Iran to school superintendents in remote areas. Everywhere I encountered praise and appreciation for the Peace Corps and what it has been doing. But everywhere I heard the plea, "Can't you do more?"

The Prime Minister of Iran asked for as many Americans with technical vocation skills as we could provide. He wanted them to work in the private sector, as well as with the government.

The Minister of Agriculture in Kenya needs more experienced people to improve farming. And the Minister of Education in Libya asked for people trained in educational television and in vocational skills.

Everywhere I went the cry was for more mature, well-trained people to fill the development needs of highest priority.

And we have these people in the United States, people who have been the backbone of our own development, but who feel the Peace Corps is just for young people, mostly with non-technical training.

If ever that was true, it is not so now. The Peace Corps is for people who care. And it is obvious you care.

Both in your friendship with the Peace Corps since its inception and in your own efforts, you have shown that the American labor movement looks outward and is infused with a sense of international mission.

Neil Hagerty, your President, is also a former member of the Peace Corps National Advisory Council, and for his time and counsel we are already indebted to you. And my friend Bill Doherty directs the American Institute for Free Labor Development, a volunteer-sending agency of the AFL–CIO.

To recognize this reminds me of something we have in common. American Labor has done more than improve the lot of its own members. You have recognized the international character of your movement and the need of all men to benefit from training and organization.

As you have done, so we in the Peace Corps must add to our own mission. We want to expand Peace Corps recruitment to include union halls as well as university halls, and that can't be done without your help. For the kinds of skills and abilities your unions and your membership represent will be a wonderful complement and invaluable support to the work in which the Peace Corps is already engaged.

First we need your help in the planning and programming of projects for skilled workers overseas. We want your advice in devising programs that challenge the initiatives and abilities of skilled workers who want to pass their special skills on to others.

We need representatives of the Building Trades to go overseas and survey the needs for skilled tradesmen in the countries in which the Peace Corps is involved. We need your help to design programs that will truly enlist the talents of those we recruit—to insure that every job is a good job.

And then we need your support to facilitate that recruitment. The special needs of those we hope to recruit require specific answers to hard questions, and we need your help in the formulation of those answers.

If we try to attract a union member to Peace Corps service, we have to answer the questions he's bound to ask:

"Will I be able to keep my seniority in the union while I'm away?" With your support we can answer that question with a "Yes," and by doing so we can answer the Iranian Prime Minister or the Libyan Minister of Education: "Yes—we can do more—together we can do more!"

If another tradesman asks: "What about my mortgage payments, or car payments, or my son at college?" then with your pledge of support to help him preserve his equity and meet his current needs, we can answer that question with a "Yes" too—and "together, we can do more!"

With your help in answering these questions we believe we can devise programs that will attract the interest, skills, and good will of many of your members. We are convinced that "together, in partnership with you, we can do more!"

And when we have devised programs and recruited personnel, we need help in establishing reasonable long-range and short-term goals, supervising their achievement, and coordinating men and material with the abundant needs that exist.

In short, our purpose is not to take a skilled worker and make him into something else. Our hope is to employ the skills he has developed so expertly in his current job and introduce them where talents and ingenuity like his are unknown, and where they can help to transform a pitiable future into a

promising one. That goal merits your help, and it is one for which you have a special responsibility.

The history of the American Labor Movement, in a sense, has set the standard—created the image—from which the free and developing peoples of the world are seeking to learn. The contribution of the American Labor Movement has not only been to its own members, but to the whole nation. Working people are also consuming people, and even those who resisted labor's gains the most strongly have benefited when working men and women, earning decent wages, became themselves the markets for the goods and services they produced.

The economic wonder of an ever-broadening base of opportunity—a mass producing and consuming economy—is what the developing world is seeking to achieve. And ours is the opportunity to help them achieve it.

I am proposing today that we work more closely together. Through consultation with you, we can begin to open the Peace Corps more fully to the talents and services of those you have trained so well.

It's true that the accent of the Peace Corps has been on the young. But the Peace Corps is not just for the young American, nor the older nor the middle-aged American. It is for people in need.

Some of their needs only you can help meet, and in doing so you can help this nation and the world come closer together.

And you can help to make the Peace Corps more truly representative of the varied fabric of American life. When the Peace Corps was founded, one of its goals was to represent this wonderfully diverse land abroad. Your participation can bring that goal closer to achievement, for it will help us to represent abroad the American working man—as well as all the others who have responded to our opportunity for service.

The by-word of this Administration is "Forward, Together," for truly the only way forward is together. And it is in that spirit that I seek your cooperation. You have been a good friend and a close ally of the Peace Corps and its work always; I urge you now to become more fully a partner in its work.

More than a half century ago Woodrow Wilson, who was responsible for the passage of what Samuel Gompers called the "magna carta" of American labor, the Clayton Anti-Trust Act, exhorted his countrymen that "We must believe the things we teach our children." Your cooperation with the Peace Corps is an opportunity to show that you do believe, and are willing partners in the work American sons and daughters have carried forward so well in the eight years of Peace Corps history.

Perhaps the argument I've been trying to make to you today has really been made by someone else in a better way. Last week we concluded the first country directors' conference in the Peace Corps' history. At the concluding session of that meeting called to discuss new directions for a new decade of Peace Corps service, a quiet announcement was made.

Joe Haratani is a trained engineer who has been with the Peace Corps for nearly four years, first as an administrator in Washington and then as our director in Ecuador. But he's always been barred from serving as a volunteer because he had children.

The "new directions" for the Peace Corps removed that barrier for Joe, and at that last session of the conference he announced that he was resigning as director of all Peace Corps activities in Ecuador to become a volunteer in the field. The "new directions" proved to be an eagerly sought opportunity for Joe Haratani.

I wonder, if you help us to open the opportunities, how many like Joe we might find in your ranks.

Thank you.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

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

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader what legislative business he has in mind following the conference report, which is now pending.

Mr. MANSFIELD. Mr. President, in reply to the question raised by the distinguished minority leader, it is anticipated that, following the disposal of the pending conference report, the Senate will turn to the consideration of S. 823, the truth-in-credit information bill. Whether or not we can finish the conference report and this bill tomorrow is an open question; but, if we do not, we will be in on Friday.

It is anticipated that next week the appropriation bill for independent offices and HUD, which was marked up by the subcommittee today, will be ready for consideration. Hopefully, it is expected that would be followed by the public works appropriation bill.

In addition, a food stamp authorization is being held at the desk and will be considered within the next several days.

Mr. SCOTT. Mr. President, will the Senator yield briefly to me in that connection?

Mr. MANSFIELD. I yield.

Mr. SCOTT. In connection with the food stamp authorization, I have discussed that with the distinguished chairman. The distinguished Senator from Louisiana, the chairman of the committee, intends to propose a unanimous-consent request on the action of the two Houses, and I do not plan to object.

Mr. MANSFIELD. That matter will not be brought up this afternoon. It will probably be considered tomorrow at the earliest.

Mr. WILLIAMS of Delaware. Mr. President, which appropriation bill was the Senator mentioning?

Mr. MANSFIELD. Independent offices.

Mr. WILLIAMS of Delaware. When was he planning to bring that bill up?

Mr. MANSFIELD. Not until next week. We will give as much time as possible and as much notice as possible. That is a very big bill.

Mr. WILLIAMS of Delaware. That is my understanding. We will at least see it before it comes up.

Mr. MANSFIELD. Yes. The Senator can be assured that will be the case.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to make a very brief statement now about the conference report that is to be taken up tomorrow. The conference report involves a bill that was debated here for many weeks. Every item has been thoroughly gone over. We had 99 points of disagreement between the two bills. The conferees met over a period of time from October 6 until November 2. During that time we had 10 sessions of the joint conferees, and four sessions of the Senate conferees; we had separate meetings of many joint committees within the conference committee. We had many staff conferences. The chairman of the two committees had innumerable conferences, as did other members. This matter has been thoroughly gone over.

Substantially it represents the main essentials of the bill passed by the Senate, plus some additional ships, and modifications of amendments. Some floor amendments agreed to in the Senate were not accepted by the conferees.

We will be prepared to present the matter tomorrow and everyone will have an opportunity to express his views. I hope we can move along fairly rapidly. I shall notify those Senators that I know have a special interest.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, has there been a unanimous-consent agreement that this matter will be the pending business tomorrow?

The PRESIDING OFFICER. The matter has been made the pending business.

Mr. STENNIS. Then, it will carry over until tomorrow. I yield the floor.

Mr. JAVITS. Mr. President, I intend to introduce a bill but first I would like to call to the leader's attention that I wish to be heard in connection with the food stamp House-Senate bill.

I gather that a proposal for a unanimous consent agreement is brewing, and I would like to be notified when the matter will be brought up.

Mr. MANSFIELD. There is no unanimous consent request that has been proposed, to my knowledge.

