justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. CASEY:

H. Res. 658. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 659. Resolution paying tribute to each American serviceman who has given his life or has been wounded in Vietnam conflict; to the Committee on Armed Services.

By Mr. DENT (for himself, Mr. GALIFIANAKIS, and Mrs. GREEN of Oregon):

H. Res. 660. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GIAIMO (for himself, Mr. ALBERT, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. BARING, Mr. BELCHER, Mr. BENNETT, Mr. BROCK, Mr. BROTZMAN, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BURLESON of Texas, Mr. BUTTON, Mr. DON H. CLAUSEN, Mr. CORBETT, Mr. DADDARIO, Mr. DINGELL, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. EVANS of Colorado, Mr. FISHER, Mr. FLOOD, and Mr. FLYNT):

H. Res. 661. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. FRELINGHUYSEN, Mr. FRIEDEL, Mr. FULTON of Pennsylvania, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HARSHA, Mr. HELSTOSKI, Mr. HENDERSON, Mr. HICKS, Mr. HOLIFIELD, Mr. HORTON, Mr. HOWARD, Mr. ICHORD, Mr. JOHNSON of California, Mr. JONAS, Mr. JONES of Tennessee, Mr. KARTH, Mr. KUYKENDALL, Mr. KOCH, Mr. LEGGETT, Mr. LENNON, and Mr. LUJAN):

H. Res. 662. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. MCCARTHY, Mr. MCCLORY, Mr. MCDADE, Mr. MCKNEALLY, Mr. MAILLIARD, Mr. MANN, Mr. MATSUNAGA, Mrs. MAY, Mr. MESKILL, Mr. MICHEL, Mr. MIKVA, Mr. MILLER of Ohio, Mrs. MINK, Mr. MIZE, Mr. MOLLOHAN, Mr. MONAGAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORSE, Mr. MURPHY of Illinois, Mr. MYERS, Mr. OBEY, Mr. O'NEAL of Georgia, and Mr. PHILBIN):

H. Res. 663. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. PODELL, Mr. POLLOCK, Mr. POWELL, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RANDALL, Mr. RARICK, Mr. REES, Mr. REIFEL, Mr. ROBERTS, Mr. ROBISON, Mr. RODINO, Mr. ROGERS of Colorado, Mr. ROTH, Mr. RUTH, Mr. SCHEUER, Mr. SHRIVER, Mr. SIKES, Mr. SISK, Mr. SLACK, Mr. STAFFORD, Mr. STEED, Mr. STUBBLEFIELD, and Mrs. SULLIVAN):

H. Res. 664. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. SYMINGTON, Mr. TALCOTT, Mr. VIGORITO, Mr. WEICKER, Mr. WHALEN, Mr. CHARLES H. WILSON, Mr. WOLD, Mr. WOLFF, Mr. WRIGHT, Mr. PETTIS, Mr. BYRNE of Pennsylvania, Mr. GIBBONS, Mr. ABERNETHY, Mr. ROONEY of Pennsylvania, Mr. EDWARDS of Louisiana, Mr. CHAPPELL, Mr. DONOHUE, Mr. ANDERSON of Tennessee, Mr. ST GERMAIN, Mr. JACOBS, Mr. O'NEILL of Massachusetts, Mr. HULL, and Mr. DOWDY):

H. Res. 665. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. BEALL of Maryland, Mr. BLANTON, Mr. BRASCO, Mr. CASEY, Mr. COHELAN, Mr. CONTE, Mr. FINDLEY, Mr. FRASER, Mr. KYROS, Mr. MADDEN, Mr. NIX, Mrs. REID of Illinois, Mr. ROGERS of Florida, Mr. SCHADEBERG, Mr. STEPHENS, Mr. THOMPSON of New Jersey, and Mr. YATRON):

H. Res. 666. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. ADDABBO, and Mr. BROYHILL of North Carolina):

H. Res. 667. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HATHAWAY:

H. Res. 668. A resolution commending the serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. SANDMAN:

H. Res. 669. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WATSON:

H. Res. 670. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. RANDALL:

H. Res. 671. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 672. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. MINISH:

H.R. 14738. A bill for the relief of Irving Forsten; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14739. A bill for the relief of Habibollah Cohen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

324. By Mr. MYERS: A petition from Mr. Charles E. Marsh of Brownsburg, Ind., and 20,002 other signatures to stop, promptly and completely, giving aid in any form, directly or indirectly, to the total Communist bloc of nations; to the Committee on Foreign Affairs.

325. By the SPEAKER: Petition of the Ad Hoc Student-Faculty Committee on the Vietnam Moratorium, Polytechnic Institute of Brooklyn, Brooklyn, N.Y., relative to the Vietnam Moratorium on October 15, 1969; to the Committee on Foreign Affairs.

326. By the SPEAKER: Petition of the American Academy of General Practice, Kansas City, Mo., relative to standardized tests for drivers of motor vehicles; to the Committee on Interstate and Foreign Commerce.

SENATE—*Thursday, November 6, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

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

Dear Lord and Father of mankind, giver of life and liberty, above the tumult and confusion of many voices may we hear Thy voice that we may worship as we work, and find fulfillment of life's purpose by offering to Thee the service of our minds and the love of our hearts.

Draw together the diverse and divided people of this land in common loyalty to Thee, made strong in the Lord and the power of His might, so as to serve the ways of peace and the kingdom of righteousness. Give to the Members of this body greatness of mind and spirit to match the vastness of their problems. Help this Nation to lead the separated peoples of the world into a firm spiritual alliance, in that order which has as its guide the mind and spirit of the Man of Nazareth, in whose name we make our prayer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 5, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

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.

U.S. ATTORNEY

The assistant legislative clerk read the nomination of Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

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

AMBASSADOR

The assistant legislative clerk read the nomination of Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

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

INTERNATIONAL MONETARY FUND

The assistant legislative clerk read the nomination of William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund.

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

WORLD HEALTH ORGANIZATION

The assistant legislative clerk read the nomination of 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.

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

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on International Educational and Cultural Affairs.

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.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 498 and the succeeding measures in sequence.

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

JAMES HARRY MARTIN

The bill (S. 1786) for the relief of James Harry Martin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the World War Adjusted Compensation Act, approved May 19, 1924, as amended, limiting the period within which claims may be filed thereunder, the Secretary of Defense is authorized and directed—

(1) to receive and consider any application of James Harry Martin, of Phoenix, Arizona, filed within six months after the date of enactment of this Act, for benefits under the adjusted compensation program, the said James Harry Martin having served honorably in the United States Army during World War I while he was under age, but not having been eligible to file for benefits under the original World War Adjusted Compensation Act because he had concealed his minor age when he had enlisted for military service; and

(2) to certify to the Secretary of the Treasury his determination as to the amount of any such benefits to which the said James Harry Martin would have been entitled on the basis of such application if it had been filed within the time and in the manner provided in the World War Adjusted Compensation Act.

SEC. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money in the Treasury not otherwise appropriated, to the said James Harry Martin, the amount of any benefits so certified by the Secretary of Defense. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim referred to in the first section of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

DR. DELSA EVANGELINA ESTRADA DE FERRAN

The bill (S. 2426) for the relief of Dr. Delsa Evangelina Estrada de Ferran, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Delsa Evangelina Estrada de Ferran shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 2, 1955, and the periods of time she has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–505), 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 BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

L. CPL. ANDRE L. KNOPPERT

The bill (S. 2363) to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lance Corporal Andre L. Knoppert, a native of the Netherlands, who served honorably in the United States Marine Corps from December 28, 1967, until his death on May 28, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–506), 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 BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Lance Cpl. Andre L. Knoppert.

DR. BERNARD WESTON MARCH

The bill (S. 2354) for the relief of Dr. Bernard Weston March was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Bernard Weston March shall be held and considered to have been lawfullly admitted to the United States for permanent residence as of December 29, 1956, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–507), 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 BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. LEONARDO M. CABANILLA

The bill (S. 2353) for the relief of Dr. Leonardo M. Cabanilla was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Leonardo M. Cabanilla shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 23, 1959.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–508), 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 BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. PAOLO (PAUL) GENOESE ZERBI

The bill (S. 329) for the relief of Dr. Paolo (Paul) Genoese Zerbi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Paolo (Paul) Genoese Zerbi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 29, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–509), 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 BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FARID M. FULEIHAN

The Senate proceeded to consider the bill (S. 2481) for the relief of Dr. Farid M. Fuleihan which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "Act," strike out "Doctor Faris M. Fuleihan" and insert "Doctor Farid M. Fuleihan"; so as to make the bill read:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of the Immigration and Nationality Act, Doctor Farid M. Fuleihan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 22, 1963.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–551), 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 BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's first name.

DR. MARIA LUISA GOROSTEGUI DE DOURRON

The Senate proceeded to consider the bill (S. 2339) for the relief of Dr. Maria Luisa Gorostegui de Dourron which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of," strike out "December 27, 1957," and insert "December 28, 1957,"; so as to make the bill read:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Maria Luisa Gorostegui de Dourron shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1957, and the periods of time she has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–512), 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 BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which she first entered the United States.

FRANZ CHARLES FELDMEIER

The Senate proceeded to consider the bill (S. 614) for the relief of Francis Charles Miller (Franz Canto), which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "Act", strike out "Francis Charles Miller (Franz Canto)" and insert "Franz Charles Feldmeier"; so as to make the bill read:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Franz Charles Feldmeier may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Raymond Feldmeier, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act: *And provided further,* That the provisions of section 245 (c) shall not be applicable in this case.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–513), 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 BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for immediate relative status as the alien adopted child of citizens of the United States. The bill also provides that the beneficiary, a native of the Western Hemisphere, shall not be precluded from adjusting his status while in the United States. The bill has been amended to correct the beneficiary's name.

The title was amended, so as to read: "A bill for the relief of Franz Charles Feldmeier."

Mr. MANSFIELD. Mr. President, that concludes the call of the Calendar.

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 assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of the basis for determining need for construction of mess halls in the Department of Defense dated November 5, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on analyses of applications for business loans need improvements, Small Business Administration, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings through greater use of Government-owned shipping capacity between New Orleans, La., and the Panama Canal Zone, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Concentrated Employment Program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT IN MUIR WOODS NATIONAL MONUMENT, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting a proposed concession contract in the Muir Woods National Monument, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED FEDERAL ACT FOR THE COMMITMENT OF INCOMPETENT PERSONS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend chapter 313 of title 18 of the United States Code (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the Legislature of Palau; to the Committee on Interior and Insular Affairs:

"RESOLUTION 69(2)-31

"A resolution requesting the Secretary of the Interior, the President of the United States of America, the Senate of the Congress of the United States, through the Congress of Micronesia, to be extremely thoughtful in appointing High Commissioners of the Trust Territory of the Pacific Islands in the future

"Whereas, the people of Palau are attentive and at the same time worry about the possible entry of large foreign companies, after they have secured entry permits from the High Comissioner to enter the Palau District, to do business or to perform contracts under the Trust Territory Government; and

"Whereas, the people of Palau are worried about the possible harm to their economy and that they have repeatedly expressed their concern over the companies entering into the Palau District to take over businesses which the people of Palau are capable of operating and managing; and

"Whereas, the former High Commissioner of the Trust Territory of the Pacific Islands permitted the entry of foreign companies into the Palau Islands despite repeated requests by the people of Palau that foreign companies entry into the Palau be limited; and

"Whereas, after the former High Commissioner resigned from his office, he either had already been given a high position in one of these companies or was being given a high position in one of these companies; now, therefore,

"Be it resolved by the Palau Legislature, assembled in October 1969 Session, that the Secretary of the Interior, the President of the United States of America, the Senate of the United States Congress be and hereby requested, through the Congress of Micronesia, to be extremely thoughtful when appointing High Commissioners of the Trust Territory of the Pacific Islands in the future; and

"Be it further resolved that certified copies of this resolution be transmitted to to the President of the United States of America, the Secretary of the Interior, the Senate and House of Representatives of the United States Congress, the Trusteeship Council and Security Council of the United Nations, the High Commissioner of the Trust Territory of the Pacific Islands, the Speaker and President of the House of Representatives and Senate, respectively, of the Congress of Micronesia, and the Palau District Administrator.

"Adopted October 23, 1969.

"ITELBANG LUII,
"Speaker.

"Attest:

"SYLVESTER F. ALONS,
"Secretary."

Resolutions adopted by the Utility Co-Workers' Association, Newark, N.J., relating to certain labor-management problems; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-521).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14030. An act to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments (Rept. No. 91-525).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1456. A bill to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising (Rept. No. 91-524).

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

S. Res. 179. Resolution expressing the sense of the Senate that the United States should actively participate in and offer to act as host to the 1972 United Nations Conference on Human Environment (Rept. No. 91-522).

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

S.J. Res. 131. Joint resolution to welcome to the United States all Olympic athletes and authorized Olympic delegations, and for other purposes (Rept. No. 91-523).

By Mr. HART, from the Committee on Commerce, with amendments:

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes (Rept. No. 91-526).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive F, 91st Congress, first session, the Consular Convention between the United States of America and the Kingdom of Belgium (Executive Rept. No. 91-10); and

Executive H, 91st Congress, first session, an Agreement with Canada on Adjustments in Flood Control Payments (Executive Rept. No. 91-11).

BILLS INTRODUCED

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

By Mr. EASTLAND:

S. 3122. A bill to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulfport, Miss.; to the Committee on the Judiciary.

By Mr. PERCY:

S. 3123. A bill for the relief of Gioacchino Gino Buttita; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3124. A bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States; to the Committee on Rules and Administration.

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

By Mr. JAVITS:

S. 3125. A bill for the relief of Michele Palazzolo; and

S. 3126. A bill for the relief of Antonia Berardi; to the Committee on the Judiciary.

S. 3124—INTRODUCTION OF A BILL AUTHORIZING THE SMITHSONIAN INSTITUTION TO PROMOTE THE DEVELOPMENT OF LIVING HISTORICAL FARMS IN THE UNITED STATES

Mr. MILLER. Mr. President, on behalf of myself and my colleague from Iowa (Mr. HUGHES), I introduce for appropriate reference a bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States. A similar bill has been introduced in the House of Representatives by the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas (Mr. PATMAN).

With the decline we have had in our farm population it is imperative that we interest the nonfarmers, who make up about 95 percent of our population, in farm problems and achievements. At the same time, farmers need to have something they can point to with pride which will show their accomplishments. Living

history farms will accomplish both of these objectives.

The Smithsonian Institution, under the direction of the Honorable S. Dillon Ripley, recognizes the great importance of agricultural history and has established a special living historical farms project to study the development of a system of working farm museums throughout the Nation. I am very pleased to note that an organization has been created in my own State of Iowa to establish three such living history farms.

The bill I am introducing today would expand the existing Smithsonian program so that interested organizations, such as that in Iowa, would have ready access to expert assistance in historical research, planning, and operation of living historical farms, methods of financing such projects, obtaining qualified architectural and agricultural advice, and designing a farm so that it would be of maximum interest and meaning to visitors. This legislation does not attempt to finance the development of living history farms which would be left up to local historical associations.

The living history farms which the Iowa organization is developing will tell the story of agricultural progress with three farms: A pioneer farm of 1840, a horse farm of 1900, and a farm of the future. Each will have a farm family who will live on the land, grow crops, tend the livestock, and perform the farm operations as they were done in 1840, in 1900, and as it seems likely they will be done in the years ahead. These farms will be located on a 390-acre site under option near the center of the Nation's major agricultural production area—at the intersection of Interstates 80 and 35, near Des Moines, Iowa.

Living history farms will be of interest to people of all ages from all walks of life and from all parts of the world. It will give a clear picture of the remarkable changes which have occurred in agriculture during the past 130 years. It will preserve for future generations an intimate look at a way of life which built America, and it will tell how the people now on the land are building for the future.

I salute the foresightedness of the Iowa Living History Farms and I call upon Congress to promptly consider the bill we are introducing so that these farms may become a reality.

I ask unanimous consent to have the bill printed in the RECORD.

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

The bill (S. 3124) to authorize the Smithsonian Institution to promote the development of living historical farms in the United States, introduced by Mr. MILLER, for himself and Mr. HUGHES, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of the Smithsonian Institution, under the general supervision of the Regents of the Smithsonian Institution, is authorized, subject to the availability of appropriated funds, to assist living historical farms throughout the United States by providing—

(1) technical assistance with respect to historical research, site selection, and visitor control and interpretation;

(2) identification and location of historically accurate plants, animals, and farm implements;

(3) advice with respect to methods of finance and operation;

(4) information and advice with respect to obtaining architectural and agricultural assistance from other public and private sources; and

(5) assistance in the formation of a National Association of Living Historical Farms.

SEC. 2. To carry out the purposes of this Act, there is authorized to be appropriated $85,000 for the 1970 fiscal year, $95,000 for the 1971 fiscal year, $105,000 for the 1972 fiscal year, and such sums as may be necessary for succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2561

Mr. JAVITS. Mr. President, at the next printing, I ask unanimous consent that my name be added as a cosponsor of S. 2561, to incorporate Pop Warner Little Scholars, Inc.

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

S. 3121

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. CASE) be added as a cosponsor of S. 3121, to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

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

SENATE JOINT RESOLUTION 154

Mr. EAGLETON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Kansas (Mr. PEARSON), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of Senate Joint Resolution 154 proclaiming January as National Blood Donor Month.

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

SENATE RESOLUTION 279—RESOLUTION SUBMITTED TO EXTEND THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. MCGOVERN. Mr. President, I submit an original resolution and ask for its reference.

The Select Committee was established on July 30, 1968, by unanimous vote of the Senate and directed to make a study of the food, medical, and other related basic needs among the American people—Senate Resolution 281, 90th Congress, second session.

The resolution—Senate Resolution 68, 91st Congress, first session—which authorizes the committee to make expenditures and employ staff during the present year expires on December 31, 1969. Under this resolution, the committee is operating under a total authorized budget of $250,000.

Senate Resolution 279 would change this authority and the authority under which the committee was established in the following respects:

First, without any increase in its total authorized budget, Senate Resolution 279 would permit the committee to make expenditures through January 31, 1970, the date on which all Senate committee and subcommittee resolutions expire.

Second, Senate Resolution 279 would change the date under which the committee is required to terminate its activities under Senate Resolution 281, 90th Congress, second session, the resolution which established the Select Committee. This date would be changed from December 31, 1969, to December 31, 1970, thus permitting the committee to exist for an additional year.

Third, the resolution would authorize the addition to the committee of one minority Member of the Senate selected from committees other than the Committee on Labor and Public Welfare and the Committee on Agriculture. The addition of one minority member would provide for a total committee membership of 14, eight selected from the majority party and six selected from the minority party in the Senate, a ratio which is more in accord with the ratio in the Senate itself than is the present 8 to 5 membership ratio on the select committee.

The select committee is not, at this time, requesting any additional operating funds. Its authorization to expend $250,000 under Senate Resolution 68 is sufficient to enable the committee to operate for the additional month, from December 31, 1969, to January 31, 1970, under the accompanying resolution. The committee does expect to request next January a full operating budget for the period February 1, 1970, through December 31, 1970.

While the select committee had expected to be able to complete its studies by the end of this year, and while it has held extensive hearings on a variety of subjects relating to nutrition and published an interim report on its activities, the committee has not been able during its first year to complete its studies and investigations in fulfillment of its mandate from the Senate under Senate Resolution 281. During this year the committee has held hearings, conducted staff research studies and investigations, and engaged the services of consultants to study the operation and administration of the food stamp, commodity distribution, school lunch, and other Federal food assistance programs. As set forth in its interim report, "The Food Gap: Poverty and Malnutrition in the United States," published in August 1969, the committee has also studied and gathered evidence on the extent of malnutrition in the United States, its effect on child development, its economic and social consequences, and a number of related subjects.

The committee's examinations and recommendations with respect to the food stamp program contributed to Senate passage this year of S. 2547 reforming the Food Stamp Act of 1964. The committee has also held extensive hear-

ings on the role and potential of private industry in meeting the nutritional needs of the American people.

However, many of these activities remain to be completed. The committee has not completed hearings on child nutrition and school feeding programs and is not yet in a position to make recommendations with respect to those programs. Nor has the committee had time to study or hold hearings in the area of nutrition education. It feels there is a need for a complete review of present Federal and private activities in this area and for the development of recommendations for new and comprehensive public and private efforts.

The resolution—Senate Resolution 281, 90th Congress, second session—which established the select committee directs the committee, "to study the food, medical, and other related basic needs among the people of the United States." It further requires that the committee make recommendations "to establish a coordinated program or programs which will assure every U.S. resident adequate food, medical assistance, and other related basic necessities of life and health."

The committee has neither evaluated present nutrition-related health programs for the poor nor examined the roles of private medical care, medical education or public health in meeting nutritional and related health needs.

The committee also expects to review the results and recommendations of the White House Conference on Nutrition. These recommendations will not be completed until January or February. They will encompass many subjects for which, as Dr. Jean Meyer, President Nixon's Special Assistant on Nutrition, has suggested, there will be a need for further study and oversight by the select committee.

The committee also believes it essential that there be a continuing examination of the relationship between proposals for the reform of public assistance programs and the future of Federal food assistance programs.

For these reasons, the committee believes that the fulfillment of its mandate from the Senate will require that it remain in existence and carry on its activities during the year 1970.

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

The resolution (S. Res. 279), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 279

Resolved, That the Select Committee on Nutrition and Human Needs is authorized to expend from the contingent fund of the Senate, within the amounts, and for the same purposes, as specified in Senate Resolution 68, Ninety-first Congress, agreed to February 1969, to continue the Select Committee on Nutrition and Human Needs for the period ending January 31, 1970, and such committee shall terminate its activities not later than December 31, 1970.

SEC. 2. The President of the Senate shall appoint one additional minority member of the Senate to the Select Committee on Nutrition and Human Needs selected from committees other than the Committee on Labor and Public Welfare and the Committee on Agriculture and Forestry.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 6, 1969, he presented to the President of the United States the enrolled bill (S. 1857) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, I think there can be little doubt that both as a nation and as a society we have failed to protect our natural resources. The environment that we pass on to the next generation will have been needlessly abused, full of pollutants that damage the ecology and destroy the beauty of our planet.

Due to our carelessness, greed, and stupidity every river basin in the country is in part polluted. Our motor vehicles spew into the air the staggering total of 350,000 tons of carbon monoxide, hydrocarbons, and nitrogen dioxide every day. And we continue to pour over 600 million pounds of toxic chemicals—poisons—into our soils each year.

Our resources cannot absorb the extent of pollution today. When we were a younger country, with fewer people and fewer technological skills, our air, water, and land could easily accept the industrial and sanitary byproducts of our society. They no longer can, and the massive pollution above, afloat, and below us is the inevitable result.

The simple fact is that, environmentally speaking, we have miserably failed in our responsibility to treat our resources with the respect they demand.

Mr. President, the Baltimore Sun of November 5 contains an editorial calling for effective Federal action to curb pesticides and an article reporting that Great Britain is about to release a major study of 10 pesticides. I ask unanimous consent that these be printed in the RECORD, as well as a letter from Dr. Charles F. Wurster published in the Washington Post of September 2, 1969, stating that alternatives to persistent pesticides do exist, contrary to what the industry says.

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

[From the Baltimore (Md.) Sun, Nov. 5, 1969]

DDT IN EVERYONE

The assurance offered by a gubernatorial committee that Marylanders are not endangered by the DDT stored in their bodies happened to be published the same day that *The Evening Sun* carried a book review of a study of salt marshes which described DDT as the "most alarming" pollutant of marshes and tidal estuaries "in terms of extent and danger, both to the marshes and to men."

The committee itself readily acknowledged that DDT does cause "all sorts of problems in wildlife," but emphasized that while "everybody seems to have some in his body fat—old people, babies, men, women, farmers, city folk"—no adverse human effects have been discovered. Comforting as this may be in the short run, it draws a mighty fine distinction between what is harmful to man and what is harmful to his environment.

Little solace is offered in the long run by the knowledge that it is only, say, the ecology of Maryland wetlands and not Marylanders per se who are endangered by the persistent pesticides. For this reason it is easy to sympathize with Governor Mandel's desire to have Maryland take action against DDT. But the problem extends far beyond Maryland's boundaries. Chesapeake Bay, for instance, receives runoffs from farm land as far away as upper New York state. Federal action would be more appropriate than state action, and if Governor Mandel can be patient, federal action may be in the offing.

[From the Baltimore (Md.) Sun, Nov. 5, 1969]

BRITONS STUDY PESTICIDE CURBS

LONDON, NOVEMBER 4.—British experts are studying curbs on DDT and other pesticides similar to the ban announced by Canada, officials said today.

A committee of specialists from the Ministry of Agriculture and the Department of Health and Science has prepared a report for the government covering 10 pesticides.

Officials declined to make public the report. The sources said it calls for tighter controls, but not an outright ban, on the use of such insecticides.

The government cleared DDT and similar chemical agents in 1964 for a period of three years. The present report is already two years overdue. No explanation of the delay was given.

[From the Washington (D.C.) Post, Sept. 2, 1969]

ALTERNATIVE INSECTICIDES

Maryland Governor Marvin Mandel has given the chemical industry six months to find alternatives to certain persistent chlorinated hydrocarbon insecticides, including DDT.

They don't need six months. Many effective and economical alternative insecticides are available now, and they have been for a long time. It's just that the companies that make the persistent ones keep telling everyone that there are no alternatives to their products. Non-persistent insecticides include Malathion, Methoxychlor, Abate and Sevin, but there are many more.

The time to stop using these persistent chemicals is now, so that our environment can begin the long, slow process of recouping its losses.

CHARLES F. WURSTER,
Assistant Professor, Biological Sciences, State University of N.Y. at Stony Brook.
STONY BROOK, N.Y.

HOUSING

Mr. GOODELL. Mr. President, the Housing and Urban Development Act of 1968 set a national housing goal of 26 million new and rehabilitated housing units by 1978. This goal has been used as a yardstick to measure our housing programs.

Too often, however, we have allowed ourselves to assume that the mere declaration of this housing goal will produce a flurry of activity.

It is time for us to face the fact that, at present production rates, we will not be able to produce 26 million more units within the next decade.

On a nationwide basis, housing starts have declined from 1.5 million in 1968 to an estimated 1.1 million in 1969. Only 100,000 low-income units were built last year; 20 million Americans still live in substandard housing. The plight is particularly desperate in our Nation's cities.

These grim facts mean that we have failed. Government housing programs, although well intentioned and ambitious,

have not met the needs in our urban areas.

The prime reason for our failure to meet housing goals has been inadequate funding.

The 1968 Housing Act established major innovative action programs to increase our Nation's supply of housing for low- and middle-income families. Unfortunately, this bold legislative package was not supported with an adequate commitment of our financial resources.

This year, despite the housing crisis and the national attention given to the problem, the HUD budget of $2 billion has been cut 20 percent, or almost $400 million by the House. Cuts were made in all the major innovative housing programs of the 1968 legislation which have the potential for easing our housing crisis, such as sections 235 and 236, rent supplements and model cities.

In September, I wrote to the distinguished chairman of the Subcommittee on Independent Offices of the Committee on Appropriations (Mr. PASTORE) and urged that the funds, cut from the HUD budget by the House, be restored. Today, the full committee is marking up the bill, and I am hopeful that this action will be taken.

One area where lack of funds is particularly acute is urban renewal.

The administration has requested $1 billion for urban renewal, and the House cut this amount by $150 million. This program is hit particularly hard by inflation and soaring construction costs.

To offset these inflationary pressures, I have urged the committee in a letter this week to fund the urban renewal program at its full authorization level of $1.6 billion, rather than at the $1 billion level requested by HUD.

While I am fully aware of the need for budgetary restraints to overcome inflation, I believe that urban renewal is of such high priority that the additional expenditures are fully warranted.

It is false economy not to provide adequate funding for urban renewal. If we fail to act now, blight will continue to spread and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now.

In the meantime, millions of Americans will be forced to continue to live in substandard and deteriorating areas.

For the benefit of the Senate, I ask unanimous consent that my letters to the distinguished chairman of the Independent Offices Subcommittee of the Committee on Appropriations be printed in the RECORD.

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

SEPTEMBER 10, 1969.

HON. JOHN O. PASTORE,
Chairman, Subcommittee on Independent Offices, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: I understand the Independent Offices Subcommittee will soon be in mark up session on appropriations for the Department of Housing and Urban Development. I urge you and the members of the Subcommittee to appropriate funds in the amounts recommended by the Department.

The housing shortage in this country has become critical. In urban and rural areas, the poor are forced to live in substandard housing—housing that lacks adequate heat, electricity and plumbing. In New York City alone, 140,000 families are on waiting lists for public housing units. Because of the rapid rise in building costs and interest rates, many families of low and middle income find it impossible to buy a home. To meet these challenges, the Congress in 1968 committed the nation to the construction of 26 million new and rehabilitated homes within ten years.

There has not, however, been an adequate commitment of our nation's resources to meet these housing goals. I believe the appropriations cuts to the housing and urban development programs for fiscal year 1970—$384 million—will seriously hamper our ability to meet our housing needs.

The 1968 Housing Act established two major innovative programs for increasing the nation's supply of housing for low-income families. The Section 235 and 236 interest rate subsidy programs. For each, the fiscal year 1970 authorization level is $100 million and these amounts were requested by HUD. The programs were cut $20 million and $30 million respectively. In the first year of operation, these programs have proven most effective and the demand for assistance has quickly exhausted available funds, necessitating additional appropriations in the Second Supplemental Appropriations Bill of this year.

Rent Supplements, another key housing program, was cut from $100 million to $50 million. This program was created for a two-fold purpose; as an incentive to increase the housing stock and as a rental assistance program for the poor. Unfortunately, this program has suffered since its inception from underfunding and has not been able to fulfill its role in supplying housing.

I believe these three programs, Section 235, Section 236 and the Rent Supplement program must be fully funded—each at $100 million—so that viable programs to provide housing for low and middle income families can be maintained.

Another critical area of concern is the cut of $150 million in the urban renewal budget request. Many States, such as New York, have undertaken pioneer efforts with the assistance of the private sector to rebuild the blighted and decayed areas in our cities. To continue and expand these efforts, State and municipal governments must be assured that Federal aid will be available to them.

The appropriation for Model Cities, another urban development program, has been reduced from $675 million to $500 million. Although troubled by administrative difficulties in the past, this program has effectively involved local citizen groups in decision making and has the capability of achieving its goal in the selected cities. The Model Cities program is beginning to dedevolp as planned and we must support this progress.

Both programs, urban renewal and Model Cities, creates new and rehabilitated neighborhoods. To meet the increasing needs of our urban areas, the two programs must be fully funded.

Other HUD programs have been reduced, including Fair Housing and Equal Opportunity, Departmental and Regional Management, 701 Comprehensive Planning Grants, College Housing Debt Service and the Homeownership Foundation. Secretary Romney and his staff have reviewed the budget requests and believe their requests represent the minimum level at which the programs will be successful. I know your Committee will carefully review this appeal. I am hopeful these funds will be restored.

These programs mark the beginning of a national attack on the problems of our cities. Their success will alleviate urban decay and enable the poor and disadvantaged to live in healthy and safe environments. In order to have a significant impact, however, they must be adequately funded. The cuts made by the House can only delay progress and success in meeting our housing goals. I urge the Committee to favorably consider full funding of the HUD budget requests.

Sincerely,

CHARLES E. GOODELL.

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., November 3, 1969.

HON. JOHN O. PASTORE,
Chairman, Subcommittee on Independent Offices, Senate Appropriations Committee, Washington, D.C.

DEAR JOHN: On September 10th, I wrote to you regarding appropriations for the Department of Housing and Urban Development. In that letter, I urged the Subcommittee on Independent Offices to restore the cuts made by the House and recommend full funding of the Department's budget requests.

The National League of Cities, the U.S. Conference of Mayors and the National Association of Housing and Renewal Officials have jointly expressed grave concern over inadequate funding which threatens the future viability of urban renewal. These organizations have strongly recommended that the program be funded at its authorization level of $1.6 billion rather than $1 billion as requested by the Department.

Several weeks ago, I met with approximately 30 Mayors and Urban Renewal Directors from my State regarding this recommendation. In addition, I received hundreds of telegrams and letters from city officials throughout the State. As a group they emphasized the urgent need for increased funding. It has also come to my attention that many municipalities in great need of urban renewal have not submitted applications. Municipal officials do not wish to commit the time and effort necessary to apply for projects and create optimistic expectations among their constituents that will later be frustrated for lack of funds.

I have come to the conclusion that the urban renewal program should be funded at its full authorization level of $1.6 billion.

Rising construction costs caused by inflation have hamstrung urban renewal. The Construction Cost Index (CCI) compiled by the Department of Commerce indicates that construction costs will rise 7.2% this year. If the CCI is applied to the $1 billion budget request for urban renewal, the funds in terms of actual purchasing power will be worth only $933 million. Therefore, the effects of inflation cut into the appropriation before the funds are even available.

Conventional urban renewal programs, because of their scope and complexity, often take 10 years and in some cases longer to complete. Due to the annual increase in construction costs, cost over-runs and other results of inflation, the sums originally reserved for a project normally will not be sufficient for completion. As a result, amendatory grants must be allocated by HUD to city officials to meet the higher costs. The Department estimates that of the $1 billion requested, about $400 million will be for amendatory grants attributable to past cost increases.

Inflation, therefore, consumes over 40% of the Department's $1 billion budget request. In addition, HUD officials estimate that approximately $100 million will be needed for miscellaneous items such as relocation and code enforcement. This leaves only about $500 million for new urban renewal programs.

The increased demands for urban renewal funds far exceed the available supply of funds. The Department of Housing and Urban Development needs more than $2 billion to fund existing applications—$1.5 billion for conventional urban renewal and $692 million for Neighborhood Development Programs.

This does not include new applications which will be submitted during the course of the fiscal year and I understand that applications received by HUD total $200 million each month.

An appropriation of $1.6 billion would yield almost $1 billion for existing and new applications. Needless to say, this amount will not be sufficient fully to meet actual needs. However, it will provide twice as much money for new urban renewal programs as the HUD request, after the effects of inflation are taken into account.

While I am fully aware of the need for budgetary restraints to overcome inflation, I believe that urban renewal is of such high priority that the additional expenditures are fully warranted.

It is false economy not to provide adequate funding for urban renewal. Funds spent for these programs bring economic returns by creating jobs and a stronger tax base in the renewed areas.

In addition, if we fail to act now, blight will continue to spread, and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now. In the meantime, millions of Americans will be forced to continue to live in substandard and deteriorating areas.

Our cities and our people deserve more from the government than this. I urge the Committee favorably to consider this recommendation, and appropriate $1.6 billion for the urban renewal program.

Sincerely,

CHARLES E. GOODELL.

GREAT LAKES SHIPPING

Mr. MONDALE. Mr. President, the administration has just recommended a new 10-year program to rebuild the U.S. merchant fleet. Statistics on the age of our fleet, and its declining share of world commerce, show the need for vigorous efforts to expand and modernize U.S. shipping.

I cannot understand how the Great Lakes shipping industry was omitted from this new proposal. Everything the President said about our ocean shipping applies, as well, to the Great Lakes. In the past 30 years, our fleet's share of United States-Canadian trade has declined from 78 percent to virtually zero.

In the 10 years ending in 1965, the U.S.-flag Great Lakes fleet declined by about 500,000 gross tons. All of this capacity was added to that of Canada which, with heavy Government subsidy, has developed an advanced and highly automated fleet. In contrast, our Great Lakes fleet is aging and shrinking. It is unthinkable to ignore these facts in embarking on a long-term program to expand and modernize our ocean fleet.

Mr. President, this appears to be another case of discrimination against the Nation's "fourth seacoast." The St. Lawrence Seaway Act of 1965, for the first time in modern American history, required that a waterway pay for its development and operation. Throughout the Nation, billions of tax dollars have been invested in the construction, maintenance, and operation of other waterways.

I have sought, for several years, to improve the financial structure of the seaway. I shall continue to do so. And I shall also insist on fair treatment of the Great Lakes shipping industry in any new maritime program which may be enacted.

A NEW REPORT ON THE SYNDICATE

Mr. PERCY. Mr. President, the Chicago Crime Commission serves a valuable role in my State by bringing to light the activities of the underworld, and, particularly, organized crime, known as the Syndicate.

From time to time, the commission publishes its findings, which are based on exhaustive files prepared over long years of investigative research. These findings spell out in detail the operations of the Syndicate. Of particular interest is the manner in which the Syndicate has been able to infiltrate legitimate business concerns, selling both goods and services, and thereby "launder" its "dirty" crime-begotten funds.

These racketeers and their agents prey upon legitimate business enterprises as well as financing their own. It is clearly in the public interest to spotlight these connections. The crime commission, a nonprofit organization comprising many of Chicago's civic leaders that cuts across political affiliations, performs this service with diligence.

Today, the commission has issued the latest in a series of reports that names the persons and the business in the Chicago area which their investigation has tied to the Syndicate. I am particularly pleased to note that the report is analyzed and disseminated by the Chicago press, notably in the columns of the Chicago Daily News, which has traditionally been in the forefront of revealing crime, corruption, and wrongdoing wherever it exists in Illinois.

Mr. President, in order to acquaint Senators with this pertinent information, I ask unanimous consent that the latest report of the Chicago Crime Commission, entitled "Spotlight on Legitimate Businesses and the Hoods: Part III," be printed in its entirety in the RECORD.

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

CHICAGO CRIME COMMISSION—SPOTLIGHT ON LEGITIMATE BUSINESSES AND THE HOODS: PART III

In October 1967, the Chicago Crime Commission published its "Spotlight on Organized Crime—The Chicago Syndicate." In that publication, we listed 42 businesses that have a connection with known members of the crime syndicate. In June 1968, the Commission published its "Spotlight on Legitimate Businesses and the Hoods: Part II," listing an additional 31 companies. This is Part III.

Chicago's law enforcement agencies—notably the FBI and the United States Attorney's office—have in recent years done an outstanding job in attacking the crime syndicate. More top hoodlums have been placed behind bars than ever before in Chicago's history. The Illinois Crime Investigating Commission has supplemented the law enforcement agencies with its intensive investigations of organized crime in Chicago. But despite these efforts, the hoodlums have continued their invasion of legitimate business.

We recognize the right of a person to choose his associates. But when a business opens its doors to the public, it must accept the corollary right of the public to know with whom it is doing business. When a business open to the public is owned or operated by known members of the crime syndicate, keeps among its officers, directors and employees persons who have a direct relationship with the syndicate, or countenances open meetings of hoodlums on its premises, then we believe that the consumer is entitled to know these facts.

As we have stated repeatedly, the law enforcement agencies by themselves cannot rid Chicago of the hoodlums. All citizens must join in the task. If the citizens of Chicagoland want to rid this community of the cancer of organized crime, they will refuse to patronize those businesses that persist in maintaining ties with the syndicate.

As noted above, the Chicago Crime Commission has previously named a total of 73 businesses in its Spotlights on Legitimate Businesses and the Hoods. The newspapers of Chicago—which have courage in this respect unmatched by any newspaper in the United States—have repeatedly named each of these business establishments.

Of the 73 businesses previously listed, 42 are still in operation.

In this Spotlight III, we shall list first those businesses previously named which still merit inclusion in a "Spotlight on Legitimate Businesses and the Hoods." We shall then describe an additional 31 businesses, bringing to a total of 73 the businesses that we hope the citizens of Chicagoland will avoid as their contribution to the effort to drive the crime syndicate from our midst.

DANIEL WALKER,
President, Chicago Crime Commission.
HARVEY N. JOHNSON, Jr.,
Operating Director, Chicago Crime Commission.

I.—BUSINESSES PREVIOUSLY NAMED WHICH ARE STILL IN OPERATION

A–1 Industrial Uniforms, Inc. 4210 South Western Avenue, Chicago, Ill.

Ajax Phonograph Co., 7730 Milwaukee Avenue, Niles, Ill.

Alhara Management Corp., 5206 North Sheridan Road, Chicago, Ill.

Alice K's Boutique Shop, 915 North State Street, Chicago, Ill.