It is hoped it will be possible, as I have indicated, to bring up next week the independent offices appropriation bill as well as the appropriation bill for Public Works, and the continuing resolution on appropriation.

I would point out that if we are successful in those respects, the only appropriation bill awaiting Senate action will be Labor-HEW, which I think will reach the Senate Calender within a matter of days. After that, the appropriation calendar is clear because we are still awaiting five appropriation bills from the House.

Furthermore, it is the hope of the leadership—and this is not definite—that

perhaps Wednesday we may be able to take up the Haynsworth nomination. I wish to stress the word "may." I have been like an India rubber ball on this matter, I have been getting so many reports. But the latest and most definite report is that the confirmation proceedings will commence next Wednesday.

S. 3121—INTRODUCTION OF A BILL TO AMEND THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963

Mr. JAVITS. Mr. President, I am pleased to introduce on behalf of myself and the Senator from Colorado (Mr. DOMINICK), who is ranking minority member of the Subcommittee on Health, the administration bill to amend the Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

This bill would extend and improve the provisions relating to the construction and operation of community mental health facilities and of specialized facilities for alcoholics and narcotic addicts, and for other purposes. Cosponsoring the bill with the Senator from Colorado and me, are the Senators from Vermont (Mr. PROUTY) and the Senator from California (Mr. MURPHY).

Mr. President, the only reason I am introducing the bill rather than the Senator from Colorado (Mr. DOMINICK) is that the bill concerns the jurisdiction of two subcommittees, one of which I am the ranking minority member—although I am the ranking member of the full committee—and the other on which the Senator from Colorado is the ranking minority member. He graciously allowed me to introduce the entire bill.

It is my purpose that the bill should be handled insofar as it deals with community mental health facilities, by the Senator from Colorado as the ranking minority member of the Subcommittee on Health.

This bill assures the administration's commitment to the continuation of the community mental health centers program—the concept of providing care to the mentally ill in the community where they live, where they will have the support of their family and their friends and be more quickly restored to a meaningful role in society. The proposed legislation would extend for an additional 3 years the program of grants to the States for the construction of community mental health centers.

In addition, the bill provides support to meet community needs in the prevention and treatment of the critical problems of alcoholism and narcotic addiction. I am pleased that Federal support for preventive and curative services for these two major mental health problems—alcoholism and narcotics addiction—will be an integral part of the network of community mental health centers, a matter of great interest and deep concern to Senator DOMINICK and to me.

The administration bill recognizes the urgent need for even more extended assistance for services to urban and rural poverty areas. All too often these areas designated by the States as those of highest priority, based on an assessment of community need, are not among the first to initiate centers. This is partially due to the difficulty in developing resources to meet the matching requirements because of the low economic status of the community. It has become increasingly clear that those in greatest need of community-based mental health service, the urban and rural poor, have been the least able to effectively organize, plan and raise sufficient funds to compete effectively for Federal grant support. The proposed legislation provides that 20 percent of the grant funds appropriated by Congress shall be reserved for direct project grants by the Secretary to cover up to 90 percent of the cost of community mental health centers which are of special significance by virtue of their meeting the special needs of the disadvantaged for mental health services or by demonstrating new or particularly effective or efficient methods of delivery of mental health services.

In order to provide more coordination and encourage greater efficiency in our health system, the bill would add the requirements that the State plan for construction of community mental health centers must be approved by the State comprehensive health planning agency created under the provisions of section 314(a) of the Public Health Service Act, and that applications for construction grants be reviewed and commented on by the appropriate areawide health planning agency created under the provisions of section 314(b) of the act. These provisions reflect the administration's concern for improved delivery of services—authorized under different programs—through improved planning coordination, so that we have health and related planning on a State, interstate, and local level taken into account.

The bill would extend the period of Federal support of staffing of community mental health centers from the present 4⅓ years, to 8 years for all centers, and to 10 years in the case of those centers providing services for persons in an area designed by the Secretary as an urban or rural poverty area. Staffing grants would support a share of all the costs of operation, staff, and maintenance of the centers, rather than being limited to support of the costs of professional and technical personnel as presently authorized. The present arrangement of supporting a portion of the costs of only professional and technical personnel has proved inadequate. Support of a portion of initial costs of operation, staffing, and maintenance should be provided in order to assure a more reasonable level of financial assistance in the developmental years and bring about substantial administrative simplification.

The bill would also authorize the use of up to 5 percent of the funds appropriated for new staffing grants for support of project grants to assess the need, develop and initiate mental health services in communities designated by the Secretary as urban or rural poverty areas.

Drug abuse and alcoholism programs require strong and continued Federal support. Preferential matching and a longer period of support are necessary. To meet these objectives, the bill would extend for 3 additional years, the program of grants for the construction and staffing of facilities for the prevention and treatment of alcoholism and narcotics addiction. The maximum Federal share of the costs of construction would be increased from 66⅔ percent to 90 percent. Existing Federal support of professional and technical personnel would be expanded to include a portion of the initial costs of operation, staffing, and maintenance. The period of support would be increased from 4⅓ years to 10 years and the maximum level of support would be increased.

A new program of grants for the development of specialized training programs or materials relating to the provision of services for the prevention or treatment of alcoholism and for the evaluation of such programs is added by the bill. This grant program is similar to the program already authorized for the rehabilitation of narcotic addicts.

On behalf of the Senator from Colorado (Mr. DOMINICK), I should like to note for the RECORD that the appropriation authorization requested for 3 years by the administration bill would be for "such sums as may be necessary." Senator DOMINICK's position against authorizations which do not include a money ceiling is and has been well known in both the House and the Senate. Without in any manner reflecting on the merits of the administration bill, Senator DOMINICK wants to put Senators and the Bureau of the Budget on notice that he intends to continue to insist that any bill reported by the Senate Health Subcommittee, or any other committee for that matter, specify a ceiling on authorized costs.

I am confident—and I am certain that Senator DOMINICK and the other cosponsors of the measure share my confidence—that we will have some costs estimates which can be included in the legislation before any action is taken in executive sessions.

I ask unanimous consent that a comparison of proposed community mental health centers amendments—prepared by the Department of Health, Education, and Welfare—be printed in the RECORD.

I believe the administration's detailed legislative proposal will be most valuable to all the members of the Health Subcommittee of the Labor and Public Welfare Committee as we consider community mental health centers legislation in executive session.

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

The bill (S. 3121) to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act

of 1963 to extend and improve the provisions relating to the construction and operation of community mental health facilities, and of specialized facilities for alcoholics and narcotic addicts, and for other purposes, introduced by Mr. JAVITS (for himself, Mr. DOMINICK, Mr. PROUTY, and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The table, presented by Mr. JAVITS, is as follows:

COMPARISON OF PROPOSED COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS

Amendment	(S. 2523) Yarborough	(H.R. 13163) Staggers	(H.R. 14086) Rogers	Administration (as of Oct. 23, 1969)
1. Short title	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.	Community Mental Health Centers Amendments of 1969.
2. Extension of basic centers program construction and staffing authority.	For 5 years, through fiscal year 1975 (secs. 101, 204(a)).	For 3 years, through fiscal year 1973 (secs. 101, 204(a)).	For 3 years, through fiscal year 1973 (secs. 101(a), 203(a)).	For 3 years, through fiscal year 1973 (secs. 2(a)(1), 3(c)(2)).
3. Appropriation ceilings authorized for centers construction grants.	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $95,000,000; fiscal year 1972, $115,000,000; fiscal year 1973, $115,000,000; fiscal year 1974, $135,000,000; fiscal year 1975, $135,000,000 (sec. 101(a)).	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $70,000,000; fiscal year 1972, $70,000,000; fiscal year 1973, $70,000,000 (sec. 101(a)).	Fiscal year 1970, $70,000,000 (present law unchanged); fiscal year 1971, $70,000,000; fiscal year 1972, $70,000,000; fiscal year 1973, $70,000,000 (sec. 101(a)).	Such sums as may be necessary (sec. 2(a)(1)).
4. Appropriation ceilings authorized for centers staffing grants.	Fiscal year 1970, $32,000,000 (present law unchanged); fiscal year 1971, $60,000,000; fiscal year 1972, $60,000,000; fiscal year 1973, $80,000,000; fiscal year 1974, $80,000,000; fiscal year 1975, $100,000,000 (sec. 204(a)).	Fiscal year 1970, $26,000,000 (reduces $32,000,000 appropriation in present law); fiscal year 1971, $32,000,000; fiscal year 1972, $40,000,000; fiscal year 1973, $48,000,000 (sec. 204(a)).	Fiscal year 1970, $26,000,000 (reduces $32,000,000 appropriation in present law); fiscal year 1971, $32,000,000; fiscal year 1972, $40,000,000; fiscal year 1973, $48,000,000 (sec. 203(a)).	Such sums as may be necessary (sec. 3(c)(2)).
5. Extension of alcoholism and narcotic addiction construction and staffing authority.	No comparable proposal	For 3 years, through fiscal year 1973 (sec. 102(a)).	For 3 years, through fiscal year 1973 (sec. 102(a)).	For 3 years, through fiscal year 1973 (sec. 4(a)(1)).
6. Appropriation ceilings authorized for construction and staffing of alcoholism and narcotic addiction facilities, and for training and evaluation grants for the narcotic addiction program.	No comparable provision	Fiscal year 1970, $15,000,000 (reduces $25,000,000 appropriation in present law); fiscal year 1971, $20,000,000; fiscal year 1972, $25,000,000; fiscal year 1973, $30,000,000 (sec. 102(a)).	Fiscal year 1970, $15,000,000 (reduces $25,000,000 appropriation in present law); fiscal year 1971, $20,000,000; fiscal year 1972, $25,000,000; fiscal year 1973, $30,000,000 (sec. 102(a)).	Such sums as may be necessary (also includes new training and evaluation grants for alcoholism, see 7 below) (sec. 4(a)(1) and (2)).
7. Training and evaluation grants for alcoholism program authorized.	do	Yes, similar to present provision for narcotic addicts but no duration or appropriation ceilings specified (sec. 104).	Yes, similar to present provision for narcotic addicts but no duration or appropriation ceilings specified (sec. 104).	Yes, similar to present provision for narcotic addicts (sec. 4(e)).
8. Authorizes construction and staffing and training and evaluation grants for child mental health facilities and services.	do	Grants authorized for 3 years, through fiscal year 1973, on same basis as those authorized for narcotic addicts, except that a separate appropriation ceiling for training and evaluation grants is specified (sec. 401).	No comparable provision	No comparable provision.
9. Appropriation ceilings authorized for child mental health program.	do	For construction and staffing grants, fiscal year 1971, $6,000,000; fiscal year 1972, $10,000,000; fiscal year 1973, $15,000,000; for training and evaluation grants, fiscal year 1971, $2,000,000; fiscal year 1972, $4,000,000; fiscal year 1973, $4,000,000, (sec. 401).	do	Do.
10. (a) Definition of "staffing" broadened to include all centers personnel.	Eliminates restriction of eligible staffing costs in present law to professional and technical personnel only (sec. 205).	No comparable provision, but cf. sec 401., staffing for children's services defined to include salaries, fringe benefits, and travel allowances for professional and technical personnel who administer and evaluate the programs, as well as operate them.	do	Eliminates restriction of eligible staffing costs in present law to professional and technical personnel only (sec. 3(d)).
10. (b) Similar provision for staffing of alcoholism and narcotic addiction facilities.	No comparable provision	No comparable provision	do	Yes (secs. 4(c)(1), 4(d)(1), and 4(g)(1) and (2)).
11. All operating and maintenance costs included, in addition to staffing, for centers and alcoholism or narcotic addiction facilities.	do	do	do	Yes (secs. 3(d), 4(c)(1), 4(d) (1) and (2), and 4(g)(1)).
12. (a) Initiation and development grants for delivery of community mental health services authorized.	Yes, but for poverty areas only. Grants limited to 1 year, for 100 percent of the costs or $50,000, whichever is less. Broad citizen participation required. Funds to come from 5 percent of total annual staffing appropriation (secs. 201, 202, and 204(b)).	Yes, same provisions (secs. 201(a)(1), 202, and 204(b)).	Yes, same provisions except: (1) not limited to poverty areas; (2) no specific requirement for community participation as a condition for approval of the grant (sec. 203(b)).	Yes, but the 5 percent is to come from the annual appropriation authorized for new staffing grants only. No specific requirement for community participation as a condition for approval of the grant (sec. 3(e)).
12. (b) Similar provision for alcoholism and narcotic addiction initiation and development grants.	No comparable provision	Yes, but no requirement for broad community participation; no provision for reserving a percentage of total staffing appropriations (sec. 201(a)(2)).	No comparable provision	No comparable provision.
13. (a) Extension of total period of support for each basic center's staffing grant (presently limited to 51 months).	Yes, to 10 years for all staffing grants (sec. 201).	Yes, to 10 years for all staffing grants (sec. 201(a)(1)).	Yes, to 6½ years for all staffing grants (sec. 201(a)(1)).	Yes, to 8 years in nonpoverty areas; to 10 years in poverty areas (sec. 3(a)).
13. (b) Similar provision for alcoholism and narcotic addiction staffing grants.	No comparable provision	Yes (sec. 201(a)(2); similar provision for child mental health staffing grants too (sec. 401).	Yes (sec. 201(a)(2))	Yes, except that all facilities regardless of location, would be supported for 10 years (sec. 4(b)(2)).
14. (a) Extension of initial and maximum (75 percent) Federal support period for basic centers staffing in nonpoverty areas from 15 months to 2 years.	Yes (sec. 201)	Yes (sec. 201(a)(1))	No comparable provision	Yes (sec. 3(a)).
14. (b) Similar provision for alcoholism and narcotic addiction grants.	No comparable proposal	Yes (sec. 201(a)(2)); similar provision for child mental health staffing grants (sec. 401).	do	Yes, but not at 75 percent matching ratio. All these staffing grants receive preferential matching (90 percent for first 2 years) regardless of area (sec. 4(c)(2)).
15. (a) Preferential matching for basic centers staffing grants located in poverty areas.	Yes, 90 percent for first 2 years; 75 percent for each of next 8 years (sec. 201).	Yes, 90 percent for first 2 years; 75 percent for each of next 8 years (sec. 201(a)(1).	do	Yes, 90 percent for first 2 years; declining 10 percent each year for the next 8 years (sec. 3(a)).
15. (b) Similar provision for alcoholism and narcotic addiction grants.	No comparable provision	Yes (sec. 201(a)(2)); similar provision for child mental health staffing grants to (sec. 401).	do	Yes, but not limited to facilities in poverty areas (sec. 4(c)(2)).

COMPARISON OF PROPOSED COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS—Continued

Amendment	(S. 2523) Yarborough	(H.R. 13163) Staggers	(H.R. 14086) Rogers	Administration (as of Oct. 23, 1969)
16. (a) Preferential matching for basic centers construction grants in poverty areas.	Yes, up to 90 percent of costs (sec. 302).	Yes, up to 90 percent of costs (sec. 301(a)).	Yes, up to 90 percent of costs (sec. 301).	Yes, up to 90 percent of costs, payable from a reserved fund amounting to 20 percent of the total appropriation for centers' construction. Preferential matching is also available for construction projects of special significance because they demonstrate newer particularly effective methods of delivery of mental health services (secs. 2(c) and 5(c)).
16. (b) Similar provision for alcoholism and narcotic addiction construction grants.	No comparable provision	Yes, for narcotic addiction grants (sec. 301(b)) and child mental health grants (sec. 401). No comparable provision for alcoholism construction grants.	No comparable provision. However, narcotic addiction grants may be included by reference, since sec. 251(b) of existing law says that the program should be carried out consistently with the basic centers program. There is no equivalent provision for alcoholism construction grants.	Yes, up to 90 percent of costs, but no provision for reserving 20 percent of the total construction appropriation and preferential matching is available for all construction projects regardless of area or special significance (secs. 4(b), (d)(3), and (f)).
17. (a) Increases percentage of State construction allotments available for State plan administration.	Yes, from the lesser of 2 percent or $50,000 to the lesser of 5 percent or $50,000 (sec. 102(b)).	No comparable provision	No comparable provision	Yes, from the lesser of 2 percent or $50,000 to the lesser of 5 percent or $50,000 (sec. 5(e)).
17. (b) Eliminates provision in existing law which would limit use of such funds to administration of the State construction plan only.	Yes, permits use of funds for administration of any State plan under this act (sec. 102(a)) (broadest scope; would cover mental retardation program too).	Yes, permits use of funds for administration of any State plan under title II (sec. 103(a)).	Yes, permits use of funds for administration of any State plan under title II (sec. 103(a)).	No comparable provision.
18. (a) Acquisition of land made a permissible construction cost for basic centers program.	Yes (sec. 301)	No comparable provision	No comparable provision	Yes (sec. 5(b)).
18. (b) Same provision for alcoholism and narcotic addiction facilities too.	No comparable provision	do	do	Do.
19. Repeals present variable Federal share, provisions, thus eliminating 33⅓ percent minimum requirement for centers construction grants and requirement for Federal approval of method used by States to determine variable Federal shares. Substitutes simple requirement of notification to Secretary of maximums established and methods used which cannot be changed until the following fiscal year.	Yes, but unclear whether alcoholism grants are covered too since bill repeals existing law (which covered all title II projects) only for projects approved under pt. C of title I (retardation) of pt. A of title II (basic centers construction). No provision in alcoholism section (as is true for narcotic addiction) that construction grants are to be administered consistently with pt. A (sec. 302).	Yes, but unclear whether alcoholism grants are covered (see comment under Yarborough bill) (sec. 301(a)).	Yes, but unclear whether alcoholism grants are covered (see comment under Yarborough bill) (sec. 301).	Yes, applies to all projects approved under pt. C of title I or pt. A of title II with respect to the maximum Federal share. (Alcoholism and narcotic addiction programs have special provision, see 16(b), supra) (sec. 5(c)).
20. Inclusion of the Trust Territory of the Pacific Islands in the construction program; authorization to accumulate construction allotments for 3 years.	No comparable provision	No comparable provision	No comparable provision	Yes (sec. 2(b)(2)-(5)).
21. Extension of deadline for promulgating annual Federal construction percentages for 1 month, from Aug. 31 to Sept. 30.	Yes (sec. 303)	Yes (sec. 302)	Yes (sec. 302)	Yes (sec. 5(d)).
22. Requires that each State construction plan under pt. A of the Centers Act be approved by the State mental health planning agency and the State comprehensive health planning agency under sec. 314(a) of the PHS Act. Also requires all construction applications to be submitted to the sec. 314(b) areawide planning agency for review and comment within 60 days.	No comparable provision	No comparable provision	No comparable provision	Yes, except that approval by the 314(a) agency for poverty area projects paid from the 20 percent reserved funds (see 16(a), supra) is not required. (sec. 2(c), (d), (e)).