Apex Amusement Corp., 7730 North Milwaukee Avenue, Niles, Ill.

Austin Liquor Mart, Inc., 228 South Wabash Avenue, Chicago, 187 North Clark Street, Chicago, 3505 Dempster Street, Skokie, 1808 Waukegan Road, Glenview, 155 Skokie Highway, Northbrook.

Bella Rosa Drive-In Restaurant, 1304 South Cicero Avenue, Cicero, Ill.

Commercial Phonograph Survey, 25 East Chestnut Street, Chicago, Ill.

D & B Bookkeeping Service, 5115 West Chicago Avenue, Chicago, Ill.

Peggy Dee's Apparel Shop, 2601 West Lawrence Avenue, Chicago, Ill.

Deluxe Cigarette Service, Inc., 7730 Milwaukee Avenue, Niles, Ill.

El-Car International Limited, 5939½ West Roosevelt Road, Cicero, Ill.

N. Flyer and Son, Inc., 2034 North Clark Street, Chicago, Ill.

General Enterprises, Inc., 2634 West Fullerton Avenue, Chicago, Ill.

Gildom Cleaners, 3335 West Chicago Avenue, Chicago, Ill.

Hyde-Park Insurance Agency, Inc., 1660 East 55th Street, Chicago, Ill.

J & R Cleaners, 6410 West Roosevelt Road, Oak Park, Ill.

Kral's Kiddie Korner, Inc., Kral's Maternity Salon, 4338 West North Avenue, Chicago, Ill.

Life-Time Plastics, 2411 North Clybourn Avenue, Chicago, Ill.

Lormar Distributing Co., 2311 North Western Avenue, Chicago, Ill.

Marwood Construction Co., 8300 Center Avenue, River Grove, Ill.

Maxwell Liquors Inc., 915–17 West Maxwell Street, Chicago, Ill.

Mayo Plumbing Company, Inc., 1827 North 25th Avenue, Melrose Park, Ill.

Milano Inc., 1169 North State Street, Chicago, Ill.

Northwestern Candy & Tobacco Co., 3651 West Armitage Avenue, Chicago, Ill.

Frank V. Pantaleo Co., 8300 Center Avenue, River Grove, Ill.

Parkside Motors, 1301 West Washington Street, Chicago, Ill.

Regal Vending Co., 754 Grant Street, Chicago Heights, Ill.

Rosmar Realty, Inc., 4827 West Cermak Road, Cicero, Ill.

Sands Motel, 5301 North Sheridan Road, Chicago, Ill.

Santa Fe Saddle and Gun Club, 91st Street & County Line Road, Hinsdale, Ill.

Shak-Ur-Corn, Inc., 2451 American Lane, Elk Grove Village, Ill.

Shirts Unlimited, 843 North State Street, Chicago, Ill.

Henry Susk Pontiac Co., 520 North Wabash Avenue, Chicago, Ill.

Thunderbird Motel, 7501 South Shore Drive, Chicago, Ill.

Tides Motel, 5230 North Sheridan Road, Chicago, Ill.

Town Parking Stations, Inc., 332 South Michigan Avenue, Chicago, Ill.

Towne Hotel, 4827 West Cermak Road, Cicero, Ill.

Union Insurance Company of Illinois, 1221 North LaSalle Street, Chicago, Ill.

Universal Vending Corp., 2634–38 West Fullerton Avenue, Chicago, Ill.

Van Merrit Co., 2415–49 West 21st Street, Chicago, Ill.

Zenith Vending Corp., 2634–38 West Fullerton Avenue, Chicago, Ill.

II. BUSINESSES NOT PREVIOUSLY LISTED WHICH HAVE TIES WITH THE CRIME SYNDICATE

Accurate Plastic Molding Co. 2411 North Clybourn Avenue, Chicago, Ill.

[This asterisk (*) throughout the listing identifies individuals or companies listed in the Commission's 1967 or 1968 Spotlights on the Syndicate.]

The Corporate Directory of the Illinois Secretary of State (herein referred to as the Ilinois Corporate Directory) identifies Phillip J. Mesi,* 7647 West Armitage, Chicago, as president of this firm engaged in the plastic molding business. The registered corporate address is 111 West Monroe, Chicago, but the plant facility is located at 2411 North Clybourn Avenue, Chicago, which is the same address as Life-Time Plastics.*

Anco Inc., 100 North La Salle Street, Chicago, Ill.

This company writes various types of insurance coverage. Its president, John D'Arco, and its secretary, Benjamin "Buddy" Jacobson, have been closely associated with Sam "Momo" Giancana,* Anthony "Joe Batters" Accardo,* leaders of the Chicago mob, and other members of the crime syndicate. While he was alderman of the First Ward in Chicago, D'Arco was involved in both business and political matters with Giancana and met with him repeatedly. D'Arco has retained his position as Ward Committeeman and continues to be active in First Ward policies.

Astro Glass Company, Inc., 4407 West Fullerton Avenue, Chicago, Ill.

This company manufactures scientific and industrial glassware which it sells to various jobbers and manufacturers. The company's president is Andrew C. Louchios, Rural Route No. 1, Palatine, Illinois, according to the Illinois Corporate Directory. Louchios is a payoff man and gambling boss for William "Smokes" Aloisio* who is mentioned subsequently in reference to Rite-Lite Neon Sign Company.

Best Sanitation and Supply Co., 1934 West Cortland, Chicago, Ill.

Frank Pesce owns this washroom sanitation and janitorial supply business, previously located at 1215 Blue Island Avenue, Chicago. Pesce has been a business associate of Ben R. Stein* and Joseph Glimco.* In 1966, Glimco and Pesce were indicted by a federal grand jury which charged them with violations of the Taft-Hartley Act. In February, 1969, Glimco pleaded guilty and was fined $40,000. Frank Pesce also pleaded guilty to five counts in the indictment and was fined $1,000.

Bureau Currency Exchange, Inc., 1015 South State Street, Chicago, Ill.

Patsy Ricciardi is identified in the Illinois Corporate Directory as the president of this currency exchange. For years, Ricciardi has been associated in business and socially with Felix "Milwaukee Phil" Alderisio.*

Cooperative Music Co., 1728 Halsted, Chicago Heights, Ill.

One of the organizing partners of this company which leases juke boxes and sells phonograph records was Frank Laporte* (true name Lipperette), a nationally known hoodlum. Later, in a change of partnership organization, Frank Franze,* brother-in-law of Laporte, was included in the firm. Recent investigations by the Illinois State Department of Revenue have resulted in the confiscation of machines of this company. Joseph Valachi, who has supplied considerable information on La Cosa Nostra, included Laporte in his list of top powers in the crime syndicate in the Chicago area.

Courtesy Food Mart, Inc., 3801 West Division Street, 5400 West Chicago Avenue, Chicago, Ill.

Phillip J. Mesi* was listed in the Illinois Corporate Directory as an officer of this company prior to 1968. In the most recent Directory, he is identified as the Registered Agent of the corporation.

Dover Insurance Agency, Ltd., 1221 North La Salle Street, Chicago, Ill.

This insurance agency has the same address and company officers as Union Insurance Company of Illinois which was listed in the Commission's 1967 *Spotlight*.

Fulco-Brewer, 6115 West Butterfield, Berkeley, Ill.

Simon Fulco, nephew of hoodlum Joseph Aiuppa,* is a partner in this machine repair business. He also has been active in Aiuppa's prostitution and gambling operation in Cicero, Illinois, with W. J. Lincoln, an ex-convict, and Ronald R. Ross, formerly an officer in companies owning vice dens in Cicero.

Gabriel Currency Exchange, Inc., 1205–07 South Cicero Avenue, Cicero, Ill.

Officers of this currency exchange include a close relative of a known hoodlum and Joseph Ruscetti, who is a director of the Santa Fe Saddle and Gun Club.* The currency exchange is frequented by known hoodlums including James "Turk" Torello,* an underling of Fiore "Fifi" Buccieri.*

Geoffrey Acceptance Corp., 3717 North Cicero Avenue, Chicago, Ill.

George Harris was formerly listed as the president of this financing company in the Illinois Corporate Directory. Leah Harris, his wife, is listed as president in the most recent Directory. In connection with the Sterling-Harris automobile agency bankruptcy, it was disclosed certificates of title to many of the autos which disappeared from the agency were issued to a large number of Chicago area hoodlums. George Harris was convicted in the criminal case growing out of the bankruptcy proceedings. After being granted a new trial, he pleaded *nolo contendere* and was given a 60 day jail sentence and a suspended fine of $10,000.

Hibbard Dowel Company, Inc., 1652 Hubbard Street, Chicago, Ill.

Ben R. Stein* is listed in the Illinois Corporate Directory as the secretary of this wooden dowel manufacturing company. Prior to its incorporation in 1958, he was a partner in the business. Stein is mentioned previously in reference to Best Sanitation and Supply Company and is discussed more fully under Midwest Maintenance, Incorporated.

Indian Valley Golf Club, Inc., Routes 83 and 45, Long Grove (Mundelein), Ill.

Abam Building Corp., 228 South Wabash Avenue, Chicago, Ill.

Austin Liquor Mart, 336 North Michigan Avenue, Chicago, Ill.

Reference was made in the Commission's 1968 Spotlight to the interest of Ben Fillichio in the Austin Liquor Mart, Inc. and it was noted that Anthony Fillichio, his brother, was the president of the company.

The Illinois Corporate Directory lists Ann Fillichio, 6611 Minnehaha, Lincolnwood, Illinois, as an officer of the Indian Valley Golf Club. Listed as officers of the Abam Building Corporation, a construction firm, are Minnie Fillichio, 1434 North Ashland, River Forest, Illinois, as well as Ann Fillichio and Anthony Fillichio.

The current liquor license issued by the State of Illinois to Indian Valley Golf Club states that two-thirds of the corporate stock of Indian Valley is held by Abam Building Corporation. Ben and Anthony Fillichio are married to Minnie and Ann Fillichio, respectively. The name of the building corporation is formed from the first name initial letters of these four individuals.

Leyden Acceptance Corp., 3733 West Grand Avenue, Chicago, Ill.

Sam Faruggia, 1335 North Ridgeway Avenue, Chicago, was listed as the president of this financing firm in its 1969 annual report to the Illinois Secretary of State. Farrugia has been described as a "juice" man for the juke box trade. He has for years been an associate of top echelon hoodlums such as Charles "Chuck" English* who has been frequently observed at the offices of the acceptance company.

McHenry County Tobacco and Candy Co., 304 Lincoln, Fox River Grove, Ill.

Vending Enterprises, Inc., Box 664, Fox River, Grove, Ill.

Arrow Amusement Co., 306 Lincoln, Fox River Grove, Ill.

McHenry County Tobacco and Candy Company was formed by Joseph "Black Joe" Amato and is presently operated by his son, Donald Amato. Donald was named in 1964 by a witness before the Illinois Crime Investigating Commission as one of three "toughs" who tried to pressure the witness into accepting the company's brand of juke boxes and cigarette machines. Donald Amato, when appearing before the Commission in response to a subpoena, relied on the privilege against self-incrimination. Joe Amato has operated gambling enterprises in McHenry County, Illinois, and was named in a published 1963 Chicago Police Department report as one of the suburban members of the crime syndicate.

The operating manager of the McHenry company in 1968 was Edward A. Landers. Landers also operates Arrow Amusement Company, which has its offices next door to the McHenry Company.

The officers of Vending Enterprises, incorporated, according to the Illinois Corporate Directory, are Joseph Amato and Edward A. Landers.

Meo's Norwood House, 4750 North Harlem Avenue, Harwood Heights, Ill.

For a long period of time, Meo's Norwood House, a restaurant, has welcomed hoodlums ranging from the top echelon downward. The location has been utilized for meetings of crime syndicate members who receive preferential treatment from the management. Repeatedly observed meeting at the restaurant are such top hoodlums as Sam Giancana,* Anthony J. Accardo,* Paul Ricca,* and Jack Cerone.*

Alfred Meo, owner of the restaurant, when questioned about the luncheon meetings of top syndicate figures, stated that he has known them all his life.

Phil Barone, bartender-supply manager at Meo's, was convicted in August, 1969, with hoodlums Frank De Legge, Sr., and Frank De Legge, Jr., among others, for violation of a federal law relating to extortion. The case is now on appeal.

Midwest Maintenance, Inc., 1550 South Indiana Avenue, Chicago, Ill.

Ben R. Stein* is listed in the Illinois Corporate Directory as secretary of this financing firm. Stein was co-owner of National Maintenance Corporation which employed Louis Arger (deceased), a hoodlum operator of State Street strip joints. Stein has been an associate of Gus Alex,* who has been identified in United States Senate Subcommittee hearings as a member of the Chicago crime syndicate.

Stein began providing janitorial service to McCormick Place in 1961. In 1962, Lou Novinson, a business associate of Stein in National Maintenance Corporation, pleaded guilty to a charge of destroying records of the company and was sentenced to six months in jail. Novinson was employed by Ben Stein in one of Stein's companies supplying supervisory personnel for McCormick Place.

In 1964, Stein and Novinson were indicted by a federal grand jury for making illegal payments to union official Joseph Glimco,* who also has been identified as a member of the Chicago crime syndicate. Stein was found guilty and sentenced to eighteen months in prison. He had been convicted previously for conspiracy to commit robbery and receiving stolen property and had served eleven months in the Cook County jail.

Nickey's MGM Lounge, 1839 South Cicero Avenue, Cicero, Ill.

Nicholas Kokenes, 3604 South 59th Court, Cicero, Illinois, is the licensee of this tavern. Kokenes has permitted pinball machines and other forms of gambling at this location. Kokenes has also been ejected from Hawthorne Rack Track in Cicero for on-track booking of horse bets. Joseph Aiuppa* and his underlings have been regular patrons of Kokenes' tavern. A wedding reception following the marriage of Kokenes' daughter in the summer of 1969 was attended by such top echelon hoodlums as Paul "the Waiter" Ricca* and Jack "the Lackey" Cerone.*

Normandy Insurance Agency, Coronet Insurance Co., 2639 West Peterson Avenue, Chicago, Ill.

Norman M. Schlossberg is listed in the Illinois Corporate Directory as secretary of Normandy Insurance Company. He is also secretary-treasurer of the Coronet Insurance Company located at the same address. Schlossberg has admitted a substantial investment in a large real estate venture in the Chicago Heights, Illinois, area with Frank Laporte* who has been mentioned previously. Schlossberg has owned a liquor outlet in Calumet City, Illinois, in partnership with Anthony G. Amadeo, who was involved in gambling and notorious clip joints in Calumet City. Schlossberg formerly was proprietor of an East Sixty-Third Street tavern in Chicago, publicly described as "a well-known hangout for bank robbers, prostitutes, panderers and assorted mobsters."

Rite-Lite Neon Sign Co., 2437 West Chicago Avenue, Chicago, Ill.

One of the incorporators of this neon sign company was William "Smokes" Aloisio,* who had previously been convicted of a violation of federal law along with Frank Cerone,* James Cerone, brother of Frank, and George Aloisio, nephew of William Aloisio. In 1969, George Aloisio was listed as president and director of this company. James Cerone was listed as the supervising electrician in 1969 and was identified as secretary of the corporation in 1968.

In 1969, William Aloisio was convicted in the United States District Court, Northern District of Illinois, for conspiracy in connection with the possession and transmittal of false United States securities.

Scaramuzzo and Sons, Gunsmiths, 1624 West Eighteenth Street, Chicago, Ill., and 1525 Ogden Avenue, Downers Grove, Ill.

Joseph Scaramuzzo of LaGrange, Illinois, the founder of this firm which sells guns to the public, also is president and treasurer of the Santa Fe Saddle and Gun Club, Hinsdale, Illinois. This club is described in the Commission's 1967 Spotlight.

Louis Tedesco Plumbing Company, Inc., 4907–09 West Chicago Avenue, Chicago, Ill.

Lamon Construction, Inc., 4907–09 West Chicago Avenue, Chicago, Ill.

Louis M. Tedesco is the president of both of these companies. The Commission's 1968 Spotlight described Park Avenue Realty at 4907 West Chicago Avenue which was operated by Dominic "Butch" Blasi,* 1138 Park Avenue, River Forest, Illinois. Blasi was identified in hearings before a Subcommittee of the United States Senate as a member of the Chicago crime syndicate.

In 1967, Blasi applied for an Illinois real estate broker's license, listing Louis M. Tedesco as one of his character witnesses. Tedesco and Blasi have been business associates in other ventures. Blasi, an ex-convict, was a chauffeur and bodyguard for Sam "Momo" Giancana,* former Chicago top echelon hoodlum.

Uncle Lou's General Merchandise, 3644 West Chicago Avenue, Chicago, Ill.

This company, which sells general merchandise at retail, was formerly Uncle Lou's Salvage Incorporated, located at 1207 South Blue Island Avenue. An officer of Uncle Lou's Salvage Incorporated is Concetta Briatta, who resides with her husband Louis Briatta,* at 1074 West Polk Street, Chicago. She was also an officer of Rush Liquors, a past business operation of Louis Briatta and an incorporator of Maxwell Liquors, 913–17 West Maxwell Street, Chicago, which was included in the Commission's 1967 *Spotlight*. Louis Briatta operates Uncle Lou's General Merchandise. His hoodlum friends, Gus Alex and the late Frank Ferraro, were identified in hearings before a United States Senate Subcommittee as members of the Chicago crime syndicate.

Villa Rosa Pizza and Lounge, 2672 River Road, River Grove, Ill.

Sam "Big Sam" Ariola, 9121 Grand Avenue, Franklin Park, Illinois, who operates this pizza restaurant, was named by a United States Senate Subcommittee as a member of the Chicago crime syndicate. Ariola's apartment in Franklin Park was raided by police of the State's Attorney of Cook County after it was learned the first floor space purportedly was an appliance store but actually was a "blind," housing the headquarters for Ariola's pinball machine and gambling routes. During the raid, $37,130 in cash was found in Ariola's apartment and two loaded pistols and gambling equipment in his car. The raid also revealed a "black book" containing names and telephone numbers of numerous Chicago hoodlums, including "J.B." ("Joe Batters," an alias of Anthony J. Accardo*), John Lardino,* Rocco Rotenzo,* and Joseph Gagliano.*

Zelrio, Inc., East 122nd Street and South Torrence Avenue, Chicago, Ill.

Zelrio, Inc., services the Calumet Land Reclamation Company listed at 9558 South Colfax, Chicago, Illinois, and operates as a sand and black dirt excavator. Calumet Land Reclamation operates as a "sanitary land fill company" or garbage dump.

Frank De Stefano* is listed in the Illinois Corporate Directory as secretary-treasurer of Zelrio. He was associated at one time with his brother, Vito, in the Tarr Tobacco Company. Vito was identified in hearings by a Subcommittee of the United States Senate in 1963 as a member of the Chicago crime syndicate. The Tarr Tobacco Company was involved in the Illinois counterfeit tax stamps scandal and the company eventually lost its tobacco licenses. Frank De Stefano was a partner of Manny Skar in the Southeast Community Builders. Manny Skar was slain gangland style in 1965. Frank De Stefano and his brother, Rocco De Stefano, also operated R & M Construction Company. Rocco De Stefano was identified by a United States Senate Subcommittee as a member of the Chicago crime syndicate.

APPOINTMENT OF THOMAS PATRICK MELADY AS AMBASSADOR TO BURUNDI

Mr. DODD. Mr. President, on October 30, the nomination of Dr. Thomas Patrick Melady as Ambassador to Burundi was confirmed. I regret that I was not able to be present on that day, because there are certain facts about Dr. Melady that I would have liked to present for the consideration of Senators.

Apart from the fact that Dr. Melady is an old friend and constituent who hails from my own hometown of Norwich, Conn., I am particularly pleased about this appointment because of the exceptional quality of this most recent addition to our ambassadorial corps.

Tom Melady has an international reputation as a scholar of African affairs.

He was the founder and first director of the Institute of African Affairs at Duquesne University.

He has served since 1967 as chairman of the Department of Afro-Asian Affairs at Seton Hall University.

He is on intimate terms with most of the African leaders.

And he is the author of numerous books dealing with Africa and the problem of race. Among his best known books are "The Revolution of Color," "The Third World," and a biography of Kenneth Kaunda, of Zambia.

He and his wife, Margaret, have collaborated on a book of a more general and philosophical nature, entitled "House Divided in the Family of Man," which is scheduled to appear this coming January.

It is my understanding that this book deals with the racial, religious, and economic divisions that plague the modern world, and that it seeks to propose solutions for them.

Dr. Melady has also been an activist who has been deeply concerned over African and international affairs. For 7 years, from 1960 to 1967, he served as the director of the Institute for African Affairs, an organization whose prime function it was to assist African students in this country. He has also served as vice president of the International Catholic Movement for Cultural and Intellectual Affairs.

To this altogether exceptional background of expertise and personal involvement, Dr. Melady adds equally exceptional qualities of character and of heart.

He is a deeply religious man, dedicated to the belief in the ultimate spiritual unity of all mankind.

He is profoundly concerned with the problems of the common man, as the thousands of African students he has helped can attest.

In my opinion, he possesses all of the attributes, temperamental, intellectual, and cultural, of the ideal diplomat.

I am confident that Dr. Melady has a long and brilliant future ahead of him in the American diplomatic corps.

I can think of no diplomatic nominee whose name has come before the Senate in recent years who is more qualified to

represent our country as an ambassador to the area for which he has been designated.

I congratulate the administration on this appointment.

OMAHA PRESS CLUB HONORS KEOGH AND KALBER

Mr. HRUSKA. Mr. President, the Omaha Press Club, mindful of the biblical admonition that "a prophet is not without honor, save in his own country," this year has inaugurated an annual "Honored Prophet" award in which distinguished alumni of the club and other midwestern newsmen are to be saluted for their accomplishments in their craft.

It was my pleasure on October 24 to attend the dinner on the campus of Creighton University at which the first awards—replicas of a shepherd's crook—were presented to James Keogh, special assistant to the President, and to Floyd Kalber, midwestern correspondent of NBC news.

Both Mr. Kalber and Mr. Keogh presented thoughtful and challenging assessments of the current state of their profession. Without their intending it to be so, what emerged was a kind of debate which makes absorbing reading and will claim the attention of thinking readers and viewers regardless of their current notions about television news and the press.

Each of these men is a skilled practitioner of the art of communication, and it is entirely fitting that they should be honored. But beyond the salute to their competence and accomplishments, what they had to say on that evening goes far indeed toward illuminating the problems of a free press in a free country.

Because the scholarly papers prepared by Messrs Keogh and Kalber deserve much wider circulation, I have obtained copies, along with the introductions by Hugh Fogarty, managing editor of the World-Herald, and Mark Gautier, news director of KMTV in Omaha.

Mr. President, the Omaha Press Club, under its president, Charles E. Wieser, of United Press International, and its steward, Frank Scott, of station KBON, deserves great credit for initiating this series of awards. I ask unanimous consent that the remarks be printed in the RECORD.

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

INTRODUCTORY REMARKS OF HUGH A. FOGARTY, MANAGING EDITOR, OMAHA WORLD-HERALD

Despite the biblical inspiration for this splendid event, I have received stern orders to avoid stuffy solemnity in presenting our next Honored Prophet.

If asked to capsule his biography to date, I perhaps would write it about like this:

"He advanced from managing editor of the Creightonian to managing editor of the White House—while making the giant leap from Who's he? to Who's Who."

I could perhaps stop right there, but you know I won't. For I regard the details in-between as equally interesting.

Our guest is a native of Platte County, Nebraska, and grew up on a farm there, some 20 miles northwest of Columbus.

In the late 20's and early 30's it was a cruel, even a brutal, land—baked hard by drouth and beaten down by depression and impossible-to-pay mortgages. Our honoree can recall for you how he and his family fed Russian thistles to skinny cattle and how, when they awoke of a late-July morning, they could actually hear the grasshoppers chomping on the meager stand of corn.

So please do not try to tell our big-city visitor tonight about farm problems, or about the difficulties of acquiring a college education.

After graduation from Creighton, our guest took his turn at most jobs in the World-Herald newsroom before settling down to be a talented city hall and political reporter.

He served as our first-rate city editor from 1948 to 1951, working all the while as Omaha correspondent for Time Magazine by maintaining a private midnight shift.

For fear of speaking longer than the speaker, I shall not list all the Keogh achievements after he went to Time in 1951 as contributing editor. He was an associate editor from 1956 to 1961 and assistant managing editor from 1961 to mid-1968. He was named executive editor shortly before he took a leave of absence to help Dick Nixon run—and *win*.

That brings us up to the White House days, where he is listed officially as special assistant to the President of the United States. And, as the World-Herald Washington Bureau pointed out in a recent story: "The Congressional Directory lists 15 special assistants. Significantly, though the names are not in alphabetical order—Keogh's leads all the rest."

It gives me great pleasure to present James Charles Keogh, who has gone far, but not too far to be welcomed home occasionally. Please greet him warmly as an unveiled Honored Prophet.

WHEN GOOD NEWS IS NO NEWS

(Address by James Keogh before the Omaha Press Club on October 24, 1969)

I thank you for honoring a sometime prophet in his own country. This is an honor that I appreciate not only for its own sake but also for the reason that it reassures me about my presence before this group. Since I am now involved in government and, in a sense in politics, I come before you with some trepidation. For I am well aware of the widely held attitude among the press that there is only one way for a newsman to look at a politician—and that is *down*.

However, you must remember that in the eyes of some, we are all in the same bag. Let me recall for you how Ibsen saw it. "It is inexcusable for scientists to torture animals," he said; "let them make their experiments on journalists and politicians."

I want to say at the outset that I am not here as a politician, and I am here as only a transient—not a careerist—in government. My job in government is to run the research and writing staff in the White House, with the purpose of helping the President of the United States to communicate with the people. My office tries to help the President with speeches, messages to Congress, proclamations and many other kinds of communications. You will note that I said "tries." I find that when President Nixon is going to stand up and say something, those who are trying to help him had better not have any overwheening pride of authorship. The way it comes out is strictly his own.

My staff at the White House has what we tend to call a low profile. This means that we don't get much publicity. As a matter of fact, one member of my group who in the past has been accustomed to considerable attention in the press has said that he finds himself constantly in such low profile that he always has a backache.

But there is one very comforting side to all of this for me. Since we don't get much public notice, very few of my old friends in the press have found the occasion to attack me. The fact that I rather like this is perhaps a key to my nonpolitical nature; a genuine political figure is troubled by such low visibility. I would say that politicians—now that I know quite a few of them—tend to agree with Winston Churchill that "Nothing in life is so exhilarating as to be shot at without result."

It is appropriate and really quite interesting that you have taken your text for these awards from St. Matthew. I find it fascinating because some scholars happen to believe that Matthew considerably embellished upon the Gospel of St. Mark. In other words, he reported quite a bit more than he really knew. In the days when I was City Editor of *The World-Herald*, we might have been rather blunt and called that "coking it up." Today, I suppose, his Gospel should be marked with one of those little boxes that say "Comment" or "News Analysis."

Well, whether or not your choice of Matthew is significant as to the philosophy of this Club, I would like to be consistent and take for my text Matthew 7:13. It reads: "Wide is the gate, and broad is the way, that leadeth to destruction."

Having established that as my text, I hasten to say that I speak tonight, if you will allow me, as a journalist—a journalist who for 30 years was reporter, writer and editor, from the police station in South Omaha to the 25th floor of the Time & Life Building in mid-town Manhattan. And I might say, in passing, that some aspects of life are very similar at both ends of that geographical spectrum.

I speak as a journalist who for a bit more than a year now has been looking at journalism from the outside. What I have seen from this new perspective has in many respects made me proud of my profession. But in one very major sense, what I see has enlarged in my consciousness a concern that has troubled me for years. It is a problem that, I believe, troubles a great many other journalists.

This is my concern: I fear that journalism is becoming more and more a destructive force—a negative force—in our society at a time when the need for positive forces is as great as it has been at anytime in the history of this country.

Now I recognize that news is essentially negative—that bad news is news—and it has always been so. All the way back in the first century, Plutarch referred to "That old proverb, 'Bad news travels fast and far.'" What bothers me is that in our revved-up era, bad news is travelling so fast and so far that the essentially-and-largely positive side of life is almost totally ignored.

This negative tendency in reporting the news has been hurried and expanded by the growth of television as a major news media. Let's face it 23-square: When news must be visual and must be crammed into an extremely limited amount of time, there hardly seems to be room for anything except the negative.

Consider for a moment the effect of the news coverage of the civil disturbances in our cities in 1967. The constant flash on the TV screen and on the front pages of newspapers and on the flame-shrouded covers of national magazines tended to give the country—and the world—the false impression that nearly all of the Negroes in the United States were in a state of active revolt, when the fact was that only a very small percentage was involved.

The same point can be made about the small percentage of our youth who have really dropped out of society. I'm sure that there is widespread belief abroad—and even at home—that all of American youth fits the pattern of the very small element of extremists. By the way, this point of view led one Washington politician to comment the other day that one slogan in the next national election campaign will surely be, "Pot in every chicken."

I strongly suspect that the negative impact

of news coverage in the past decade has done a great deal to build the mood of despair and helplessness that exists among too many people not only in the United States but also in the other advanced countries of the world. Every evening they watch these handsome, sincere young men on that screen telling them of terrible things, and they end up thinking that if everything is that bad, what's the use?

It does not take such an extravagant stretch of the imagination to visualize this picture of an American citizen. He's in his forties, he owns his own four-bedroom home, has two cars, has a far greater income than he ever expected to have and one that his grandfather and perhaps his father would have considered miraculous. His son ranks near the top of his class at Yale. His daughter is an art major at Radcliffe. He and his wife and children have more in the way of economic advantages, more in the way of cultural opportunities and more to anticipate for their progeny than any family of their caliber in the history of the world. This man reads his morning newspaper, listens to the news on his car radio returning home from work, watches a half-hour of network news on TV, spends an hour with his favorite news magazine, and goes down to his den and shoots himself dead because the world is in such horrible shape.

I know that I am not alone in being concerned about the pervasiveness of the negative in the news. Recently, David S. Broder, a perceptive columnist for the *Washington Post*, who is now on leave as a Fellow of the Institute of Politics at Harvard University, wrote this: "The reflexes of the news industry are such that any militant minority can count on dominating a story simply by walking in on an event where they know some personage will be addressing an audience and the press will be present." In only slightly different terms, this amounts to an open exploitation of the press in a way that no self-respecting journalist in years past would have wanted to allow.

TV Guide recently dealt with the problem of the negative syndrome in an article that tapped the thoughts of an impressive array of network executives and newsmen and found "the sudden emergence of an attitude that there has been too much onesided attacking of the United States, its institutions and its citizens, on the airwaves."

All of us are aware of the current and probable future impact of TV on our society. If I needed any further evidence, I got some the other night on the White House lawn. President and Mrs. Nixon hosted a special performance of the U.S. Marine Corps Evening Parade at a picnic for members of the White House staff and their families. At one point, after the band had been playing and marching for some time, there was a pause in the drill as one of the parade officers called out a command from the other side of the lawn. And in the silence a small voice was clearly heard, asking: "Mommy, is that the commercial?"

The capacity for the negative in news coverage shows itself not only on TV and not only in the area of violence and disruption but also in many variations on the theme and in a wide variety of media.

Let me cite just a few examples.

Last spring the Reverend Ralph David Abernathy led a delegation of his followers to Washington as part of his Poor Peoples' Campaign. In the Sunday edition of one of the country's most prestigious newspapers, after the conclusion of the Abernathy visit to the Nation's Capital, there was this headline: *THE POOR: A Cold Shoulder for Abernathy.*

That headline summed up the general thrust of that newspaper's coverage of Abernathy's days in Washington. The impression left with the reader was that Abernathy had been turned away without a hearing and with no indication of concern by the Nixon Administration.

What was the fact? Abernathy and the leaders of his group met with the President, the Vice President, Members of the Cabinet, and members of the Urban Affairs Council. The group presented its case in great detail. There was an extensive dialogue between Abernathy and President Nixon, who stayed in the meeting for approximately an hour. The Vice President and Members of the Cabinet continued the session with Abernathy and his group for a total of approximately three hours. From the day that this Administration took office, I do not know of any delegation that has been given that much time by all of those top officials of the U.S. government. Yet the impression that was conveyed to its readers by this eminent newspaper was the totally negative—and dangerous—one that the government turned Abernathy away and showed no concern whatever for the problems of poverty.

Another variation on the negative theme is the now famous issue of the Secretary of the Treasury, David Kennedy, and the matter of wage and price controls.

At a press conference on Tuesday, June 10, Secretary Kennedy was asked whether the U.S. government was considering the imposition of wage and price controls. He answered by saying that he was against a "controlled society." As the press conference went on, he was questioned further, with reporters moving in from all angles.

Question: "Mr. Secretary, are you leaving open that question of wage and price control?"

Secretary Kennedy: "The policy of the government is not to have wage and price controls and at the present time I see no need for it."

The questions persisted.

Question: "In the event of no tax surcharge are you leaving open the question of controls?"

Secretary Kennedy: "You leave all questions open as you go along. You don't close the door on anything."

Now what we have there is the case of a public official who states his position firmly and then when he is asked and—let's admit it—badgered about a hypothetical situation extending into the future, makes the reasonable and logical answer that of course many things are possible. Perhaps he should have been more skillful in his public relations; but his position really was established beyond doubt: There is no policy calling for controls now.

Within minutes after the Secretary's press conference ended, stories went out giving the impression that the Administration was actively considering wage and price controls. The Dow Jones industrial average fell nearly 8 points the next day, and the markets continued to be affected despite the Administration's persistent reaffirmation of its firm position against wage and price controls.

The *created* controversy about whether the Administration was indeed considering such controls went on literally for weeks—with a negative impact on the markets—when the fact was that the Administration, throughout, had absolutely no intention of establishing controls.

Let me cite one more example—once again a different variation on the theme. In September, one of the most widely circulated national columnists wrote about Donald Rumsfeld, Director of the Office of Economic Opportunity. "Anti-poverty czar Donald Rumsfeld has wielded an economy axe on programs for the poor," wrote the columnist. "He has used some of the savings to give his own executive suite a more luxurious look, thus reducing the poverty in his immediate surroundings.

"Under Sargent Shriver, the anti-poverty director's office was unique in government. There were no carpets, and the furnishings were prim. Rumsfeld has now added improvements. To be prepared should his budget-cutting efforts prove tiresome, he has added a bedroom to his executive suite. Expensive lamps now give a soft, restful glow to the walls that were once lit by fluorescent tubes. The stark photographs of poverty are gone from the walls, replaced by pastoral scenes. And as evidence of his new Cabinet rank, Rumsfeld has added the ultimate in executive status symbols: a private bathroom."

What are the facts? To this day, Rumsfeld has no carpets, no bedroom, no expensive lamps, no pastoral scenes and no bathroom.

Now why did this national columnist fall for the story that some source with an axe to grind obviously fed to him? The reason he did, I would judge, was that it struck him as being too good an angle to miss and too bad a story to lose by checking it out. Thus his readers all over the country were left with the negative impression that the man who was supposed to be working to create opportunity for the underprivileged was interested only in creating comfort for himself—an impression that could only fuel further despair.

And once planted, such a canard is practically impossible to erase. I shall never forget the case of Engine Charlie Wilson who was Secretary of Defense in the Eisenhower Administration. A story leaked out of a Senate Committee hearing one day to the effect that Wilson had bluntly said, "What's good for General Motors is good for the country." This was rocketed back and forth across the country as the crass and money-thirsty attitude of a baron of industry who cared more about his company than he did about his country. That "quotation" is in history books; it is in anthologies; it is in joke books; it is part of the language. And Charlie Wilson never said it. The official transcript of the Committee hearing shows that he made an entirely reasonable statement placing his country first. He said, "I have always believed that what's good for the country is good for General Motors and vice versa."

The negative syndrome in the handling of news and comment would be of less concern if it were merely a case of certain individual journalists reporting and writing in this way. The larger problem is that major national media tend to follow a common pattern in their approach to the news. And their long-term influence on other media is substantial. This phenomenon was commented upon by author—and long-time journalist—Theodore H. White in his book, *The Making of the President 1968*. White, using stronger language than I would have been inclined to use, wrote of a "new avant-garde" which now "dominates the heights of national communication," and which "has come to despise its own country and its traditions." He called this "The New Intolerance."

In somewhat the same vein, though not in such strong language, the *Wall Street Journal* complained about a "faddishness" and a "lack of critical and independent thought in the leading media."

Criticism of the news media goes beyond such diagnosis by professionals. A recent Louis Harris poll for Time showed that, while nearly two out of every three people felt they are better informed today, they have a growing skepticism of news media. Wallace Allen, Managing Editor of the *Minneapolis Tribune*, said that "public criticism of newspapers is the shrillest and most widespread I have seen in 18 years." Reuven Frank, Chief of NBC News, wrote that "the basic American audience" had turned against TV after the coverage of the 1968 Democratic Convention in Chicago.

All of this indicates a rather serious problem for our profession. I dare to suggest that we have been overemphasizing the negative and are reaping the negative in return. I am certainly not suggesting that the media should become Pollyannas playing "the glad game." What I do suggest is that newsmen should not necessarily and habitually play "the bad game." More than ever now, it seems to me, it is necessary for the journalist to

be enormously concerned about *informing* the people and *explaining* to them as clearly as possible what is going on and what it means.

I am not one who believes that it is possible for a journalist to be absolutely objective. Every one of us who sits down to write a story takes with him his whole bundle of background and biases. What all of us need to do is to constantly keep in mind the basic principle that our first duty is to inform and this duty becomes more compelling and more crucial every day as society grows more complex. And part of informing is placing events in perspective so that we do not seem to present the extreme as the norm or the atrocity as the average or our own opinion as universally accepted truth.

I would like to offer the proposition that the world of 1969 may not necessarily be worse than ever. The trouble may be that more bad news about more people is being delivered faster by more media in more vivid detail than ever before.

This is a critical time for the journalistic virtues of judgment and perspective and independence and the resistance of bias. Let's report the negatives, but for our own sake and for the sake of our fellowmen, let's give a sense of the real positives that carry on the life of our society. Let's inform, and let's be careful that if we crusade, we do not confuse.

Having said all this, I want to place my criticisms in the context of my broad convictions:

I am more convinced than ever that our society could not operate and survive without an alert, probing, persistent, and often troublous press.

It is my firm conviction that the news media in the United States are the best in the world.

If I were beginning my career again tomorrow, I would once again go into journalism with the greatest enthusiasm and hope.

For I am convinced that the opportunity for achievement and satisfaction is greater than ever before for those who reject negativism—who really want to perform the crucial service of telling their fellowmen what is going on.

And about that—I'm positive.

INTRODUCTORY REMARKS OF MARK GAUTIER, NEWS DIRECTOR, KMTV

Asking me to introduce Floyd Kalber is like inviting a member of the New York Jets Taxi Squad to introduce Joe Namath. Floyd was a familiar figure in most Omaha living rooms six nights a week for nearly 11 years before moving on to Chicago. Today, of course, he's Chicago's most popular television newsman, and he still comes into our homes daily on his network news program as well as frequently on the Huntley-Brinkley report. While he was news director at KMTV, Floyd made quite an impact. Omaha firemen remember him fondly as the man who got them longevity pay. The Air Force remembers him gratefully as the man who got the nation's missile base construction program back on schedule. The list could go on and on.

Floyd was born in Omaha, attended Benson High School and the Creighton University. He worked in radio at Kearney, Nebraska, and at Peoria, Illinois, before launching his television news career at KMTV in 1950. He married an Omaha girl, the lovely Betty Rhodes, whom he met at Benson High School. Floyd and Betty have two children. David, 21, is a journalism student at the University of Nebraska at Omaha and also a member of KMTV's news staff. Daughter Kathy is 18 and a student at Purdue.

It is a great honor for me now to introduce to you and to the realm of the Honored Prophets of the Omaha Press Club, NBC News Correspondent Floyd Kalber.

REMARKS OF FLOYD KALBER, NBC NEWS

It sometimes seems like I have spent a good share of my professional life answering questions and offering explanations and putting up a defense for television and television news.

It started here in Omaha back in the mid 50's when I began accepting invitations to speak to luncheon clubs, church groups, PTA meetings and ladies' garden clubs. At that time I used to conduct a sort of discussion . . . or question and answer session. Today we would call it a dialogue.

Members of these groups were very interested in television. Most of them had been peering at us . . . and our feeble, experimental efforts at reporting news . . . on a little seven inch RCA set . . . not realizing they were getting the squints . . . just amazed that there was a picture . . . a real live electronic picture . . . in their living room.

The most pertinent questions the people asked at that time were: "How did the members of the Mickey Mouse Club grow such big black ears," and "when would we stop putting on news stories about Omaha's garbage dump problem."

When I moved to Chicago in 1960 I continued attending the garden club and PTA meetings . . . only there are more of them there . . . and I continued answering questions . . . and the most often asked questions were . . . "why do you turn up the volume on the commercials," and "where do you get the funny story you end the newscast with." That's the way it went until last summer . . . until the Democrats came to Chicago for their political convention . . . and those 'other people' came to Chicago to mess up the political convention.

Since last summer . . . the most persistent questions have been: "when are you going to start telling the truth in your newscasts," or "when are you going to stop staging demonstrations and protests," and "when are you going to put some 'good' news on the air."

Occasionally there is the flat, vehement statement: "you should be controlled."

What I am leading up to is a fact that many of you may have already learned . . . the honeymoon that has existed between the people who work in television . . . in particular television newsmen . . . is over. The great romance that lasted for the better part of twenty years has come to an end.

My boss is Reuven Frank . . . he is the President of NBC News. He wrote a speech, fifty pages long, following the Democratic Party's convention in Chicago. He circulated copies to all NBC News Correspondents . . . for use more as guidance than for public quotation.

In his speech he says this . . . which I consider to be the most succinct summation of what has happened to us in recent years: "If television would go away . . . race troubles would go away . . . the Vietnam war would go away . . . long haired, foul mouthed young people would go away. If television would go away . . . the well meaning American householder, for twenty years vocal on the moral side of every public issue, would worry less about his teenage daughter, about her traveling on a city bus . . . and about pot. If television would go away . . . the construction worker would be sure of selling his house when he was ready for more than he paid for it . . . the policeman's wife would be sure of his safe return."

"But the damned television won't go away . . . so kick it. Kick it . . . that is . . . but don't damage it . . . because it fills evenings with Dean Martin and Bob Hope and free movies . . . which is why you bought it."

"A new 'love-hate' relationship has burst forth between the television and its' audience. Not between television and the intellectuals and upper-middlebrows . . . the ones who talk about boob tubes . . . and finally break down and buy one for the kids . . . the ones who up to 1960 bemoaned the passing of conversation in America . . . as though they ever listened . . . the ones who watched only in motels when they were out of town for academic conferences . . . or the ones who at cocktail parties were always importuning you to do subjects no one would watch, including them. No . . . this 'love-hate' relationship is between television and the basic American audience . . . the most middle class majority in the history of man."

This great mass of viewers is not watching television less . . . but after a decade of telling the poll takers they trust television above other media for news and information . . . they are now telling us that that era of trust is over. This new era of mistrust . . . as I call it . . . did not begin with the Democratic Party's convention . . . and the Battle of Michigan Avenue of 1968.

It started some years ago when NBC's Sander Vanocur went to Little Rock, Arkansas . . . to cover the first school integration confrontation. It continued through the 1960's . . . with every racial protest march and demonstration and riot. This mis-trust festered and spread in the minds of many television viewers . . . but only a few of them became vocal . . only a few of them openly charged us with irresponsibility or a failure to perform our main function . . . that of presenting factual information.

Television vividly portrayed . . . too vividly at times . . . the brutality . . . the indignity administered to the American Negro. We showed them on the march to Selma . . . on the buses in Birmingham and with the police dogs and cattle prods in Montgomery . . . we showed them rioting in Cleveland and Chicago and Detroit and New York and Los Angeles. We did what we instinctively knew . . . as newsmen . . . was our job and what was right . . . the reporting to the public of a solid news story.

This audience "mis-trust" spread still further when we gave attention to the massive American involvement in the Vietnam war . . . when the American public for the first time saw real fighting and real shooting and real dying . . . and didn't like it.

It is possible that some of our coverage of Vietnam stimulated the anti-draft protests . . . the marches on the Pentagon and the disorders on college campuses. As in the case of the civil rights cause . . . television newsmen responded to report these events . . . because they were and still are news . . . they are happenings that occur in many American cities and they affect the lives of all American citizens.

All of this built up to the confrontations in Chicago during the Democratic Party's convention . . . and television's coverage of those confrontations apparently was the last straw for the viewing public.

I would be the first to admit that at times . . . we in television news have been 'taken in' by would-be leaders of the civil rights cause . . . by those who had only their personal gain in mind.

There have been occasions when I have put a story on the air . . . or a person on the air . . . and I have left the studio regretting it . . . wishing I had used a bit more foresight or common sense or perspective.

There have been times too when there have been brief lapses of objectivity . . . not out of intent . . . but out of neglect . . . and there have been times when the reporting was incomplete . . . or just downright amateurish or bad. As I stress to people as often as I can . . . we in television news are still human beings . . . just like everyone else . . . and human beings make mistakes.

And . . . like everyone else in business today . . . whether you're making hair shampoo or horse shoes . . . we in television news have perfect 20–20 hindsight.

Contrary to the belief of many in that great

mass viewing audience in the United States . . . the television networks and television stations have not joined into some kind of a giant conspiracy to downgrade police forces or to scuttle local governments or to overthrow the President. I always like to point out that you can't get two television stations in the United States to agree on the time of day . . . much less agree to do someone harm.

And on a whole . . . I think that televisions day-in day-out reporting, coverage and presentation of the news has been fair and accurate. So . . . why then . . . all the criticism of television news reporting?

Perhaps a part of the answer lies in what else has happened over the last five years. During that period the average middle class American television viewer has gone through many wrenching experiences. His tranquility has been shattered.

Mr. Middle Class American has been exposed to the realities of war . . . he has seen the ghetto riots in his living room . . . he has watched with horror young people of background like his . . . expressing contempt for his dearest values in the way they dress and act, and in what they say.

What he has seen on his television set has shaken him physically and morally . . . made him fear for his safety, his savings, his children, his status. The world as reported by television . . . threatens him.

It is a short and perhaps understandable step for him to conclude that television threatens him. Television thus has become the object of what psychoanalysts call transference.

Mr. Middle Class White American also got another shock from what happened in Chicago in 1968.

For the first time in history he saw people like himself . . . average, law abiding, secure, business suited white Americans . . . being treated in much the same way as blacks were treated in Selma, Alabama or Detroit, Michigan. He had become conditioned to seeing blacks . . . protesting blacks, rioting blacks . . . bludgeoned into paddy wagons. Somehow he was able to rationalize what he had seen. But the frightening, shocking reality . . . there before his eyes on the television screen . . . that white middle class Americans and unwashed, grubby, white middle class American young people . . . could be clubbed and shoved and pushed indiscriminately by out-of-control police . . . well . . . this was too much to accept . . . to believe.

It must be a lie . . . it cannot be true. This can't happen to people like us. Television must be lying. Television is taking revenge on Mayor Richard Daley and Chicago. The scene is overwhelming. Rejection sets in. And security is regained through rejection of what he sees.

This, I contend, is a description of highly critical, mass American television viewing audience . . . which we are attempting to serve tonight. And this mass of critics, speaking because of their lack of security . . . or because of their lack of understanding . . . or because of an inherent bigotry . . . will not become less critical . . . or less vocal.

They will, instead, become more unhappy with us and more inclined to act against us . . . as time goes on. Because they will become more and more irritated with the reporting by television of each Vietnam war protest and each college campus disorder and with each civil rights demonstration. Oh, they will continue to tell us to our faces . . . or in their phone calls . . . and in their letters that they want us to "tell it like it is," but they will become more and more reluctant to accept it "like it is."

So . . . as the man said . . . the ball is in our court. It is up to us to defend ourselves.

I admit . . . defending ourselves can be a bit difficult. Defending the quality of integrity or responsibility or accuracy of a television newscast . . . is not exactly like defending the quality of a tube of toothpaste. The measurement of the acceptance and/or rejection of our product . . . is not easy. And measuring the reasons for rejection can be even more difficult.

I'm convinced that public contact is part of the answer. Communication with the viewers as often as possible in speeches or public appearances . . . in forums or dialogues can clear up many misunderstandings and misconstrued ideas. But I am also convinced that the most important step we can take in at least holding our own with dissenting viewers . . . or even making some headway and regaining lost confidence . . . is through very thorough self-examination. We in television news can and must stand back and take a long searching look at what we are doing. First, what are our policies in reference to the coverage of crisis-type controversial stories. Then . . . who is being assigned to cover those stories; to do the reporting and writing . . . who is supervising or physically editing films and video tapes that are ultimately to show confrontations . . . does the story contain all of the facts available to us and is it as objective as we can make it . . . has an all out effort been made to secure both sides of the story . . . and are we working to give both sides equal time . . . does the newscaster report the story on the air as a factual story . . . or is he subconsciously or otherwise interpreting the story as he sees it personally.

Isn't it a fact that too often we get caught up in last minute coverage of a story and then because of deadlines have to give it short-shift?

Isn't it a fact that too often we get caught up in 'tight writing,' and the condensation of stories . . . when those stories need depth reporting to make them meaningful and understood.

Isn't it a fact that we too often are restricted by our allotment of five minutes or fifteen minutes or thirty minutes for newscasts . . . with sports given this much time and weather given that much time . . . and commercials given so much time that we do not give some stories the depth reporting and even analysis they need.

And then there is the area of commentary . . . or editorializing . . . an area I think both radio and television broadcasters have side-stepped for about as long as they can. Responsible editorials . . . by persons who are knowledgeable and dependable . . . I feel are an absolute necessity for broadcasters in the future.

Not editorials that come out for God, motherhood and the American way of life, and against sin . . . and not for dissent, just for the sake of dissent . . . but for the good of the community and for the nation and for our system of democracy.

Editorials that speak out against repression and inequity, that point up trouble spots and trouble makers . . . editorials that offer another voice . . . to a community that oftentimes has but one voice . . . and sometimes has none.

I think it was Harry Truman who said, "If you can't stand the heat, get out of the kitchen." I don't think any of us are so thin-skinned that we can't take a bit of criticism . . or a great deal of it . . . but certainly . . . all of us need to be aware of public thinking and be prepared to defend ourselves to the best of our ability

NEBRASKANS HONOR SENATOR HRUSKA

Mr. CURTIS. Mr. President, last Friday evening, it was my pleasure, along with the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Kansas (Mr. DOLE), and the Senator from Iowa (Mr. MILLER), to attend a testimonial dinner in Omaha honoring Senator ROMAN HRUSKA'S 25 years of public service.

Also present to pay tribute to Senator HRUSKA'S record of leadership and achievement were our Governor, Norbert T. Tiemann; Secretary of Agriculture Clifford M. Hardin; and Attorney General John N. Mitchell, who made the principal address.

Some 1,300 admirers and supporters of ROMAN HRUSKA crowded the Civic Auditorium. The group included representatives of the Douglas County Board of Commissioners, where Senator HRUSKA began his public service a quarter of a century ago; members of the Nebraska Legislature, and city and State officials, together with the leaders of the Republican Party from across the State.

President Nixon sent a warm letter of congratulations.

I should like to quote from the evening's program and to add my endorsement of these comments:

Roman Hruska is completing his seventeenth year in the United States Congress. He served two years in the House of Representatives and has been our senior Senator since 1955. Before going to Washington, he was a member of the Douglas County Board of Commissioners for eight years. For seven of those years, he served as Chairman of the Board.

So Senator Hruska has represented his fellow Nebraskans for 25 years. In these 25 years, he has built a record that exemplifies the philosophy of most Nebraskans. He has worked tirelessly and effectively to mold the kind of society that enables us and our children to live wholesome and constructive lives.

In Washington, Roman Hruska never fell for the idea that the Federal government had any exclusive wisdom about what society was best. Yet he rejected the doctrine that the Federal government has nothing to offer. He listens to the experts and their proposals. But he never forgets where his roots are, or that he represents Nebraskans.

Senator Hruska knows the world is changing and he wants it to change; but like Nebraskans, he wants to have something to say about making sure the change is for the better.

In 25 years of public service Roman Hruska has compiled a record of achievement and accomplishment. His is the kind of able, honest, and compassionate representation we want in Washington.

It is that record of service we honor tonight with our Salute to Roman Hruska, the Senator from Nebraska.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter Senator HRUSKA received from the President.

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

THE WHITE HOUSE,
Washington, Oct. 10, 1969.

HON. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: It gives me great pleasure to write you in connection with this testimonial dinner; for all who know you agree that a tribute paid you is a tribute to the highest devotion to the public trust. For twenty-five years you have faithfully represented your fellow citizens—eight on the Board of Commissioners of Douglas County, two in the U.S. House of Representatives and fifteen in the U.S. Senate.

Throughout this quarter-century you have earned a reputation as a man of outstanding intelligence, diligence, judgment and sensitivity—a leader and a doer. You have stood

for the finest ideals of your constituents. And you have consistently sought to mold the kind of society that enables us and our children to live wholesome, constructive lives.

Your ability to listen has been matched only by your talent to lead. Your fair and open-minded approach to all issues has been well-balanced by your desire to seek the highest national good. Your steady voice has penetrated into the highest government circles, and your vote has enhanced the well-being of all Americans.

Nothing I could say could encompass all your qualifications or your accomplishments. Nothing could express the deep personal friendship I have for you. Perhaps the greatest measure of the good that you have brought this country is reflected in the enthusiastic support of those who repeatedly return you to the Nation's Capital. As they gather in this special testimonial to express appreciation for all that you have done. I wholeheartedly join them and fully share their confidence and their unfaltering respect.

Sincerely,

DICK NIXON.

Mr. CURTIS. Mr. President, Attorney General Mitchell's remarks detailed the Nixon administration's battle plan in the war against crime. This was particularly appropriate because of Senator HRUSKA's skillful leadership in that battle.

I ask unanimous consent that the text of the Attorney General's remarks be printed in the RECORD.

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

ADDRESS BY HON. JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

It is a pleasure for me to come to Omaha to be with the friends of Roman Hruska.

As you know, Senator Hruska has devoted 17 years of his life to representing the people of Nebraska, in the House, and then in the Senate. His diligence, his candor and his grasp of national problems has made him a leader in the Congress.

The Congress is structured on the principle of committees. Thus one's effectiveness in a committee, to a great degree, measures one's effectiveness in the Congress and in the nation.

Senator Hruska is the senior Republican on the Senate Judiciary Committee, a ranking member of the Appropriations Committee, and a member of the Joint Senate-House Committee on the Reduction of Federal Expenditures.

Through his committee positions and his leadership in the Republican Party, Senator Hruska has helped to pass laws designed to achieve a strong defense posture; to stop violent civil disobedience; to give adequate federal support to agriculture; to provide federal grants for health care centers; to increase Social Security benefits; to offer manpower training for disadvantaged citizens; and many, many other progressive pieces of legislation which have been of immeasurable benefit to our national well-being.

From the point of view of this Administration which must represent the interests of the entire nation, Senator Hruska's advice and counsel have been most helpful.

For example, of the more than 20 bills which we have either proposed or supported in an effort to fight crime, Senator Hruska has sponsored or co-sponsored almost every one of them.

I hope the citizens of this State will continue to support Senator Hruska and will keep him in Washington so that he may continue his distinguished service to his State and to his nation.

I would like, for a few moments, to address you on a general topic that is causing me increasing concern. It is a problem which I think encompasses many other problems—such as crime and civil disorders and Viet Nam and inflation.

It is the disease of cynicism which seems to be so alarmingly prevalent in our nation today—a cynicism that duly elected government, particularly the federal government, has lost its relevance to the aspirations of our citizens.

There are the under-privileged minorities, especially the poor and the black, who had relied on Utopian promises and now distrust the government's ability to act on their behalf.

There are the middle class working man and housewife who had unquestioningly accepted the government's ability to control the economy and then found themselves caught in increasing inflation.

There are the dissatisfied youth who reject acceptable political processes and who rely on violence and confrontation.

And then, of course, there are the rich and the poor, the black and the white, the city dweller and the suburbanite who are frustrated and terrorized by the inability of government to immediately solve the crime problem in the streets and the Viet Nam War on the other side of the world.

Therefore, in the largest sense, the commitment of the President, of this Administration, and of the Republican Party is to bring the nation back on an even keel; to exert responsible control and leadership over racial, economic and political divisions and to re-establish the optimism in the future and the faith in elected government that Americans have always had.

Optimism and security are, in great part, subjective determinations. Factually, I suppose, we should be more hopeful than ever before about our society. But a high gross national product and a low unemployment rate cannot provide security to a citizen who fears crime and inflation, and a far off war, and racial disorders and lack of communication with youth.

The prior Administration attempted to solve these problems through the illusion of words—through the projection of succeeding images of impossible dreams which were replaced by more impossible dreams when previous commitments could not be met.

This rhetorical device worked for quite awhile, mainly, I support, because the human mind likes to dramatize. Men are, by their very nature, intellectually attracted by the bright uniforms and loud trumpets of new ideas. But what does one have after the parade has passed—an empty street littered with hand bills and the memory of what might have been. Of course it is healthy, every so often, to have a burst of color and imagination. But this is no replacement for well conceived and well funded programs.

It is for this reason that this Administration has been purposely low key in its public statements and in the presentation of its new programs. We do not want to offer more hope than we can realistically deliver.

The methods that we are using to achieve social and economic progress are the methods which I think this mid-west audience understands better than most. We believe in common sense, in hard work and in quiet diligence. We believe that individuals and government should carefully plan and finance each step of the way.

We believe in consistency and in that great American genius for compromise. We believe that the extremists on both ends of the spectrum will be isolated by the great majority of Americans and that the middle course is generally the best course for this nation to pursue.

As an example, one of our most pressing domestic issues is crime—street crime and organized crime and juvenile crime and narcotics crime. Crime may or may not be solved a generation from now by the implementation of enormously expensive and radically new social development concepts. But, in the meantime, what is this nation to do? Are we to wait and permit our citizens to be victimized? Or are we to get down to the dry mechanics of fighting crime on a practical level by having more and better trained police; more efficient court systems, and special rehabilitation projects for juvenile delinquents and adult offenders?

It may be true that our practical nuts and bolts approach may appear a bit gray—six more policemen in one high crime precinct; a new trial calendering device in an overcrowded court; $20,000 for an additional prison psychologist, or several more defense lawyers in a legal aid project.

But, piece by piece, all over the country a massive anti-crime action program, partially funded by the federal government, is taking shape and moving ahead.

Social problems are not solved by rhetoric. They are solved by the thoughtful implementation of carefully designed programs and by well-trained and well-coordinated personnel at all levels.

I think that the nation should be hopeful today. I think we can enter an age of optimism—the kind of optimism with which Americans are most familiar; the optimism that comes from anticipating the product of hard work and careful planning and long term dedication.

I believe that our optimism may be well-founded in the area of crime control; and I would like to outline for you some of the major aspects of the Administration's crime program—a program which Senator Hruska helped to design.

The urgency of the program cannot be doubted.

The latest F.B.I. Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

One of the main principles upon which our crime program is based is the recognition that the Attorney General is first and foremost a law enforcement officer; that the Department of Justice is a law enforcement agency, and that persons who break the law ought to be promptly arrested and tried as soon as possible.

While we in the Justice Department can sympathize with physical conditions and emotional problems which may cause persons to commit crimes, we cannot sympathize with those who only seek to excuse criminals.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow—sometime in the future.

But tomorrow is too late for the housewife who is mugged, or the small store owner who is killed by a narcotics addict.

Tomorrow, indeed, may be too late for all of us.

That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said:

"The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anti-crime program must rely strongly on law enforcement officials.

The police are the first line of defense. They must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society.

For this reason, the Administration's proposals to combat crime emphasize the law enforcement function.

This emphasis, to some extent, can be

measured in new legislation and in new monies. But what cannot be measured is the great psychological boost given by this Administration to law enforcement officers all over the nation. In the past they felt that at best they were ignored by the prior Administration. Now they know they have friends and allies working in the Federal effort.

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited legal jurisdiction over street crime. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

Our most ambitious program to combat local street crime is the Law Enforcement Assistance Administration of the Department of Justice. LEAA is the federal government's major commitment to help states and local communities to improve their police, their criminal justice systems, their juvenile programs, and their correctional institutions.

For the current fiscal year, we have asked for $296 million for the Law Enforcement Assistance Administration. If appropriated, $250 million of this is scheduled to go to cities and states for action programs.

The greatest single emphasis in the LEAA program has been and will continue to be the funding of police efforts to decrease street crime. Our studies of plans submitted by all 50 states under the LEAA action grant program show 77 percent of the funds going to the police and to anti-street crime programs.

But police action alone cannot solve the total problem. We must bear in mind that about 45 percent of the persons who serve prison terms are subsequently arrested for additional offenses and that more than half our crimes against property are now committed by youths under 21.

Accordingly, the LEAA action programs also contain substantial plans to increase the efficiency of the criminal courts to improve rehabilitation efforts in our prisons and initiate and expand corrective programs for our youth.

I hope that Congress will pass the full $296 million appropriation request. Law enforcement agencies in this State and in every state must have sufficient funds. If not, the national effort against crime will merely be another rhetorical ruse.

NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. A reduction in addicts will result directly in the reduction of crime.

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969, which has been actively supported by Senator Hruska. It would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would expand federal administrative authority to control narcotics, barbiturates, amphetamines and marihuana. It would also substantially expand federal law enforcement power to search for illegal narcotics and to arrest suspected violators.

Passage of this legislation will provide additional vitally needed tools for our war on narcotics.

As an administrative measure, we have launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the revenues of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies, we have put into effect a coordinated and intensive land, sea and air operation against border smuggling.

We have asked for increased appropriations and manpower for the Bureau of Narcotics and Dangerous Drugs. This will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not the apprehension, conviction and imprisonment of a narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. Our goal is the apprehension and prosecution of those who make their living by dealing in substances which ruin men's mental and physical health, and which pose a danger to our general welfare.

ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful (and current activities indicate it will be), we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

In order to mount this broad attack on organized crime, the Administration has asked for a $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

CONCLUSION

This is just a brief outline of three of our major proposals: three which we believe are most promising and for which we have depended heavily upon Senator Hruska's guidance and support.

This Administration has presented a great many other anti-crime proposals ranging from a comprehensive program for the Capital City of Washington to some highly technical but very important legislation aimed at utilizing antitrust laws against organized crime.

We have also taken a number of important executive decisions such as authorizing court approved wiretapping against organized crime and authorizing the admission in evidence of voluntary confessions complying with the guidelines approved by Congress.

I know, and you know, that we must solve our crime problem. Economic prosperity and political stability have little meaning if our citizens are afraid to freely move about our neighborhoods. As this Administration's anti-crime program moves forward through Congress and into operation, the mood of the nation will change from cynicism to optimism. This Administration is committed to its success. We are going to restore civil tranquility to the streets of this nation.

APOLLO 12'S MOON VOYAGE

Mr. HANSEN. Mr. President, every American wants to be confident that our astronauts who will travel to the moon aboard Apollo 12 are well equipped.

These brave men will have every convenience and every safeguard that the vast wealth of technology of America can provide.

But a close friend of mine, and a close friend of many in this Chamber, former Senator Milward L. Simpson, has pointed out to me that those who planned this space voyage may have been negligent. Senator Simpson feels that the list of equipment these men will take to the moon should include a copy of the Holy Bible. I agree.

Several mementos of man and of the United States were placed on the moon during the Apollo 11 moon landing. I feel it would be appropriate that the Apollo 12 crew place a Bible on the moon during this landing. The intent in placing mementos on the moon is to leave some evidence of man's 1969 achievement should future voyagers land on the moon. A noted writer of the past century, Thomas Babington, Lord Macaulay, had this to say of the Bible:

> A book which if everything else in our language should perish, would alone suffice to show the whole extent of its beauty and power.

The Bible is closely associated with the heavens, and refers often to the wonders of God's work there. An appropriate passage is found in verse 3, of the eighth Psalm:

> When I consider the heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; what is man, that thou art mindful of him?

The further man probes the mysteries of the universe, the greater becomes his awareness of the immutable laws which

govern the galaxies. While I would not presume to speak for all others, I share the deep and abiding conviction of my distinguished and beloved predecessor, Milward Simpson, in believing that what knowledge we now have and the mysteries we are yet seeking to understand, all attest to the presence of a supreme being. I can think of no better way to underscore the peaceful purpose and intent of our mission there than to leave the Book that sets forth rules that have universal application, regardless of creed.

I believe the Holy Bible should be a part of the equipment carried on the Apollo 12 mission, and I intend to write to President Nixon urging that consideration be given to our astronauts placing a copy on the moon.

I hope that many Senators will join me in writing individually to the President in this matter.

CHRONICLE OF DEBATE ON SAFEGUARD SYSTEM

Mr. EAGLETON. Mr. President, last month the Progressive magazine carried an interesting and often humorous article on the ABM written by Louis Fisher, an assistant professor of political science at Queens College.

The article points out that although there is legitimate disagreement over the nature and magnitude of the Soviet threat and the technical feasibility of the Safeguard system, the consistency and coherence of the administration statements in support of Safeguard can and should be judged.

Mr. President, this article is an interesting chronicle of the debate. 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:

NIXON'S ABM "VICTORY": A CASE STUDY IN DECEPTION

(By Louis Fisher)

Weeks after the prolonged Senate struggle over the ABM which was won by President Nixon by the narrowest of margins, a docile House, after only four hours of debate, approved his proposal as expected. Still, it is too early to know whether the President has met victory or defeat. Repercussions of this struggle have spread beyond the initial issue of national security, calling into question the very integrity of the Administration.

In his statement to the Republican Convention in August, 1968, Mr. Nixon criticized the Johnson Administration for failing "in candor at home and in leadership abroad. By not taking the American people into its confidence, the Administration has lost *their* confidence." Only a new Administration, he said, could "tell the truth to the American people and be believed."

After nine months of a new Administration, it seems safe to say that it has met hard times establishing a reputation for credibility. Partly this reflects its zigzag maneuvers with desegregation guidelines, voting rights, the attempted appointment of Dr. John H. Knowles, food programs for the poor, public housing, and mass transit. In addition, the relationship between the Administration and the public has suffered because of infrequent press conferences. Despite Mr. Nixon's pledge last year to have an "open Administration," he and his cabinet officials have held far fewer news sessions than the Kennedy and Johnson Administrations.

But it is the bitter, hard-fought campaign for the ABM system that threatens to inflict more permanent damage, leaving a residue of ill feeling and distrust toward the Administration. This skepticism is not directed so much toward the technical merits of Safeguard. Regardless of fine talk and erudite discussions, few of us have any way of knowing how many SS–9 missiles Russia will have by the mid-1970's, or whether they will be fitted with MIRVs, or carry twenty-five megaton warheads, or hit within a quarter-mile of Minuteman silos. Furthermore, since most of the Safeguard components are still in the research and development phase, we cannot claim that the system will or will not "work." In these areas, we have little competence to pass judgment.

What we *can* do, without false posturing, is judge Safeguard in terms of the consistency and coherence of Administration statements. If we turn to legislative hearings, to Presidential news conferences, and to Administration speeches inserted in the *Congressional Record*, what strikes us is not the credibility of our deterrent force but the credibility of Safeguard's rationale. Months of contradictions, retracted statements, misrepresentations, and outright demagogy (with Safeguard opponents classed as unilateral disarmers) have badly tarnished the Nixon Administration and its spokesmen in Congress. The credibility gap is stretched as wide as before. This study of the campaign conducted on Safeguard's behalf is offered not only to record some of the tactics used, but as a case history of the Administration's widening credibility gap.

On March 14, introducing his Safeguard proposal, President Nixon listed three purposes: protection against Chinese attack, against irrational or accidental launchings, and protection for our deterrent force in case of Soviet attack. In the space of a few weeks this careful structure was reduced to a shambles. Secretary of State William Rogers, before the Senate Foreign Relations Committee on March 27, said that in the event of successful arms control talks with the Russians, we would be "delighted" to halt construction of the ABM. Encouraging words, but what happened to the threat of Chinese attacks, irrational attacks, and accidental launchings? These props in the Safeguard structure had somehow disappeared.

The central prop—the Soviet threat—moved in and out of focus. Defense Secretary Melvin Laird warned the Senate Foreign Relations Committee on March 21 that with "the large tonnage the Soviets have they are going for our missiles and they are going for a first-strike capability. There is no question about that." This ominous prediction aroused more incredulity than fear. The American public could recall earlier exaggerated notions of Soviet military capability, such as the "bomber gap" of the early Fifties and the "missile gap" of 1960. To overcome these imaginary threats, we spent billions on unnecessary hardware.

Senator J. W. Fulbright wryly commented that the Russians, in terms of military capacity, are depicted by the Administration as "ten feet tall," capable of doing "all sorts of things; their skill and talents are almost unbelievable. Yet when we discuss them as a society, they are inadequate in practically every respect." The perennial warning by the military that the Russians are about to overwhelm us, Fulbright said, is "a kind of fear technique" used to obtain legislative support for defense programs.

Secretary Laird's comment became more incredulous as the weeks passed by. In a news conference April 7, Secretary Rogers said that he had "difficulty in believing that the Soviet Union would initiate a first strike," and in hearings held May 14, Senators Fulbright and Albert Gore disclosed that predictions of a Russian first-strike capability did not square with estimates given them by the intelligence community. It became clear that Secretary Laird, in warning of a Russian first-strike capability by the mid-1970s, relied on speculation rather than solid information. As he himself admitted on May 22, when testifying before the House Appropriations Committee, intelligence projections over a two or three year period are "reasonably firm," while projections over a five or six year period put us in an area of "considerable uncertainty, particularly insofar as actual deployments are concerned . . . national intelligence projections for the mid-1970s involve a large measure of judgment rather than hard evidence."

To clear up the dispute, Secretary Laird was invited back to the Senate Foreign Relations Committee on June 23. The modified version of the hearings discloses that the U.S. Intelligence Board had *not* concluded that Russia was striving for a first-strike capability. Laird now switched from his cocksure "there's no question about it" posture to a more modest position. It was simply his "belief" that the Soviet Union was developing a first-strike capability. After four hours of obfuscation and evasion by the Secretary, the Committee finally learned what he meant by first-strike capability—not the ability of an aggressor to destroy the elements of our retaliatory force simultaneously, including Minuteman missiles, overseas bases, bomber fleet, and Polaris submarines, but merely a weapon's potential to "be used against hardened missile sites."

A good bit of confusion surrounded the question of whether Safeguard could grow into a thicker, city-oriented system and provoke a new arms race. President Nixon claimed that Safeguard was not provocative since it defended Minuteman sites rather than cities, making it "so clearly defensive in character that the Soviet Union cannot interpret this as escalating the arms race." Mr. Nixon tried to bolster his argument by referring to Premier Kosygin's statement, issued in 1967, that ABMs deployed around Moscow would not escalate the arms race because they were defensive in character. Does it not seem incongruous for the President to recommend an ABM system primarily to protect us from a Soviet attack, while obstensibly accepting at face value their public statements? Why not accept their statements about peaceful coexistence as well?

The opportunistic use of the Kosygin statement becomes clearer when it is realized that regardless of the Russian leader's statement on the nonprovocative nature of ABMs around Moscow, *we* believed differently. The Administration cited Russian ABMs as one factor in the current arms buildup. On May 22, Secretary Laird told the House Appropriations Committee that we have "already begun to provide a hedge [i.e., Poseidon and Minuteman III, both equipped with MIRVs] against the possibility that the Soviet Union might deploy an extensive and effective ABM defense." In view of these developments, why should Russia accept our assertion that Safeguard is purely "defensive" and requires no counter-response from them, especially since Safeguard relies on more than ten times the number of missiles than does the Moscow system?

Further provocation is provided by Safeguard's potential for growing into a thick, city-oriented system. The Administration regularly denies that this can happen, but the area defense system provided by long-range Spartan missiles already includes a certain level of city protection. In his April 18 news conference, President Nixon stated that our position in the Pacific would not be credible "unless we could protect our country against a Chinese attack aimed at our cities. The ABM system will do that, and the ABM Safeguard system, therefore, has been adopted for that reason."

Additional city protection can be included at a later date. On March 14, Deputy Secretary of Defense David Packard told news-

men that a thick anti-Soviet defense of our cities had been looked into carefully but rejected "as not being a desirable thing to do at this time." With "present day technology," he explained, "it is not possible to provide a complete defense of our cities."

A few years from now, after some ABMs are deployed around Minuteman sites, the Administration can announce that "new breakthroughs" in technology have finally made it possible to place ABMs around the cities. Soviet Russia understands that Safeguard can blossom in this manner, and would have to try to offset our advantage by increasing its offensive force or by improving its own ABM system. As the action-reaction cycle picks up steam, a new arms race will be underway.

The Gore Subcommittee on disarmament unearthed some priceless gems of contradictions and misrepresentations in the Safeguard program. Senator Fulbright, sensitive to the fact that when the Senate Armed Services Committee authorized the Sentinel system last year, it did so without ever receiving expert testimony from outside the Administration, asked Mr. Packard this question: "Did you go outside and employ any independent people to analyze the feasibility and advisability, the wisdom of this program?" Packard replied: "One of the men that I talked to, I have a very high regard for, is Professor [Wolfgang K.H.] Panofsky," director of the Stanford Linear Accelerator Center.

The following morning, the Stanford professor appeared before the Gore Subcommittee to tell Fulbright that he had not participated in any advisory capacity in the Safeguard program. The "meeting" with Mr. Packard was nothing more than a chance encounter at the San Francisco airport, and lasted about a half hour. Matters were made doubly embarrassing for the Administration when Panofsky stated that Safeguard was unsound technically, economically, and politically. Mr. Packard tried to recoup this setback by submitting a lengthy list of scientists from outside the Defense Department who had been consulted on Safeguard. This backfired also when the Subcommittee learned that these scientists had been consulted on March 17, or three days *after* the President had announced his decision to proceed with Safeguard.

In another gaffe, Mr. Packard told Senator Fulbright that he did not consider it important in scientific matters whether you have people from outside the Defense Department. Scientists, Packard said, are "objective about such matters." This must have raised a few eyebrows. The Senators had received testimony from three former Presidential science advisers—Herbert York, George Kistiakowsky, and James R. Killian—and all three expressed opposition to an ABM system. In fact, Senator Gore said that he could not locate a single Presidential science adviser from past Administrations who favored the system.

Mr. Packard decided to backtrack a little on his thesis that scientists are always objective about such matters. As to York's opposition, Packard expressed high regard for the scientist but then observed: "I think if you will look at the record as I recall, he is the one who did not think the Polaris would work. All this merely says that the scientists have different views on things . . ." A nicely balanced statement, but it exploded in Packard's face. Dr. York got off a telegram to Senators John Sherman Cooper and Gore to say that he had always, during his tenure with the Defense Department, supported development and deployment of the Polaris system.

The extent to which the Administration was open to outside opinion was also reflected in the abortive plan to appoint Dr. Franklin A. Long to head the National Science Foundation. President Nixon announced April 18 that Dr. Long was being dropped from consideration because of his opposition to the ABM. The White House staff, the President said, felt that his appointment "would not be in the best interests of the overall Administration position" and would be "misunderstood."

The President was widely censured for allowing a matter of Administration policy to decide the appointment of an NSF official. In a meeting April 28 with scientists from the Foundation and from the National Academy of Sciences, the President conceded that Long's position on the ABM should not have been a factor in the nomination. This unhappy incident takes on added flavor when a 1968 campaign remark is recalled. In an effort to close the credibility gap, Mr. Nixon said that "we should bring dissenters into policy discussions, not freeze them out. . . . The lamps of enlightenment are lit by the spark of controversy; their flame can be snuffed out by the blanket of consensus."

One of the key areas that strained credulity was whether Safeguard would permit the President to retain control over the firing of nuclear weapons. Is the warning time so brief that the decision to release a Spartan or Sprint missile would be in the hands of a computer or some junior officer? The Administration denied that this would happen. Mr. Packard told the Gore Subcommittee that the range of radar for Safeguard was in excess of 1,000 miles and that missiles would be coming in at speeds of about 18,000 miles an hour. He assured the Senators that the time remaining after radar contact would be "about fifteen to twenty minutes, something in that order of magnitude, depending upon the point of interception." The Subcommittee expressed amazement at this display of arithmetic. Two members reached the same conclusion—that the time would be closer to four minutes. Packard then corrected himself and put the time as "something less than ten minutes."

Exactly what role the President plays in this tightly scheduled drama is difficult to imagine. Radar would pick up an object on the horizon, not knowing whether it was an enemy missile, a decoy, debris from old satellites, or what. To assume the worst (following the Pentagon's practice), let us say that missiles come in at three o'clock on a Sunday morning, and assume that the enemy has made things more difficult by delivering the missiles at a low trajectory, either by using a fractional orbital ballistic system or a close-range submarine. Secretary Laird has warned Congress about Soviet progress in both areas. Under these conditions, the radar—which does not operate over the horizon—picks up the missiles quite late in the game, probably less than four minutes from target. Some of this time is lost as computers determine the nature of the objects, distinguish them from decoys and plot trajectories.

A pretty picture. The President rolls over in bed, picks up the phone, and hears this message: "Sir, our computers have identified incoming enemy missiles. They are less than three minutes away—too short a time for Spartans. Should we fire the Sprints?" What is the President supposed to say? The decision might just as well be programmed into a computer, and yet the Defense Department claims to oppose this solution.

Safeguard's cost was originally estimated by President Nixon at $6 to $7 billion. It now turns out that the $7 billion limit was merely one floor of a taller structure whose final height is still undetermined. DMS, Inc., a subsidiary of McGraw-Hill, the book and magazine publishers, released a special report on March 19, estimating that the various components of Safeguard would cost at least $11 billion. Two months later, in testimony before the House Appropriations Committee, Secretary Laird admitted that costs would run about this high. He explained that a $6.6 billion Safeguard system covered only procurement and construction costs for the Defense Department. Research and development would run an additional $2.5 billion, and the development and testing of warheads by the Atomic Energy Commission another $1.2 billion. Leaving out the cost of warheads, the *St. Louis Post-Dispatch* said, is "something like pricing a Cadillac without the engine."

Safeguard is thus up to at least $10.3 billion by the Administration's own reckoning, and this does not include $500 million for extending the system to Alaska and Hawaii, or $350 million a year for operating costs.

Problems with development and production will push costs much higher. There is considerable evidence that the switch from Sentinel to Safeguard was largely in name only. The Senate Foreign Relations Committee learned that studies by the Institute of Defense Analysis, the Aerospace Corporation, the Defense Science Board, and the Advanced Research Projects Agency—all of which are either Pentagon agencies or Pentagon-funded—concluded that the technical requirements for missile base defense and city defense were substantially different. If Safeguard is merely Sentinel with cosmetics, and poorly designed for its new mission, the project will have to be redesigned while it is being deployed around Minuteman sites. Costs would then leapfrog by the billions.

The Pentagon's current technique for controlling such cost overruns is to slow down the development-production cycle, to make sure that a new weapons system is thoroughly tested before starting the production phase. With this new policy in mind, Senator Margaret Chase Smith asked Secretary Laird on March 19 if he felt it was prudent to go ahead with Safeguard before completing the testing and development stages. He replied that the only major item to be tested was the Perimeter Acquisition Radar (PAR), and that all of the components of the PAR had been tested.

A more primitive picture emerged May 20 when Secretary Laird testified before the House Appropriations Committee. The Missile Site Radar (MSR)—responsible for tracking incoming missiles and guiding the interceptor missiles—is still in the prototype stage, and work on the complex data processing system is still under development. Spartan and Sprint missiles have been tested, but only under carefully controlled conditions, namely, directed against single test missiles, and where the course of the test missile and the intercept point were known in advance. Mr. Laird does not expect the first MSR-directed Spartan intercept of a single ICBM to take place before the spring or summer of 1970. Intercept with a Sprint is planned for late 1970, and the first intercept of multiple targets not until early 1971. In overcoming technical difficulties during these years, and in light of previous experience with cost overruns in the Defense Department, the total cost of Safeguard can be expected to climb to $20 to $25 billion.