Mr. PROUTY. Mr. President, I am pleased to join as a cosponsor of the Community Mental Health Centers Amendments of 1969, introduced by the distinguished Senator from New York (Mr. JAVITS) for the administration.

In 1963 Congress enacted the Community Mental Health Centers Act. We set ambitious goals and stated our firm commitment to develop a broad range of services for promptly diagnosing mental disorders and providing care to the mentally ill in the community where they live.

In the 5 years of its operation, the programs set up under the 1963 act have demonstrated their effectiveness in bringing mental health services to people who previously had no access to such services. Federal funds do not deserve all the credit. They have served as an incentive, but without the increased awareness of dedicated persons at the community level the programs would not have worked.

While awareness of the complex medical health problems and needs has increased rapidly at the community level, the ability of communities to come up with local financial resources has not increased to the same extent, particularly in rural and urban poverty areas.

The administration's bill recognizes this disparity between needs and local resources. It recognizes that a longer period of support is needed for staffing of the community mental health centers and proposes the period of Federal support be extended. At the same time, it broadens the scope of the staffing grants and provides funds to assess community mental health needs.

The measure clearly responds to the needs of poverty areas and rightly sets up a mechanism whereby those communities most in need of mental health services, but least able to afford these services, receive direct project grants to cover up to 90 percent of the cost of the community mental health centers.

While responding to the realities of local resources, the administration's measure also responds to the two major mental health problems which have emerged in recent years—drug abuse and alcoholism. It is obvious that strong Federal support is needed to provide preventive and curative services for drug abusers and alcoholics.

Such strong support is provided in the administration's measure. The maximum Federal share of the costs of construction would be increased from 66⅔ to 90 percent, while Federal funds for operating such programs are expanded and extended in time.

In short, the administration's bill is a responsive, comprehensive proposal reflecting intensive study of existing programs—their successes and failures—as related to present and future needs. I am pleased to be a cosponsor of this measure.

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A SENATE CONCURRENT RESOLUTION FOR PRINTING OF SMALL BUSINESS HANDBOOKS

Mr. BIBLE. Mr. President, I submit for appropriate reference a Senate concurrent resolution, requesting the printing of the "Handbook for Small Business, Third Edition, 1969" as a Senate document, and that additional copies be printed for the use of the Senate and House Select Committees on Small Business and other interested Members of Congress.

The legislative branch has always been heavily involved in small business pro-

grams of the Federal Government. Historically, the 1953 Small Business Act and the 1958 Small Business Investment and Tax Acts originated in the Senate, and it was not until 1966 that a piece of small business legislation had the formal sponsorship of the executive branch. Because of the dynamism of this area, however, programs are being modified and added each year.

Since these financial and other assistance programs are valuable to large numbers of individual proprietors, farmers, and owners of small corporations, congressional offices receive frequent inquiries about these services. To respond requires considerable effort, inasmuch as programs of particular benefit to small business can now be found in about 2 dozen departments, agencies, and offices. A publication like the Handbook for Small Business, which is comprehensive and contains a good deal of explanatory matter, will assist Members of Congress in replying to these requests in a helpful manner.

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

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

The concurrent resolution (S. Con. Res. 46) was referred to the Committee on Rules and Administration, as follows:

S. CON. RES 46

Resolved by the Senate (the House of Representatives concurring), That a publication of the Senate Select Committee on Small Business entitled "Handbook for Small Business, 3rd Edition, 1969," explaining programs of Federal departments, agencies, offices and commissions of benefit to small business and operating pursuant to various statutes enacted by the Congress, be printed with illustrations as a Senate document; and that there be printed twenty-eight thousand two hundred additional copies of such document, of which twenty-three thousand two hundred copies shall be for the use of the Senate Select Committee on Small Business, and five thousand copies shall be for the use of the House Select Committee on Small Business.

MORE STRINGENT CONTROLS AND PREVENTION OF AIR POLLUTION

Mr. MURPHY. Mr. President, for some time I have been most interested in the environmental situation, the Clean Air Act, water pollution, and in the matter of air, especially because I live in the area which has been subjected to what is now known all over the world as the famous condition termed "smog."

I have long been an advocate of more stringent controls and prevention of air pollution. Through the pioneering efforts of California in the air pollution fight we hope to ultimately secure for all our people the quality of air they demand and deserve. I was pleased last spring when California was granted the right to enforce more stringent standards of air pollution control for motor vehicles as authorized by the Murphy amendment to the Federal Air Quality Act of 1967.

On Monday, October 27, 1969, I was present in Los Angeles as the General Services Administration launched a test of a fleet of natural gas powered cars and trucks. If successful, such a system could lead to elimination of much of the air pollution which plagues our cities as well as reduction in the cost of operating Government motor pool vehicles.

I ask unanimous consent to have printed in the RECORD a recent article from Time magazine which mentions that the Federal Government is conducting these tests, and I commend the General Services Administration and its Administrator, Robert L. Kunzig, for joining in the efforts established in California in attempting to find a solution to the pressing problem of air pollution.

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

AIR POLLUTION: TOWARD A CLEANER CAR

Most of the smog that shrouds U.S. cities is belched by the internal combustion engine. The surest solution would be to ban all cars from cities—a proposal that actually passed the California state senate in July before it was killed in a house committee. Another is to build fume-free auto engines run by electricity or even nuclear power. But none of this is likely to delight Detroit automakers or the politically potent oil industry. Is there any compromise solution?

Perhaps. Taking a tip from the oil-fields, where pumps are powered by natural gas, the Los Angeles-based Pacific Lighting Service Co. has applied the same principle to auto engines. After yearlong tests of six cars and trucks fueled by natural gas, the company reports a dramatic decrease in air pollution. Because natural gas burns cleanly, the vehicle emitted almost no hydrocarbons. Measuring the emissions with infra-red light, engineers found that carbon monoxide in the exhaust fell from 28 grams per mile with gasoline to 2 with natural gas; nitrous oxides dropped from 4 grams to .5. Already the company has started converting 1,100 other vehicles in its fleet to natural gas. Last month the Federal Government began testing the Pacific Lighting system for possible use on its own 51,000 vehicles.

MORE MILEAGE

In switching cars to natural gas, the big advantage is that the internal-combustion engine can be retained. The only requirement is a natural-gas mixer that fits on top of the carburetor and feeds the new fuel to the present combustion chambers. A dashboard control permits the driver to switch from natural gas in polluted areas to regular gasoline on the open road. With natural gas, the company claims, engine oil lasts up to a year, sparkplugs fire for 50,000 miles, and valve jobs are usually unnecessary. Better yet, 100 cu. ft. of natural gas gives about 15% more mileage than a gallon of gasoline and costs about 63% less.

Despite these advantages, Detroit is skeptical. Though General Motors has offered conversion units for the past year, it has sold only a few—mainly to truckers in the South, where natural gas is plentiful. For motorists, the Pacific Lighting system has not solved a key problem; the bulky gas cylinders require most of a car's trunk space. The $300 charge for converting a car to natural gas is also likely to deter all but ardent conservationists. Still, the prospect of greater operating economy could attract fleet owners, start mass production, and eventually lower the conversion charge. If all U.S. vehicles ran on natural gas, its advocates claim, smog could be reduced by as much as 90%.