Beyond this lies the prospect of expanding Safeguard to provide city protection, pushing the cost to $40 billion or more, and triggering a demand for a multi-billion-dollar shelter program to protect survivors from blast, thermal, and fallout effects resulting from Sprint interceptions over the cities. Suffice it to say that $11 billion, awesome as it is, represents little more than a down payment.

Other costs, of a different nature, must also be borne. At a time of genuine domestic crisis, the nation can ill afford to commit itself to new weapons systems for which no real case has been made. Nor can it afford a continued diet of distrust toward our executive officials. National security depends,

among other things, upon public confidence in the integrity and trustworthiness of Presidential recommendations. Once again we find a national Administration lacking in these essential qualities.

RETIREMENT OF MRS. LORAINE ROSENBERRY AND MRS. WINIFREDE DE WEESE

Mr. COOK. Mr. President, two grand ladies of Capitol Hill retired at the end of October. One, Mrs. Walter Rosenberry, known to all of us as Loraine, was an employee in my office, specializing in departmental casework. The other was Mrs. Winifrede B. de Weese, long a member of the staff of the Republican Policy Committee of the Senate.

Loraine Rosenberry's career spanned a period of 31 years on Capitol Hill, during which she was an assistant to five Senators including Barkley, Morton, and myself from Kentucky. I can personally attest to the fact that she knew as many people in Kentucky as any candidate who has run for statewide office. Her assistance to me during the difficult period of my transition from Jefferson County judge to U.S. Senator can only be described as invaluable. Her loyalty, dedication, and devotion to the people of all of us in my office. I ask unanimous consent that an excellent article published in the Louisville Courier-Journal, written by the head of its Washington bureau, Ward Sinclair, be printed at this point in the RECORD.

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

[From the Louisville (Ky.) Courier-Journal, Oct. 21, 1969]

SECRETARY RETIRES FROM CAPITOL HILL

(By Ward Sinclair)

WASHINGTON.—All over the government, there are thousands of them, working in monastic anonymity, hidden behind the partitions, bowed over the typewriters, dog-paddling in an ocean of paper.

They are the women—clerks, secretaries, caseworkers—who dutifully keep the cumbersome machine of government reasonably oiled and more or less operational.

They join the government with no fanfare and they leave the same way. They catch the blame when things go wrong, but get little or no credit when things go right. That is the way things are.

So last Thursday there was little fanfare around the old Senate Office Building when Mrs. Loraine Winfrey Rosenberry cleaned her desk for the last time and wrote a quiet end of 31 years in government service.

Mrs. Rosenberry, a former school teacher from Somerset, Ky., has worked in the old building for 26 years as a staff assistant to five senators, including one (Alben Barkley), who spent a while as vice president.

KNEW HISTORY'S BIG NAMES

Her latest position was with Kentucky Sen. Marlow Cook, who eagerly hired Mrs. Rosenberry and others from the experienced staff of his predecessor, Sen. Thruston B. Morton.

When she left Thursday she took with her more than the fond memories of having met and worked with important names of history such as Truman, Churchill, Nehru and others whose needs brought them sooner or later to Capitol Hill.

"Because you get so involved in people's problems, you have a great feeling of satisfaction that you are of help to people," she said. "I'm going to miss that . . ."

And Senator Cook may not have realized it until Friday morning, but Mrs. Rosenberry's departure leaves the kind of gap on his staff that only experience can fill.

"Loraine has a million contacts around Washington," said one of her coworkers. "She can cut through so much red tape and get to the person who can get action on a problem . . . she does it in hours when it might take days otherwise."

On Cook's staff Mrs. Rosenberry handled what is known as "departmental work." That means she was a liaison of sorts between the senator and different governmental departments that deal with constituents' problems.

Senators, of course, don't have the time personally to tend to all the headaches that come along—loan applications, Social Security problems, postal complaints, farm problems and the like.

These things most commonly are left to staffers like Mrs. Rosenberry, who are expected to get results, or at least get facts that will help resolve the problems.

"You have to know your senator's feelings on certain issues so you can answer letters for him or deal with problems," she said. "And the main thing to remember is never write a letter that gets your boss in trouble."

The key to success in a sensitive job such as hers, Mrs. Rosenberry said, "is that you have to be loyal. Loyalty is an attribute that is at top of the list as far as I am concerned."

That Mrs. Rosenberry has worked on confidential matters (she still won't talk about them) for both Republicans and Democrats attests to her fidelity to that philosophy.

Mrs. Rosenberry, then a Winfrey, grew up in Somerset and taught school there before World War II. She later moved to Louisville and got involved in Barkley's 1938 campaign against A. B. Chandler.

"I was fascinated with that work," she remembered, "but I didn't join Senator Barkley until 1943, after he had been accused by Chandler of not having Kentuckians on his staff here."

Before joining Barkley's staff she worked several years with the Federal Housing Administration in Louisville and another year or so in the war bonds drive.

One of her assignments with Barkley was to take dictation of a speech about Thomas Jefferson. "He called me in to take dictation . . . I wasn't used to him and I was pretty much frightened."

Barkley's easy way with people quickly set her at ease and from then on, she recalled, it was fun to work in his office.

"It was a very exciting time. He treated us all like his daughters. He didn't put one of us above the others. When people like Churchill, Eden and Nehru were around, he always made sure that we met all of them," she said.

During her time with Barkley, he was Democratic majority leader and minority leader as well as vice president. In those days the vice presidency didn't command the importance that it does today. So Barkley had a small staff and small office in the Capitol.

CLOSED OFFICE FOR LUNCH

"Just to show you the difference in pressure on the office, I remember we once asked the senator if we could close the office and go to a special lobster luncheon. He jokingly said we could go anyplace we could get a free lunch, but he didn't mind our leaving," Mrs. Rosenberry recalled.

"One of the moments I recall was when I was alone with President Truman and Vice President Barkley in the office. Mr. Barkley said, 'Harry, you know Loraine, don't you?' and he said he did. That doesn't happen to plain old secretaries, and that's all I am."

After Barkley went into "retirement," Mrs. Rosenberry went to work for another Democrat, former Sen. George Smathers of Florida. Barkley returned to public life and after he was re-elected to the Senate in 1954, she returned to his staff.

"I feel I was one of the last people to talk with him before he died in 1956," she said. "I was at the office on a Saturday morning and he called in to talk about calls and mail. A few hours later he died."

She then stayed on with interim Sen. Robert Humphreys, who served in Barkley's place a few months. Then Morton was elected and Mrs. Rosenberry joined his staff.

In the meantime, she married a Republican, Walter Rosenberry, a lumber industry consultant who is a former deputy administrator of the old Housing and Home Finance Agency. She thereupon changed her political registration to Republican.

A man named Warren Burger, a close friend of Rosenberry's, stood up for them at their wedding in 1958. (He is now chief justice of the Supreme Court and remains a close friend.)

Mrs. Rosenberry stayed with Morton for his two terms as senator, which again included some high-level political excitement when Morton chaired the Republican party and headed the GOP's Senate campaign committee.

"Senator Morton was everything great . . . a delightful gentleman. He was wonderful with all of his office staff. In fact, all of them I've worked for have been easy to work for," she said.

"You love to say you work for a man who is well known and I've always had the fortune of working for a man who was well known. I think Senator Cook is on his way to becoming well-known."

In her retirement, Mrs. Rosenberry is going to tend to some of the things that her job on the Hill has prevented—bridge, swimming, volunteer work, political activity, travel.

"I'm going to miss it all," she said. "But at last I'll now be able to sign my own letters."

Mr. COOK. Mr. President, the distinguished service of one of the best loved, respected, knowledgeable, and efficient professional staff members of the U.S. Senate came to an end with the retirement, after 33 years, 8 months, and 10 days, of Mrs. Winifrede B. de Weese, professional staff member of the Senate Republican policy committee.

Mrs. de Weese, or Winnie as she is affectionately known to us, first came to work in the Senate on February 21, 1936, as personal secretary to the Senate secretary for the minority, the late Carl A. Loeffler. She had just been graduated from George Washington University, where she was a member of Mortar Board, the honorary society denoting scholarship and leadership.

Mrs. de Weese, daughter of Maryland's George Beall family, is a direct descendant of original settlers from Scotland, the Ninian Beall family.

When Mr. Loeffler became Secretary of the Senate in 1947, Mrs. de Weese continued as his personal secretary and gave comfort and aid to many a Senator and his family newly arrived in Washington and in need of "knowing the ropes."

When the Senate Republican Policy Committee was created, Winnie became administrative assistant to the first staff director, George H. E. Smith, and served in that position with two other staff heads.

She is the kind of woman who will take on the hard, unglamorous jobs. Many Hill stalwarts will testify to Winnie's helping hand in getting them jobs, and to her sympathetic ear over problems large and small.

These qualities are well illustrated by something said by George Smith:

All these years, Winnie, you have been like a big sister to me, although I am older in years. It would be impossible to count all the fine things you have done to smooth the way, to provide sensible advice, and to help in a thousand ways.

From a professional standpoint, Winnie stands for excellence, she is highly knowledgeable in legislative as well as administrative matters. Her perception and ability have the unqualified admiration of her colleagues.

Winnie de Weese has served the Senate longer than any Republican Senator and longer than all but one Democratic Senator, the distinguished senior Senator from Georgia (Mr. RUSSELL).

Mrs. de Weese is deserving of honor and praise from this body. I congratulate her on her more than 33 years of service and on the contribution she has made to our Government. While Members of this august body have come and gone, Winnie remains forever, particularly in our hearts. I, and her legion of friends and admirers, Republican and Democrat, salute her.

THE STAFF WORK ON THE TAX REFORM BILL

Mr. CURTIS. Mr. President, my purpose in speaking is to praise some individuals who are entitled to great praise. I refer to the staff of the Joint Committee on Internal Revenue and the staff of the Committee on Finance. The work they have done in the last few weeks is monumental.

Through no fault of the staff or of the Committee on Finance, an unreasonable and a burdensome time schedule was placed upon the Committee on Finance in its handling of the so-called tax reform bill, H.R. 13270. This is a voluminous bill. It is a mass of intricate, complicated, and technical details. It also involves some very broad and important policy questions.

These two staffs should have had several months to work on the bill. Their end product must stand up in all the courts in the land against the ablest legal talent in America. Their job is not a mere clerical job. Upon their shoulders rests the responsibility for a legally acceptable and workable revenue code.

The members of these two staffs have worked long hours—sometimes 16 and 18 hours a day. They have had no days off. They have been besieged with important questions that had to be answered. These questions and problems were placed before the staff not only by members of the Committee on Finance but by other Senators and by parties vitally affected by the proposed legislation. Throughout all of this work they performed in a manner reflecting the highest professional skill. Their patience, their courtesy, their understanding, and their tolerance have set an example to men of good will everywhere.

Perhaps the public does not fully realize the work that was done. The staff not only organized the list of witnesses, but there was placed before each Senator an advance copy of the statement of every witness. Dozens of pamphlets were prepared. These pamphlets would concisely state a problem dealt with in the legislation, then there would be stated the House solution to the problem and this would be followed by a statement of points for the committee to consider.

On many days the Committee on Finance was in session for long hours, both morning and afternoon. Nevertheless, as each member left the committee room there was handed to him a pamphlet containing the analysis of the problems to be taken up the next day and another pamphlet summarizing the testimony. Other publications were prepared. My words are not adequate to praise the work that was done.

Right now members of these two staffs are engaged in the task of drafting the final language for the Senate version of this tax reform bill. This is a difficult and complex undertaking. A poor job could result in endless chaos. A top-rate job, representing the utmost in professional competence, is a must. Such will be the performance of these staffs. Likewise, we should not overlook the importance and the value of the committee report which they must write.

I congratulate and I thank each member of these two staffs.

When I first gave attention to the preparation of these remarks, it was my hope that I could list the names of all of those staff members who are so deserving of both our praise and our gratitude. I decided not to attempt that. I observed the work of many of them. There were many more who worked behind the scenes and who were not present during the committee deliberations. I want each member of these outstanding staffs to know that his or her work is appreciated. I want Congress to know what they have done and are doing. These individuals are public servants in the highest and noblest sense.

I cannot refrain from expressing the hope that never again will those who have no knowledge of the complexity of our tax laws ever place such an unreasonable time schedule upon any committee or any staff.

S. 2876—CAMPAIGN BROADCAST REFORM ACT OF 1969

Mr. EAGLETON. Mr. President, I feel certain that Senators are well aware that a major problem confronting American democracy is the high, and constantly rising, cost of running for public office.

Skyrocketing campaign costs not only limit the field of eligible candidates; they threaten to make those who do run for office ever more dependent on a few large contributors—a new American plutocracy whose influence at election time far exceeds the number of their votes.

Our system of free and open elections is basic to the machinery of democracy, and anything which inhibits it reduces the effectiveness of our Government and limits our individual freedom.

The problem of prohibitive campaign costs has many facets which must be dealt with soon. Since mass media expenditures—particularly for television—now accounts for the major portion of most congressional campaign budgets, this is a logical place to begin.

As a cosponsor of S. 2876, the bill to give congressional candidates a certain amount of television time at reduced rates, I am gratified that the Communications Subcommittee, of which the Senator from Rhode Island (Mr. PASTORE) is chairman held 3 days of hearings on this matter last week. I only regret that my attendance at the North Atlantic Assembly prevented me from being present.

Although campaign finance is a fundamental issue, it is not—to use the media lexicon—a "sexy" one and tends to be buried under the succession of daily headlines. For this reason, I should like to draw attention to an article written by Warren Weaver and published in the New York Times on Monday, October 27, 1969.

In the article, entitled "Congress Gets Around to Issue of High-Priced TV Politicking," Mr. Weaver emphasizes the importance of the problem in summarizing the 3 days of subcommittee hearings and the testimony of a broad spectrum of witnesses. He points out that S. 2876 was drafted after a lengthy study by the bipartisan National Committee for an Effective Congress, and that spokesmen in favor of the bill included a number of my distinguished colleagues from both the House and Senate. He also notes that the only opposition offered during these 3 days of hearings was from the television networks, who, only as support for the bill has mounted, have begun to initiate "voluntary" forms of political rate reductions.

Given the broad support for the Campaign Broadcast Reform Act, my only disagreement with Mr. Weaver is his comment that the bill is unlikely to reach the Senate floor before next year. I hope we will prove him wrong in the next few weeks.

Mr. President, I commend the bill to the Senate and ask unanimous consent that this important article be printed in the RECORD.

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

CONGRESS GETS AROUND TO ISSUE OF HIGH-PRICED TV POLITICKING

(By Warren Weaver Jr.)

WASHINGTON, October 26.—After television began to have an impact on national politics, Congress has finally begun to grapple with the complex problems raised by this very expensive, very effective medium.

For the first time, a Senate subcommittee is giving serious consideration to a bill that would guarantee political candidates a minimum amount of television exposure during a campaign at greatly reduced rates.

The reform act is deliberately a very modest proposal. It only affects Senators and Representatives. It does not mandate any free television time. It does not restrict in any way what a candidate spends for television over and above the guaranteed cut-rate minimum.

But if it can be passed, even in still more modest form, it will establish the principle that Congress has a responsibility to regulate use of the most powerful political instrument now available, and that will be a very important principle indeed.

NETWORKS FEAR CONTROL

It has already won the opposition of the three major television networks, whose presidents told the Senate Commerce Subcommittee on Communications last Wednesday that they would gladly give discount rates to political candidates, but did not want to be forced into it by law.

As drafted by the National Committee for an Effective Congress, the bill would entitle every Senate candidate, incumbent and challenger alike, to 120 one-minute prime time television spots or the equivalent, and one 30-minute continuous program or the equivalent, in segments of five minutes or more.

House candidates, except those who run statewide, would get 60 one-minute spots, but the same 30 minutes of program time. No one would have to buy the time, but those who did would pay only 30 per cent of the commercial rate for spots and 20 per cent for program time.

The underlying purpose of the legislation is to insure to some extent that Congressional office does not become restricted to the very rich.

SOME MEMBERS HOLD BACK

In addition to the broadcasters, there are opponents among the members of Congress themselves, although the measure has nearly 40 sponsors in each branch. There are two sources of reluctance: The fear that the Senators and Representatives will appear to be voting themselves a bonus and the fact that the resulting program would give a substantial assist to non-incumbents.

Senator John O. Pastore, the Rhode Island Democrat who heads the communications subcommittee, will probably exercise the single most important influence over the fate of the legislation. Its sponsors believe they have a majority in his subcommittee and the full commerce committee, if he will move the bill forward.

There is some disposition on the subcommittee to believe that television rate reductions for political candidates is a sound proposal, but that the amounts of time set in the bill may be excessive.

It seems unlikely that the bill can get to the Senate floor until early next year. The goal of its backers is to have it enacted in time to assist candidates in the 1970 Congressional elections.

The network presidents were the only opposition witnesses in three days of hearing before the Pastore subcommittee. Members of Congress, advertising executives and professional campaign consultants supported the bill.

CUTBACK IN HEALTH AND MEDICAL RESEARCH FUNDS

Mr. ALLEN. Mr. President, the American people enjoy the greatest health resources in the world. Yet today our health programs are threatened by a health budget crisis.

We all know that the health of the American people is our Nation's greatest strength. But we are seeing an assault on the budgets for these health programs just at the time they are becoming most productive for the health of the Nation.

Every Federal health program is under the administration's economy knife—programs for hospital construction, mental health, and vital health services for mothers, crippled children, and the elderly. Many medical students who depend on Federal scholarships find their studies threatened. Research funds are being cut at the very point where a little more knowledge would in many fields unlock the health findings that past research has produced and carry this lifesaving knowledge from the research laboratory to the hospital and the home.

This makes absolutely no sense to me. How can the administration announce in one breath that it lacks the resources to save thousands of lives through health and medical programs, and in another breath signal the go-ahead for a supersonic transport airplane?

The administration can find $1.2 billion for the SST. But it cannot find just $9 million for five important research programs on how to apply medical science to the illness of the American people. This is just another example of the increasing list of misplaced priorities that is alarming the public more and more.

One project to be eliminated is the pap smear test that detects uterine cancer—one of the largest causes of death among American women.

Another is a heart study aimed at foretelling heart attacks. Another is the neurological and sensory disease program for glaucoma. And another deals with chronic respiratory disease, diabetes, and arthritis.

Another vital program being forced into stagnation by the administration's misplaced priorities is the immunization campaign against rubella, or German measles. Rubella's most vulnerable target is the unborn child. But in the words of William Hines, a highly knowledgeable syndicated science writer, the program "is not getting off the ground."

Here is how Mr. Hines described the collapse of the rubella program in a recent news article:

Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella ("German measles") is not getting off the ground . . .

Plans to vaccinate an estimated 40,000,000 children between now and early 1971 have been shelved, and public health officials who a year ago sounded alarms about the consequences of another rubella epidemic like that of 1964 are now applying the soft pedal.

A vaccine was cleared for use by the U.S. Public Health Service earlier this year after a series of tests, trials and scientific huddles carried out in an atmosphere of urgency. Then—just about the time the first big push for mass vaccinations should have begun at the start of the fall school term—things started to slow down.

The basic reason seems to be the economy drive that is touching virtually all non-military echelons of the federal government, although Administration officials deny that this is the case.

Mr. President, we recall that an estimated 20,000 babies were born with brain damage, and that at least an equal number were crippled or stillborn after their mothers contracted rubella in the early months of pregnancy during the 1964 outbreak.

Health authorities had hoped to head off or at least blunt the effects of the next big epidemic of this disease, which comes in 7-year cycles, through an immunization campaign similar to that which has virtually wiped out polio.

A vaccine which will protect against rubella has been available since last spring. But the administration's niggardly budget policy does not permit it to be put to use except in a few States and cities.

In the view of most public health experts, the only way to wipe out rubella is through a universal program of free shots. Doctors will probably charge $10 for an office visit for rubella immunization. Even a large medical cooperative with 50,000 members has said that it must charge $4.10. These are prices that many low-income families, generally with several children, simply cannot afford.

If the breakdown of this program is permitted by the administration, it undoubtedly will condemn thousands of American children, among those who will be born in 1971 or 1972, to mental retardation, heart disease, blindness, or deafness.

This is a shameless failure to use a health resource that our health agencies have right in hand. I hope that Congress will make available promptly the relatively modest funds needed for these programs, and will demonstrate unmistakably to the administration the public's insistence that Federal health officials act with decision and dispatch to restore the Nation's health programs to their full vigor and effectiveness.

Mr. President, I commend Mr. Hines' article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

GERMAN MEASLES MAY RAMPAGE

(By William Hines)

Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella ("German measles") is not getting off the ground, except in a few states, New York City and the District of Columbia.

Plans to vaccinate an estimated 40,000,000 children between now and early 1971 have been shelved, and public health officials who a year ago sounded alarms about the consequencies of another rubella epidemic like that of 1964 are now applying the soft pedal.

An estimated 20,000 babies were born with brain damage and at least an equal number were crippled or stillborn after their mothers contracted rubella in the early months of pregnancy during the outbreak. Health authorities had hoped to avert or at least blunt the effects of the next big epidemic of this cyclic disease in 1971 through an immunization campaign equal in scope to that against polio.

A vaccine was cleared for use by the U.S. Public Health Service earlier this year after a series of tests, trials and scientific huddles carried out in an atmosphere of urgency. Then—just about the time the first big push for mass vaccinations should have begun at the start of the fall school term—things started to slow down.

The basic reason seems to be the economy drive that is touching virtually all non-military echelons of the federal government, although administration officials deny that this is the case.

Dr. James H. Cavanaugh, assistant secretary for health in the Department of Health, Education and Welfare, even denies that the program is slowing down. "I think it's moving right along," Cavanaugh said this weekend. "We're going along right on schedule."

But subordinates responsible for carrying out the immunization program acknowledge that it is lagging and that money is at the root of the problem. An official of the Public Health Service's National Communicable Disease Center was asked whether financial restrictions were not posing an otherwise

avoidable peril to thousands of children yet unborn.

"I don't think you can argue with that," he replied. "It's obvious that if you had the money you could do a whole lot to cut way down or even eliminate rubella."

Because of the insidious way German measles works on the unborn, a strategy was carefully devised to wipe out the "pool of infection" carried by pre-school and school-age children. Women of child-bearing age and adolescent girls old enough to conceive would not receive the vaccine.

Guidelines to this effect were distributed to health agencies and private doctors throughout the United States, and all indications were that the federal Public Health Service would follow through with a massive educational campaign like that organized by the National Foundation Against Polio in the 1950s and early '60s.

This educational barrage has not materialized, however, and expenditures that the Public Health Service hoped last year might top $50,000,000 have been held below $20,000,000.

"We couldn't spend $50,000,000 if we had it," Cavanaugh now asserts. "There isn't nearly the amount of vaccine we would need, we haven't got the personnel to administer it, and anyway this isn't something where you can line up kids and distribute it like Sabin vaccine in a sugar cube."

Precisely the things that Cavanaugh now says could not be done were being planned a year ago, with the difference that the vaccine would be administered subcutaneously by pressure gun rather than orally.

As far as availability of vaccine is concerned, there is also controversy. The drug industry says it could produce all the vaccine needed for a 40,000,000-unit campaign over the next 18 months, if only the government would issue additional licenses.

The only approved vaccine at present is prepared by Merck, Sharp and Dohme from virus grown on duck embryo. M. S. and D has a production schedule of 18,000,000 doses by May, 1970, with a monthly production rate of 2,000,000 doses thereafter. By the end of 1970 at this rate this single supplier could turn out 80 per cent of the vaccine needed for the campaign.

The other drug makers stand ready to produce vaccine as soon as another type nurtured on dog kidney is licensed. One of these, Philips Roxane Laboratories, is said to have a production capacity equal to Merck, Sharp and Dohme's.

The federal government has acquired only 1,200,000 doses to date and apparently has decided to let private doctors have first crack at the vaccine.

This will help individual families to pay for shots, but will not go far toward giving the kind of protection the rubella vaccine is intended to give. Not children now living but their unborn brothers and sisters are the principal beneficiaries of rubella immunization.

In the view of most public health experts, the only way to wipe out rubella is through a universal, free program of shots. Doctors will probably charge $10 for an office visit with rubella immunization; even a large medical co-operative here with 50,000 members says it must charge $4.10, a price many low-income families cannot afford.

According to drug industry sources, only four states and two cities have "full-fledged programs" to immunize children against rubella. These are New Hampshire, Michigan, Massachusetts, New Jersey, New York City and Washington, D.C. In all these jurisdictions, including even the national capital, federal funds have provided only partial support.

The District Public Health Department will begin vaccinating kindergarteners through sixth graders in public and parochial schools Nov. 3. The Merck vaccine will be administered in the upper arm by jet injection. It is expected that at least 80,000 children will be immunized during a three-week period.

Evening clinics will be opened later to permit parents to bring children from one year to pre-school age for vaccinations. The health department allocated $100,000 and personnel for the program. The U.S. Public Health Service added $50,000 to purchase vaccine.

Virginia families will have to wait for free shots or else patronize private physicians. The whole state's allotment would barely cover all the children living in Northern Virginia alone, an Arlington health official explained.

Maryland is in a similar situation. With about 300,000 kindergarteners through third graders the state has an allocation of only about 70,000 doses of vaccine. It is being left up to individual counties to finance the purchase of additional vaccine.

Because of the mobility of the American people, most specialists in epidemic-fighting believe it is impossible to stamp out a national scourge with piecemeal statewide or regional programs.

To date the federal government has allocated $19,200,000 for the rubella campaign and has earmarked $6,800,000 more that will become available when and if Congress appropriates it.

LEGAL SERVICES PROGRAM—RESOLUTION OF HENNEPIN COUNTY BAR ASSOCIATION

Mr. MONDALE. Mr. President, OEO's legal services program is in serious danger as a result of recent Senate action which would increase the power of Governors to control the operation of this program.

Many prominent individuals and organizations have spoken out against the effort to prevent legal services lawyers from engaging in "law reform" activities. Some of the organizations which have expressed their views on this issue are the American Bar Association, the National Legal Aid and Defender Association, and the Judicial Conference. In addition, the President's Commission on Violence has just issued a report stressing the importance of providing broad and full legal representation to the poor.

I am particularly proud of the strong support for the legal services program from a county bar association in my own State. On October 28, 1969, the Executive Committee of the Hennepin County Bar Association adopted a resolution calling for a fully effective legal services program, free from threats of reprisal.

I ask unanimous consent that a letter informing me of the adoption of this excellent resolution be printed in the RECORD.

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

HENNEPIN COUNTY BAR ASSOCIATION,
Minneapolis, Minn., November 3, 1969.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Hennepin County Bar Association, at a meeting of its Executive Committee held on Tuesday, October 28, 1969, aligned itself with the American Bar Association by the adoption of a resolution urging the elimination of an amendment to S.B. 3016 which amendment would, if adopted, place in the hands of the Governors of the various states a power of veto over the activities of the Legal Services Programs funded by the Office of Economic Opportunity.

If the Legal Services Program is to be fully effective, the lawyers working within the program must be fully independent and free of any threat of reprisal against the program.

We urge you to exercise your vote and your influence with your colleagues for the defeat of the veto amendment.

Very truly yours,

ROBERT F. HENSON,
President.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. HRUSKA. Mr. President, the miracle of the United States is found in the intrinsic ability of our people to reach the right conclusion at the right time. Despite their yearnings for a quick and easy end to the war in Vietnam, despite the complexity of the problem, and despite the confusion raised by differing voices, the American people have responded to President Nixon's speech Monday night with the commonsense upon which our Republic depends.

President Nixon explained the country's plan to disengage our fighting men from Vietnam honestly and forthrightly. His tone was calm and reasoned. His analysis of the alternatives was clear. His proposed course of action is in the national interest, and it is practical and honorable.

This is the kind of talk that the American people understand.

Their answer has been overwhelming in support of the President. They understand the problem. They reject the simplistic solutions that they have been bombarded with. They recognize the need for unity.

The Gallup poll demonstrates that they understand and approve. Seven out of 10 Americans listened to the President. Seventy-seven percent of those who did supported the plan. Only 6 percent expressed outright opposition. Only 17 percent were undecided.

The predominant view is that the President is pursuing the only reasonable course open to him.

The deluge of telegrams and mail received at the White House reinforces the Gallup poll.

The time has come for all Americans to heed President Nixon's call for unity, and give him their undivided support, so we can in fact get out of Vietnam without bringing down upon our heads a historic debacle that would tend to destroy us.

The great debate over Vietnam is not between those who are for war and those who are against war. I know of no responsible Americans who do not want to get out of Vietnam, who do not want peace. The issue is how to disengage without sacrificing hundreds of thousands of lives, and the freedom of millions.

There are those who say that President Nixon sounds just like President Johnson. They say President Nixon has no plan for getting American fighting men out of Vietnam. They are wrong. They simply are not listening, and they are not observing. Not only are they not

listening; they are criticizing without offering any realistic solutions. The President, on Monday night, analyzed their alternatives—alternatives that would lead to disaster.

It seems strange to me that these critics cannot see the tangible results that the President's efforts for peace already have achieved.

For the benefit of these critics, I should like to remind them of what has happened since President Nixon was inaugurated in January.

The President quickly rejected the military solution to the war. He changed the direction of U.S. policy from escalation to deescalation. He announced plans to withdraw 60,000 American troops from Vietnam, and an additional 6,000 from Thailand. Most of these troops have already left Vietnam, and all of them will be home before the end of the year.

The President has indicated further withdrawals will be made as Vietnamization progresses, and as the North Vietnamese respond to the deescalation.

Another positive step toward ceasefire is the new military policy of protective reaction. This policy was ordered in July and put into effect in August. Under this strategy, U.S. forces fire only in their own defense, or to counter a developing threat that would result in an attack by the enemy. American forces, of course, will remain prepared at all times. The search and destroy and maximum pressure tactics of the past have been discontinued.

The results are apparent to those willing to see. American casualties are at the lowest rate in 3 years. Reductions in the draft are being made. More than 50,000 young American men who otherwise might have been drafted this year are in their homes. Some cutbacks have been made in defense spending, and even more have been proposed. South Vietnam soldiers are being trained to take over from American troops, and they are doing so.

President Nixon has changed the direction of the war in Vietnam. We must now support him in his pursuit for peace.

And I reiterate: The overwhelming majority of Americans have indicated they support the President.

In discussing American policy for the future, the President pointed out that the rate of deescalation will be determined by several factors. There can be no precise timetable. The factors for withdrawal depend upon the levels of enemy activity, on enemy infiltration, on our own casualties, and on the encouraging progress of the training of South Vietnam forces. It is evident that Hanoi's responses will dictate the rate of American withdrawal. We have gone as far as we realistically can go. The charge is to Hanoi. If they do not fire, a ceasefire exists.

The President has set the stage for peace. The United States can no longer be charged with the lie that it is the aggressor.

The North Vietnamese need take only one step. Hanoi must agree to the right of self-determination of the people of South Vietnam. Is the right of the South Vietnamese people to determine their own future too much to ask in exchange for peace?

Moratorium demonstrations are not needed to dramatize the sentiment of the American people toward this war. We need not adopt a defeatist attitude, or to permit our moral fiber to erode.

What is needed is for the American people to demonstrate their support for the President's plan for peace.

At this point, I want to make my position clear regarding past and future moratoriums.

Every American obviously has a right to dissent from an action of his Government. This right is guaranteed by the first amendment. I recognize, too, that most of those who participated in the October moratorium were not extremists of the left, or nihilists bent on destroying our system. Most carefully considered the action they were taking; they were seeking to dramatize their weariness of the war, and their frustration of the seemingly eternal course of it. I know many Americans who participated. I am convinced after careful analysis and reflection, however, that the common cause of the majority was to express their desire to end the war. The demonstrations cannot be considered a unified protest against President Nixon's policies. These Americans were not demanding any certain course of action. They were trying to show that they wanted peace.

A minority had other reasons for taking part in the moratorium. Some made proposals for ending the war, but I know of not one responsible plan they put forward.

Even recognizing the understandable motive of decent Americans to demonstrate in October, I question that the moratorium served a constructive purpose. There were no solutions to the war. It was unnecessary to remind us of the burden of war; everyone wants it ended as soon as possible.

The President does not need an expression of this sentiment. He has pledged to end the war—and he must. No person in America wants this war ended more than does President Nixon.

In my judgment, the moratorium demonstrations proposed for the middle of November will definitely be harmful. Demands for precipitate withdrawals and unilateral cease-fires have the effect of increasing disunity in the country. They encourage the enemy. They have the effect of undercutting and destroying our negotiating position.

A timetable for ultimate withdrawal, such as the one to remove all our forces from Vietnam by the end of 1970, may actually prolong the fighting. A cutoff date gives Hanoi a reason to hang on, a reason not to negotiate. In my opinion, support of such proposals is self-defeating and irresponsible.

The argument is made that an American demonstrates a desire for escalation of the war unless he participates in a moratorium day. This argument is fallacious. Any such conclusion is most unfortunate. It promotes the idea that Americans are divided on whether or not to end the war. They are not. The disagreement is on how to win peace.

It is this apparent division of the American people that Hanoi, and other Communist leaders, are seizing and using to their own benefit. The disunity supposedly demonstrated by the October moratorium already is being advertised by our enemies as "the strongest and most widespread disunity ever known in the United States." I am sure that Hanoi also is using films of the moratorium to make it appear that Americans have staged a mass revolution against their elected leaders.

This is false, and we should not set this stage for them again.

President Nixon said:

> Let us be united for peace, let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Thoughtful Americans everywhere now should escalate their support of President Nixon's earnest expression of his desire to stop the fighting in Vietnam. They should tell their elected representatives, and their friends and neighbors, that they want the war settled in such a way that the younger brothers and sons of the men now in Vietnam will not have to fight again in another war in some other place in the world.

With unity, it is my belief that the United States can and will achieve a lasting and honorable peace in Southeast Asia.

LUIS NEGRON FERNANDEZ—TRIBUTE TO THE INSPIRATION OF JUSTICE

Mr. TYDINGS. Mr. President, the Justice Award given by the American Judicature Society is one of the greatest honors which can be bestowed in recognition of distinguished service in promoting the efficient administration of justice. The award is rarely given, and its recipients, such as Dean Roscoe Pound, Mr. Justice Tom Clark, and Glenn R. Winters, stand tall in our pantheon of great and dedicated men devoted to fair and efficient justice. At its midyear meeting, the American Judicature Society honored another such man, the Honorable Luis Negron Fernandez, Chief Justice of the Supreme Court of Puerto Rico, for his international leadership in judicial reform. Under his leadership, the Judicial Conference of the Americas was formed in 1965. He was twice reelected to the presidency of this body. In addition, the judicial system of Puerto Rico, which he heads, is widely acknowledged as being one of the world's most progressive. Furthermore, his international leadership in judicial reform has been abundantly demonstrated by his outstanding work with the International Commission of Jurists of Geneva, Switzerland, the International Law Association of London, the International, Inter-American, and American Bar Association, and through his presidency of the International Academy of Law and Science.

In presenting the award to Chief Justice Fernandez, the president of the American Judicature Society, Gerald C. Snyder, stated:

A more fitting tribute could not be given to this man of great intellect, whose patience, compassion and wisdom have left an indelible and enduring mark in the promotion of the efficient administration of justice, not only in Puerto Rico and the Americas, but throughout the world.

In accepting the award, Chief Justice Fernandez delivered a beautiful and moving memoir to his beloved late wife, Aida. The memoir is not only a tender expression of love but also a sparkling reflection of the spiritual values of a woman who possessed and instilled in her husband and others the highest ideals of justice.

I ask unanimous consent that Chief Justice Fernandez' beautiful memoir to his wife, Aida, be printed in the RECORD.

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

LOVE AND JUSTICE

(Speech by the Honorable Luis Negron-Fernandez, Chief Justice of the Supreme Court of Puerto Rico, at the midyear meeting of the American Judicature Society, Chicago, Ill., Jan. 27, 1969)

For this great honor that you have bestowed upon me, I want to thank you from the bottom of my heart.

I receive it with humility, with faith, but with sadness. With humility, because I do not feel that anything that I may have accomplished deserves the greatness of this honor, that has come before—for their colossal achievements in Law and Justice—to such great men as Roscoe Pound, Justice Tom Clark and Glenn R. Winters, amongst others. With faith, because I believe that man's life dedicated to do justice to his fellow beings, stems from that omnipresent force that engenders all things and inspires our conscience: the love of God transformed into action by human sublimation, motivations and ideals. With sadness, because never could a greater honor have come to me that belongs more to another person—one that cannot be present anymore in moments like this, nor any others: the woman that was my inspiration in life and my faithful and loyal companion in all of my endeavors.

To her—whom many of you knew—to her memory, to her loveliness, to her personal charm and graciousness and beauty—

To her, as the ideal expression of human love with sacrifice and abdication of personal preferences to make one happy—

To her, as the symbol of the spiritual values of love in a woman's heart dedicated to a man's life—

To her, who in my eleven years as Chief Justice and three as President of the Judicial Conference of the Americas, accompanied me at home and abroad in meetings, conferences and congresses—

To her, whom my colleagues of Latin America and their wives, in the tradition of hispanic elegance, called her The First Lady of Judicial America—

To her, who received so many courtesies from you and your ladies in the American Judicature Society, who was so overwhelmed with personal deferences from my colleagues and friends of the Bar Association of Puerto Rico and of our judiciary, and their wives—

To her, in her everlasting absence from us, but in her eternal life away, I offer this great honor of the Justice Award of the American Judicature Society. Joining in this offering are dear friends from the Bench and Bar of Puerto Rico that have accompanied me in a gesture of human and personal solidarity, for which I shall ever be grateful.

I could do no less in this occasion to honor the memory and sublimate the love—in life and death, as was her dream—of the woman that filled my life and shared my ideals of justice and my ideas and actions in moving forward towards the creation of a judicial conscience in the Americas.

She will not be in person next February in another session of our Judicial School in the Commonwealth of Puerto Rico. She will not be in person next April in the fourth meeting of the Judicial Conference of the Americas in the Dominican Republic. But nothing can be more inspiring to a man than a woman deep in his heart forever. And nothing more deep in a man's heart forever than the love of a woman never evanesced from his memories.

Now I know that love is more than love and life is more than life, and that there is majesty in love, as in justice

Sacrificial devotion and heroism
Nobleness and consecratedness
Triumph and defeat
Calmness and turbulence in emotions
Incertitude and assuredness
Anxiety and meditation
Repose in solitude

Because of the force that a woman's love and dedication to a man has in mobilizing his dreams and his sense of justice, and in the realization of his goals in the agony of a world in crisis under compulsion, and in the perduration of hopes under the stress of the opposites, now I can say—because I knew of her kindness and deep feelings for humanity, as many of you did—that in her, the verses of Emily Dickinson, the poetess, came to reality: "If I can stop one heart from breaking, I shall not live in vain."

She did not live in vain, and as a tribute to her, I want to present to the American Judicature Society—so deep in her heart—this photograph that symbolizes the First Lady of Judicial America in her assistance, her faith and her guidance to our effort in promoting the efficient Administration of Justice.

May it be to her memory with the blessings of Almighty God.

Thank you.

ACTION NEEDED ON THE INTERCITY RAIL CRISIS—I

Mr. PELL. Mr. President, I wish to discuss the threat of the complete disappearance of intercity rail passenger service in the United States. I believe the time has come for the administration and Congress to act affirmatively to provide assistance for rail passenger service.

Some would suggest that it can be only nostalgia that argues for a Federal assistance program to a passenger transportation service which shows signs of an approaching economic death. The Interstate Commerce Commission has stated that less than 500 intercity passenger trains are now in service, that passenger miles are down 32 percent since 1966, and that intercity coach revenue has dropped 24 percent in the last 2 years.

I would say that it is not nostalgia that argues for the maintenance and improvement of intercity rail passenger service, but that it is a rational concern for the allocation of limited resources in our consumer-minded and consumer-oriented society.