Mr. MURPHY. Mr. President, for emphasis, I should like to read one excerpt from the article:

Taking a tip from the oilfields, where pumps are powered by natural gas, the Los Angeles-based Pacific Lighting Service Co. has applied the same principle to auto engines. After yearlong tests of six cars and trucks fueled by natural gas, the company reports a dramatic decrease in air pollution. Because natural gas burns cleanly, the vehicles emitted almost no hydrocarbons. Measuring the emissions with infra-red light, engineers found that carbon monoxide in the exhaust fell from 28 grams per mile with gasoline to 2 with natural gas; nitrous oxides dropped from 4 grams to .5. Already the company has started converting 1,100 other vehicles in its fleet to natural gas. Last month the Federal Government began testing the Pacific Lighting system for possible use on its own 51,000 vehicles.

Mr. President, let me point out that this has been used in the Disneyland public park in the trams and all the conveyances there, for a period of a year, with very great success. I am pleased to report that this is, I think, a most important precaution and is a most important problem having to do with air pollution and smog.

ADVICE TO YOUNG AMERICANS ON THEIR FUTURE

Mr. MURPHY. Mr. President, I hold in my hand some excerpts from a talk made by my good friend and highly esteemed religious leader, Rabbi Edgar F. Magnin, to the confirmation class at the Wilshire Boulevard Temple on May 25, 1969, and I ask unanimous consent to have them printed in the RECORD.

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

EXCERPTS FROM RABBI EDGAR F. MAGNIN'S TALK TO THE CONFIRMATION CLASS AT WILSHIRE BOULEVARD TEMPLE, MAY 25, 1969

During the Sunday mornings I have visited with you, I have tried to impress upon you a number of thoughts. I told you, you have a head. Use it lest you lose it. I told you, you have a heart. Don't let it dry up. It's the happy combination of head and heart, reason and faith, pragmatism and sentiment that distinguishes the truly civilized and cultured person from the gross and the vulgar.

We are living in an age of turbulence, rebellion, revolution, hysteria and violence. Some of the rebellion is based upon sincerity and conviction, although the logic may not always be justified, nor the means. But brawn is no substitute for brains nor hysteria for clear, solid thinking. Socrates in ancient Greece and Francis Bacon, the author of Novum Organum, in 1620, emphasized the need for clarity of thought. Bacon pointed out the ease with which fallacies can corrupt the mind and that human nature being what it is, we believe what we want to believe and do what we feel like doing and then justify our acts by alibis and false logic.

Violence and breaking the law in the name of some principle are not the answer to the grave problems that confront our world today.

Some of these problems, racial, economic, political, social and educational, are age-old and deeply rooted in the weaknesses of human nature. There are no hasty answers to many of them. We can make instant coffee but not instant reforms. Ariel and Will Durant point out in their "Lessons of History" that evolution produces better and more lasting results than revolution, which often culminates in a backlash and the very

opposite of what its proponents seek to accomplish.

There is no substitute for reason, patience, dialogue and sincerity. Those people today who favor violence in the name of "principles" are doing exactly what Mussolini and Hitler did. They, too, had convictions and neither human rights nor life itself were sacred in their eyes when they met with opposition.

Some of the rebels today are sincere. Some of the criticisms of our laws, educational system, organized religion, political and economic systems are undoubtedly valid. But we must not forget that there is much good in all these institutions also, and that the way to redecorate the house is not to uproot the foundation or pull the whole structure down on our heads as Samson did in the Temple of Dagon.

Some of the criticism is not sincere. It is projected by people who crave excitement and who would fatten their egos in order to reduce their frustrations. Some like to see their pictures in the newspapers or over TV, and it is no compliment to the communications media that they emphasize the evil instead of what is good and substantial because it is more dramatic and attracts more readers and viewers.

Our whole picture of society has become distorted and fragmented because of this false emphasis. We feel as though the whole world is going to perdition, while, actually, there is still much more good in it than evil. The vast majority of people everywhere are decent, law-abiding and friendly. Wars and racial prejudices are not caused by the masses, but by a few misleaders who fatten off the divisiveness and discontent they create.

The world is not perfect and never will be, nor can any organization or institution be perfect since they are composed of human beings.

We must work with what we have and with those who will work with us. They are flesh and blood, and mind and soul, not angels or devils, but people endowed with all the virtues and defects inherent in human nature.

We should not be satisfied with the status quo. There is plenty of room for improvement, and the possibility of achieving it, but beware of accepting empty or shallow generalizations, pretty cliches that spell nothing, fuzzy theories that seem idealistic but can never be realized. Idealism which consists only of words is futile and sometimes hypocritical.

When some of the young generation tell us that we, their elders, are materialistic, that we started wars including Vietnam, I have only one answer. Wars have always been in existence, unfortunately, and we must do everything in our power to try to end them, but neither your parents nor I started any wars. We never owned any slaves or persecuted Negroes. There is no disgrace in having been successful under a system of capitalism which, with all its faults, is far better than Communism which is tyrannical and despotic. Moreover, the capitalistic system has been modified through the years to the effect that the average American is much better off in every way than people in other countries. Our grandparents came here without a dime and worked hard. They didn't form picket lines, scream and yell at fate, or resort to violence. They made it possible for us to live decently and enjoy not only the material blessings but an education. The average person over the world, and I have seen them everywhere, would give his right eye to come to these shores.

Please don't sell America short or look lightly at your blessings. Thank God for them and use them wisely and well. Don't be afraid to be patriotic. Patriotism is not narrow nationalism. One can still love his country and appreciate his American heritage without disregarding the virtues and cultures of others. One can still love his country and be loyal to its finest traditions while working for the welfare of other nations and for universal peace.

You didn't ask to come into this world and neither did I, but we are here and if we can't agree with all the viewpoints of our parents, at least let us not wound them with disrespect and even hatred in some cases.

In the last analysis, they are our only real friends. The generation gap is nothing new. Socrates mentions it. But there can be a difference of opinion without defiance, rudeness and contempt. Your parents aren't fools. They have had experience and if some of them don't follow some of the doctrinaire notions of so-called sociolgical and pedagogical authorities who often contradict each other and even themselves, they at least love you and would make any sacrifice for you, which nobody else in this world will do.

You hear a lot these days about individuality . . . about being yourself . . . "doing your thing."

Well, individualism is all right, providing we are real people and have something special to offer. The criminal is also an individualist. He is very much himself. So is the mental victim in an institution who thinks he is Napoleon. He expresses his individuality to the fullest extent.

Shakespeare was himself but he wrote Hamlet and Othello. Galileo was himself. Rembrandt was himself. Einstein was himself. So were and are a lot of people less famous and unknown, who discovered their latent gifts and developed them for their own good and that of others. To be yourself and produce nothing but cynical complaints; to scorn conformity and convention and then conform to the noncomformists is both inconsistent and silly.

I prefer well-groomed people but if you must let your hair grow long, it's no sin, so long as you keep it clean and have something under the hair that's worthwhile. In the last analysis, it is not the hair but what's inside the head that counts . . . brains, judgment, insight, understanding, love, friendliness, faith, reverence, loyalty and, not least of all, common sense.

You will have to face life. Face it courageously and with the proper combination of realism and romance, idealism and pragmatism. Don't expect too much and you won't be disappointed. Don't expect too little or you will become cynical.

There is no escape from our problems. Alcoholism and drugs are not the answer. We always come back to where we started but more sick and more despondent. we can't run away from ourselves.

Have faith in God, in yourself, your country and humanity. The world has made great progress despite all its faults. If you don't believe this, just pick up any page of history and read it carefully. You will realize then how much has been accomplished for the good of mankind over the centuries and especially the last two or three decades. Try to add to that progress by making some contribution of your own, for everybody possesses some special gift that can be developed.

Progress, like charity, begins at home. If the world is to improve, it will not be by systems, speeches, preachments and theories, but by controlling human nature. Begin with yourself!

PROBLEMS OF EDUCATION

Mr. MURPHY. Mr. President, in my reading, I came across a very important letter that was written by the headmaster of the Hotchkiss School in Connecticut, which has to do with some of the problems facing this country in the area of education.

I thought that the letter stated the case for the educator very well and I ask unanimous consent that the letter, written by the headmaster, A. William Olsen, Jr., be printed in the RECORD.

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

THE REMNANT (IS. 1:9) LIVES, AND IS HEADMASTER OF HOTCHKISS SCHOOL

AUGUST 1969.

To Hotchkiss Parents: In several short weeks Hotchkiss will reconvene for another school year. I trust it has been a very pleasant summer for you and for your Hotchkiss son. I also hope that he is looking forward to the coming year as much as we are.

During the next few months and years we are planning to make some important changes in the Hotchkiss program that are designed to prepare our youngsters better for the world into which they will be moving. We will be liberalizing certain academic and social areas so that particularly our older boys will be faced with far greater necessity to make choices for themselves. To accomplish these changes constructively and smoothly it is important to understand what we do *not* plan to change, and to accept the ground rules under which we intend to operate.