The statistics of the decline of the passenger train underline the paradox of our national transportation problem. It is the 50-percent increase in intercity highway travel and the tripling of intercity air travel that argue best for the support of intercity rail travel.

The congestion on the highways and in the airways is resulting in transportation strangulation and increasingly unbearable social and economic costs for the commonweal. Traffic jams on major urban turnpikes; resistance of citizens to the construction of new jetports and highways along with the noise, air pollution, and tax costs associated with present air and road facilities; and saturation of our major airports all add to the misery of our society.

I ask unanimous consent to have printed at this point in the RECORD a report published in the New York Times of October 13, 1969, regarding the saturation of our major airports.

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

THREE AIRPORTS HERE ARE AMONG FIVE FOUND "SATURATED" IN U.S. STUDY

A Civil Aeronautics Board report concludes that five of the nation's airports are now saturated with air traffic and another five may be by 1975. Nine others may have air traffic problems of less serious nature by that time, the report says.

The report, just issued, is titled "Problems of Airport Congestion by 1975." It was prepared by the board's bureau of economics.

The report states that airports already at saturation levels of operation are John F. Kennedy International, Newark and La Guardia, serving New York, and Washington National and O'Hare International in Chicago. The five that may be faced with serious congestion by 1975 or earlier are Los Angeles, Atlanta, Miami, Boston and San Francisco.

Philadelphia, Cleveland and Minneapolis may also have air traffic problems in that time span, "but probably of less serious character," the study declares.

Six other airports may encounter congestion problems, too, "but of an intermittent kind," it said. These were listed as St. Louis, Memphis, Oakland, Denver, Las Vegas and San Juan.

The report found that the major causes of congestion at the airports studied (those mentioned other than the ones already saturated) were as follows: runway saturation, noise restrictions, insufficient runway turnoffs; lack of aprons and holding areas, insufficient numbers of parking gates, and inadequate highway approaches to airports and inadequate parking facilities.

Mr. PELL. Mr. President, the present problem presented by the imbalance in our modes of intercity travel become even more terrifying when the future demand for intercity travel is considered. A conservative estimate is that, nationwide, the level of intercity travel will double in the next 20 years, with much greater increases in our urban corridors. How will we transport these millions of additional passengers? How much more tax money can be spent on highways and airways? Can we afford to double the number of airplanes in our air corridors? Can we afford to cover our urban land completely with concrete ribbons? When we look at the advantages of intercity rail travel, the answer to those questions seem self-evident.

In our urban corridors, rail passenger service has the greatest potential for meeting the travel demands of tomorrow.

It is economical. One estimate is that a tax dollar invested in improvements in rail passenger service in crowded areas will buy 20 times as much passenger transportation as it would if it were spent for more expressways. Rails use less urban land than highways and airways, create less air pollution, and, in most cases, present less noise pollution than any other mode of intercity travel. Rail passenger service is safer; according to calculations based on the number of fatalities per hundred million passenger miles, buses are 50 percent more dangerous, automobiles are 20 times as dangerous, and airplanes are 2½ times as dangerous.

Despite all the obvious advantages of rail travel, what has been the Federal posture toward the railroads? The Federal Government has provided 90 percent of the funds to construct an interstate highway system, developed the prototypes of our major passenger airplanes, and contributed to the construction and operation of our major airports. The one rail effort the Federal Government has made, and only after considerable nagging by me, has been the high-speed ground transportation program's demonstrations with the Metroliner and the Turbo Train. The former, particularly, has proved very successful. Those trains already have shown, before their official demonstration runs have begun, that people are willing to travel on intercity trains if they are given reasonable service. The Metroliner by itself has reversed the downward trend of rail travel this past year between New York and Washington. The Washington Evening Star recently published an editorial regarding the success of the Metroliner. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

MORE METROLINERS

Penn Central's recently announced decision to double the number of Metroliner trains on the Washington-New York run is further evidence of a strong public demand for comfortable, high-speed rail facilities. The wonder is that the issue should ever have been in doubt, especially for relatively short-distance travel between urban centers.

The most familiar test of acceptability for this kind of service is the time consumed per trip, and indeed the Metroliner's performance, portal-to-portal, is not sufficiently behind an airplane's to give any passenger an inferiority complex. There are times, of course, with air stackups and weather delays, when the train wins, hands down.

But it is a mistake to rate the rails on speed alone, as though, depending on the results of competition, there should be only one decent form of transportation offered. There are by now countless Americans who probably will elect to travel exclusively by air, and the choice is theirs. The loss, however, may be theirs, too, if the railroads can ever be persuaded to exploit the potentials for passenger travel which ought to be met.

The western Europeans discovered a long time ago that rail travel can be a delightful experience, and the best of their trains are unmatched by anything in this country. It is likely, we suppose, that American railroads will have to be coaxed in this direction through demonstration projects, as in the case of the Metroliner, which are heavily subsidized. And if that is indeed the case, it is a good thing that the Department of Transportation is assigning a high priority to research grants to find dramatically improved ways to move on the ground. We need them.

Mr. PELL. Mr. President, 9 years have elapsed since the Doyle report to the Committee on Commerce stated:

We believe that there will be an important demand for rail passenger service within the large urban regions developing in the United States. This requirement is ten to twenty years in the future.

Yet today with the advantages of intercity rail travel in urban areas even more obvious and the disappearance of the intercity rail passenger train more imminent, there is still discussion of the need of new studies before action on the rail problem can be taken. While I agree that a complete study of our country's future transportation needs is desirable, I do not believe a short-run program of rail assistance should await completion of any further studies. The need for immediate action is obvious. The question for Congress and the administration is no longer whether the Federal Government should provide assistance to intercity rail service; the question now is in what form and through what institutional channels shall such Federal assistance be directed.

The administration has stated that it favors a balanced transportation program. It has sent to Congress a legislative request for a new urban mass transit program, a supersonic transport development program, and a new aid program for airport facilities. The administration has recently set forth a program to aid the Maritime Administration. But, as of now, no commitment has been made to support legislation providing Federal assistance for intercity rail passenger service. From all visible signs, the development of modern intercity ground transportation is sitting on an administration sidetrack.

I would hope that the administration realizes the cost of delaying action on the rail crisis. As one railroad president told the Subcommittee on Surface Transportation in a recent hearing: "The House is on fire now." Passenger trains are disappearing. If action is delayed any longer on the rail problem, I am fearful that a point will have been reached where the costs of rehabilitating intercity train service will become prohibitive due to the increasing deterioration of equipment and roadbeds and the crowding of the tracks with freight traffic.

The Surface Transportation Subcommittee of the Committee on Commerce has recently held hearings on the rail crisis under the able leadership of the Senator from Indiana (Mr. HARTKE). Those hearings represented the first steps toward a resolution of the intercity rail passenger problem. I hope the administration will give its support to the efforts of the Committee on Commerce and take the next step toward a program of Federal assistance by supporting legislation designed to aid intercity rail passenger service.

THE CHOICE IN VIETNAM

Mr. MUNDT. Mr. President, the great outpouring of sentiment favoring President Richard Nixon's speech on November 3 indicates that he needs no defense of his position.

However, the Citizens Committee on Peace with Freedom, headed by our former colleague, Senator Paul Douglas, of Illinois, has just issued a policy statement which backs the President 100 percent.

I ask unanimous consent that the report be printed in the RECORD. I do this so that all Americans can see what an impartial, bipartisan committee has found to be the truth about Vietnam.

As Paul Douglas said in his letter presenting this report to President Nixon:

To choose the other alternative—that of disengaging abruptly without regard to the capability of the people of South Vietnam to defend themselves—would be the road to defeat. Such a defeat, in our judgment, would lead to devastating consequences for the United States.

President Nixon has rejected the easy road, the popular road, of precipitate withdrawal because he knows that, in the long run, it would mean more war, not less. The report of this committee says the same things. All Americans—and I mean all Americans—should read it.

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

THE CHOICE IN VIETNAM

An understandably war-weary and impatient United States faces a choice in Vietnam. The choice is between: (1) defeat, however camouflaged, and (2) ending the war in an orderly way that protects our own interests and preserves for the people of South Vietnam the right of self-determination—the right to decide their own future free of outside interference.

In our view, the devastating consequences of defeat dictate the course that America must follow. Further, our recent fact-finding survey in Vietnam has convinced us that an honorable solution *can* be reached.

The folly of wishful thinking

Some Americans feel that the choice need not be made or that it can be delayed.

Some urge further, immediate, unilateral concessions on the part of the United States. But, as we have previously pointed out, a continuing series of unilateral concessions, unreciprocated by the enemy, is the road to defeat.

Some hope for a magic, overnight solution at Paris. But the negotiations at Paris will reflect the political, economic and military struggle in Vietnam and the state of public opinion in the United States—nothing more and nothing less. We would be foolish to expect Hanoi's leaders to make *any* real concessions so long as they believe that their demands will be met bit-by-bit without giving anything in return.

Finally, there are those who think that our intervention in Vietnam was a colossal error and that, consequently, we should now turn our backs on our commitment and erase this bad dream from our consciousness. Even if one were to grant that our intervention was a mistake, the truth is that an act of bad judgment cannot be rectified by an act of bad faith.

The illusion of military victory

There is still a sizeable group in the United States which pursues the illusion of military victory. What they forget is our limited objective in Vietnam. That objective was clearly defined by the late President Eisenhower in his last public statement for our Committee:

"We ask nothing for ourselves and insist upon nothing for South Vietnam except that it be free to chart its own future, no matter what course it may choose."

Our Committee has consistently opposed unnecessarily risking a general war in Asia or another World War. We favor a sensible road between capitulation and the indiscriminate use of raw power.

We do not seek a military victory in Vietnam; we seek to deny military victory to the enemy.

We do not seek to win the war; we seek to win the peace.

THE CHOICE IN VIETNAM

The real choice in Vietnam is between Defeat and Peace with Freedom.

The road to defeat

The road to defeat will be clearly marked. It will be marked by precipitous or premature withdrawal of American forces from Vietnam—withdrawal before the South Vietnamese are prepared to take over the job of protecting themselves from the Vietcong and the invaders from the North.

The road to peace with freedom

This road is difficult and precarious but its markings are equally clear. It will be marked by a firm policy to substitute South Vietnamese for United States troops as rapidly as possible but only on the basis of clearly apparent improvement in South Vietnamese capabilities. As President Eisenhower saw it: "We'd gradually withdraw as the South Vietnamese strengthened themselves sufficiently to carry on alone." [1]

The consequences of defeat

If the Road to Defeat is clearly marked, the consequences of defeat are unmistakable:

1. South Vietnam would be taken over by the Communist North. The large noncommunist *majority* of the South Vietnamese people would be delivered to the small Communst *minority* and to the Communist invaders from the North. A blood bath would follow and, based on Hanoi's past performance, hundreds of thousands of South Vietnamese who have fought at our side would be slaughtered.

2. America's word and leadership would be sharply devalued throughout the world. Every treaty that we have made, every agreement and commitment that we have entered into would be looked upon with suspicion by those countries who had counted on the.[2]

3. The development of freedom and democracy would be reversed in South East Asia, and slowed in Africa and even in Latin America. Peaceful methods of social and economic change would be downgraded and violent methods encouraged. A huge part of the world, with a rapidly expanding population, would be increasingly vulnerable to Communist subversion and control.

4. The effectiveness of the new "wars of liberation" would be confirmed. An open invitation to expanded use of the guerrilla technique of conquest would be extended to those contemplating aggression against their neighbors and ideological competitors.

5. India, Japan, and even Australia would be under increasing pressure to develop nuclear weapons for their own protection. With the proliferation of those weapons, the risks of miscalculation would grow and the chances of a Third World War would increase.

6. Finally, there would be bitter recriminations here in the United States once the full significance of our defeat had been perceived. Voices of dissent from extremist groups would grow strident and there would be a violent shattering. A "new isolationism" would find fertile ground in a disillusioned and bitter people. Prejudice scapegoat-seeking and intolerance would flourish. And the lesson of the success of violent guerrilla tactics to bring about change would not be lost upon those who seek to use violence to effect social change here at home.

* * * * *

In his last public statement on behalf of our Committee, General Eisenhower said:

"A camouflaged surrender would result in the United States 'writing off' Southeast Asia for the foreseeable future. We could survive such a catastrophe—but our citizenry should be clear that the whole security system, which has maintained peace and freedom for the past generation, would be eroded—if not destroyed—by an American retreat from our commitments in Southeast Asia."

To our mind, the consequences of defeat would be so calamitous that America should and must choose the second alternative—the Road to Peace with Freedom.

THE SITUATION IN VIETNAM AND AT PARIS

A special nine member, bi-partisan fact-finding Commission of our Committee [3] returned in late August from a trip to Vietnam, Thailand, Laos, Manila, Pearl Harbor and Paris.

The Commission's findings were unanimous, as were its recommendations.

THE COMMISSION'S FINDINGS

The turning point at Tet

Since the Tet offensive in early 1968, the enemy has become weaker, our side stronger. This favorable trend is largley due to the enemy's huge losses in manpower, General Abrams' small unit spoiling tactics, and the military mobilization of the South Vietnamese people which is, relatively, one of the largest in modern times.

Progress is striking but precarious.

Since Tet 1968 the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. He keeps the fight going in the South mainly by the infusion of troops from the North.

The South may have found its soul at Tet and in the mass graves of Hue. The enemy lost his bid for victory on the battlefield and the South's morale was clearly strengthened. The enemy had expected to find mass support in the cities of the South; he found none.

Since Tet the South Vietnamese have expanded their ground, taken over the defense of more territory including an entire corps area, and have inflicted far greater casualties on the enemy than he has upon them. Peasants, including large numbers of refugees, are returning to the fields and villages, rice production is up, more local elections are being held, and defections to our side are increasing. Political progress and the development of democratic institutions are clear. A constitutional system is now functioning, however imperfectly, and despite unfavorable wartime conditions. We cannot and should not judge Vietnamese progress by our own standards. "Instant democracy" is not in the cards.

The trend is favorable

Our Commission began its trip with a suspicion of statistics, official briefings and charts and figures. But trends are unmistakable. The overall trend is favorable. It is clearly in our direction. We saw it and we felt it.[4]

The enemy's initiative

Yet the enemy retains military initiative through use of his sanctuaries in Laos and Cambodia and north of the DMZ. If he is willing to bleed himself at a fearful rate he can still, for short periods, sharply increase American casualties. Our commanders know this and we were tremendously impressed with their concern to spare American lives. America's present military leadership in Vietnam is of the highest order.

It seemed to us that Hanoi and General Giap have embraced a deliberate policy of playing upon American's natural reluctance to sustain human casualties in a far-off and not-too-well-understood conflict. To Hanoi human lives are merely chips in a poker game. As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it."

We must be prepared for ups and downs in American casualties but, if we follow a measured policy of replacement, the peaks and valleys should both grow lower. The trend will be down. On the other hand, a too rapid rate of replacement would endanger the lives of our fighting men who remain behind.

A policy of gradual dis-engagement

The South Vietnamese must still rely for a considerable time upon United States troop lift, air and artillery support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable. It could be undermined if the Allied military posture is suddenly weakened.

In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *An American policy of gradual dis-engagement is feasible, provided the withdrawal of U.S. forces is*

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[1] Dwight D. Eisenhower in conversation with Abbott Washburn, Indio, California, Wednesday morning, 21 February 1968.

[2] Comment by General Omar N. Bradley:

"We helped organize NATO in 1949 with the objective of deterring potential aggressors from starting a Third World War. Since then there has been no global war and it is safe to say that our NATO alliance was a contributing factor. If we are going to indicate now that we can no longer be dependent upon to keep our commitments in Southeast Asia, our global deterrent may cease to exist. Keeping our word in Vietnam is a relatively small price to pay for insurance against a Third World War."

[3] The members of the special fact-finding commission were: Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russel T. Lund, President, Lund's Inc., and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota; Rabbi Schulem Rubin; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc.; and Abbott Washburn, President, Washburn, Stringer Association, Inc.

[4] Every available indicator underlines this favorable trend: American casualties have sharply decreased and are now at the lowest level of the past three years. Deserters from the enemy (the Chieu Hoi program) have sharply increased and are running at over double the rate of last year and at the highest rate since the program began. The total South Vietnamese regular, Regional and Popular Forces have increased by more than one third in the past year. (The Regional and Popular Forces have increased at an even faster pace than the regular.) Additionally, the People Self-Defense Force—the equivalent of our American Revolution "Minutemen"—has grown to over 1.5 million from nearly zero less than two years ago. The number of hamlets controlled by the Vietcong has dropped by one half during the past year and the number controlled by friendly forces has increased by a third. There are more than ten times as many hamlets under South Vietnamese control as there are under the control of the Vietcong. Over 80% of the villages and almost 80% of the hamlets in Vietnam now have elected governments. The National Police force has increased 20% in the past year. Total acres of land under new "miracle" rice cultivation will more than triple this year. Domestic revenue collections are up over 50% since last year.

closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion. Preparing for a long struggle is the best way to achieve short term results. Hanoi's leaders will never seriously negotiate until they are convinced of our determination to stay the course.

The need for time

The South Vietnamese need time to tool up their army, their staff and support echelons, and to acquire confidence. To this must be added an extra margin of time to allow for mistakes, setbacks, and over-confidence. The South Vietnamese must be trained to use communications, air and artillery support and medical evacuation facilities. This will require *time* even after they assume the principal combat responsibility on the ground. One striking example may suffice: it takes 34 months to train a combat helicopter pilot.

"Vietnamization"

To our surprise, we found that the present comprehensive program for "Vietnamization" of the war is less than a year old. Very little of the program had been in operation six months earlier. We were particularly impressed by the rapid growth of security in the rural areas which has been achieved in large measure by the South Vietnamese themselves. The enlarged and newly equipped regional and popular forces are now shouldering a large share of the responsibility for protecting the rural population. In addition an enormous new militia force—the People's Self-Defense Force has developed in the last eighteen months. It is composed of 1.5 million women and girls and older men and boys who are ineligible for military service. Two out of every three have already received elementary military training and 300,000 guns have been made available to these new forces. Progress in a brief period has been remarkable—clear testimony to the feasibility of "Vietnamizing" the struggle.

Vietnamese confidence

To our further surprise we found the Vietnamese eager for the transfer of responsibility. The first U.S. troop withdrawals have actually stimulated them. They expect and do not object to further withdrawals. However, they see the whole process as measured, directly related to their own progress, and still involving at the end an important American residual logistical presence. Their new found confidence is a fragile thing. It could be shattered by an enemy assault if we leave them vulnerable. Their confidence could also be shattered if they came to believe that U.S. policy is one of abandonment rather than transfer of responsibility.

President Nixon's three criteria

President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two stipulations—reduction in the enemy's military activity and progress at Paris—a "lull" in the fighting ended while we were in Vietnam. We do not believe it prudent to rely on such "lulls."

As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. Next Thursday will be our 40th meeting in Paris with all representatives of the other side. Thus far, it has been largely a one-way street. We have given. They have taken.

The talks have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, and then wants the United States itself to get out unconditionally after having installed a peace-at-any-price coalition government for the future convenience of Hanoi. There has seldom been a clearer case of a belligerent's trying to gain at the conference table and in the arena of public opinion what he has failed to win on the battlefield. Hanoi and the American people should heed the warning of Richard M. Nixon: "The Viet Cong and the North Vietnamese . . . cannot and should not count on American division to gain politically in the United States what they cannot gain militarily in Vietnam." [5]

A possible stand-off

Thus, a kind of protracted stand-off may loom in Vietnam. However, if the President, and the American and South Vietnamese people stick by Mr. Nixon's three criteria, and if the South Vietnamese succeed in cementing a political consensus, we believe that the stand-off will be resolved in favor of peace with freedom—and that there is a good chance that the stand-off will not be as protracted as now appears. On the other hand, if we withdraw prematurely, the enemy can reverse the tide now running against him, complete his subjugation not only of Vietnam but of adjoining territory, and we will have lost more than 39,000 American lives in vain.

The two Vietnam wars

There are two Vietnam Wars: the one that is actually taking place and the one that is perceived at home on television and in the other communications media.

We had expected to see a devastated country with ruined cities, despoiled forests and bomb craters dotting the land. After traveling from east to west, north to south, and covering tens of thousands of square miles of territory, we found nothing of the kind. South Vietnam is today still a beautiful, lush country—damaged but not devastated. We were surprised by the relatively small amount of military activity and the large amount of quiet, normal day-to-day activities being conducted in virtually all of the country.

On reflection, we were able to reconcile this with what we had seen on television and seen and read in the other media. Obviously, it is not *news* to show and write about normal happenings and normal places. It is the unusual incident—the dramatic, violent event—that makes for news, and, presumably, watcher, reader and listener interest. Here at home, we need—but we certainly do not receive—a balanced presentation of the actual situation.

RECOMMENDATIONS OF THE COMMISSION

1. That the substitution of Vietnamese for United States troops take place primarily on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be "look before cutting"—not "cut and run."

2. That no timetable for withdrawals be proclaimed and that any schedule developed for planning purposes be flexible.

3. That President Nixon establish an extraordinary Commission to assess the progress of South Vietnam's armed forecs; and that this Commission inquire into whether "Vietnamization" can develop at a more rapid rate of modernization and activation than as laid down in schedules adopted before "Vietnamization" became a by-word linked with U.S. force reductions.

4. That American editors and correspondents and the U.S. Information Agency give increasing coverage to ARVN sacrifices, progress, and capabilities. They should also direct considerable and unremitting attention to the atrocities committed by the enemy.[6]

5. That the United States urge that the Vietnamese government broaden its base among non-Communist elements of the population and that it seek new support in the countryside. The objective should be a government which can not only prosecute the war but which can also face up to the enemy in the stand-off which will follow United States force reductions—a government in Saigon which can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition that Hanoi wants to see imposed without elections.

6. That the American people should recognize the political benefit which can accrue from the proposed new, and long-overdue, land reform program and give appropriate assistance. Economists have long been prone to underestimate the impetus provided by granting title to those who work the land. Further, Vietnam's principal crop, rice, is particularly suited to small plot cultivation.

7. That the United States and South Vietnam should stand firm at Paris:

a. For free elections.

b. Against an imposed coalition government, and for whatever solution the South Vietnamese choose for themselves.

c. For reciprocal troop withdrawals.

8. That the United States expedite the equipment of Laotian forces; and that our stand on the withdrawal of North Vietnamese forces apply to Laos and Cambodia as well as to Vietnam. We must seek an agreement with Hanoi not only about Vietnam but about contiguous areas in South East Asia.

DEMONSTRATIONS AND DEMANDS

Earlier this month large youth demonstrations, joined by other members of a war-weary public, demanded U.S. withdrawal at a specific early date—well before the South Vietnamese could take over. Other Americans were proposing a unilateral stand-still cease-fire.

The price of an abrupt pull-out

To pull out abruptly would throw away a fast improving chance for the majority of the South Vietnamese to live their lives as they wish to do, free of the domination of Hanoi, ready, willing and able to defend themselves. It would nullify negotiations, represent an American sell-out, and encourage the victors to try for "one, two, three more Vietnams." [7]

The dangers of a unilateral standstill cease-fire

The unilateral standstill cease-fire proposal is more subtle and may appeal to some as a way to test enemy intentions, but we believe that:

(a) Nothing in the record indicates that the enemy would respond affirmatively to unilateral action or honor an agreement even if he entered into one.

(b) The enemy can only keep his disjointed apparatus intact by continuing hit-and-run attacks on towns and villages and laying the groundwork for future large-scale actions.

(c) It would be a windfall for the enemy, putting him into *de facto* possession of positions he now occupies only fitfully and by terror.

THE SILENT CENTER

From the inception of our Committee, we have tried to speak for the "Silent Center"—the moderate, understanding, independent and responsible men and women who have consistently put our worst foot forward. We show the destructive capacity of our own weapons and the sufferings and deaths of our fighting men—we devote little if any attention to the sufferings of our allies *caused* by the other side; nor have we depicted adequately the inhuman practices of the enemy.

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[5] Richard M. Nixon, Manchester, New Hampshire, February 2, 1968.

[6] Granted it is virtually impossible to record on live film the disembowelments and tortures before violent death that usually take place in secluded places in the dark of night. But it is possible to record in photographs and with the printed and spoken word the clear evidence of Hanoi's deliberate policy of terrorism. In this war, we have

[7] Che Guevara.

consistently opposed rewarding international aggressors from Adolf Hitler to Mao Tse-Tung. When we organized in October 1967 we believed that "the Silent Center" represented a majority of the American people. We believe that it still does. It may not seem so today as reflected in the communications media, but that is because "the Silent Center" has become even more silent. It is unhappy about the war—it wants an end to the war—but it does not want to buy an end to hostilities at the price of defeat, dishonor and of peace with freedom here and abroad.

The American people will rally

If the President of the United States follows the Road to Peace with Freedom—and we have every reason to believe that he will—and if he speaks out frankly, simply and fully on the consequences of defeat, a substantial majority of the American people will rally behind him. Many may do so with reluctance and misgivings but they *will* rally with the sure instinct of Americans for the path of freedom and honor and the long range security of the United States.

On Vietnam, we are in a desperate race between the natural impatience of the American people and their education to the true situation. In this task of education, the President and his Administration bear a heavy responsibility which has not been adequately met.

The pendulum of opinion

Attitudes on foreign policy are not dissimilar to those on stock prices. The pendulum swings violently from unreal optimism to unwarranted pessimism. For some years the American people were subjected to a barrage of optimistic projections and prophecies concerning Vietnam. Now the pendulum has swung to the other extreme. It is ironical that at the very time when the prospect for peace with freedom is rising in Vietnam, confidence in a successful outcome is at its lowest ebb here at home.

Hanoi's chance for victory

Hanoi is fighting on three battlefronts—in Vietnam, in Paris, and in American public opinion. The enemy's only remaining chance for total victory lies here in the United States—in the pressures of American public opinion.

THE CITIZENS COMMITTEE

Our committee is national and nonpartisan.

We are incorporated as a non-profit organization. Membership is limited to those in private life. It is open to any private citizen who shares our views but it is not our purpose to solicit a mass membership or to circulate petitions or to sponsor or participate in rallies or demonstrations.

The Committee has no organizational affiliates. All members serve in their individual capacities.

Our activities are wholly financed by voluntary contributions from concerned citizens. We hope that you will want to help to make our work effective.

Contributions to the Committee are tax deductible.

Checks should be made out to "Committee for Peace with Freedom" and sent to: 1028 Connecticut Avenue, N.W., Washington, D.C. 20036.

Publications of the committee

1. "Peace With Freedom", policy statement of the Committee.
2. "How The Silent Center Will Seek Peace With Freedom", by Paul H. Douglas.
3. "The Nation's Editors Speak Up on Peace With Freedom and The Silent Center", Editorial reactions to the Committee.
4. "A Balance Sheet on Bombing", Statement of the Special Committee on Bombing Policy.
5. "The Nation's Press Discusses 'A Balance Sheet on Bombing'."
6. "Negotiations—Hopes vs. Realities", Statement of the Special Committee on Negotiations.
7. "The Nation's Press Discusses 'Negotiations: Hopes vs. Realities'."
8. "The Struggle For Peace With Freedom", testimony before the Republican Platform Committee.
9. "The Road to Peace With Freedom", testimony before the Democratic Platform Committee.
10. "The Choice in Vietnam".

UTZ TWARDOWICZ, BOYS' PAL, DIES

Mr. TYDINGS. Mr. President, any person who has participated in athletics knows that a respected coach can do more to influence a young person's character than almost any other human. Across the country there are many men who devote themselves to coaching and who in the course of that career shape the lives of many of us. Not all of these men win fame; most labor with young boys on unnamed athletic fields.

The youth of Baltimore were fortunate to have had a devoted man who labored outside the limelight but who put many a hard-nosed youngster on the right path to a useful life. That devoted man, Eugene "Utz" Twardowicz, was athletic director of the Red Shield Boys Club in southeast Baltimore for 21 years. His teams won championships at all age levels and in almost every sport. But he will be remembered by those who knew him as a devoted teacher and kind counselor. He taught not only the rules of the game and its techniques. More importantly he taught boys to be humble in victory and resolute in defeat. He made boys into men.

"Utz" Twardowicz died last Sunday. His carer is ended but those he taught will remain a continuing testimonial to his great contribution.

Mr. President, the Baltimore News-American on November 3 published a story of "Utz" Twardowicz's life and death. I ask unanimous consent that that story be printed in the RECORD.

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

A REAL SPORTS LEADER: UTZ TWARDOWICZ, BOYS' PAL, DIES

A man who made a career out of giving to the youth of the city has passed on. Death came yesterday to the popular, revered, dedicated Utz Twardowicz, who for the last 21 years has been athletic director at the Red Shield Boys' Club.

Twardowicz literally helped shape the lives of thousands of Baltimore youngsters since he joined up with the Red Shield Club and the boys will tell you that Utz was a man they'll never forget.

A heart attack proved fatal to Utz, the nickname he preferred to be called rather than his given name of Eugene.

Twardowicz turned out numerous championship teams at Red Shield in all sports but in late years was content to watch from the sidelines, in keeping with the athletic director's title he held. However, there was never a time when Utz Twardowicz wasn't the driving force behind the success of the Red Shield Club.

Utz was one of Loyola College's finest basketball players. Although only 5-foot-7 and 125 pounds, he played in an era when speed rather than size was the most important pre-requisite. He graduated from Loyola College in 1931 and then coached basketball at his high school alma mater, also Loyola.

He moved on to Johns Hopkins where he assisted Gardner Mallonee, and then went to the Bethlehem Steel Co. In 1948, he joined the Salvation Army's Red Shield Club as coach and athletic director.

He once said, "It's amazing how good boys can really be when you give them a chance to have fun and learn at the same time."

Twardowicz's entire life seemed to be wrapped up in what he was doing. He took particular pride in the coaches who worked for him—men like Nelson (Nails) Lambert, Ted Venetoulis, Bill Miskimon, Charlie Brown, Kenny Fabiszak, Bill Heidel, and so many others.

Utz was continually giving the plaudits to others and never set himself up as any kind of a bowtaker. His work was in amateur sports and there's no telling how much good he accomplished in his lifetime.

Funeral plans are still undecided. He will be buried from the Witzke Home, 1630 Edmondson Ave.

A MESSAGE TO THE FEDERAL RESERVE BOARD

Mr. HARTKE. Mr. President, two distinguished and usually divergent economists, Milton Friedman and Walter W. Heller, have agreed that the Federal Government's monetary policy should be eased. Their views are shared by Arthur M. Okun, former chairman of the Council of Economic Advisers, who stated befor a congressional committee that "the time is approaching for a gradual relaxation of the brakes."

It is my hope that the members of the Federal Reserve Board will listen to these distinguished opinions and loosen their present overly rigid monetary practices.

Hobart Rowen discusses this most important issue in his October 26 column in the Washington Post. I ask unanimous consent that his article be printed in the RECORD.

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

HELLER, FRIEDMAN ASK EASING OF FED POLICY

(By Hobart Rowen)

For the first time in recent memory, economists Walter W. Heller and Milton Friedman—usually at opposite ends of a dialogue—are in agreement on a key economic issue. So perhaps it is worthwhile to listen to what they are saying.

Heller and Friedman insist that the time has arrived for the federal reserve system to relax its tight monetary policy.

"With interest rates beginning to dip," Heller said in a speech here last week, "this is the ideal time to give them a nudge downward."

Friedman puts it in terms of the growth of the money supply, which the Fed has kept absolutely constant—no growth at all—for the past three and one-half months. Unless the Fed allows the money supply to increase at around a 4 per cent rate, matching the growth of the economy, Friedman predicts a recession of no small magnitude in 1970.

But with only the first tentative signs of a slow-down, the Fed is confronted with a policy dilemma: if it eases monetary policy too quickly, it runs the risk of the same

stop-and-go policy that characterized its erroneous moves in 1966, 1967 and 1968.

On the other hand, if the Fed "overstays" the present tight money period, it could indeed be blamed for the kind of recession that Friedman visualizes. It will be damned if it does, and damned if it doesn't—and whatever decision it makes can always be second-guessed later.

Arthur M. Okun, the last Democratic chairman of the Council of Economic Advisers, told the Joint Economic Committee of Congress the other day that "the time is approaching for a gradual relaxation of the brakes, although not a move to the accelerator."

The Fed which will have an opportunity early in the week to take a turn in its direction, is naturally keeping its own counsel. But it is clear that the decision rests on a reading of just how significant is the slowdown that everybody is talking about.

The money managers at the central bank can read, as everyone else does, of a rise in unemployment to 4 per cent in September, of a smaller than expected rise in personal income, and an inventory pattern implying a minor degree of retrenchment by industry.

Perhaps the most persuasive evidence of a dip ahead was brought together by leaders of the Business Council at Hot Springs, Va., last weekend. The corporate executives talked of a weakening of consumer demand that has not yet fully shown up in official data.

General Electric president Fred Borch said that consumer demand is "definitely softening," especially for the "big ticket" items—expensive appliances. Borch attributes this in part to resistance to higher prices, and to a "psychology," meaning a weakening of consumer confidence.

Another leading consumer goods maker says that his wholesalers and distributors find inventories beginning to pile up. "We'll look back later and say that this thing (a slow-down) actually began in August," said that Business Council member.

Yet, they made another point that illuminates the Federal Reserve's problem: despite their sales slippage, these two companies are not only not laying off employes, but are actively looking for qualified people to hire. This seems to be typical among companies represented on the council.

"No matter what the unemployment statistics are," said Patrick E. Haggerty of Texas Instruments, Inc., "we can't find people in the city of Dallas to hire."

Clearly, U.S. business, even anticipating a recession next year—as it does—doesn't see a big one. Civilian-oriented companies would rather try to hang onto their experienced manpower in the face of declining sales and accelerating wage rates than to trim payrolls.

Thus, unless there are sharper cuts in defense contracts than we know about now, it is possible that politically and socially intolerable rates of unemployment will *not* follow along with the business and production slippage that seems to be in process. A return to something like normal growth rates in money supply might bring the economy into balance in 1970 with little if any traumatic experience.

Otto Eckstein, former CEA member, makes the point that reduction in the surtax to 5 per cent next January will aid consumer buying power and further cushion any weakening in the economy. Social security payment boosts will do the same thing.

If the timing is deft and everything falls into place, Mr. Nixon may get by 1970 without the sharp kind of recession that typified the recent post-war period.

"Monetary policy will soon be led by one of the country's foremost diagnosticians of business cycles," Eckstein adds. "It is hard to believe that Dr. (Arthur F.) Burns would fail to see a recession developing or take prompt action against it.

PRESIDENT NIXON PRESENTS PROBLEMS OF AMERICA'S WITHDRAWAL FROM VIETNAM—SENATOR RANDOLPH COMMENTS ON SPEECH—FURTHER STATES NONSUPPORT OF NOVEMBER MORATORIUM LEADERS

Mr. RANDOLPH. Mr. President, President Nixon's address to the Nation last Monday night did not please those persons in our country who believe the U.S. forces should be withdrawn from Vietnam without delay.

The President did, however, stress repeatedly that he is doing everything feasible and prudent short of promising and announcing dates in advance for troop withdrawals, as the junior Senator from New York (Mr. GOODELL) and others propose.

I was encouraged by the fact that President Nixon stressed the need to work harder toward turning over to the South Vietnamese Government the responsibility for combat missions as the troops of that Government demonstrate capability to assume those responsibilities.

I do not believe in precipitate withdrawal of our forces, but I am convinced that the President must continue to counsel forthrightly with our citizens and report candidly on the overriding issue, namely, how to stop this war and how our youth and resources can be saved from the death and destruction which has drained America for too long.

There is no doubt in my mind that Communist influences in the United States and around the world are eager to foment and escalate violence and discontent in America, and to divide our people.

The President did well to tell the public of efforts recently made and others being made to reach areas of agreement with Hanoi.

The President assured the Nation that he has a plan for phased U.S. disengagement from the conflict.

We must join together as Americans in pressing forward on every front to advance more effective programs for peace.

Mr. President, concerning the right of individuals to express protest and to mass in demonstration, I make these comments:

In the Washington Post this morning we read that planning for the November 15 antiwar demonstration here has been accelerated, with organizers preparing for a massive turnout and Government officials voicing fear of violence.

According to the article, the New Mobilization Committee, which it calls:

> An umbrella for several diverse antiwar groups, is sponsoring a march up Pennsylvania Avenue and a rally on the Mall on Nov. 15 to climax three days of demonstrations beginning Nov. 13.

Local protest demonstrations, similar to those of the Vietnam moratorium on October 15, are planned for cities and college campuses throughout the country on November 13 and 14. And the Post adds that many of the participants of these events are then expected to gather in Washington on Saturday, November 15. The article points out:

> Stalled negotiations between protest leaders and the Justice Department have not yet produced an agreement on permits for the march and rally. But government authorities and mobilization leaders are planning for at least 200,000 participants in the Nov. 15 events.

Mr. President, I have consistently believed in the right of citizens to express peacefully and lawfully their protests against public policies with which they are not in agreement. But I do not believe it is too much for me to expect that protests will be uttered or otherwise expressed rationally, responsibly, and with a reasonable degree of dignity.

When mass demonstrations or protests are promoted there is always the hazard that the bounds of propriety and reason will be breeched and that lawlessness and violence will occur to mar the effectiveness and the reasonableness of the purpose for which organized.

The moratorium demonstrations here and at many places in the United States on October 15 were notable exceptions. They were generally devoid of harassment and inflammatory activities that marked so many of their predecessors. They were a credit to the earnest and purposeful people who planned and led them. There were evidences, according to information I have on the subject, of a relatively small number of extremists on the fringes of the October moratorium.

Prior to the moratorium events on October 15, I issued this statement:

> As many of our citizens in West Virginia and elsewhere participate in the Vietnam moratorium on Wednesday, I urge those participating to do so so in a peaceful and respectful manner.
>
> By orderly and earnest appeal, the leaders of government—executive, legislative, and judicial—can become more aware of the intense desire for peace carried on through thoughtful expression.

I have joined with other Senators and Members of the House of Representatives in a letter which reads in part as follows:

> One of the most important ways to give voice to our sentiment is to show through peaceful assembly and non-violent action that a majority of Americans believe that the attainment of peace is our most immediate and important national goal. Insofar as it is peaceful, lawful and non-violent, we view it as an important and constructive undertaking and we commend it. We believe that a clear commitment on the part of the American People will hasten the development of new U.S. policies which will bring peace to Vietnam.

But I have a feeling of real concern that the New Mobilization Committee's November 13–15 successor to the October 15 moratorium movement is being influenced excessively by extremists. Too many radicals and advocates of violent confrontation are listed among those named as members of the New Mobilization steering committee.

The backgrounds of too many of the leaders of the demonstrations next week are sufficient to give me cause to state without equivocation that I could not be identified in any way with any protest movement they would lead. There are among the members of the steering com-

mittee and the followers they intend to assemble, persons who not only disapprove of our involvement in the Vietnam war but actually support the Vietcong and the North Vietnamese Communists. I could not condone such dissent, which oversteps valid protest and becomes un-Americanism.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the report by title.

The ASSISTANT LEGISLATIVE CLERK. The 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.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate resumed the consideration of the conference report.

Mr. STENNIS obtained the floor.

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

Mr. STENNIS. I yield.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I would suggest that the attachés on both sides of the aisle call the Members and advise them that the pending business is this very important conference report.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for 20 minutes without losing my right to the floor.

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

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Mississippi for yielding to me.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE NOVEMBER MORATORIUM

Mr. BYRD of West Virginia. Mr. President, I gave no encouragement to the October 15 moratorium. I expressed concern that it might undercut our Government's efforts to negotiate an honorable peace in South Vietnam.

North Vietnam's Prime Minister Pham Van Dong had no illusions. He knew precisely what he was saying when he addressed his letter in support of the October moratorium to his "dear American friends."

I view the planned November demonstrations with even greater concern.

There are many well meaning Americans, of course, who because their perception of reality may be dulled by humanitarian instincts or by seeming moral commitments, perhaps feel motivated to come to Washington or otherwise participate in the Vietnam moratorium scheduled for later this month.