In recent years much has been written and spoken about education, some of it helpful, much of it not. The result has been an understandable confusion in the minds of many boys and girls about the proper aims and methods of education. Since misunderstanding can breed distrust, it is hardly the ideal atmosphere in which productive learning can take place.

It seemed not inappropriate at the beginning of another school year for me to say a few words about Hotchkiss and about the way it operates. I am motivated by the belief that "to tell it like it is" is the only fair way to prepare the ground for the very important business we all have ahead of us. So, below are a few points I hope you will share with your son before school opens on September 10.

Point One: Hotchkiss is a school and not a college. We have an obligation to act in loco parentis. In performing that parental role we have an obligation to be good parrents—fair, firm, consistent, considerate—but we will not provide the permissive atmosphere of a college campus.

Point Two: Hotchkiss is a faculty-run school. It is run in the interests of the boys, but it is not run by the boys. This is not to imply that we are uninterested in the opinions of our students, nor does it infer a lack of respect for the younger generation. It is rather a recognition of the vast importance of what we are doing. We intend to involve responsible boys in the decision-making process in increasing degrees. The final decisions and the final accountability, however, must rest with the faculty and with me. It should be stressed that any boy who deliberately interferes with the orderly running of the school will be asked to leave.

Point Three: In fulfilling its custodianship the faculty and I have the responsibility to establish the standards by which the school will function. This means standards of behavior as well as standards of academic competence. We expect boys who accept Hotchkiss to accept these standards, whether they agree with them or not. There are those who will call this an infringement of personal freedom. They are correct. Boys who come to Hotchkiss are asked to give up certain freedoms they might have elsewhere. Boarding school is inescapably restrictive. We recognize that what we demand may not

be congenial to everyone. We cannot be all things to all people. We do, however, recognize an obligation to be true to what we espouse. Anything less would be a betrayal of a trust.

Point Four: The style and tone of a school are just as important as the substance of a school because they are the outward manifestation of inner beliefs. Education is by definition a disciplined process. So is civilization. Neither can exist without the other. When campuses become uncivilized they also become undisciplined and chaotic. By style we mean such matters as language, sportsmanship, basic courtesy to peers and elders, regard for school rules and school principles.

Point Five: We do not believe that the possession or use of tobacco, alcoholic beverages or drugs in any form is appropriate at a school like Hotchkiss. There is much rationalization by those who wish to induce us to depart from this stand, but so far I have heard no arguments that can support the beneficial presence of any of these substances on a school campus. Boys whose actions indicate that they cannot accept our position on these matters will be asked to leave school.

One may reasonably ask why I am writing at such length and in such a vein. I do so for several reasons.

First, I want you to know where we stand. We depend upon support from the homefront. We cannot fairly expect that support if you do not know what we are trying to do.

Second, I hope you will discuss this letter with your son so that he also has a clear understanding of what is discussed here.

Third, and most important, if either you or he has sincere doubts or disapproval of the basic principles outlined you should weigh carefully the wisdom of his being at Hotchkiss.

We are more than willing to work overtime to help any boy of good will who wishes to cooperate with the school and who genuinely wishes to take advantage of the opportunities Hotchkiss has to offer. We cannot help someone who does not believe in the school or who by word or deed clearly indicates that he does not wish to be here. To force your son into a situation which he does not accept will be frustrating and demoralizing for him and for us. Needless to say, we hope that your son will reaffirm his support for Hotchkiss. We would not be here if we did not believe we had a great school. We also believe that we must work hard to keep it strong. That is really what I am saying here. We look forward to building a greater future with your son's help.

I hope we will be seeing you during the course of the school year. In the meantime, my warmest regards.

A. WILLIAM OLSEN, Jr.,
Headmaster.

PRESIDENT NIXON'S DRAFT REFORM BILL

Mr. MURPHY. Mr. President, I urge the Senate to take action now on President Nixon's draft reform bill. I also wish to congratulate President Kingman Brewster of Yale University for calling a spade a spade. United Press International just reported a statement by President Brewster who accused my distinguished colleague, the majority whip, Senator EDWARD KENNEDY, of holding "hostage" President Nixon's draft reform measure. I want to read at this time the story as reported by UPI:

Yale President Kingman Brewster accused Senator Edward M. Kennedy, D-Mass., today of holding "hostage" President Nixon's draft lottery bill and warned that young men are "not going to appreciate it" if the bill does not pass Congress this year.

Kennedy, who has insisted on broader draft reform in place of simply authorizing a lottery, asked Brewster if he really meant it. Brewster said he certainly did.

"This bright, cynical generation of students is not going to appreciate it if this opportunity for meaningful reform fell by the wayside because of a desire to do more than could realistically be done in this session of Congress," Brewster said.

"In the name of common sense and equity, let us . . . give the President the authority to make the new system work. That means random selection, and that means Senate passage of the (lottery) bill which the House approved last week by a vote of 385 to 13 . . ."

Mr. Brewster is right in his concern over the delay in considering the draft reform which President Nixon on May 13 of this year proposed to the Congress. Mr. Brewster is president of a large university and, as such, is sitting on a tinderbox which could ignite at any moment. One of the smoldering issues among youth today is the uncertainty and inequity of the present draft law.

President Nixon's proposal is designed to make the draft system more equitable and to eliminate as far as possible the uncertainty that the young men of America face. He would do this by limiting the period in which the young man is most vulnerable to 1 year—his 19th—rather than the long 7 years to which he is exposed today.

Senator KENNEDY is preventing action on the draft reform because he favors broader reform and because he feels that the present bill does not go far enough. He has never made clear what he means by the words "broad enough." However, there is some background information that should be made known to the young men of America who in the words of President Brewster "are not going to appreciate it if this opportunity for meaningful reform falls by the wayside because of a desire to do more than could realistically be done in this session of Congress."

The Nation will recall that in 1967 the Congress enacted basically a simple extension of the Selective Service Act. That same year Senator KENNEDY chaired the Senate Labor and Public Welfare Subcommittee on Employment, Manpower, and Poverty which held extensive hearings on the manpower implications of the draft. These hearings which explored fully the issue of draft reform were held in March and April of 1967 and the printed hearings ran 305 pages. In May the Senate considered the draft extension bill. This was more than a month after the Kennedy subcommittee had completed its hearings on the draft. During the Senate floor debate, seven amendments were offered to the bill on subjects ranging from the volunteer army to providing young men with counsel before local draft boards. Although his committee had completed its hearings a full month earlier, Senator KENNEDY did not offer a single amendment. I ask unanimous consent that the list of amendments that were offered that day and their authors be printed in the RECORD.

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

AMENDMENTS TO THE SELECTIVE SERVICE ACT

May 11, 1967: Hatfield-Gruening amendment to provide a declaration of congressional policy to end the draft in favor of a voluntary military manpower system whenever a reassessment by Congress revealed this could be done at a cost the Nation could reasonably afford.

May 11, 1967: Hatfield amendment to provide for extension to July 1, 1969 of existing law regarding selective service.

May 11, 1967: Gruening amendment to provide that no one drafted into the Armed Forces be required to perform service in Southeast Asia unless he volunteered for such duty.

May 11, 1967: Young amendment to reduce the length of service for draftees from two years to 18 months.

May 11, 1967: Morse amendment to require national criteria for the classification of persons subject to induction.

May 11, 1967: Morse modified amendment to provide for deferment from induction of any individual who has been accepted for Peace Corps or VISTA service.

May 11, 1967: Morse amendment to provide those subject to the draft the opportunity to be represented by counsel before their local boards.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a 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. 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 October 27, 1967, p. 31617, CONGRESSIONAL RECORD.)

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. KENNEDY. Mr. President, on October 23, 1969, the managers on the part of the Senate and the managers on the part of the House met in conference on the disagreeing votes of the two Houses on the amendment of the House to S. 1857, a bill to authorize appropria-

tions for activities of the National Science Foundation and for other purposes.

The Senate bill had provided for authorization of $487,150,000, plus $3,000,000 to be made available in excess foreign currencies. An additional $10,000,000 has been independently authorized for SNSF's administration of the national sea grant program. The amendment of the House authorized appropriations of $474,305,000, plus $3,000,000 in excess foreign currencies. This represented a decrease from the Senate bill of $12,845,000.

As a result of the conference, the Senate and House conferees agreed to an authorization of appropriations in the amount of $477,605,000 plus $3,000,000 in excess foreign currencies. The bill recommended in the conference report, thus, provides NSF with an authorization of $480,605,000. With the $10,000,000 authorized independently for the national sea grant program, NSF's total authorization for fiscal year 1970 would be $490,605,000, upon enactment of S. 1857. The House approved the conference report on October 30.

As chairman of the Senate conferees, I recommend passage of the report. I should remind the Senate that NSF's total authorization of $490,605,000 for fiscal year 1970 will still be less than the $495,000,000 appropriation which NSF received in fiscal year 1968. This puts the foundation in a considerably worse position than it was 2 years ago, because of the following factors: first, the trend toward more sophisticated and expensive instrumentation; second, overall inflation; third, recently assumed responsibility by NSF for specific research activities formerly supported by other agencies—primarily the Department of Defense—totaling $19 million in fiscal year 1970; and fourth, increasing growth in the Nation's needs for research and education. The total number of doctorate degrees awarded by U.S. universities in 1970, for example, will be 25 percent higher than the number awarded in 1968.

We must, I think, appropriate this full amount authorized, to keep the engines of our scientific and technological enterprise as fully fueled as we can, consistent with our budgetary constraints. I intend to work towards this end, and will do what I can to see that the NSF is fully funded.

But even with the authorization recommended in this bill, the Foundation will be hard pressed to keep pace with the mounting pressures of urgent national demands for research and education in science and engineering. It is clearly in the national interest that NSF does manage, at the very minimum, to keep pace with those demands. The importance of this objective can be more fully seen when the matter is placed in historical perspective.

Before the mid-19th century, national strength was primarily based on a country's commercial capabilities, bolstered by supporting naval and military power. From the mid-19th to the mid-20th centuries, the underlying sources of national strength shifted from commercial capabilities to industrial power. During the Second World War, for example, the United States and its allies overwhelmed their adversaries by marshalling industrial might, despite America's unprepared state at the start of the war.

In the decades since the end of the Second World War, the sources of national strength have substantially shifted again—from the base of industrial power to one of scientific and technological expertise. This striking change can be seen most clearly in our defense programs, which have shifted from the mass production of planes, ships, and tanks to the research, development, and engineering of highly specialized, esoteric defense systems. The same sort of transformation has taken place in the economy at large, as new technological products like the transistor or the computer created whole new science-based industries, while the traditional methods of producing goods increasingly yield to the inroads of automation.

Thus science and technology have come to constitute the cornerstone of national strength to such an extent that progress in these fields now serves as a major mark and measure of international prestige. The space program is a good example. The unfortunate fact that science and technology have not been sufficiently directed toward the pressing social and human problems of the Nation, I should point out, does not in any way limit the potential contributions these fields can make toward resolution of our problems. Indeed, one of our major needs today is to reorder national priorities to assure the fullest and most effective application of our scientific and technical knowledge to social and human problems.

Along with the increasingly crucial role of science in sustaining national strength, it has become necessary for us to place primary reliance on American-developed scientists and the American-developed scientific enterprise, notwithstanding the international character of scientific knowledge. During the Second World War, on the other hand, we were able to draw on decades of European progress in fundamental scientific knowledge. We were even fortunate enough to have the services of many of the leading European scientists, who had fled to America as refugees from tyranny. But in the world of today and tomorrow, we no longer have available this capital surplus of scientific knowledge and professional manpower.

America's future strength and success in coping with our unmet needs and social problems must derive from our own scientific enterprise and expertise. The National Science Foundation is the agency of the Federal Government charged with the responsibility of maintaining the health of that scientific enterprise in research and education. Thus NSF's programs are, in a very real sense, every bit as important to the national security as those of the Defense Department, and every bit as essential to the resolution of our social problems as the programs of HEW.

The compromise amount agreed to by the conferees was arrived at after careful consideration of the specific items in dispute. In summary, these items were:

First, a sum of $2 million to permit the construction of an oceanographic research vessel was restored, as originally requested by the National Science Foundation. This item had been deferred by the House on the basis of long-range scheduling and pending completion of further study. Evidence adduced by the Senate convinced the conferees that conditions do not now warrant delay of the ship construction.

Second, a sum of $300,000 to permit the acquisition of a small research aircraft by the National Center for Atmospheric Research at Boulder, Colo., was restored as originally requested by the National Science Foundation. This plane is to replace a similar aircraft lost in an accident over Lake Superior in 1968. House conferees concurred that it would be more economical to purchase the aircraft than to continue to lease and equip a privately owned one.

Third, a sum of $1 million, part of a $3 million bloc of unobligated appropriations carryover from fiscal year 1969 which the House had deleted, was restored by the conference. House conferees concurred in the view that authorization of this amount would provide the National Science Foundation with at least minimal leeway in program planning for fiscal year 1970, particularly in view of the requests being made on the Foundation by other Government agencies for research assistance.

Fourth, the bill as passed by the House eliminated, again on the basis of deferral, $3,300,000 for the resurfacing of the Arecibo radio telescope. The reason for the deferral was largely a matter of priorities. The House felt that, since the telescope could operate usefully using the present surface, these funds were needed to a greater extent elsewhere. The reason for the deferral did not indicate any disagreement on the part of the House over the desirability of resurfacing.

This matter was the subject of considerable discussion by the committee of conference. The conferees agreed to make it clear that while they accepted the House position, they were strongly in support of the continued activity of the Arecibo facility as planned and of its upgrading. It was emphasized that the proposals of the Foundation in regard to the Arecibo facility should be considered sympathetically in the future.

There was one other major issue in the conference in addition to the amount of the authorization. The House added a "student unrest" provision to the bill, which imposed restraints on students or employees of academic institutions for certain violations of law or institutional regulations. The Senate conferees, while questioning the advisability of such a provision, proposed substituting with appropriate technical changes the eligibility-for-the-student-assistance clause of the Higher Education Amendments of 1968 (Public Law 90–575, sec. 504). The House conferees agreed to this substitution, which would promote uniformity of treatment because it is already in the law with respect to five major Federal programs of higher education.

In conclusion, let me state that I hope the Senate will reflect on the extreme importance of NSF's programs to the Na-

tion's future. I strongly urge enactment of this bill, which, while it will provide the Foundation with a barely adequate level of funding for fiscal year 1970, will help us meet tomorrow's needs with today's actions.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SELECTIVE SERVICE REFORM

Mr. KENNEDY. Mr. President, over the period of the last several weeks and the last several months, I and a number of other Members of this body have considered the recommendations of the President of the United States for draft reform. I have been one of a number of Members of this body who felt it was of the greatest urgency and importance that this country and this body reconsider the Military Selective Service Act, passed in 1967, and, by legislative mandate, eliminate many of the provisions of that act which continue to perpetrate inequity, unfairness, and discrimination in the selection of young people to serve in the Armed Forces of our country.

I have expressed my views on a number of different occasions on the proposal that was recommended by our distinguished President in May of last year, and commended him for courage in proposing a random selection system. This is a controversial item and a controversial recommendation.

I also urged that we should not halt reform with that proposal, but that we should take additional action to eliminate many of the other inequities, all of which can be eliminated by administrative action.

The President has stated on a number of different occasions that he was hopeful Congress would act on his proposal to remove the prohibition against a random selection system placed in the 1967 act, and do so expeditiously. He also gave us assurances that he would take whatever other administrative action would be necessary to make the draft laws fairer and more equitable.

Statements have been made to this body on a number of different times, and I can think most explicitly of one on September 29, when the distinguished chairman of the Armed Services Committee reiterated on the floor of the Senate his statement of August 14 that it would be reasonably possible next year for his committee to hold hearings on the broad subject of selective service.

It has been my position that this was really the way we should have a comprehensive review; that it should be in the Armed Services Committee; that we should permit the Armed Services Committee to have the kind of total review which was necessary; that there would be consideration, for example, of a volunteer army; that the Armed Services Committee would be able to take advantage of the President's all-volunteer army commission, which he has already appointed and which will file its report with the President in the latter part of this year. The Armed Services Committee would be able to give whatever deliberation and consideration it could to that proposal.

It would be able to consider alternative service, which has been proposed by some Members of this body. It could also consider the continuation of occupational deferment; the establishment of national guidelines; the protection which should be given to individuals in the way of guaranteeing them due process in terms of the respective draft boards and appeal boards; the position of the Presidential Appeals Board, to make it perhaps more independent of the Selective Service System itself—a whole host of different kinds of considerations.

I feel strongly it would be best if those adjustments were made by legislative action, but I realize full well that many of them, most of them, practically all of them, can be made by administrative action.

It certainly seems to me that an administration which was interested in that kind of reform of our selective service law could move expeditiously and achieve those reforms without further delay.

Mr. President, as we come closer to the end of the session, we have seen the action taken by the House of Representatives, to permit the President to introduce a random selection system, which I personally feel is the fairest and most equitable way for young people to be selected. Unfortunately, it will not affect the classification of young people, so we will be selecting, in a random way, with a selection process that still has many inadequacies. But nonetheless, it will permit a random selection system, and will provide a fairer and more equitable way, certainly, than that by which the young people are being selected at the present time.