The people of whom I speak are essentially good Americans, and I hope, therefore, that an appeal to reason will persuade them that participation in such demonstrations can hurt them and their country. I hope, in a word, that they will stay at home.

The issue of the Vietnam war is an extremely emotional one which has divided much of our society. There has been widespread uncertainty from the beginning over whether we should have gotten involved and whether we should stay. For this reason, the issue has become a prime target of exploitation for every Communist and leftwing extremist group in the country.

I believe that the many Americans who are deeply opposed to the war would be doing a great service to their country if they would heed the President's call for unity.

The President is acutely aware of the great disenchantment which many Americans feel for the war, and he realizes that a rapid withdrawal might be the politically expedient thing, at least for the moment.

But the President has forsaken political expediency in favor of a firm course of action calculated to extricate the United States from the war with honor. Disengagement under other than honorable terms can only project weakness on our part, thereby giving encouragement to Soviet and Chinese Communist leaders who are still bent on conquest by aggression and subversion.

The President has spoken courageously. He has articulated a positive plan for peace, and I believe that it can work if the American people will unite behind him. Partisan politics should not be a consideration.

Marching and waving placards in the streets will not aid the President in his difficult task, and new mass demonstrations of dissent will not hasten peace.

New demonstrations can only serve to encourage the enemy, feed his propaganda mills, and further weaken the bargaining position of the United States at the Paris peace talks, where the dialog could become more meaningful if the President were given the support he needs.

Many Americans may be unaware of the fact that North Vietnamese and National Liberation Front negotiators at Paris have repeatedly used the antiwar movement in this country to strengthen their own demands.

To be specific, on October 16, 1969, the day following the October moratorium, Madam Nguyen Thi Binh, a spokesman for the NLF, told negotiators at the Paris talks:

> The fact that the American people through their present struggle voice the same demands has eloquently testified to the correctness and the logical, reasonable, and realistic character of the 10-point overall solution advanced by the National Front for Liberation and the Provisional Revolutionary Government of South Vietnam.

Seven days later, on October 23, 1969, Xuan Thuy, the chief Hanoi negotiator in Paris, laid it even more clearly on the line when he noted:

> We are not alone in denouncing the Nixon administration's present scheme and actions, but the American people, including many people in the U.S. political circles, have also denounced it . . .
>
> The current struggle of the American people has a positive effect on the Paris conference on Vietnam since it demands that President Nixon renounce his policy of aggression in Vietnam, and immediately and totally withdraw U.S. troops. It contributes to removing the cause of the present deadlock of the conference.

Later that same day, the Vietnam News Agency in Hanoi issued the following report on the conference:

> Faced with the fact that world and American public opinion is strongly condemning the Nixon Administration for stubbornly pursuing its war of aggression in South Vietnam . . . and in face of the eloquent, clear and concrete denouncements by Minister Xuan Thuy and Minister Nguyen Thi Binh, U.S. chief delegate Henry Cabot Lodge showed embarassment and did not say anything.

The evidence is clear cut. Americans march in the streets, and the Communists carry the fact directly to the negotiating table where they are strengthened as a result.

Paris, however, is not the only place where the antiwar demonstrations are observed with approval and utilized against us. Much propaganda is reaped from them in the Peking and Hanoi press and by the NLF clandestine radio in South Vietnam.

In a domestic radio broadcast from Hanoi on October 20, the North Vietnamese referred in the following manner to the antiwar demonstrators:

> In their valiant and persevering struggle, the American progressives will certainly win glorious victories. Being hit from all directions, the Nixon clique will certainly be completely defeated in the aggressive war in Vietnam.

On the same day the NLF's Liberation Press Agency, in a clandestine transmission, described the participation of Americans in the antiwar movement as a "lofty revolutionary action" designed to crush U.S. "imperialism." The transmission continued as follows:

> The South Vietnamese people highly appreciate the American people's brave acts and their important contribution to Vietnam's struggle—

Note the words, "their important contribution to Vietnam's struggle"—

as well as to the strengthening of the lofty friendship between the peoples of the two countries. . . .

Our fraternal salutation, from the trench against U.S. aggression, to our friends in the United States.

On October 22, 1969, the clandestine liberation radio of the NLF, in a broadcast to South Vietnam, declared:

The American people's brilliant success of the 15 October movement is a source of strong encouragement to our troops and people.

Allow me to repeat for emphasis, Mr. President:

The American people's brilliant success of the 15 October movement is a source of strong encouragement to our troops and people.

The statement is a clear and unmistakable handwriting on the wall, Mr. President. If the enemy, by his own admission, was strongly encouraged by the October moratorium, one can imagine how delighted he will be by the impending November demonstrations.

But that is not all that was said on the October 22 broadcast to which I refer. The NLF radio went on to cite the need for enemy involvement in the antiwar effort, as follows:

We understand that our tasks involve . . . promptly and closely coordinating actions with the American people's anti-war movement to drive the U.S. aggressors into deadlock and embarassment . . .

Many persons planning to demonstrate in the November moratorium undoubtedly are indubitably well-intentioned. But there is a significant number who plan to participate in order to advance the insidious goals of communism and anarchy. These individuals include members of the lunatic fringe of the New Left as well as cunning, dedicated enemies of the United States whose ultimate goals are to subvert our citizenry, overthrow our Government, and establish a totalitarian society.

The great tragedy of the upcoming moratorium is that thousands of well-meaning Americans may allow themselves unwittingly to be manipulated into furthering these goals.

The great danger in the moratorium is that the radical elements may succeed in provoking violent confrontations that could lead to destruction of property and injury to citizens.

Anyone who thinks that a few trained agitators cannot incite a crowd of thousands to irrational behavior needs only to reflect on the many recent incidents of mob violence.

And anyone who honestly believes the November moratorium will be limited to a mere sincere outpouring of moral indignation by innocent young people devoid of ulterior motives is either uninformed or naive.

Those truly well-intentioned young people who are thinking of coming to Washington later his month to demonstrate should stop and ask themselves if they really want to take part in an action in which the Communist Party, U.S.A., has played and will play a significant planning role.

They should ask themselves whether they can, in good conscience, march beneath Vietcong flags carried by radicals for whom the war is only a shabby pretext and who have proclaimed loudly that their intention is to destroy our country.

What American who truly loves his country will want to march alongside Arnold Johnson, the public relations director for the Communist Party, U.S.A.?

Who will want to march with Irving Sarnoff, a former member of the district council, Southern California Communist Party, U.S.A., or with Sidney M. Peck, a university professor who served as State committeeman of the Wisconsin Communist Party, U.S.A.?

Yet, these are but three of the extreme leftists who actually have been working on the steering committee of the New Mobilization Committee To End the War in Vietnam—the chief organizing group for the November demonstrations.

Concerned Americans who think they should encourage or participate in the moratorium might benefit by a little insight into its origins. Excerpts from the October 21, 1969, Washington Report of the American Security Council are enlightening in this regard.

During the late spring of 1969, a group of approximately 30 radical leaders of antiwar organizations issued a call to a national antiwar conference to be held in Cleveland, Ohio, July 4–5, 1969. The call was initiated for the most part by individuals associated with the National Mobilization Committee To End the War in Vietnam—MOBE—an organization which has functioned as a coalition for numerous antiwar groups operating throughout the country.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a 3-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967, demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969, in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland conference believed that a more extensive formation of MOBE was required in order to establish an effective antiwar program. According to the published call, the purpose of the conference was to "broaden and unify the antiwar forces in this country and to plan coordinated national antiwar actions for the fall."

The conference was attended by approximately 900 persons, many of whom were delegates from antiwar groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the conference, in addition to MOBE and the Cleveland Area Peace Action Council—CAPAC—were the Communist Party, U.S.A., W. E. B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating antiwar propaganda and to discrediting the U.S. Armed Forces.

A steering committee of about 20 to 30 members formed the ruling clique at the conference. In effect, the steering committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the steering committee with Communist backgrounds included the following: Arnold Johnson, public relations director and legislative representative of the Communist Party U.S.A.—CPUSA; Irving Sarnoff, who has served as a member of the district council Southern California CPUSA; Sidney M. Peck, a former State committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens—Sidney Okun—leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, steering committee member David Dellinger, MOBE chairman, declared in a May 1963 speech:

I am a communist, but I am not the Soviet-type Communist.

There were a number of other individuals attending the conference, in addition to those previously identified, who have been closely linked wtih activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed chairman, Ohio CPUSA; Jay Schaffner, W. E. B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W. E. B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The conference was well represented by a number of functionaries of the Socialist Workers Party—SWP—and its youth arm. Young Socialist Alliance—YSA. At the outset of the conference, it became apparent that the majority of those in attendance were affiliated with numerous antiwar groups operating under the domination of the Trotskyist SWP or YSA.

The plenary session reconvened during the afternoon of July 5, 1969, at which time the steering committee introduced a "majority-minority" resolution for approval. The conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam-war

action projects commencing during the month of August and terminating with the November 15, 1969, demonstration in Washington, D.C.

The conference claimed that it selected a "new, broadly-based" national steering committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the steering committee adopted a new name for the organization which was to be responsible for planning and directing the fall demonstrations. It was designated the New Mobilization Committee To End the War in Vietnam. However, in actuality, the MOBE-oriented steering committee composed of key MOBE officials, simply decided to drop the name national mobilization committee and substitute a new but similar title. Therefore, the new MOBE succeeded the "old" national MOBE with the leadership of the latter remaining virtually intact. The new MOBE has characterized itself as a "new antiwar coalition" which will "carry forward the work of the old natoinal mobilization committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy, and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared:

> The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen.

Mr. President, the grab bag of Communists and Socialists whom I have mentioned and who are mentioned in the American Security Council report, will probably seem mild by comparison with some of the radicals who may show up and foment disorder during the November moratorium.

If the "Weatherman" faction of SDS joins the moratorium, it is almost certain to mean trouble. Last month, Mark Rudd and a few hundred "Weathermen" went to Chicago and engaged in violent confrontations with police there.

These young revolutionaries went on a wild rampage which resulted in widespread damage to property of the citizens of Chicago. Three of the "Weathermen" were shot by police.

A group of women, led by "Weatherman's" Bernadine Dohrn, threatened to destroy an Army induction center. They gathered in a park, sang praises to Ho Chi Minh and Mao Tse-tung, and then charged into police ranks trying to kick the officers in the groins. Illinois Governor Ogilvie called up the National Guard and before it was over, police arrested more than 200 demonstrators.

If the extremists of the New Left can cause that much trouble in Chicago without a mob to exploit, imagine what they might do in a crowd of moratorium demonstrators, many of whom will be charged up emotionally over the war.

It would not take much to heat things up. A few bricks thrown by well-placed agitators could touch off violent mob action involving fights with police. Hundreds of innocent persons could be injured.

This is not wild speculation. It is a frightening possibility. Deliberate violence may seem reprehensible to most Americans; but, to the militant, quisling enemies of our country within our midst, it is a necessary tool in bringing about the ultimate destruction of our Republic.

The fact of the demonstrations alone is enough to make the Communists turn somersaults of joy in Paris, Peking, and Moscow. Violent incidents as a result of the demonstrations would be like icing on the cake of propaganda.

Some Americans may have rationalized that marching on the Nation's Capital will be a true act of patriotism. Quite to the contrary, it can only encourage the Communists and prolong the war which we all want to see brought to an honorable end. The most patriotic act which such citizens can perform during the November moratorium is to ignore it.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I am glad the Senator from West Virginia had an opportunity to make his speech. It is certainly one I am going to pursue and read with the greatest of interest.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the 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.

Mr. STENNIS. Mr. President, I have a brief statement to make now regarding the conference report on S. 2546, which is now the pending matter before the Senate, but before presenting this discussion and giving the results, I would like to make a few preliminary observations.

I can doubly assure the Senate that every aspect of this legislation, in the versions approved by both the Senate and the House, was thoroughly considered by the conferees. There were 10 separate meetings by the Senate-House conferees, and those meetings lasted in the neighborhood of 3 hours each time, except the last one, which was for a little finishing up and signing of the report.

In addition, the Senate conferees alone met four times to resolve various problems. Moreover, a separate group of Senate-House conferees met on one item, the Tow missile, and received additional testimony. Finally, the respective staffs of the two committees were in daily consultation on various aspects of this legislation.

Moreover Chairman RIVERS and I had many conferences in our offices and by telephone regarding plans for the meetings and consideration of points of difference.

Mr. President, there were 59 major items of difference between the Senate and House versions. The effort I have just described occurred over the period from October 6 to November 4. In substance, Mr. President, this legislation in conference was debated and considered with the same degree of thoroughness and conviction on both sides that the bill received on the Senate floor over the period of 7½ weeks of its consideration.

I am not given to undue praise of anyone, but the House conferees are able men, unusually well versed in their committee work. It is a pleasure to work with them.

Another point I would emphasize, Mr. President, is that Senate conferees worked equally hard for all provisions, both those that originated in the Senate committee and those which were adopted on the Senate floor. We considered that we represented the Senate as a whole and, as I shall indicate later, we obtained what I consider to be good results in having a large portion of the Senate amendments adopted as a part of the final bill.

SUMMARY OF ENTIRE BILL

In terms of total authorization, Mr. President, I would like to make the following comparisons.

The bill as finally agreed upon authorizes a total of $20.7 billion as compared to $21.3 billion as passed by the House and $19.98 billion as passed by the Senate. For procurement the bill authorizes $13.4 billion as compared to $13.9 billion as passed by the House and $12.8 billion as passed by the Senate. For Research and Development, test, and evaluation the bill authorizes $7.2 billion as compared to $7.4 billion in the House bill and $7.1 billion in the Senate bill. As an overall comparison, the final bill was $721 million more than the Senate version, but $637 million less than the House version contained.

Mr. President, I shall later have inserted in the RECORD complete charts setting forth the comparative fiscal data on the legislation.

DISCUSSION OF MAJOR ITEMS

Mr. President, I shall discuss the major items in conference, after which I shall attempt to answer any questions Senators may have. I would also point out that Conference Report 91–607 has been printed and contains all details on the final legislation.

ARMY AIRCRAFT PROCUREMENT

Cobra: The Senate accepted $86 million added by the House for 170 Army Cobra helicopters which are necessary for replacements in Vietnam. This request was not received in the Senate prior to the markup of the bill, and these additional helicopters are necessary because of the cancellation of the Cheyenne helicopter program.

I state, by way of further explanation, that that sum was readily agreed to by the Senate, because in the consideration of our version of the bill, we did not get to the proof with reference to the Cobra helicopters. We recognized all the time, and advised the Senate when the bill was being considered, that this would be necessary.

NAVY AIRCRAFT PROCUREMENT

A–7E: The Senate conferees acceded to the House in restoring $104 million for the procurement of 27 A–7E aircraft. The Senate had deleted this item and directed that the Navy obtain these aircraft from among those already purchased by the Air Force as a part of the action of the Senate in directing the purchase of F–4's for the Air Force rather than A–7's.

AIR FORCE AIRCRAFT PROCUREMENT

A–7D: As the Senate may recall, the committee deleted a request of $374.4 million for the procurement of A–7D aircraft for the Air Force and authorized these same funds for the procurement of F–4 aircraft. The House insisted these funds be utilized for the A–7 program and the Senate receded in its position.

At this point, Mr. President, I wish to make crystal clear on the part of the Senate conferees that in agreeing to the current A–7 request the Senate does not intend to go beyond the present three-wing program of A–7's and reserves a right of stopping short of even the three wings. I might add at this point that funds in this bill plus those already approved will purchase about half of the required planes for a three-wing program.

SOUTHEAST ASIA FIGHTER

Mr. President, as passed by the House the bill provided for $48 million in research and development and $4 million in long lead item for a so-called free world fighter. There were no funds in the Senate version of the bill. The conferees as a compromise agreed to a reduced sum with much more restrictive legislative language on this matter. I would emphasize the following. In substance, the bill now contains funds for the purpose of providing a simplified fighter aircraft for our allies in Southeast Asia in order that a more simple aircraft may be developed which will meet their own peculiar needs in terms of defense and at the same time be of a sufficiently simple design that they can maintain it with their own trained personnel. In this way, Mr. President, we should be able to assist in accelerating the withdrawal of American support troops from South Vietnam. In addition, there should be ultimate savings by making available to Southeast Asia a plane less expensive to build and cheaper to maintain.

The plain fact is that aircraft in the active United States inventory are too complicated for the South Vietnamese personnel to maintain. The specific language in the law provides as follows: That $28 million will be available out of the Air Force procurement authorization to initiate the procurement of such an aircraft, with the further proviso that the required research and development may be accomplished within this total sum.

Further, as a matter of law, the Air Force will be required to conduct a competition for this aircraft prior to the obligation of any funds. This competition will be based on the threat as evaluated and determined by the Secretary of Defense.

Mr. President, there is no new money in this bill for this aircraft. It merely permits the use of $28 million out of the general procurement funds available in the Air Force. Furthermore, this use does have to be approved by the Appropriations Committee. It would have to be appropriated specifically to be for this purpose.

Moreover, there is a complete, open competition regarding this matter, and that includes the fact that the Department of Defense would have the discretion to simplify or reduce the complex nature of the planes that we already have, and thereby obtain a more simple, less complicated plane for the countries in Southeast Asia. Of course, it can be said that this plane would be used beyond Southeast Asia. That is true, but it would have to be first authorized by the Committee on Foreign Relations, and then any planes that were bought appropriated for by the appropriations committee; and that would apply even though it came through our foreign military aid.

The Senate conferees were not really favorable to this project, in the beginning. We debated it at great length. I talked with Mr. Laird over the telephone several times about it. He wanted it as an open option, so he could proceed, if he saw fit, in this direction. I am not pledged, myself, as a member of the Appropriations Committee, to support this matter this year, or any year, in the committee; and I expect to learn more about it before I do. But I certainly have not said I would not support it under any circumstances, because I think it is worthy of further consideration.

Mr. President, I would emphasize that the $28 million is not an added item to the Air Force procurement authorization, but must be absorbed within the procurement account. I would add that this item has been fully supported by Secretary Laird in communications to both Committees.

ARMY MISSILE PROCUREMENT

Tow: The Tow missile was a matter of considerable interest, which was in the Senate bill, but the House deleted in its entirety the $142 million authorized for the procurement of the Tow antitank missile, which had been authorized by the Senate. The conferees agreed on $100 million for this item.

AIR FORCE MISSILE PROCUREMENT

Sram: The conferees agreed to the $20.4 million for the procurement of the short range attack missile Sram which was contained in the House version but deleted by the Senate. It appeared that the development problems have been sufficiently overcome to justify a line item for this weapon.

NAVY SHIPBUILDING AND CONVERSION

The House accepted the Senate version of the bill on Navy shipbuilding and conversion, but with the addition of $415 million in the authorization of ship construction and conversion. The items added are those established by the Navy in terms of its priorities and also represent in large part what we anticipate will be requested in next year's budget.

I should also add, Mr. President, that none of these items are expected to be funded for fiscal year 1970, and I shall read the list of the items included, but before I name them, in total, the House bill included $960 million for additional vessels or ships that were not in the budget and were not in the Senate bill. The House conferees were very insistent that that inclusion of the House of Representatives be included. That was one of the long discussed and debated parts of the conference.

We obtained a list of the ships, and found that certain of them, while requested by the Navy for fiscal year 1970, had been rejected by the Department of Defense. They are expected to be in the budget next year, fiscal year 1971; so agreement was finally reached that we would agree to $412 million of the $960 million that was in the bill, under the situation and facts and circumstances I have already enumerated. The Department of Defense said that they would not ask for appropriations for these items this year.

ARMY TRACKED COMBAT VEHICLE PROCUREMENT

MBT–70: $20 million was included in the Army's production base support procurement for the main battle tank—MBT–70. The Senate had provided $25.4 million for this; the House nothing.

Sheridan: $24.2 million was agreed upon for Army procurement of the Sheridan armored reconnaissance vehicle, which adds $9 million to the amount approved by the House.

Mr. President, I hope that in time the Senator from New Hampshire will make a statement regarding the research and development reductions in this bill, in connection with which he rendered such outstanding service. We did get accepted, in the settlement, the Fulbright amendment for reduction of $45 million in the research and development program.

I see that the Senator from Louisiana is present, and I shall be happy to yield to him, if he wishes, at this point.

Mr. ELLENDER. Mr. President, did I understand the Senator to say that in addition to the money provided by the Senate for shipbuiding, the conferees added more than $4 million for ships?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Which ships are covered? There are no carriers?

Mr. STENNIS. There are no carriers. I will read the list of the ships and comment on the carriers.

The items involve the conversion of three guided missile frigates, instead of one, at an added cost of $41 million.

There was one in the Senate bill and one in the budget. However, the House bill had added two. We first agreed on a figure and also on this line of preferences.

I point out to the Senator from Louisiana that a big factor in the agreement was that these ships are headed for approval in the 1971 budget. It is really next year's program. They are not matters that were just picked up here and there that some individual wanted.

Mr. ELLENDER. Why not wait until next year to get the appropriation?

Mr. STENNIS. That is the position we took over and over again. We met 12 times. They were 3-hour meetings each time. These were not perfunctory affairs except the last one. We had a multitude of conferences of all kinds. This was the best agreement we could get.

There is not a dollar of money for this fiscal year, I am satisfied in my mind with respect to all of these matters, that would not have been approved next year because they are so much a part of the necessary building program.

Mr. ELLENDER. Did the House conferees accept the program outlined by the Senate with respect to shipbuilding?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Without exception?

Mr. STENNIS. That is correct. That was in their bill to start with.

I will read at least some of these. I have them listed in my statement.

There is the construction of eight destroyers, instead of five. That would provide an added cost of $157 million for the three extra destroyers.

There is provision for the advanced procurement of three nuclear frigates, instead of two, at an added cost of $32 million.

Next is the construction of a destroyer tender, not in the Senate bill, at an added cost of $82 million. That is part of that $960 million.

I call this to the attention of the Senator because he had asked about the carrier. As part of the $960 million in the House bill, they had $100 million for lead time items for the third carrier. There was a great deal of interest in the House on that matter. And the House conferees were quite insistent about it. As a matter of fact, it was the first item on the preference list. However, a promise had been made here by our committee during the debate that we would not bring in a recommendation for any funds for an additional carrier until this survey and special consideration of the matter had been had.

I could not see any honorable way in which we could consider yielding, although the House thought we were in error. In keeping with the promise we had made here, we did not agree to the additional carrier. We never did agree to it. However, we wanted to have a survey made. And in the end the House conferees agreed to join us on the survey. That amendment was agreed to.

Mr. ELLENDER. So that only two of the three authorized nuclear carriers will be constructed, and the other will be postponed until the survey is made.

Mr. STENNIS. The other one will have to be authorized. It is not in the bill.

Mr. ELLENDER. I thank the Senator.

Mr. STENNIS. Mr. President, as I have said, the Senator from New Hampshire will speak about the 11-percent cut in research and development. We had public debate here on a few of these items that I will mention in passing. The SAM-D missile item was compromised at $60 million. This is research and development.

The AWACS, for which the Air Force authorized $15 million and the House $40 million, was finally agreed to in the sum of $40 million.

On the Conus air defense intercepter, for which the House authorized $18.5 million and the Senate $2.5 million, the conferees agreed to the lower Senate figure.

There are other items that I will answer questions about, if desired. However, I will not delineate them now.

On the general provisions, the conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records he keeps in the normal course of business.

It also takes away the subpena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpenas in necessary cases when requested.

That was a hotly contested item on the floor. It concerned the granting of subpena power and involved the changing of the nature of the GAO.

We strenuously urged the adoption of the Senate amendment because I thought the restrictions on the subpena power were adequate and had been properly phrased and took care of it all right. However, the House never did yield with reference to the subpena power on either one of these two items. And there was no way to get them to yield. But they did yield and agree to this modification that I have discussed.

On the financial disclosure amendment, the House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provisions for former military officers and civilians involved in defense procurement matters.

The House added a provision for a new Assistant Secretary—Assistant Secretary of Defense Health Affairs. That is a matter that they have added in several bills in recent years. We finally agreed to include that provision. I think that there is rather strong argument in favor of it and that the work can be centralized there.

At one time it was offered in such a way as to crowd out the Assistant Secretary on Systems Analysis. We never would agree to it in that form, because any Secretary of Defense is entitled to the very best personnel he can get. And it helps to give status in these matters of procurement and systems analysis evaluation.

We had a very complicated amendment considered on the Senate floor regarding independent research. The amendment was offered by the distinguished Senator from Wisconsin.

We finally agreed that the Senator would introduce a bill on that subject. The committee recommended a 20-percent reduction in funds. That passed the Senate in that form.

That amendment was very stoutly resisted by the conferees on the part of the House. Some rather complicated matters came up concerning it. However, after a most thorough consideration, we agreed that we would settle it with an amendment that would not disturb existing contracts and there would be an overall reduction of 7 percent in new contracts made for the rest of this year, the idea being that that is a temporary settlement of the matter and that we are getting into the field more explicitly, we hope to have better guidelines possibly by statute in the next year.

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

Mr. STENNIS. I am glad to yield to the distinguished Senator from Wisconsin. He is the author of the amendment to which I have just referred, and he did a great deal of fine work on it.

Mr. PROXMIRE. I want to say a number of things later, but first I want to say that I am very grateful to the Senator from Mississippi for the excellent job he did with regard to the amendments I introduced. I think he made a fine fight. I know it was not easy. I should like to ask him about this amendment.

Does the Senator agree that the effect of the amendment retained by the conference placed this practice of independent research—what I have in mind are loose rules and regulations—for the first time under the scrutiny and examination of both the Pentagon and Congress?

Mr. STENNIS. Yes. That is a correct statement. It will now have to be under the strict surveillance of the Pentagon, and this is a start whereby we can have legislative surveillance.

Mr. PROXMIRE. Is the effect of the amendment to limit the funds which the Pentagon allows to be written off by contractors for this purpose to 93 percent of the contemplated level of allowance for future contracts? In other words, there is at least a 7-percent cut in the amount which would otherwise be allowed in future contracts.

Mr. STENNIS. That is correct. The language appears a little odd, but that is the way it had to be drawn.

Mr. PROXMIRE. Does the Senator agree that this amount would be a cut of at least $40 million to $50 million over what it would otherwise have been and that it might in fact be more?

Mr. STENNIS. Yes, I think that is approximately correct. We found that there was no way to be accurate on that because of various conditions. I think I said at one time that it would run from $30 million to $40 million to $50 million, but I think $40 million to $50 million is more nearly accurate.

Mr. PROXMIRE. I understood the Senator to say that this is a beginning. As I understand it, the Senator intends to hold hearings on this question and his committee intends to go into it in considerable detail.

Mr. STENNIS. That is exactly what we propose to do. It must be evaluated; it must be understood. I think it must be regulated somewhat, although I am impressed with the need for some operation in this field.

Mr. PROXMIRE. Would the Senator not also agree that the effect of the amendment is to give a clear notice to the procurement officials in the Defense Department that some past practices appear to those of us who have examined them to be questionable, indeed, and that

there needs to be a tightening of the regulations and controls under which this procedure has been practiced?

For example, my office was unable to find out from the Department of Defense or to find in the armed services procurement regulations any clear definitions or regulations which involved funds in excess of a half billion dollars a year.

Is this amendment not a clear notice to the procurement officials and to the Comptroller of the Pentagon that this entire area must be re-examined, tightened, and brought under control?

Mr. STENNIS. That is what we intend to do. We are going to follow that up by letter. No corruption or anything like that was found there.

Mr. PROXMIRE. I agree.

Mr. STENNIS. It was the inadequacy of the system and an application of that system. It is just intolerable, as I see it. It is an important field, however.

The committee will not bring in a recommendation again until we get a better system and a better understanding. That would be my position.

Mr. PROXMIRE. I should like to ask the Senator another question about this item and about the dollar amounts involved.

In the original amendment, it was considered that under the authorization some $585 million originally would have been available for the independent research and development. We cut that by 20 percent, or one-fifth; and, as the report points out, the language "was intended to provide a reduction of approximately 20 percent in the funds which would otherwise be expended for this purpose during fiscal 1970."

The effect was to limit the total to $468 million, or 20 percent of $585 million.

The effect of the new amendment is to make a 7-percent cut, rather than a 20-percent cut.

By my calculations, this would be $40.95 million, and would limit independent research and development expenditures to approximately $544 million for next year. Is that not correct?

Mr. STENNIS. I think that is approximately correct. That is the best we could get at this time, with the lack of a system, and they do not know the extent of these contracts as yet. We could not be exact. The estimates on it went up. The gross estimates on the amount that could be involved went up.

Mr. PROXMIRE. I have some additional questions, but I will defer those, if the Senator wishes, while other Senators who are members of the committee speak. I will do whatever the Senator desires. I want to accommodate him.

Mr. STENNIS. I thank the Senator. The Senator from New Hampshire is versed in this matter, as are others. This matter was handled, however, as an amendment on the floor of the Senate, and I think we all are familiar with it.

Does the Senator have further questions on this matter?

Mr. PROXMIRE. Not on this matter. I have questions on other matters.

Mr. STENNIS. I would rather finish now. I thank the Senator.

Mr. President (Mr. SPONG in the chair), certain settlements were made on the matter of the support of the Southeast Asia forces. There was no ceiling on that in the House bill, and they finally agreed to the $2.5 billion figure contained in the Senate version; but the House would not agree to the amendment that was offered by the Senator from Kentucky (Mr. COOPER) and which was voted for by all of us. The question there was as to the meaning of the language, and that was in contest on the floor of the Senate. I have not had a chance to discuss this matter with the Senator from Kentucky, but I shall do so. I see him in the Chamber, and I am glad that he is present.

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

Mr. STENNIS. I yield.

Mr. COOPER. I do not intend to discuss the conference action on the amendment at great length at this time, but I should like to ask the Senator some questions.

Mr. STENNIS. I yield to the Senator for such questions as he may have.

Mr. COOPER. I understood the Senator to say that disagreement in the conference arose over the meaning or the intention of the language. Would the Senator speak in more detail of disagreement.

Mr. STENNIS. As I recall, the question was whether it put a limitation on all the funds of the Department of Defense, or whether it was just on this $2.5 billion.

With great deference to the Senator, I thought his language applied only to the $2.5 billion, and the contention of the Senator from Kentucky was that it applied to all the funds appropriated for the Department of Defense. It is a very broad and a very far-reaching question, and we just could not make any headway with the House on that question. It pertains to war, some possible extension of the war.

Mr. COOPER. To try to secure as precise an answer as I can, I ask this question: Was the discussion in the conference, and particularly the objection of the House conferees, directed to the question, which we debated at great length on the floor of the Senate, that is—to whether the amendment I offered applied only to the $2.5 billion which was authorized in the bill? That is an arguable question, and we debated it at some length. But the more substantive question, and the chief question, is this: Was there argument in the conference—did the question arise, as to whether funds should be appropriated for combat use of our troops in support of local force in a war in Laos?

That is the chief and substantive question, and that was my point.

Mr. STENNIS. This matter came up many times during the conference. The amendment had two phases: one was the ceiling and the other was the Senator's limitation. I recall that it was discussed from virtually every angle. I recall speaking with Representative RIVERS about it in one of our conferences on the items that were not agreed to. I also recall the discussions in the conference about settling this broad question through an amendment in this way—that we had not had hearings.

I think that was the main point. The main point on which the House objected was the lack of hearings in such a far-reaching policy question, without a delineation of the various parts, and so forth.

Mr. President, that was the overall reason that the House did not accept the amendment.

Mr. COOPER. I assumed that would be the reason.

Mr. STENNIS. Yes.

Mr. COOPER. I would like to discuss this matter for a few minutes.

Mr. STENNIS. Certainly. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Mississippi was kind enough to call me several times after the conference. I was not in Washington. I was in Kentucky. He told me that he wanted to discuss with me the action of the conference on the amendment. I appreciate his consideration very much.

Mr. STENNIS. The Senator is certainly entitled to that consideration. I wanted him to be informed, and I wanted him to be here when we took up the report, and it was only after we knew he would be here that we went ahead.

Mr. COOPER. The Senator is not only courteous but also very fair. I appreciate his consideration very much.

The information offered publicly to the country since August 12, when I first offered the amendment, gives more importance to the amendment. Before August 12, after I had studied the bill and had noted that in title IV the language which authorized funds for the use of U.S. troops in assistance of local forces in Laos and Thailand, two questions arose in my mind because of the language. The first question was a constitutional question, and that is always arguable, as to whether the President, and I spoke of the Office, has the right to use combat troops in another country without the approval of Congress. I had thought that was a pertinent question because the Senate recently agreed to a national commitment resolution, which was supported by all Members except seven. I remember that the Senator from Mississippi spoke in support of the resolution.

The more substantive and immediate question was whether the United States would, by use of its combat forces, move into a new war in Laos and Thailand. At the time I did not have any absolute information as to what the United States was doing in Laos. There were rumors, but I must say I had no firm information. Since that time a series of articles has been published in the New York Times going into some detail about the involvement of the United States in Laos. In addition, the Senator from Missouri (Mr. SYMINGTON) has been very ably conducting a series of hearings on our foreign commitments. I shall not comment on what has been happening in that committee. Although I am a member of the committee, the hearings have been secret and I do not intend to comment upon any information that has been developed in the hearings. I shall follow the chairman, Senator SYMINGTON.

I must say I rely chiefly on the articles from the New York Times. Also I rely upon the statements which Secretary of

State Rogers has made to the press. If he is correctly reported, he said he thought Members of Congress or some Members know about the U.S. involvement.

I know that our activities in Laos are related to our operations in the war in Vietnam. For example, if we bomb the Ho Chi Minh Trail from bases in Thailand that is an operation supporting our forces in Vietnam. It is to deny the movement of supplies and forces down the Ho Chi Minh Trail.

In the debate on August 12 and on September 17, I did not question the right of the President, as Commander in Chief, to conduct activities in Laos which are directly related to the war in Vietnam; but I did question then and I question today the authority of the President—and again, I am not directing my remarks to President Nixon but to the Office of President—because if these activities have been occurring, they have been occurring under the Presidents and they were initiated, according to the newspapers, during the administration of President Kennedy. The activities increased under the administration of President Johnson.

If the newspapers are correct, the activities have been carried on under the administration of President Nixon.

The point I make is that no President ever declared to the American people or to Congress that the United States was assisting in combat activities in support of local forces in Laos. The forces of Laos are engaged in a civil war in Laos. The Pathet Lao are engaged and have been engaged for years in an attempt to strike down the established Government of Laos. The Pathet Lao has been assisted by the North Vietnamese forces, and, I assume, by Chinese work battalions.

The circumstances under which these activities began as in Vietnam were in a framework in which the United States was concerned about the Communist takeover of Southeast Asia. There was great concern about this possibility which many people do not remember today.

But the point I made when I offered the amendment, and the point I try to make now is that no President as Commander in Chief, has ever announced to the American people that he is using what he might consider to be his constitutional powers and that we were in combat activities in support of local forces in Laos. Certainly, Congress has never been informed or approved such actions.

We can agree to resolutions until doomsday and they will have their moral effect upon the President or upon Congress or upon the American people, but all such methods other than the certain constitutional method we might use—and the Senator from Mississippi knows this well because he is a great lawyer—are doubtful.

There is only one method which is certain and that is the prohibition of appropriations. That was the purpose of my amendment: To deny appropriations to carry on the use of American combat troops to support local forces in Laos or Thailand.

I remember the Senator argued, and I think it was arguable, from a technical viewpoint, that my amendment did not accomplish its purpose, that the Senator considered it went only to the $2.5 billion that was authorized. That might be true. I considered this possibility, but I thought the meaning was perfectly clear to everyone.

It was my intent that the amendment should bar use of any funds in any bill for the use of our combat troops in support of local forces in Laos or Thailand. The bill passed 86 to 0. The Secretary of Defense Laird sent a letter which was placed in the RECORD, saying my amendment would not accomplish my purpose, but everyone knew what its purpose was. Those who were there and heard the debate knew its purpose was to keep the United States out of another war in Laos. The only certain constitutional method to accomplish the purpose was and is the prohibition of funds.

I do not know how many other bills will be coming up which will carry funds for use of air combat forces in support of local forces in Laos or Thailand. I understand there are two. Is that correct?

Mr. STENNIS. Yes. Two.

Mr. COOPER. The military construction and the appropriation bill. I will offer the amendment again to close the door in every way that I can. I want to notify the Senator. It will direct the Senate to the issue we must determine whether we will, without the authority of Congress, become involved in other wars. If it is important for the security point of view, and Congress decides to give its authority, at least we will know where we stand. I do not believe it is essential to U.S. security. I will offer the amendment again.

Mr. STENNIS. I thank the Senator from Kentucky. I appreciate his remarks.

Mr. President, I have almost completed my speech now. Remarks on chemical and biological warfare will be made by the distinguished Senator from New Hampshire (Mr. MCINTYRE).

RESEARCH AND DEVELOPMENT

An 11-percent cut: Mr. President, in summary terms the bill provides for a reduction of 11 percent in research and development funds in the budget request as compared to an average of about 12 percent in the Senate version and 10 percent in the House version. In addition, Mr. President, I wish to emphasize that the military science budget activity was reduced in a manner which will give complete effect to the total reduction of some $45 million adopted on the Senate floor relating to the Federal research centers, behavioral sciences, and certain other activities.

SPECIFIC RESEARCH AND DEVELOPMENT ITEMS

Mr. President, I shall not attempt to enumerate all of the items which were adjusted in the research and development program other than to mention certain of the principal ones.

First. The Sam-D missile for which the Senate bill authorized no funds and the House $75 million was compromised at 60 percent.

Second. The AWACS for which the Senate authorized $15 million and the House $40 million was finally agreed to in the sum of the House figure of $40 million.

Third. On the CONUS Air Defense Interceptor for which the House authorized $18.5 million and the Senate $2.5 million the conferees agreed to the lower Senate figure.

Mr. President, in view of the fact that a number of other adjustments are fully set forth in the conference report and statement of managers I shall not recite these in detail.

GENERAL PROVISIONS

Turning now to the general provisions, Mr. President, I would like to discuss these items in their final form as they emerged from the conference.

PROFITABILITY STUDY

The conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records which he normally keeps in the normal course of business. It also takes away the subpena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpenas in proper and necessary cases when requested.

FINANCIAL DISCLOSURE

The House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provision for former military officers and civilians involved in defense procurement matters. The amendment of the House would substitute new language for section 403 of the Senate bill as suggested by the Department of Defense in its reclama letter of October 6, 1969.

NEW ASSISTANT SECRETARY FOR HEALTH AFFAIRS

The Senate agreed to a House provision providing for a new Assistant Secretary of Defense for Health Affairs with the added proviso that the number of Assistant Secretaries would be increased from seven to eight. This provision which was also contained in last year's procurement bill, but rejected by the Senate, was strongly insisted upon by the House.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. President, as the Senate may recall, the House version contained no language in its bill on the business of independent research and development. The Senate version contained a section limiting this activity to $468 million for fiscal year 1970, representing a 20-percent reduction in this program. A compromise was adopted by the conference under which for new contracts incurred after the effective date of this act the Department of Defense is directed to restrict the funds available for this activity to 93 percent of what they would normally contemplate for this use. This restriction applies only to the funds authorized in this legislation. Both committees agreed that this matter will receive thorough hearings next year.

Mr. President, I would like to observe that the activity of independent research and development needs much better supervision and management on the part

of the Department of Defense based on the limited attention we were able to extend to it this session. At one point the Senate Committee was advised that about $580 million would be expended out of the authorized funds for fiscal year 1970. The House Committee some weeks later was advised that about $702 million might be expended for this general purpose. The simple truth is I do not believe the Department knows how much money will be spent in the general area of independent research and development, bid and proposal, and other technical effort. While I am sure there is much good work accomplished under these programs, it is at the present time beyond the decisionmaking process in the Congress in terms of the budget. The Congress therefore has no means of evaluating or controlling these large sums to any precise degree.

It would appear that the only means of bringing this matter under any control would be to have it as a line item in the budget in order that it can be presented and justified in the normal way. I point this out in order for the Department of Defense to be on notice with respect to the intention of the committee of having detailed hearings and bringing about some change in the way this matter is presently being handled.

SUPPORT FOR SOUTHEAST ASIA FORCES

Mr. President, the limitation of $2.5 billion contained in the Senate version of section 401 was retained by the conferees. The added language regarding the use of these funds for the support of local forces in Laos and Thailand was rejected by the House conferees because of its ambiguity. As the Senate may recall, this latter item was Senator COOPER's floor amendment, which was adopted.

NUCLEAR CARRIER STUDY

The House version contained no provision similar to the Senate version requiring a study for the CVAN–70 prior to any authorization. As finally adopted there will be a joint study by both the committees prior to the authorization of any additional carrier.

EXPANSION OF AUTHORIZATION AUTHORITY

The House version would have extended the requirement for authorization legislation prior to appropriations to "all other vehicles, weapons and ammunition." This matter was compromised by the adoption of language limiting this expansion to other weapons with this term being limited principally to artillery, rifles, small weapons, and the like, as defined specifically in the statement of managers.

TROOP STRENGTH CEILING

The conferees adopted the House version on the active duty ceiling which provides that after July 1, 1970, not more than 3,285,000 personnel may be on active duty in the Armed Forces unless a Presidential exception is made.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. President, the conferees agreed to what might be considered a compromise in both the House and Senate versions of this matter. Senator MCINTYRE will explain this matter fully, but I would point out that the new language requires the following:

First, that Congress be kept informed of all expenditures relating to chemical and biological warfare.

Second, that the program, including testing and transportation, be conducted in a manner consistent with a due regard for public health and safety.

Third, that the program be conducted in a manner which respects the sovereign independence of other nations and U.S. obligations under international law. In addition, it prohibits procurement of systems specifically designed for disseminating lethal chemical and biological agents except with the approval of the President. The bill underscores congressional determination to keep this program under firm control by directing $10.5 million reduction in the program's research and development funds.

GAO AUDIT AND REPORT LANGUAGE

Mr. President, I regret to say that the House was adamant in its refusal to adopt the Senate provision requiring quarterly reports by the General Accounting Office of major defense contractors. This amendment, as we know, was offered by Senator SCHWEIKER. The House felt, however, that except for the subpena power, existing procedures allowing this type of reporting, the section was not justified.

PROVISIONS IN THE HOUSE BILL NOT ADOPTED BY CONFEREES

Mr. President, in order that there may be a record on the cooperation between the two groups I would like to point out the provisions contained in the House version which were dropped altogether by the conferees: Language requiring the mandatory procurement and storage of supplies for Reserves; a Deputy Assistant Secretary of Defense for Dental Affairs; lieutenant general rank for the Chief of the National Guard Bureau and Chiefs of the Army Reserve and Air Force Reserve; language requiring a travel allowance for overseas travel for military dependents attending college; a special provision regarding retired pay; special language requiring destroyer construction in at least three shipyards, and language which would have required reporting to the Senate and House and a 60-day waiting period for all research and development contracts with colleges and universities.

I cite the foregoing, Mr. President, to indicate the fact that although the Senate did not retain all of its provisions the House likewise did not prevail in many of the items adopted by that body.

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

SUMMARY OF ENTIRE BILL PROCUREMENT

[In thousands of dollars]

	Conferees agree on	Authorized, fiscal year 1969	Appropriated, fiscal year 1969	Authorization requested fiscal year 1970		As passed by the Senate	As reported by House committee
				Jan. 14, 1969	Apr. 15, 1969		
Aircraft:							
Army	$570,400	[1] $735,447	$735,247	$941,500	$941,500	$484,400	$570,400
Navy and Marine Corps	2,391,200	2,406,988	2,311,284	2,568,900	[1] 2,409,200	2,287,200	2,391,200
Air Force	3,965,700	5,212,000	4,460,000	4,406,000	[2] 4,100,200	3,965,700	4,002,200
Missiles:							
Army	880,460	956,140	908,040	1,347,660	957,660	922,500	780,460
Navy	851,300	848,122	673,016	865,100	851,300	851,300	851,300
Marine Corps	20,100	13,500	13,500	20,100	20,100	20,100	20,100
Air Force	1,486,400	1,768,000	1,720,200	1,794,000	1,486,400	1,466,000	1,486,400
Naval vessels: Navy	2,983,200	1,581,500	820,700	2,698,300	2,631,400	2,568,200	3,591,500
Tracked combat vehicles:							
Army	228,000	299,426	286,626	298,300	305,800	276,900	195,200
Marine Corps	37,700	10,800	10,800	37,700	37,700	37,700	37,700
Total procurement	13,414,460	13,832,013	11,939,613	14,977,560	13,741,260	12,880,000	13,926,460
RESEARCH, DEVELOPMENT, TEST AND EVALUATION							
Army	1,646,055	1,611,900	1,522,665	1,822,500	1,849,500	[3] 1,626,707	1,664,500
Navy (including Marine Corps)	1,968,235	2,205,741	2,141,339	2,207,100	2,211,500	1,911,343	1,990,500
Air Force	3,156,552	3,438,594	3,364,724	3,594,300	3,561,200	3,041,211	3,241,200
Defense agencies	450,200	487,522	472,600	500,200	500,200	454,625	450,200
Emergency fund	75,000	50,000	50,000	50,000	100,000	75,000	75,000
Total, research and development	7,296,042	7,793,737	7,551,328	8,174,100	8,222,400	[3] 7,108,886	7,421,400
Grand total	[3] 20,710,502	21,625,750	19,490,941	23,151,660	21,963,660	[3] 19,988,886	21,347,860

[1] Of the amount requested for authorization, $25,000,000 is to be derived by transfer from stock funds.

[2] Of the amount requested for authorization, $325,000,000 is to be derived by transfer from stock funds.

[3] In addition to these amounts this bill authorizes $12,700,000 for construction of facilities at Kwajalein.

FISCAL DATA	
Requested by Secretary Clifford	$23,151,660,000
Agreed to in conference	20,710,502,000
Less than amount requested by DOD, Jan. 14, 1969	2,441,158,000
Requested by Secretary Laird, Apr. 15, 1969	21,963,660,000
Agreed to in conference	20,710,502,000
Less than amount requested by Secretary Laird	1,253,158,000
Approved by House	21,347,860,000
Agreed to in conference	20,710,502,000
Less than House bill	637,358,000
Approved by conference	20,710,502,000
Approved by Senate	19,988,886,000
More than Senate bill	721,616,000
PROCUREMENT	
Approved by House	13,926,460,000
Approved by conference	13,414,460,000
Less than House bill	512,000,000
Approved by conference	13,414,460,000
Approved by Senate	12,880,000,000
More than Senate bill	534,460,000
Requested by Secretary Laird, Apr. 15, 1969	13,741,260,000
Approved by conference	13,414,460,000
Less than requested by DOD	326,800,000
RESEARCH AND DEVELOPMENT	
Requested by Secretary Laird, Apr. 15, 1969	8,222,400,000
Approved by conference	7,296,042,000
Less than amount requested by DOD	926,358,000
Approved by House	7,421,400,000
Approved by conference	7,296,042,000
Less than House bill	125,358,000
Approved by conference	7,296,042,000
Approved by Senate	7,108,886,000
More than Senate bill	187,156,000

Mr. STENNIS. Mr. President, at this point I want especially to acknowledge the diligence and the efforts put forth on the part of the Senate conferees on this complicated and far-reaching matter.

All of the Senate's representatives—Senators RUSSELL, SYMINGTON, JACKSON, CANNON, MCINTYRE, Mrs. SMITH of Maine, THURMOND, TOWER, and DOMINICK—represented the Senate in the highest meaning of the word and in the best tradition of the Senate.

Especially, I thank the Senator from Maine (Mrs. SMITH), the ranking Republican member, for her hard work and the special support she extended to me.

Mr. President, I do not want to hold the floor indefinitely. I yield at this point to the Senator from Maine (Mrs. SMITH) for her remarks.

Mrs. SMITH of Maine. Mr. President, I want to thank the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), for yielding to me.

As the ranking minority member of the Committee on Armed Services, I fully support the conference report on this military procurement legislation. I commend the able, distinguished, and dedicated chairman of the committee especially for his diligence and his patience throughout the conference.

The conferees were most pleasant to work with.

It was a long conference, but I think a very worthwhile one. I found it a real privilege to be one of the conferees to serve on the part of the Senate.

Mr. President, after the heated controversy over this legislation, I am amazed that the House of Representatives approved the conference report without a word said against it and by a voice vote.

I do not understand how those who voiced vigorous opposition to this legislation in the House of Representatives suddenly became silent.

While I am supporting the conference report in the Senate, I certainly hope that there is greater debate here in the Senate on the conference report and that the voices of the critics of the Department of Defense will not be stilled and remain silent but, instead, that we can have the benefit of greater debate in the Senate on the conference report.

Mr. President, I shall not attempt to discuss the details of the final bill which the Senator from Mississippi as chairman has so ably and fully outlined in his statement.

I would, however, like to note a few general observations.

First, as the Senate knows, this particular bill has probably been the most thoroughly debated item of legislation which has been considered by the Senate in recent years.

The final product, I believe, represents a good bill and is proof of the validity of the legislative process.

As a whole, this bill will provide, I think, sufficient authorization for the Department of Defense to meet the defense needs for fiscal year 1970.

Despite all the differences and views within Congress, we all recognize that an adequate military posture is essential to this country in these uncertain times.

The one aspect of the bill on which I would make special comment is the reductions in research and development which approximate 11 percent for the entire Department of Defense, with the final figure being $7,296,042,000. While any program can be subject to savings, it is my view that the reduction is probably too great in this area. Without a strong research program obsolescence in weaponry is assured in relatively few years. This is a danger against which we must guard. I am confident, however, that next year when these programs are reexamined that possibly when detailed information is received from Defense, greater support will be generated within the Congress.

I would observe, Mr. President, that one of the difficulties in the R. & D. program is the labels used for the programs—such terms as behavioral sciences, sociological programs, and the like. I do not think the Department of Defense has done its best job in categorizing these programs. At the same time I do not think the Congress should condemn them solely because of the names that have been given. All issues should be considered on the merits and great caution should be exercised both in committee and on the floor of the Senate before making drastic cuts. I hasten to add that I intend no criticism of the views which individual Senators may have on this subject, however.

In conclusion, Mr. President, this bill which contains a final authorization of $20.7 billion, as compared to $21.3 billion as passed by the House and $19.9 billion as passed by the Senate, represents a fair compromise between the two bills and is a strong bill.

I urge adoption of the conference report by the Senate.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Maine for her comments and for the substance of what she had to say.

Mr. President, I ask unanimous consent that I may now yield to the Senator from New Hampshire (Mr. MCINTYRE), a very valuable member of the conferees, who did some special work in a special field, as well as general work which he did as well.

Mr. MCINTYRE. Mr. President, I thank my distinguished chairman for yielding to me at this time.

Before I go into a little bit of detail, Mr. President, as to the research and development end of this authorization bill, let me say to the Senate that this was my first conference as a member of the Armed Services Committee. The conference was chaired by the Senator from Mississippi (Mr. STENNIS). From my experience and observation, he kept matters moving. His fair and objective manner was of paramount importance in many difficult sessions.

No man could have fought any harder to retain the commitments he made to the Senate and to bring through the amendments approved earlier this year on the Senate floor than the Senator from Mississippi (Mr. STENNIS).

Mr. President, as a New Englander I found his patience almost beyond belief. Truly, his was outstanding and really brilliant leadership during the course of the conference, similar to that we all know during the course of action on the bill earlier on the Senate floor.

Mr. President, let me highlight some of the things that we went to conference with, and what we accomplished.

As a member of the Research and Development Subcommittee the field of military science completely baffled me as we began to look into it. It seemed to permeate all through the budget being offered by the Department of Defense. Various services seem to have different ways of spending the money.

To the best of my ability, I believe that the total amount the Department of Defense asked for in military science was something in the vicinity of $600 million.

This money, as the Senator knows, was to be spent for the Federal contract research centers, some of it spent in

house, and some in conjunction with mass university programs, like the Themis program that the Senator from Arkansas (Mr. FULBRIGHT) is so interested in. The Senate's recommendation was a cut in the vicinity of $90 million. We more than sustained that, with an overall cut of $94.9 million in this field. This represents a cut of some 15 percent.

I believe it is notice to the Defense Department and those agencies concerned with military science that information on this work must be clarified, so that members of the Armed Services Committee of the Senate, and the House, too, for that matter, can get a grip on it.

In another area of importance—chemical and biological warfare—the Senate proposed a cut of some $16 million directed at offensive research and development. We had to recede from this cut specifically directed at offensive research and development on lethal chemicals and biologicals to an eventual cut of $10.5 million to be applied generally to research and development in this area. This cut of $10.5 million represented a 12-percent reduction in the funds requested in the budget.

One of the most complicated parts of the conference was the amendment passed in the Senate by an overwhelming vote of 90 to 0 to exercise some influence, some control, and bring some understanding into a field—our chemical and biological weapons program—that had been in the past swept under the rug.

Mr. President, I would like to say a few words at this time in explanation of the CBW restrictions which were approved by the conferees.

While these restrictions are somewhat less than those approved originally by the Senate alone, they preserve the essential elements of the Senate package, several of which were not present at all in the bill passed originally by the House.

They may not be ideal, but they constitute an important first step in the assertion of congressional control over our CBW program. They should give us an excellent base on which to build over the coming year.

Several of these restrictions were approved independently by both the Senate and the House. Included in this category are provisions calling for:

First. A full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test, evaluation, and procurement programs.

Second. Advance notice to foreign nations before the deployment of CBW agents or delivery systems specifically designed to disseminate such agents on their soil.

Third. A review by the Secretary of State to insure that CBW activities conducted by the United States abroad are consistent with international law.

Also included in the conference-approved package are restrictions covering the transportation and open-air testing of lethal chemical agents and all biological agents. Both the Senate and the House bills contained provisions regulating these two activities. The restrictions in the two bills differed so significantly, however, that a short explanation both of these differences and of the restrictions approved by the conference is in order at this time.

The House bill gave to the Secretary of Health, Education, and Welfare a purely advisory role. He could review any proposed transportation and open-air testing and make recommendations regarding it, but the Secretary of Defense was free to act upon these recommendations or disregard them as he saw fit. And notification of any such activities was to be made only to the Armed Services Committees of both Houses and only 10 days in advance of the activities themselves.

The Senate bill, on the other hand, gave to the Surgeon General of the Public Health Service the power to stop any proposed transportation or testing which he found to be unsafe. And notification of these activities was to be made 30 days in advance to a number of congressional committees and to the Governors of any State through which agents might be transported.

I believe that the conference-approved restrictions in this area preserve the essentials of the Senate version. In the future the Surgeon General will be empowered to review transportation and testing activities proposed by the Department of Defense and to determine what measures must be taken by the Department in conjunction with these activities to protect the public health and safety. In most instances, the Surgeon General's determination will be binding on the Secretary of Defense. Only if the effect of the Surgeon General's determination is to prevent entirely the proposed transportation or open-air testing will the Department of Defense have any other recourse. In that event, and only in that event, will he be able to request the President to make a determination that the transportation or testing in question is required by overriding considerations of national security notwithstanding the dangers to the public health and safety. Notification of proposed activities will be provided under the conference-approved language to the President of the Senate and the Speaker of the House and to the Governors of States through which agents are to be transported. Reports received by the President of the Senate can be obtained by Senate Members with an interest in reviewing them.

Also included in the conference-approved package is a restriction prohibiting the further procurement of delivery systems specifically designed to disseminate lethal chemical and all biological warfare agents and also delivery system parts and components specifically designed for such purpose. This restriction is a modification of a provision in the original Senate bill, no counterpart to which appeared in the House bill. It differs from the original Senate provision in two respects: First, it prohibits such procurement only during fiscal year 1970. Second, it can be suspended by the President upon his certification to the Congress that such suspension is necessary to the safety and security of the United States.

As I said earlier, these restrictions are an important first step and an excellent base on which we can now build.

Hearings will be held in the near future to review in detail every facet of our CBW program and to determine what additional steps must be taken in this area.

I hasten to add that there seem to be two differences between the CBW restrictions, which appeared in the RECORD text of the conference report passed by the House yesterday and the CBW restrictions which were actually agreed to by the conferees. I would like to call attention to these differences at this time.

The first is found in section 409(b), subsections (2) and (3). In both of these subsections the conferees adopted language which called for a "determination" by the Surgeon General. By action of legislative counsel, this call for a "determination" was replaced by a call for a "recommendation."

In talking this morning with the legislative council of the Senate, who participated in this change, I was told that there is no difference in the legal effect.

In the total context of section 409(b) I agree that this is the case. Nonetheless, I still feel that the word "recommend" has a weaker connotation than the word "determine," and I regard the change as unfortunate. It was clearly the sense of the conferees, when section 409(b) was passed and agreed to, that the Surgeon General would be in a position to make determinations; and not just recommendations that could be brushed aside; that the Secretary of Defense would be bound by determinations of the Surgeon General unless he got a Presidential determination that overriding considerations of national security required a specific instance of transportation or testing notwithstanding the danger to the public and safety.

I feel that this intent of the conferees is preserved in the changed version, but I want to underscore that intent at this time.

In subsection (f) of section 409 there is another change from the conference language, a change that is somewhat difficult to explain, but which can be made clear linguistically by comparing the language passed by the House with that agreed to by the conferees.

The House language yesterday reads as follows:

None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

The language agreed upon by the conferees was as follows:

None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designated to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any delivery system part or component specifically designed for such purpose unless the President shall certify to the Congress that such procurement is es-

sential to the safety and security of the United States.

The difference here, Mr. President, is in the phrases on parts and components. It was the intent of the Senate conferees, by using the agreed-to language, to put a moratorium on the procurement of such items as the poison bullets recently referred to in the New York Times. Since the guns from which they are fired are not specifically designed to disseminate CBW agents, these bullets might not be covered under the changed language. I regret very much that this change also was made, but there is nothing, apparently, that I can do at this time except to make this brief explanation of the clear intent of the conferees.

Moving on quickly to a few remaining matters: The House had an unspecified overall R. & D. cut in their bill, which Chairman RIVERS had said many times would amount to some 10 percent. However, due to some of the additions made in the closing days of House hearings, and on the floor of the House, that unspecified cut really dropped to somewhere between 9.5 and 9.8 percent.

The Senate made across-the-board cuts on R. & D. amounting to 12.5 percent. It was therefore agreed, in conference, that we would go to the figure of 11 percent, and compromise at that point.

Mr. President, the efforts of the R. & D. subcommittee of the Senate to scrutinize various systems and projects, to seek out areas of duplication, or parallel development, or to hold down costs where ultimate procurement ran into hundreds of millions and even billions of dollars, were met in most cases by a strong reclama by the Department of Defense on the House side; many items we cut were included in the House bill.

It seemed very strange to me that the items that we specifically deleted, or that we stretched out in significant fashion, suddenly became, as far as the Department of Defense was concerned, items of highest priority. In any event, the end effect is that the reductions that we made in specific items were reduced from a figure of about $250 million to a figure of about $100 million to $110 million.

Mr. President, we need, on the Senate side, better information and better presentations on the items which committees are called upon to examine. We received erroneous amounts during our briefings. On the chemical and biological warfare program, for instance, it was only 2 months after DOD told us that they were seeking the sum of $270 million that they expanded that request by another $43 million, to make it $313 million.

In one particular instance, after we had cut sharply a particular project, the appeal was made to us by the Department of Defense that "We must be allowed to continue this for another year; we are on the verge of a great breakthrough which will mean a much less expensive missile. We need more time and more money."

Mr. President, the chairman of this committee knows we need more staff experts to assist us. When you are looking at an $8 billion request, you can be overwhelmed by its size, and then you are susceptible to being outmaneuvered by the expertise and the superior knowledge of the Pentagon staffs with their thousands upon thousands of experts. It is unfortunate, it seems to me, that as legislators we cannot apply the decisional process to more and more of these costly programs.

In R. & D., one of the big arguments is—and it comes up at the conferences, it comes up in the hearings, and it comes up in the extensive briefings—"Look, we have already got an investment here of $175 million."

So we have to fall back on the "unspecified cut." And, of course, generally that is what has happened here, falling back on the unspecified cut; and the decisional process is thus handed back to the executive branch.

But, Mr. President, there are reasons to be optimistic about the future. I think the Department of Defense has got the message, at least as far as the Senate is concerned; and I think, from the way the House Members of the conference talked, they have the message too. Future requests will be broken down in more detail. We are going to get more line items.

Briefings and presentations to the committees are going to be better. They are already quite good, I must say, but we are going to get more justification for these goods and services. The committee will be looking forward to fiscal year 1971, when we expect to have a great deal more time than we had this year to study, observe, and question.

The Department of Defense is not all to blame. Many times in the past we have simply not made the proper inquiry, and asked the tough questions we should have asked over and over again. There are millions of dollars to be saved here, without impairing either our technological base or the security of this Nation.

In summation, then, the conferees have agreed to a reduction in the amount for R. & D. of $926,358,000. But, Mr. President, I must say that, of this amount, some $315 million, or thereabouts, was a self-inflicted cut by the Department of Defense in the area of the MOL, the manned orbiting laboratory, and the Cheyenne helicopter.

This leaves about $611 million that the Armed Services Committee of the Senate and of the House of Representatives have agreed, as Members of Congress, to cut out of this R. & D. program; and of that amount, about $225 million, I am happy to say, was directed at individual programs.

Mr. President, I cannot be seated without saying a word of praise for Ed Braswell, who has been chief counsel of our committee, for his frequent help, and also to Col. Everett Harper, who time and time again has come up with information and assistance which has made this an interesting challenge, at least for this Senator.

I think our efforts have made this a much better bill; and, thank goodness, we have saved at least some money.

Mr. STENNIS. I thank the Senator very much, and I strongly endorse the sentiments expressed by the Senator from New Hampshire regarding the problems he has mentioned, including those he worked so hard and so effectively with reference to research and development, biological and chemical warfare, and related matters. He worked, too, on this independent research question, and I look forward to his doing a great deal more in the future.

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

Mr. STENNIS. Yes; Mr. President, I ask unanimous consent that I may yield to the Senator from Arkansas for 10 or 12 minutes.

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

Mr. FULBRIGHT. Mr. President, I wish to express my appreciation to the Senate conferees, especially the chairman of the committee, for the successful retention of the Senate amendments in this field of defense research which he has just referred to, and which the Senator from New Hampshire has already discussed.

We had some considerable discussion about this item, of course, when the matter was before us before, and the amounts involved, in cutting back on the research on the social sciences and general research, and the research by the so-called think tanks of the universities under Project Agile. I think the committee, the Senator from Mississippi, and the Senator from New Hampshire are to be congratulated, because I think this is a significant step in the right direction.

Mr. STENNIS. Mr. President, we thank the Senator for his remarks, and are glad that we were able to get his amendment adopted.

Mr. FULBRIGHT. I was very pleased with that. But, Mr. President, there is another item in this conference agreement which I should like to discuss briefly.

The agreement includes an item of $28 million for development and initial procurement of an "international freedom fighter," as the Pentagon calls it, an aircraft for which there is no U.S. defense requirement.

It is not even suggested that this is being designed, tooled up, or produced for the requirements of our Air Force. The fighter to be developed with this money—which is likely to be only a starter—is not for our own American Armed Forces but is to be given or sold to foreign countries.

This is a proposal for back-door foreign aid and the subsidy to tool up for producing this plane should not be charged off to the defense budget but to the foreign aid program—if, indeed, the taxpayers are forced to foot the bill at all. Earlier this year the House sent to the Senate a bill containing $14 million for this project, but the Senate Armed Services Committee, wisely I think, did not act on the bill. When Secretary Laird appeared before the committee on Foreign Relations on the foreign aid bill on July 15, I questioned him about the House proposal. He was very emphatic that the House committee acted on its own and not in response to an administration request.

It is very unusual. Here is a situation in which the House committee on its own initiative proposed this matter.

Secretary Laird said in testifying be-

fore the Committee on Foreign Relations:

As far as the $14.5 million, I want to make that very clear that this was not a request of the Department of Defense or the Air Force. This was not approved by the Bureau of the Budget or the Air Force.

Here is an item not approved by the Bureau of the Budget. The Senator knows what happens when one tries to get some item in some other bill that has not been approved by the Bureau of the Budget. I tried the other day to get the budget amount on the exchange program increased. It was $4 million short of what the Budget Bureau recommended. The committee would not do that. However, this proposal for a so-called freedom fighter has not been approved by the Bureau of the Budget or by the Defense Department.

Secretary Laird further said:

This request came from the Congress, and it was on the initiative of the House Armed Services Committee.

Mr. President, this brought to mind a little article that appeared in a newspaper in my State of Arkansas. It was also published in the Washington Evening Star. The article gives an explanation of the origin of this particular item.

The article is from the UPI reporter as printed in the Arkansas Gazette on November 1, 1969. The same article was published in the Washington Evening Star.

The article, under the headline, "Rivers Says His Successors Exceed Caesar's, Vows Not to Give Up Toga," reads:

Representative L. Mendel Rivers (Dem., S.C.), chairman of the House Armed Services Committee, boasted Friday that his legislative success exceeds anything recorded by "Julius Caesar in all his glory" and vowed he would not "surrender his toga."

Buoyed by his success Thursday in persuading the House to limit its draft reform action to passage of President Nixon's lottery selection plan, Rivers took note of critics who want to depose him.

Asked particularly about a charge by Representative Richard Bolling (Dem., Mo.) that Rivers had blocked full debate on draft reform and was not really interested in the matter, Rivers said:

"I don't care to discuss Mr. Bolling personally. But whenever anybody thinks about us and our Committee, one can't criticize success, because we've never gotten 150 votes against us. And Caesar in all is glory cannot make that statement."

That is where the agreed item for the freedom fighter originated. And of course no one can turn down Julius Caesar.

Since the article is very short, I will read the remainder of it into the RECORD. It reads:

Rivers reportedly resents a reference to him in a recent Playboy magazine article written by Bolling, a persistent critic of the congressional seniority system.

"Among the most right-wing chairmen is Mendel Rivers of Charleston, S.C., a Snopes who whispered support for Hubert Humphrey in the 1968 presidential election while winking at the supporters of George Wallace," Bolling wrote.

According to one unconfirmed report, an aide of Rivers called Bolling's office to say "the chairman" had read the Playboy article and wanted to know the meaning of "Snopes," the name of the rural Mississippi family created by the late novelist William Faulkner.

"Well," a Bolling staff member replied, "it means white trash."

"Oh, thank you," Rivers aide said, and hung up.

I think it is disgraceful that a chairman can go beyond the Bureau of the Budget and beyond the jurisdictional provisions in our committee system in a case in which foreign aid is not a responsbility of his commttee but is a responsibility of the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Yet, as the House Committee on Armed Services finished its markup on the authorization bill, the Defense Department announced that it now favored the project and said it needed as much as $64 million in fiscal year 1970 to move ahead with it.

After the Secretary of Defense himself said the Defense Department did not initiate it and the project did not have their approval, even our Secretary of Defense could not resist Julius Caesar either. The Defense Department itself had to give up and knuckle under.

They finally wrote a letter under date of September 24 endorsing the project. This item is a special project dear to the heart of the chairman of the House Committee on Armed Services.

At that time, Deputy Secretary of Defense Packard told the committee that about 325 fighters would be needed for "Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years." Incidentally, the Foreign Relations Committee was not formally advised of this change in position until a month later, when Secretary Laird sent me a letter about the project.

After the House committee's approval of $52 million for the project, I asked the Department to give me a country-by-country breakdown of where the planes might go and this was the response:

For improvement of South Vietnam's own defense capability, which is considered the most pressing requirement, we shall require 75 fighters. For Taiwan we will need 150. For Korea we need about 90 and for Thailand we may need 18. For the European peripheral defense countries of Turkey we will need 72 and Greece, 54. All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

I stress the fact that, in the Department of Defense's own words—

All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

That is the crux of the matter; this is basically a foreign policy issue and it should not be handled merely as a regular weapons project.

The available military assistance funds, I point out for the information of the Senate, are arrived at by the giving of military assistance funds from the foreign aid legislation and not from the Department of Defense. The only item we propose here that could reasonably be considered in the Department of Defense is the item for South Vietnam. That is just a small part of it. It is not by any means a large item.

Providing a subsidy to private companies for development of an aircraft suitable only for use by foreign countries—poor countries at that—involves many grave questions of foreign policy which should receive careful study by the Foreign Relations Committee and the Senate. The Foreign Relations Committee has devoted much study over the past several years to the Government's arms sales and grant programs. It has found much wanting with these policies and has initiated many corrective changes. But much remains to be done and I am confident that further improvements will be made in connection with its work on the foreign aid and military sales bills.

There are serious policy issues involving our future military relationships with all of the nations listed in the Department's market list. There has been no determination by the Committee on Foreign Relations that supplying these planes to these countries is in the national interest. I am especially concerned over the emphasis placed on supplying a large number of these planes to Vietnam. The clear implication is that we expect to carry on the war by proxy for years to come. The Congress should not approve additional arms aid to foreign countries, as this project, in essence, would do, without the most careful study by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

I regret that the Senate conferees agreed to this item. It violates the traditional procedure for the presentation of administration program requests, and its handling in this manner is flagrant disregard for the jurisdiction of the Senate as well as that of the Committee on Foreign Relations. It is both bad policy and a bad way to make policy.

The Foreign Relations Committee will, at some point this session, resume its consideration of foreign aid and this matter will be given further consideration at that time.

Mr. President, in view of this item, I cannot support the authorization bill.

I think it violates, as I say, the traditional and usual procedure of following the recommendations of the Bureau of the Budget. All I can do, as the Senators know, is to vote against the conference report. If I could, if it were permissible under the rules, I would move to delete the item. However, I cannot do it. Therefore, I have no remedy other than to vote against the conference report itself.

I point out again that this matter offends me because many of the people who support subsidizing freedom fighters for foreign countries are dead set against foreign aid. So this is, in a way, a disguise and a way to pick out an item from the foreign aid program and have it approved as part of the Defense Department appropriation.

This is a violation of the proper way to run our committee system and to appropriate money for the Defense Department.

Mr. STENNIS. Mr. President, in response to the Senator from Arkansas, and quite briefly, I wish to say that I have never seen anyone work harder in a conference than the chairman of the House

committee, Representative RIVERS, who is unusually well versed in this field, very active, and highly capable. I know that the reference in the article to Julius Caesar was in fun. Representative RIVERS does have a great deal of influence over there.

Mr. FULBRIGHT. The Senator cannot say it is wholly without basis, can he?

Mr. STENNIS. He has worked hard for many years.

On this matter, it is outside the budget; that is true. But as to this proviso providing for open competition and even stripping down the present planes, those things were brought up and discussed by Representative RIVERS. We did not yield on this for a long time. This was the last major item that was settled, and it was fully discussed.

The most significant thing we had before us was a letter from the Secretary of Defense. He was outside the budget. Nevertheless, he sent a letter—one to me and one to Chairman RIVERS. I will not read all of it, but the last paragraph reads:

> In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.

I consider the key words to be "retain an option." Personally, I am not pledged to support an appropriation of this kind. I have to consider it further.

This is limited to Southeast Asia.

Mr. FULBRIGHT. No, it is not limited. I beg the Senator's pardon. The letter from the Department says that some of these planes will be given to Greece and Turkey.

Mr. STENNIS. Our amendment is limited to Southeast Asia.

Permit me to finish that thought. It spelled it out, because we considered that the extent of the jurisdiction of the Committee on Armed Services. I know that if a plane is researched and built, it will go beyond Southeast Asia—that is commonsense. But the Committee on Foreign Relations, of which the Senator from Arkansas is chairman, would have to authorize the funds for the purchase by military assistance, at least for any country outside Southeast Asia.

Mr. FULBRIGHT. I am very pleased to hear the Senator say that. I was not clear on that point. Then, the planes that the Defense Department says they anticipate giving to other countries will have to be authorized in foreign aid.

Mr. STENNIS. That is very clear to me, and that was discussed in the conference at great length, and it was agreed to. We even spelled it out in the amendment.

Mr. FULBRIGHT. I appreciate the Senator calling that to my attention. I did not understand that.

Mr. STENNIS. We should have called it to the Senator's attention.

I think the legal situation makes some difference. As a practical matter, although I am quick to agree that if a plane is going to be built not to be limited just to that——

Mr. FULBRIGHT. That is a great deal of money for research and development if it is only going to be for Vietnam.

Mr. STENNIS. Not a great deal. That will include some items. It is wide open. Suppose they decide to redo a plane we have now, to simplify it. That will be a little more expensive than just abstract research.

Mr. FULBRIGHT. I appreciate what the Senator has said, particularly the record he has made about his own attitude on this matter.

I understand how difficult these conferences are. I sometimes have similar difficulties.

I am bound to say that the letter from the Secretary of Defense, in view of his statement a short time ago, only fortifies the statement that Mr. RIVERS made with regard to his being Julius Caesar. If he could make the Secretary of Defense knuckle under, I certainly have sympathy with the Senate conferees. They were in a tight spot.

I am glad the Senator put this amendment in. I think it is all to the good, and I congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. President, there is no actual money in this bill. This is merely an authorization. Appropriation and approval by both bodies will be required before anything like that could proceed.

I ask unanimous consent that the letter from Secretary Laird dated October 21, 1969, be printed at this point in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., Oct. 21, 1969.

Hon. JOHN B. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be as inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.

Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.

In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.

I recognize the legislative interest of various committees in the matter of a new International Fighter Aircraft, especially since part of the market might be the Republic of Vietnam and part of the market might be other nations being served by our military assistance and military sales programs. I would hope the interested committees would evolve the preferred methods for considering our proposal.

In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.

Sincerely,

MEL LAIRD.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; and

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

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

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on 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.

Mr. STENNIS. Mr. President, I ask unanimous consent to yield to the Senator from South Carolina (Mr. THURMOND) such time as he may desire, without losing my right to the floor. The Senator is a valuable member of our conference and he worked hard on it.

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

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

Mr. President, as a member of the Senate-House conference on the fiscal year 1970 military procurement bill, I am pleased to report that the conference

reached compromises which should serve well the Nation's defense structure.

The conference met in lengthy sessions for some 3 weeks as the differences in the House and Senate bills were considerable, and the unusual number of amendments required much discussion.

The conferees elected as chairman of the conference the distinguished Senator from Mississippi (Mr. STENNIS), and he, as usual, provided able leadership in the truly difficult job of bringing together the diverse bills of the Senate and the House. The House Members, led by their capable and distinguished chairman, Mr. RIVERS, of South Carolina, exhibited a spirit of cooperation and willingness to prevent a deadlock in dealing with a number of critical items. Mr. RIVERS is one of the best informed men on military matters who has ever served in Congress. He has the vision to see the importance of keeping this country prepared—all branches of the service—and it has been a pleasure for all of us in the Senate to work with the House under Mr. RIVERS' leadership.

The distinguished Senator from Mississippi has ably presented the bill to the Senate, but I would like to comment on several decisions reached in the conference which have caused me some concern.

The first involves $100 million for long-lead components to assure uninterrupted progress on the modernization of our aircraft carrier force. These funds were provided for in the House bill but were dropped by the conference mainly on the grounds that the Senate had agreed to conduct a study of our carrier force structure prior to commitment on a new nuclear carrier.

While this study has my support, it was my view we could authorize the funds for CVAN–70 but restrict their expenditure pending completion of the study and dependent, of course, upon a favorable finding. This procedure would avoid a year's delay in modernization of our carrier force and also save us some $50 million which will be caused by the delay. However, out of respect for the position of the distinguished Senator from Mississippi, the conference acceded to his leadership.

During the debate on the carrier, it was my impression the opponents supported modernization of the carrier fleet but were concerned about the actual number of carriers this country needed to assure an adequate defense.

Another compromise of the conference which concerned me was the sharp cutback in procurement of the Army's tube-launched optically tracked wire-guided missile known as the Tow antitank missile.

The Army asked for $156 million to continue procurement of this missile which is critical to our antitank defense in NATO where the Warsaw Pact forces have some 20,000 tanks facing only 7,000 tanks among the NATO countries.

The Senate approved $142 million for Tow, and the conference further reduced this amount to $100 million. Because of the importance of this missile, the chairman asked for a special hearing during the course of the conference, at which time the Army Chief of Staff, Gen. William C. Westmoreland, appeared before a Member of the Senate and a Member of the House to discuss this matter.

General Westmoreland stated at this hearing "any delay in Tow is unacceptable" and in his other comments made an equally strong plea. It must be realized that Tow represents one of the Army's few major requests and a critical one when viewed in the context of our ground forces.

Mr. President, this reduced buy of Tow, taken despite a clear picture of substantial additional need for these weapons, will cost us about $15 million because a weapon always costs more when fewer are bought. We are just beginning to buy the Tow missile and if we are to avoid dictating to the Army on such matters as strategy and tactics then we will have to purchase many more of these missiles, although hopefully not as many as originally planned.

Regarding the main battle tank, about which there was some discussion in the Senate during the debate of the procurement bill, the House and Senate compromised on a $50 million authorization between the $55.4 authorized by the Senate and the $44.9 authorized by the House. Later this year the Department of Defense will complete its study of the MBT–70 and possibly give a new direction with a more austere approach to this vital program.

In this give-and-take session on many important items the Senate conferees acceded to the House on what is called the free world or international fighter. This move had my wholehearted support and amounts to authorizing the Air Force to expend up to $28 million from aircraft procurement funds to initiate procurement of an improved fighter aircraft to fill the needs of free world forces in Southeast Asia. The bill requires that the aircraft be selected on a competitive basis.

Mr. President, the Senate debate on the fiscal year 1970 military procurement bill was the longest in this Nation's history. The Senate-House conference also set a record for length as it began October 6 and was not concluded until November 4. There were 59 major items of difference between the Senate and House versions so one can see the conferees had quite a task.

In my view, an outstanding job was done by all the conferees. The distinguished Senator from Maine (Mrs. SMITH), the ranking Republican on the Senate Armed Services Committee, faithfully worked with our chairman through this long process and made many significant contributions to the conference. I commend her as I have so often done in the past.

The conference has brought back to the Senate a bill which it can wholeheartedly support. In doing so, we will greatly strengthen this great Nation.

Mr. President, again I commend the distinguished Senator from Mississippi on his outstanding leadership as chairman of the conference.

Mr. STENNIS. Mr. President, I certainly do thank the Senator. I thank him on behalf of all the committee. We appreciate the fine services he renders and the inexhaustible energy he shows in connection with the many activities of the committee.

Mr. President, it is my pleasure to ask unanimous consent that I may now yield to the Senator from Wisconsin (Mr. PROXMIRE) for such time as he may desire.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator. I shall be very brief.

As I understand, the Johnson administration had proposed a military procurement bill of $23 billion; this administration reduced that amount by about $1 billion, to a little less than $22 billion; the House decided on $21.3 billion, and the Senate on almost exactly $20 billion. So the conference report now before the Senate reduces the recommendation of the Johnson administration by $2.3 billion; it reduces the recommendation of the present administration by $1.3 billion; it reduces the House figure by $.6 billion; but it increases the Senate recommendation by about $.7 billion.

Are those figures roughly correct?

Mr. STENNIS. The Senator is correct in his figures. If I may answer further, I point out the yielding of the Senate on $400 million for the ships, which is really not going to have appropriations. As we know, the House yielded on Cobra which was $86 million, and $100 million for the A–7E, which were necessary. That really covers almost all the House yielded on. We had to yield on the Cobra because we had not been able to get to it. We advised the Senate on that in the debate. Then, the change in these planes cost $100 million.

Mr. PROXMIRE. The reason I go through this arithmetic is that I think the committee has made a very substantial reduction below the Johnson administration recommendation and this administration's recommendation. However, as I am sure the Senator appreciates, many of us are disappointed that there were not further reductions made.

We, of course, favored sequestering funds for the ABM deployment, which would be a difference of $400 million. We favored a cut in the main battle tank by $50 million, and funds for new aircraft carrier by $300 million. We favored the C–5A reduction, which would have been $550 million, and a $75 million cut in the advanced manned strategic aircraft.