It has always been my position that what is needed is comprehensive review—a comprehensive reconsideration of the whole system. So I shall, Mr. President, introduce early next week an amendment to the House-passed bill, which, in effect, would accelerate the termination date of the Selective Service Act from July 1, 1971, to January 1, 1971. That proposal was made this morning before a Senate subcommittee by a former member of the Marshall Commission, a person who has given great time, effort, and energy to draft reform, the distinguished president of Yale University, Mr. Kingman Brewster. The proposal is something that has been thought about for some period of time by those who have been interested in draft reform. President Brewster spelled it out, I think, in a very precise, concise, thoughtful and persuasive manner.

I hope in the period between now and the early part of next week to have the opportunity to write to my fellow Senators and at least set forth some of the views that Mr. Brewster and others have given on this question, as well as my own, and the reasons that I think this proposal may very well do both what the President would like to do and also what many of those who believe in a comprehensive review would wish to do.

I think if such an amendment were to be considered by the members of the Committee on Armed Services, by the Senate, and by the House committee, what the amendment would finally provide would be that the present Selective Service legislation expire on January 1, 1971. This would necessitate total and comprehensive consideration next year, and those of us who might have differing views in terms of the kind of draft system that should be adopted and incorporated would thus be assured, as I am sure all of us understand, the ability to express ourselves before the Committee on Armed Services and before this body as to our differing viewpoints. This would be so whether we favor a volunteer Army, a career service, or any of the whole host of different kinds of proposals advocated by a number of Members of this body.

Mr. President, with that amendment added to the House bill, I would certainly feel free to support the House measure, and to urge my colleagues to do so.

ADJOURNMENT TO 11 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until Thursday, November 6, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 1969:

IN THE AIR FORCE

Jackie L. Slaughter, [redacted] FR, for reappointment to the active list of the Regular Air Force, in the grade of captain, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

Booth, Robert E., [redacted]
Tolman, Frederick G. [redacted]

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be major (dental)

Wymer, William E., [redacted]

To be captain (dental)

Brandt, Robert L., [redacted]
Colburn, James F. [redacted]
Grezesinski, Leo J., [redacted]
Morley, Ronald B., [redacted]

To be first lieutenant (Judge Advocate)

Ramirez, Theodore L., [redacted]

The following distinguished graduates of the Air Force Officer Training School for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Andreski, Thaddeus J. [redacted]
Anthony, Michael P., [redacted]
Bank, Kendall C., [redacted]
Bazan, Nicholas G., [redacted]
Bellman, Donald H., Jr., [redacted]

Blythe, Wayne T., xxxxxxxxx
Boomhouwer, Jacob, xxxxxxxxx
Bushey, Harry M., Jr., xxxxxxxxx
Cabaniss, Ronald E., xxxxxxxxx
Chandler, Frederick R., Jr., xxxxxxxxx
Collie, Allan L., xxxxxxxxx
Crudele, Michael, xxxxxxxxx
Donn, Jack J., xxxxxxxxx
Evanskaas, Jean M., xxxxxxxxx
Flint, James D., xxxxxxxxx
Gentry, Jay M., xxxxxxxxx
Gilligan, James P., xxxxxxxxx
Gilligan, Tony R., xxxxxxxxx
Goff, James G., xxxxxxxxx
Graybeal, Wayne T., xxxxxxxxx
Harley, James A., xxxxxxxxx
Haverkamp, William C., xxxxxxxxx
Heise, Jan A., xxxxxxxxx
Hill, Duane E., xxxxxxxxx
Holmberg, John L., xxxxxxxxx
Hutchinson, Marcus C., xxxxxxxxx
Jackson, Jay W., xxxxxxxxx
Joseph, Gilbert W., xxxxxxxxx
Knouff, Warren I., xxxxxxxxx
Lambert, Kerrick B., xxxxxxxxx
Leach, Kenneth W., xxxxxxxxx
Little, Donald R., xxxxxxxxx
Loughridge, Billy C., xxxxxxxxx
Lowell, Robert J., xxxxxxxxx
McDonald, Woodrow W., Jr., xxxxxxxxx
McKeever, William E., xxxxxxxxx
Miller, Nicholas P., xxxxxxxxx
Murray, Michael P., xxxxxxxxx
Murray, Robert L., Sr., xxxxxxxxx
Oppliger, Donald R., xxxxxxxxx
Patterson, Gail F., xxxxxxxxx
Pedersen, Jan N., Jr., xxxxxxxxx
Phipps, William R., Jr., xxxxxxxxx
Propeck, Timothy J., xxxxxxxxx
Ray, David L., xxxxxxxxx
Robertson, John R., xxxxxxxxx
Rogovy, Frederick D., xxxxxxxxx
Russell, Robert A., xxxxxxxxx
Schankel, Richard E., xxxxxxxxx
Schoon, Steven W., xxxxxxxxx
Seekamp, John F., xxxxxxxxx
Shaw, Brewster H., Jr., xxxxxxxxx
Sopato, Frank, xxxxxxxxx
Sternal, Guy J., xxxxxxxxx
Thrash, Charles M., xxxxxxxxx
Underwood, Dennis D., xxxxxxxxx
Vanderlinde, Robert H., xxxxxxxxx
Vankeuren, Gerald M., Jr., xxxxxxxxx
Waltman, John C., xxxxxxxxx
Walztoni, Dennis R., xxxxxxxxx
Whiteford, Frederick G., Jr., xxxxxxxxx

The following distinguished graduates of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Booth, Kevin E., xxxxxxxxx
Livingston, Farrand M., xxxxxxxxx
Nieset, James R., xxxxxxxxx
Norton, Thomas J., xxxxxxxxx
Prochazka, James V., xxxxxxxxx
Thompson, William C., Jr., xxxxxxxxx

The following distinguished graduates of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Beckmann, Joel W., xxxxxxxxx
Birdlebough, Michael W., xxxxxxxxx
Cook, James L., xxxxxxxxx
Couture, James E., xxxxxxxxx
Cowan, John D., xxxxxxxxx
Dixon, Byron H., xxxxxxxxx
Drennan, Jerry D., xxxxxxxxx
Flinn, William E., Jr., xxxxxxxxx
Harbour, Linn S., xxxxxxxxx
Harper, Robert W., xxxxxxxxx
Kirk, Stuart C., xxxxxxxxx
Lind, Christopher T., xxxxxxxxx
McElroy, Gerald P., xxxxxxxxx
Smith, Michael L., xxxxxxxxx
Tewhey, John D., xxxxxxxxx
Troxclair, Robert R., xxxxxxxxx
Vernon, Homer M., Jr., xxxxxxxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate, November 5, 1969:

U.S. Attorneys

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years.

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years.

U.S. Marshals

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years.

Robert D. Olson, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years.

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years.

Seibert W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years.

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years.

Subversive Activities Control Board

Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974.

HOUSE OF REPRESENTATIVES—*Wednesday, November 5, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that doeth the will of God abideth forever.—I John 2: 17.

Eternal Father of our spirits, grant that in the worship of this moment and in the work of this day we may bear witness to the fact that we are Thy children. In our relationship with each other may we be generous in our criticism, just in our judgments, lavish in our praise, and loyal to the best in all of us.

Give us insight into the needs of our generation, inspiration to do something about them, and the confident assurance that Thou art with us, sustaining us, and supporting us, as we endeavor to keep our Nation great in goodness and good in greatness.

Unite us with all who are striving to safeguard our heritage of liberty and to keep our country forever the land of the free, the home of the brave, and the place where dwells justice and peace and good will.

In the spirit of Christ we offer our morning prayer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4293) entitled "An act to provide for continuation of authority for regulation of exports," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Muskie, Mr. Williams of New Jersey, Mr. Mondale, Mr. Hughes, Mr. Tower, Mr. Bennett, and Mr. Brooke to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF MILITARY CONSTRUCTION APPROPRIATION BILL FOR 1970

Mr. SIKES. Mr. Speaker, I ask unanimous consent that it may be in order any day next week after Wednesday to consider the military construction appropriation bill for 1970.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR A BETTER NATIONAL SYSTEM OF INSPECTION OF EGGS AND EGG PRODUCTS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I am today joining with the gentleman from Texas (Mr. Purcell) and the gentleman from Washington (Mr. Foley) in introducing a bill to provide for a better national system of inspection of eggs and egg products. The need for such an inspection system has increased rapidly in the last few years. More and more products eaten in the homes today contain egg products which were formerly processed outside of the home.

As late as a generation ago, most of the cakes, pies, and ice cream were made and baked in the home. The housewife cracked her own eggs and could control the handling of the egg all the time it was out of the shell, but today a large portion of the cakes and pies and other bakery goods used are produced commercially from products including dried eggs which were produced in a different plant. Eggs can be a major carrier of salmonellosis and I believe do contribute considerably to this important communicable disease. Even people in hospitals who are trying to recover from some other disease may be subjected to Salmonella infection because such institutions purchase so many food products containing dried eggs.

As a result of some private investigations and other information now available which showed a shocking disre-