Altogether, if we had had our way, the figure would be closer to $18 billion instead of $20.7 billion. However, we end up with a reduction, and this is the authorization bill, which means we are free to act on the appropriation bill.

The Senator has indicated there are some measures in this bill which will not be included in the appropriation. Of course, there are some areas untouched by this procurement bill. We have done nothing on reducing manpower costs or operation costs. All of those items will be up in the big appropriation bill so there will be occasion to make further substantial reductions in military spending or at least to make a fight for them on the floor of the Senate. Am I correct in that statement?

Mr. STENNIS. The Senator is correct.

We will also have the military construction appropriation bill and the major appropriation bill. All these matters will be in issue.

Mr. PROXMIRE. It is my understanding that a number of us are interested in further reductions and we expect to make a fight to cut substantial amounts from the overall military appropriation bill when it comes before the Senate.

I do wish to ask the Senator questions with respect to two amendments. My first question is with regard to my disclosure amendment. The substance of this disclosure amendment—that is, disclosing the identity and work that would be done by officials of the Department of Defense going to work for defense contractors, and vice versa—was retained virtually intact by the conference report. Is that correct?

Mr. STENNIS. The Senator is correct. It is clear and strong language as far as it goes, and it requires financial disclosure. That is all it requires. It does not disqualify anyone.

Mr. PROXMIRE. As a matter of fact, I think conference action will strengthen my amendment in some ways. It now applies to all former or retired officers of the rank of major and above, and to former civilian employees of a grade of GS–13 or above; and it also applies to consultants, on the same basis that the law would apply to former civilian employees or to retired military officers, and to existing Pentagon employees who worked for defense contractors and are at the minimum salary of grade GS–13 or above. Is that correct?

Mr. STENNIS. The Senator has stated it correctly.

Mr. PROXMIRE. Does it not also call for an annual filing by these existing or former employees that the data be available to the press and public and that the Secretary make an annual report to Congress on the substance of the disclosure?

Mr. STENNIS. The Senator is correct.

Mr. PROXMIRE. Does it not also define defense contractors as those with prime negotiated contracts of $10 million a year or above?

Mr. STENNIS. Yes, that figure is correct. And the answer is "Yes."

Mr. PROXMIRE. I would welcome confirmation by the chairman of the committee that the amendment was retained virtually intact, that in fact some minor problems in the original drafting were improved by the conference changes.

Mr. STENNIS. Yes. That is correct. I am glad that the Senator thinks it is cleared up and stronger than it was.

Mr. PROXMIRE. The other amendment which I think is a significant amendment and can have a real impact on cases referred to by the Comptroller General on defense spending, relates first to what I would call the first comprehensive, objective, and adequate study of defense contracts and profitability of defense contracts.

Does the revised amendment for a profitability study, in the view of the chairman of the committee, make it possible for the Comptroller General to carry out a selective, representative study of the profits on negotiated defense contracts in a meaningful and valid way? In his judgment, does the amendment as revised, make it possible for the intent of the Senate to be carried out and for the Senate, the Congress, and the country, for the first time, to get a really meaningful study of profits under negotiated defense contracts?

Mr. STENNIS. Yes. I think the answer is undoubtedly yes. I should like to explain the answer, though, further. The amendment gives the GAO this authority to make checks upon the possible profits of defense contractors. I think it is a very good point the Senator raises. I am glad we were able to keep a part of his amendment. I have an idea, frankly, that in a great many of these contracts there is virtually no profit or only a small amount of profit. I should like to know about that.

My general idea is that some of them are medium and moderate in profit. There may be some where the profit is too much. But in any event, we need to know.

The thing that hung up the conference on the amendment was the same matter we debated in this Chamber, as to the power of subpena to be granted to the GAO, on two points—one, changing the nature of the GAO; and, two, on all circumstances it should be carefully granted by the legislative branch.

I think the Senator's amendment, in its final form, did have those safeguards, which he helped to write in. Those safeguards of subpena powers I should like to have seen adopted with them in it, but there was no chance to get it approved.

It is true that both the House and Senate Armed Services Committees, as do other committees in Congress, have this power of subpena. It was discussed and understood that with this authority being granted to the GAO, in a property case, the committee, at its discretion, could withhold or grant the use of committee subpena power to the GAO.

From my point of view, I would not want the safeguards to be used indiscriminately, or given to the GAO to do with as it pleased. There must be some responsibility about that subpena power. I am certainly prepared, however, in proper cases, to recommend that the committee give the GAO that authority.

Mr. PROXMIRE. That is exactly what I wanted to get at. This is the significance of the change in the amendment. As I understand it, the change provides that the subpena power will be granted to either, and I stress either, the Committee on Armed Services of the Senate or the Committee on Armed Services of the House upon request of the Comptroller General.

Mr. STENNIS. Yes.

Mr. PROXMIRE. That means that if the Comptroller General—he would not have to use it in many cases, he would not have to subpena all the records, and so forth, in many cases—would be able to make a study and contractors would in most cases cooperate voluntarily; but if he ran into a recalcitrant contractor, he could request either one of the two Armed Services Committees to grant subpena power to him so that he could look at the books, as this amendment provides. Is that correct?

Mr. STENNIS. That is correct. That is the purpose of the amendment in its present form. Each committee can act independently of the other.

Mr. PROXMIRE. Some people have criticized this change and have said it will weaken the amendment. I hesitate to accept that view. I want to get reassurances from the chairman about that. I want to know if he agrees that the mere fact the subpena power is available to the Comptroller General, through either of the two committees, will in almost every case be an inducement for a contractor to comply with any reasonable request by the Comptroller General under the amendment.

Mr. STENNIS. I would think so, yes. Records are something that many people are jealous about, from individuals to corporations. It would have a persuasive power with the average company, corporation, or individual. If needed, and at the discretion of the committee, if it was granted, then certainly it would be an effective power that the GAO could use.

Mr. PROXMIRE. It seems to me that a very great burden on the effectiveness of the amendment now lies with either the Senate or House Committee. Does the chairman believe that if the Comptroller General, whom we all know to be an extremely reasonable man, were to request the exercise of the subpena power by his committee, that it would be exercised?

Mr. STENNIS. Senator, I could not answer that question.

Mr. PROXMIRE. Then let me put it this way: Would the chairman contemplate that this is a weakening provision, or that it will still make it possible for the Comptroller General to carry out the clear intent of the amendment? The chairman's reassurances on this point, I believe, are important in terms of the legislative history about this matter, the clear intent of the amendment being to have a representative study of defense profits. Obviously, if some of the big defense contractors say, "No, you cannot look at my books. You cannot see them," they will not cooperate, then obviously the amendment would have no effect. We cannot have a study unless we get cooperation, or failing that a willingness to act and to enforce cooperation. Where we would not get cooperation voluntarily, we would have to get it by subpena in order to make a representative study.

Mr. STENNIS. For my own part, there will be no indiscriminate granting of the power of subpena.

Mr. PROXMIRE. Of course not, there should not be.

Mr. STENNIS. I want to see the GAO exercise some of this authority. I want to see it make some of these test runs, so to speak. In that respect, I am inclined to recommend to the committee the granting of this authority—the use of the subpena—in what we might, at our discretion, deem to be a proper case. That is about as far as I think I should go now. Each case must stand on its own bottom. We must determine those things when we get to it.

I have not had a chance to talk to the Comptroller General since this amendment was altered and agreed upon. I do not know what his approach will be. But

that describes my attitude, and I think it is that of the other conferees. They will not hold back but they will not rush in. They will exercise sound discretion.

Mr. PROXMIRE. I have great confidence in the Senator from Mississippi. I know that he, as I do, and other Senators, would like to see a comprehensive, useful study made here to do all we can to see that this matter is consistent with appropriate protections.

Mr. STENNIS. I appreciate the Senator's remarks. This is a very vital point. The Senator will remember that the final form of the amendment as adopted by the Senate gave this a 1-year operation and then went to the committee for the power of subpena.

Mr. PROXMIRE. Yes.

Mr. STENNIS. This modification first struck out the 1 year and made it apply that way all the time. It is largely in keeping with the tone of the Senate when they adopted that—the mood of the Senate, at least.

Mr. PROXMIRE. Mr. President, if I could go now to the C–5A funds, I want to ask the chairman of the committee some questions about the funds for the C–5A in this report. He will recall that shortly before we voted on the C–5A amendment that I proposed in the Senate, some of us discovered that the bill included $52 million for the long-leadtime items for the fifth squadron of the C–5A, or planes 82 to 101.

Many Senators, both on the Armed Services Committee and not on it, said they were very concerned with whether we should go ahead with the additional planes, and were in many cases opposed to a fifth or sixth squadron.

I informally proposed that my amendment be changed to delete those funds, and the Senator from Mississippi, and a number of members of his committee, were favorably disposed to accept it. However, the Defense Department was opposed to that action. In those circumstances, the amendment was not pressed, on the ground that, with Pentagon opposition, a number of Members would be reluctant to accept it.

Shortly after that—in fact, 2 weeks later—the Pentagon informed the House committee that it did not want the $52 million. My memory of press reports is that Deputy Secretary Packard informed the House committee to that effect. As a result, the $52 million was deleted from the House funds.

Because of all this, I am confused as to why the conference report includes the funds.

Mr. STENNIS. The Senator is correct about the situation in the Senate. He is correct in the statement that Mr. Packard made later. The House Members were a little stubborn about yielding to put that money back into the bill. But the Secretary of Defense did not have the attitude that the money would not be used. That was not his approach to it.

Mr. PROXMIRE. Were the press reports inaccurate that Deputy Secretary Packard indicated he did not want it?

Mr. STENNIS. No; the press reports about Mr. Packard were correct, but in that case he did not represent the sentiments of the Secretary of Defense about just abandoning it altogether. He wanted some further consideration of the matter. The official from Mr. Laird on the reclama to the House version recommends the retention of the $52 million. I do not think he has made up his mind. I did not insist on its being kept just because he wanted it, but I thought he was entitled to further consider it. It went back to a conversation I had had with him last summer. I do not know what his plans are, but I do not think he has in mind anything like a splurging of funds for additional planes. However, I want him to have some discretion, if he should need some more, and have this groundwork laid. That is exactly why we put the money back in the bill. The House Members agreed to accept that, under the circumstances.

Mr. PROXMIRE. One of the things that the lengthy debate on the C–5A did was to reenforce a great deal of skepticism on the part of some Senators as to whether we should go ahead with additional planes after we finished the 81st plane. That was highly debatable.

Mr. STENNIS. I would only say that we would go ahead with the squadrons. I reserve judgment on it, myself, but this contract has to be terminated in an orderly way at some point. I think the Secretary of Defense is entitled to what we can give him in the way of an option. Otherwise, he is out of business with respect to any maneuvering ground with Lockheed or in any other way.

Mr. PROXMIRE. I think I can develop why I am concerned about it by a few more questions.

Is it not true that by the end of this calendar year, all the funds for the first 58 planes which can legally be advanced to the company will have been advanced?

Mr. STENNIS. I think that is correct.

Mr. PROXMIRE. I understand, and a debate I developed with the Senator from Virginia (Mr. BYRD) established that, the progress payments made up 100 percent of the company's expenditures, but that it was going to have to stop pretty soon.

Is it not true that progress payments are limited to the funds authorized under the contracts for the "target costs," and that these will have been advanced by the end of this year?

Mr. STENNIS. I do not know whether they will have been advanced by the end of this year or not. It is not in my memory now. That may be correct.

Mr. PROXMIRE. In any event, the Lockheed Co. is getting into serious trouble. It has been paid huge sums, many hundreds of millions of dollars. But there were only six produced when we debated it before. There may be eight or 10 by now. But only a limited number of experimental planes will have to be produced, and no production planes.

Is it not a fact that while much of the funds for the first 58 planes will have been expended, only eight or nine planes, at the most, will have been delivered?

Mr. STENNIS. If that is correct, that is normal for a huge contract like this. But they are on the way. They are not just in thin air.

Mr. PROXMIRE. Is it not further true that, under the rules and regulations of the Department and the laws of Congress, funds we authorize or appropriate for the fourth squadron cannot be spent on the first three squadrons? Is that not correct?

Mr. STENNIS. Well, generally, there may be a rule of thumb like that, but I do not know of any limitation of law, because these contracts involve so much and over such a long period of time that one blends into another. One year blends into another. There is a slippage of time. I do not think there is any law that says that.

Mr. PROXMIRE. What I am searching and reaching for is if there is some way the Armed Services Committee can serve notice on the Pentagon that the funds authorized and that might be appropriated for the fourth squadron should not be used to bail out Lockheed for its enormous overruns on the first squadrons.

Mr. STENNIS. The $52 million, which is a relatively small amount, must be used, if at all, for long leadtime items, for the possibly additional planes, which could be a lesser number than a squadron.

Mr. PROXMIRE. What I am talking about is the amount authorized in this bill for the 59th plane to the 83d plane. Some $500 million. I am concerned that that money might be used to bail Lockheed out on the first 58 planes.

Mr. STENNIS. The Department is supposed to get additional planes for the money that is in the bill. It is all covered by contract. The Department of Defense cannot go beyond the contract and the appropriated funds. The $52 million we are talking about is a separate item, for long leadtime items.

Mr. PROXMIRE. Just one or two more questions.

I should like to have it made clear that the $52 million is for the fifth and sixth squadrons, planes 81 through 120. I am now talking about the $500 million which provides not for leadtime items but for planes 59 to 81. On the basis of present policy, it appears that the Defense Department is providing progress payments for these planes. So far they have been producing very few planes and using Government money to the point where we are likely to be left with a choice of providing additional enormous sums or providing no additional planes, from the way the contract appears to be working.

Mr. STENNIS. All that has been an issue here. The funds that are authorized in the bill—I am not talking about the $52 million, but the funds authorized in this bill—can be paid out only under terms of the contract. I think, in the final analysis, that is about as good an answer as I can give.

Mr. PROXMIRE. That satisfies me. If the contract—and I think the contract will; I will have to examine it more carefully than I have—restricts them from permitting progress payments on the earlier planes from the money we are authorizing here, that will satisfy me. I will check into it further.

Mr. STENNIS. I thank the Senator very much for his good questions and for his other remarks.

Mr. President, I ask unanimous consent that I may yield such time as he may wish to the Senator from Pennsylvania, an able member of our committee.

Mr. SCHWEIKER. Mr. President, I thank the distinguished chairman of the committee for yielding. First, I should like to commend the distinguished chairman of my committee for his handling of this legislation. In his eminently fair way, he has gone to great lengths to insure that all sides had the opportunity to present their views on the many controversial aspects of this procurement bill.

Mr. President, I have reluctantly decided to vote in favor of this conference report. I believe it would be irresponsible of me to do otherwise. As a member of both the Senate and House Armed Services Committees during the past 6 years, I am well aware of the current demands on our national security budget, and of the necessity of protecting our basic military strength.

But, as one of those who has been most aware of the many shortcomings of our military procurement system and most aware of our failure to exercise congressional oversight over Defense Department spending, I had hoped that this Congress would have seized the opportunity to assert its intent to protect the taxpayers' interests in a more positive way.

I believe our primary responsibility is to the taxpayer. I proposed an auditing amendment to this bill which I deeply and sincerely believed when I presented it, and believe now, would have been a significant and meaningful step toward realism and honesty in defense procurement. It would have given us the basic fiscal tools we need to do the job. It would have provided for truth in military procurement—for honest price tags for our weapons systems.

It seems to me—and I am very grateful that so many of my colleagues agreed when I offered my amendment on August 7—that this body could do no less than express its conviction that the Congress must invoke its determination to question the Pentagon when desirable, to audit its spending when that seems wise, and to say "no" to them when it becomes necessary.

I am convinced that, by not doing so, we have shortchanged the taxpayer and done a disservice to ourselves. My conviction is strengthened by testimony we have heard regarding the high cost of the C–5, the Minuteman, the deep submergence rescue vehicle, the main battle tank, and other DOD programs. It is made even more strong by the almost blind opposition to my proposal in some quarters.

I regret that the language of title V of the Senate-passed version of the bill is not contained in the conference bill. And based on the mail I have received from the country of my State and across the country, I believe that the taxpayers share my feelings. Nevertheless, I shall vote for the conference report, but I shall redouble my efforts to see that this Congress will soon take steps to fulfill its commitment to the people who pay the bills.

Mr. STENNIS. Mr. President, I thank the Senator for his kind remarks. I am sincerely glad that he can support the conference report. I regret that we could not get his amendment adopted.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the report of the conferees of the Committee on Armed Services of the House and the Senate has resulted in the deletion of many of the amendments approved by the Senate. Given the great difference between the House and Senate bills, it was expected that some deletions would be made in the normal negotiating processes with which we are all familiar.

I regret that many of the amendments developed in the Senate were not retained. Nevertheless, the results of over 8 weeks of debate on the floor of the Senate should be of value in the future. While this year's Senate consideration of our defense requirements has not substantially altered past policies, a new pattern of examination and debate on the defense budget was established.

Mr. President, I am confident this new attitude will result in a more rational strategic posture and more moderate defense expenditures in the future.

I call attention to the long debate in the Senate on the bill. The debate lasted for 8 weeks in the Senate, but it had lasted for over a year on the basic strategic issue of the deployment of the anti-ballistic-missile system.

I am certain that further efforts will be made with regard to military spending on the appropriation bills, and many of the amendments which were approved by the Senate will be brought forth for vote again on the appropriation bill. I am confident that some of the original Senate positions will be supported by the Senate.

I regret that the amendment I offered to prohibit combat support by U.S. forces of local forces in Laos and Thailand, which was agreed to by a unanimous vote of 86 in favor and none against in the Senate, and which was supported in principle by the manager of the bill (Senator STENNIS), was deleted by the conference committee. I regret that the amendment was deleted in conference as the extent of our involvement in Laos has become clear in recent weeks as the result of a series of newspaper articles which were published in the New York Times.

The nature and event of U.S. activities in Laos is also being considered in great detail by the Commitments Subcommittee of the Committee on Foreign Relations, under the chairmanship of the able Senator from Missouri (Mr. SYMINGTON).

The substantial American involvement in Laos which has been reported by the New York Times and which has been affirmed in public statements by the Secretary of State has never been approved by Congress nor has the executive branch ever declared the U.S. combat involvement.

From published accounts it is apparent U.S. activities in Laos are in part concerned with the local war in Laos itself. The United States should not be involved in the support of local forces in a Laotian war without the approval of Congress.

I know that it is, in large measure, concerned with the war in Vietnam. I believe a great majority of the people of the United States are united in their belief that the war in Vietnam must be brought to an end. An end to our involvement in Laos would provide an opportunity to begin to wind down the war in Vietnam. The issue in Laos is a clear challenge to Senate responsibility.

Congress has the responsibility, through its power over appropriations, to bring this combat involvement in Laos to a close and by ceasing our involvement in Laos, Congress can exercise its influence for bringing the war in Vietnam to a close.

This responsibility is clear and the course of action that needs to be taken is for the Senate and Congress to recognize its constitutional powers and to exercise them. We have an opportunity to begin to bring the war in Vietnam and Southeast Asia to an end by prohibiting our combat activities in Laos.

I shall vote for the conference report because I do not intend to deprive our forces who are fighting in Vietnam of necessary support. But I must say I may be compelled to vote against the appropriation bill if it retains funds to support a war in Laos.

Mr. President, when the President spoke last Monday evening I thought that two affirmative positions were stated. First, he stated clearly that he had broken with the policies of the past administration to maintain the level of fighting and possible escalation of the war in Vietnam. Second, he said clearly he intended to end the combat participation of U.S. forces in Vietnam. As combat participation is reduced and ended, the U.S. involvement will draw to a close.

The President's intention is to bring the war in Vietnam to a close.

What I state today is that if Congress will exercise its responsibility and use its constitutional powers to deny funds for the support of a Laotian war in Laos—we can end that war as far as the United States is concerned, and by so doing we can also help bring the war in Vietnam and Southeast Asia to a close.

Mr. STENNIS. Mr. President, this matter has been before the Senate for a long time, since July 5, I believe.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, as far as I know there are no other Senators who wish to address themselves to the matter of the pending conference report. I have just a few remarks to make and I wish to say something about the Selective Service Act amendment that has just come over from the House of Representatives.

I especially wish to commend the chief of our staff, Mr. Edward Braswell, who sits to my left, for the fine job he has done since January of this year on the bill. Other members of the staff worked on it, too, but he has carried the chief

responsibility day and night, including weekends. He has a fine knowledge of the subject matter and he is a man whose willingness to work cheers one's heart. I especially thank him and commend him.

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

Mr. STENNIS. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am glad to join in the remarks of the able Senator from Mississippi with respect to the superb work done by the head of our staff, Mr. Braswell. It is difficult to realize how the committee could function as it does without his fine assistance and hard and dedicated work. He represents all that is best in a Senate staff member.

I would also congratulate the able chairman on the fine results he obtained in the conference, where there were many differences, but which differences were reduced to a minimum. At all times the distinguished Chairman did his best to represent the position taken by the Senate prior to the conference.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Missouri very much and I thank him also for his fine help and services all the way through in connection with the bill.

Mr. President, I especially wish to thank every member of the Committee on Armed Services. They have been patient and understanding. Many of them have put in a great number of hours. There is one thing I especially appreciate. When we finally got down to the end of the row everyone had their say and made their fight. Agreements had to be had to work out a bill while they were willing to close ranks. We got a mighty good bill without yielding anything of vital importance to the Senate. It is very much the bill that passed the Senate, but the House conferees added strength to it. They are a highly competent group of gentlemen. I thank them and commend them very highly.

Something has been said about the work here of the chairman of the House committee on this international fighter—this extra plane. It is one of the instances of his unusual activity. He is a knowledgeable man. He works all the time. The more I work with him the more I realize his fine knowledge and the valuable contribution he makes.

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

Mr. STENNIS. I yield.

Mr. GRIFFIN. I want to say, as one Senator, that I have been tremendously impressed by the leadership and the great work of the distinguished chairman of the Armed Services Committee, the ranking minority members of that committee, and all the other members of that distinguished committee, in connection with this particular piece of legislation.

As we know, this is one of the most difficult and one of the most controversial matters which has come to the floor of the Senate in this session.

Now, at this final step, on what has been a rather difficult and bumpy road for the chairman, I think he deserves commendation and appreciation by all the Members of this body.

Although in his work, at least, I am sure, he has been tested many times, I suspect that he has never been tested in a more difficult and challenging way, perhaps, than in connection with this particular piece of legislation.

Throughout debate and consideration of this issue, he has continued to set an example for the institution that is the Senate of the United States.

He has been patient with those who have disagreed. He has carried a heavy burden of responsibility, and he has carried it at all times without any regard whatsoever for party or partisan considerations.

He was, during this debate, as he always is, primarily concerned with the national interest.

I want him to know that those on this side of the aisle, as well as the administration, are particularly mindful of his great contribution.

I want to take this opportunity not only to acknowledge it, but also to thank him very much for his exemplary service to the Senate.

Mr. STENNIS. I am certainly most grateful to the Senator from Michigan for his fine and generous remarks. I value his services here on this floor very highly. I know of no man more effective than he is. While I do not deserve his words of commendation, being human, I certainly appreciate them. I feel that what little I have done has been nothing more than my duty. I have fine colleagues to work with to that same end. We have had a wonderful debate here. I am especially grateful, as I said this morning, to the distinguished Senator from Maine (Mrs. SMITH).

DRAFT REFORM LEGISLATION

Mr. STENNIS. Mr. President, just a word here about another bill that is before the committee which has just come over from the House. It concerns an amendment in which there is a great deal of interest.

Let me be brief. The Selective Service Act amendment that came over from the House a few days ago is a one-line amendment to the present Selective Service Act which would merely strike out a provision to prohibit random selection.

Therefore, with that stricken out, it would be permissible to have random selection.

Now, Mr. President, I said months ago that I favored such an amendment to the Selective Service Act.

I also said months ago that the committee considers taking up a Selective Service bill which might be passed by the House.

I further said months ago that in 1970, in the early part of that year, the committee would hold comprehensive hearings upon the Selective Service Act as a whole.

Mr. President, even though the present law does not expire until June 30, 1971, I thought we should start the hearings and consideration early, rather than wait until January 1971, and be under the pressure of time.

That was not a promise made, just an announcement. That is the way I felt about it.

I said, at the same time, that this calendar year it would be impossible to hold comprehensive hearings, and that I would never recommend taking up any bill the House passed amending the present act if there were going to be a lot of major amendments offered to it on the floor of the Senate. I think it would be the height of absurdity and the height of irresponsibility to try to pass on the great ramifications of the questions involved in the Selective Service Act without extensive hearings, without careful consideration by the committee, and positive recommendations from that committee, with a report thereon, so that we would have guidance before us before debate.

Let me illustrate: One of the bills on this subject introduced this year has 86 pages, with a great many changes.

Broad changes are proposed in the field of classification.

Broad changes are proposed in the field of appeals of various kinds.

Broad changes are proposed, or will be proposed, in the field of conscientious objectors.

There will be broad debate no doubt, on the idea of having a volunteer army.

These are all legitimate subjects for discussion but, as I say, hearings must be held on them first, and some guidance given for debate and for other Senators not on the committee.

Therefore, we are down to the proposition as to what the Senate committee will do on this amendment from the House during this calendar year.

I have called a meeting already of the committee, for discussion of that very subject, for next Monday, and I hope that all members can be there. It will be an executive session with full consideration of what we shall do.

Mr. President, I have already stated that I personally favor the amendment, but I am certainly not going to be arbitrary in saying that I will recommend to the committee that it not bring anything up here if we are going to have just a harum-scarum debate without hearings, or records, or testimony taken, and recommendations made on all of the voluminous, broad, and far-reaching proposed changes in the Selective Service Act generally which I have just enumerated. Also as the Senate knows, Senator KENNEDY is holding hearings on the administration of the Selective Service System. I am not sure that he has conducted serious hearings of his subcommittee on this phase of activity.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Missouri. I have not had an opportunity to talk to him, or any other Senator, about this, except in a general way.

Mr. SYMINGTON. I am much interested in what the able chairman just said.

It will not be possible for me to be with him next Monday because we begin hearings with regard to commitments in Thailand in a subcommittee of the Committee on Foreign Relations. However, I

will be glad to give the able Senator my proxy.

As I understand it, if we could get the House bill passed now, that would meet the satisfaction of the Senator from Mississippi, without amendments; is that correct?

Mr. STENNIS. Yes, without amendment. I think that is the only way we can get it enacted into law.

Mr. SYMINGTON. This year?

Mr. STENNIS. This year, yes; but I favor the substance. I hope the Senator from Missouri favors it.

Mr. SYMINGTON. I do favor it.

Mr. STENNIS. I have not gotten too far ahead of the committee. I do not believe that. I have not promised anything, and I have not made any commitments, and I am not going to until I discuss this matter with the committee and the committee members. But it is my personal view that we ought to favor that provision, but, for this calendar year, none other. We will discuss that in the committee.

If the committee decides to take it up on that point, we may have to have very brief hearings on that one point, so we will know exactly the ramifications of it. But there are other hearings going on already on the Selective Service Act, not by the committee that has jurisdiction, but some committees are holding hearings. I really do not believe our hearings should be held until the others have concluded, so we will not get into a crossfire on witnesses.

It is a good idea that, if we are going to have hearings, we should let the committee that has jurisdiction of the subject matter have those hearings. But we will decide on Monday. I make that announcement now for the information of the Senate.

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

Mr. STENNIS. I yield.

Mr. SYMINGTON. As I understand, this amendment has to do with the lottery system?

Mr. STENNIS. That is right. That is the only thing involved.

Mr. SYMINGTON. There has been considerable criticism in my State on the subject of the current draft law. The Secretary of Defense has said he would do the best he could in changing, if there was no new law. I thought it was a fine statement he made and put it in the RECORD some weeks ago. Inasmuch as this deals with what is probably the most important aspect, I fully support the position of the chairman.

Mr. STENNIS. I thank the Senator very much.

I have great respect for these very major amendments. It is all right. There is a time for everything, but the time for consideration of them would be next year, when we can have hearings.

MILITARY PROCUREMENT AUTHORIZATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on 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.

Mr. STENNIS. Mr. President, on the conference report, I yield to the Senator from Rhode Island (Mr. PELL). I ask unanimous consent that I may yield to him to make a statement.

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

THE CBW AMENDMENT AND INTERNATIONAL LAW

Mr. PELL. Mr. President, I desire to comment on my amendment to the military procurement authorization bill regarding international law and chemical and biological warfare agents.

I am delighted that the conference committee has accepted the amendments I proposed without major revisions. My amendment requires that the transportation, disposal, testing, and development of any chemical or biological weapon outside of the United States not be undertaken unless the Secretary of State determines that such activities are not in violation of international law.

I believe that this amendment will restore the proper balance between the Department of Defense and the Department of State in this area of international affairs. I expect that, as the result of my amendment becoming law, the instances of possible violations of international law which I cited in my earlier speeches will be examined by the Department of State and that steps will be taken to prevent the Department of Defense from precipitating such incidents in the future. I refer specifically to the shipment of nerve gas to West Germany in violation of the Final Act of the Nine Power Conference held in London, September 28 through October 3, 1954, and to the disposal of obsolete chemical weapons in the oceans in violation of the Geneva Convention on the High Seas.

The addition of the words "lethal" and "future" by the conference committee I construe as extraneous for the purposes of the amendment. Since the authorizing legislation refers only to fiscal year 1970, the addition of the word "future" naturally can only effect the functions I described in this fiscal year. Second, the addition of the word "lethal" I do not construe as meaning that chemical and biological weapons defused or disassembled or detoxified for purposes of the functions I described would not be considered as "lethal" weapons for the purposes of the amendment. I also understand that the word "lethal" refers not only to the immediate, but to the long-term effects of chemical and biological weapons. I believe that these constructions are necessary in order that the intent of my amendment which Secretary Laird originally supported is not negated. I further understand that the adoption of the conference report without my objection to the language used is made on my part on the basis of my interpretation of the meaning of the amendment.

Mr. PERCY. Mr. President, the conference report on the fiscal 1970 military procurement authorization bill is a profound disappointment to me. It insults those of us who this year strove to bring some measure of rationality to the military procurement decisionmaking process.

The report waters down much-needed controls on chemical and biological warfare programs—controls that passed the Senate by a vote of 91 to 0.

It eliminates the ban on deployment of combat forces in Laos and Thailand—a ban that passed the Senate by a vote of 86 to 0. It removes from the Comptroller General the subpena power to examine defense-contract profits—a reform that passed the Senate by a vote 85 to 0.

It authorizes a new shipbuilding program that was not even considered by the Senate.

It increases the procurement authorization by $700 million more than was ever considered by the Senate.

The conference report before us wantonly casts aside the judgment of the Senate which debated this bill for 8 weeks. Down the line, it seems to represent the judgment of the other body which deliberated this bill for 1 day. The conference report, in the overall, represents the judgment of a body that permitted its members 45 seconds each to speak on a bill authorizing in excess of $20 billion.

I shall vote for this report with the greatest reluctance and only because it authorizes certain programs essential to our national security and is now the only procedural means available to approve these necessary programs. But I am determined to make another effort for a reasoned appraisal of priorities when the military appropriations bill reaches the Senate floor.

Mr. HARTKE. Mr. President, after months of consideration and debate, the U.S. Senate is about to pass and send to the President, the military authorization bill. This bill as enacted will be a sorry disappointment to those Americans concerned about the mushrooming cost of the military establishment and the clear need to reorient our national priorities. The present conference committee report represents for the most part extravagant funding of weapon systems with little note of expense or efficiency.

With depressing frequency, the Senate conferences acceded to the views of the House conferees. Considering the fact that the Senate spent more than 8 weeks in floor debate on this bill and that the House allowed only 1 day debate, with most members having 45 seconds or less to develop their views, I would have thought that the Senate conferees could have successfully maintained the more developed and reflective Senate position.

The Senate floor amendments on chemical and biological activity fared better, however, than most other Senate amendments. I note that my amendment for a semiannual report to Congress detailing the amounts spent for chemical and biological activities was preserved. Also my amendment providing for increased safeguards for the transportation of lethal and nonlethal chemicals and biological agents was maintained. These increased safeguards will be a comfort to the many Americans living near a major highway or railroad. I am disappointed that, to date, it has proven impossible to determine exactly what

funds and how much is being spent on chemical and biological activities.

The Senate was able to prevail in most of the chemical and biological activity amendments, I am sure, because of the effective leadership and passionate concern of the distinguished junior Senator from New Hampshire (Mr. McINTYRE).

The conference report dropped one Senate floor amendment that was particularly desirable. The distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER, offered on the Senate floor an amendment prohibiting the use of American forces in support of local forces in either Laos or Thailand. This amendment was unanimously adopted by the Senate, 86 to 0. Now this amendment, the unanimous will of the Senate, has been entirely eliminated. This amendment was an attempt by the elected representatives of the American people, and thereby the people themselves, to have some voice in what is done abroad. We did not need the horrors of Vietnam to teach us the dangers of unacknowledged and unauthorized acts by American personnel abroad. Congress neither approved nor, until recently, was fully informed of the extent and character of U.S. forces in Laos and Thailand. The Tonkin resolution cannot be used to justify the presence of American troops supporting local troops in Thailand and Laos.

Once again we are becoming entangled in foreign and local events before our national interest is fully determined and policy is set. We must stop this practice of letting the activity of minor Government officials determine the character of our foreign policy. I am sure that Senator COOPER will continue his fight for Congress and the American people to obtain some influence of our Government activities abroad. I support him in his effort and will help him attach this amendment to any suitable piece of legislation.

Mr. STENNIS. Mr. President, I do not know of any other speaker on the conference report. The yeas and nays have been ordered on adoption of the report. I yield the floor.

The PRESIDING OFFICER. The question is on adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), 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.

On this vote, the Senator from Iowa (Mr. HUGHES) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Iowa would vote "nay," and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Washington (Mr. MAGNUSON), 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 Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Vermont (Mr. PROUTY) is absent in order to attend the funeral of a friend.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Illinois would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Vermont (Mr. PROUTY) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Vermont would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 58, nays 9, as follows:

[No. 141 Leg.]

YEAS—58

Allen	Ellender	Pearson
Allott	Gravel	Pell
Anderson	Griffin	Percy
Bellmon	Gurney	Proxmire
Bennett	Hansen	Randolph
Bible	Harris	Russell
Boggs	Holland	Schweiker
Brooke	Hruska	Scott
Burdick	Inouye	Smith, Maine
Byrd, Va.	Jordan, Idaho	Spong
Byrd, W. Va.	Mansfield	Stennis
Cannon	McClellan	Symington
Church	McGee	Talmadge
Cook	McIntyre	Thurmond
Cooper	Miller	Tydings
Cotton	Mondale	Williams, N.J.
Curtis	Moss	Williams, Del.
Dodd	Mundt	Young, N. Dak.
Dole	Muskie	
Eagleton	Pastore	

NAYS—9

Fulbright	Javits	Nelson
Hart	McCarthy	Packwood
Hatfield	McGovern	Young, Ohio

NOT VOTING—33

Aiken	Goodell	Metcalf
Baker	Gore	Montoya
Bayh	Hartke	Murphy
Case	Hollings	Prouty
Cranston	Hughes	Ribicoff
Dominick	Jackson	Saxbe
Eastland	Jordan, N.C.	Smith, Ill.
Ervin	Kennedy	Sparkman
Fannin	Long	Stevens
Fong	Magnuson	Tower
Goldwater	Mathias	Yarborough

So the conference report was agreed to.

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 a concurrent resolution (H. Con. Res. 441) providing for adjournment of the House from Thursday, November 6, 1969 to Wednesday, November 12, 1969, in which it requested the concurrence of the Senate.

(The following proceedings on the food stamp bill, which occurred during the consideration of the conference report on the military procurement bill, are printed at this point in the RECORD by unanimous consent.)

AMENDMENT OF THE FOOD STAMP ACT OF 1964

Mr. STENNIS. Mr. President, I yield to the Senator from Louisiana, and must say I regret exceedingly my failure to yield to him sooner. He spoke to me about his matter some time ago.

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives pertaining to House Joint Resolution 934.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 934, to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, on June 24, the Senate passed Senate Joint Resolution 126, which increased the authorization for the food stamp program from $340 million to $750 million.

I have done everything I could to induce the House of Representatives to pass on that resolution during the past 4 months, but to no avail, until yesterday, when the House passed its own joint resolution, House Joint Resolution 934.

The only difference between the Senate resolution passed in June and the one passed by the House of Representatives yesterday is in the amount of the authorization. The present law provides for an authorization of $340 million per year. The House joint resolution is identical with that of the Senate, except that, in lieu of $750 million, the sum of $610 million is authorized.

The House of Representatives had good reason to make this amount $610 million, because the evidence produced showed that the maximum amount that could be utilized for food stamps by the

administration for fiscal year 1970 is $610 million.

Mr. President, I have discussed this matter with both the minority and majority leaders, and they expressed no objection to this matter being considered today.

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

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, before the joint resolution is agreed to, I wish to thank my distinguished chairman, and congratulate him for the fact that his effort, begun last June, has finally come to fruition.

The adoption of this joint resolution will not simply mean that we will have concluded this particular legislation, but it will also mean that the conference on the Agriculture appropriation bill, which has been held up for so long, may now be speedily concluded.

I call attention to the fact that the Senate bill was passed on July 7, and we appointed our conferees at that time. The other body appointed their conferees more than 3 months later, on October 9. We have had four meetings of the conferees since that time, and I think the Senator from Louisiana knows that we have disposed of all matters embraced within the bills of the two Houses except the food stamp amendment and three other amendments which the House conferees felt should be considered in connection with this particular item.

So, in congratulating the Senator from Louisiana, I wish to say that he is conferring a real service upon the Senate and upon agriculture generally, because many important items in that bill, and not in disagreement between the two Houses at all, have been tied up all this time because of the pendency of this measure. I think it might be well to state at this time that not only, as the Senator from Louisiana said, have the leaders on both sides agreed to this compromise, but our distinguished friend, the junior Senator from South Dakota (Mr. McGOVERN), who had been quite insistent upon a somewhat larger amount, not only for fiscal 1970 but thereafter, has advised both the Senator from Louisiana and me, as well as others, that at this stage he is quite content to accept the $610 million for 1970 embraced in this joint resolution from the House of Representatives.

I think that this marks, at long last, a successful conclusion of a longtime effort; and I hope it means that we may get home in time for Christmas eve. I am sure that the Senator from Louisiana will join me in that fervent hope. This is the most hopeful break that has occurred, affecting not only welfare, poverty, and the hunger and malnutrition questions, but also the general question of agricultural appropriations, which, as the Senator knows, reaches into our foreign relations, our consumer programs, our school lunch program, and many others. This is the first hopeful break that has occurred in a long time, and I pay tribute to the Senator from Louisiana, who has tirelessly pursued this matter. I am also happy that the leadership in the other body has worked out this solution.

I thank the Senator from Louisiana for yielding.

Mr. ELLENDER. I thank the Senator from Florida for being so patient.

We have postponed consideration of the agreement with the House of Representatives on the Agriculture appropriation bill up until now, until we received authorization to increase the food stamp program.

I wish to add, Mr. President, that in addition to speaking with the Senator from South Dakota, who is very much interested in this matter and who agreed that this should be done, I also enlisted the help of my good friend from New York (Mr. JAVITS), who assisted in having this matter brought before the House.

Mr. President, it took quite some time. However, I am glad that the House did enact a resolution to provide for the $610 million authorization.

I also state that the ranking Republican member of the Committee on Agriculture and Forestry was consulted; and he agreed to the action that is about to be taken.

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

Mr. STENNIS. Mr. President, I have the floor

Mr. JAVITS. Mr. President, I just want time. If the Senator is going to speak——

Mr. STENNIS. I have the floor under a unanimous-consent agreement of the Senate.

The PRESIDING OFFICER. Is there objection to the resolution?

Mr. JAVITS. Mr. President, I do not know what the resolution is.

Mr. HOLLAND. Mr. President, this is a conference report

Mr. JAVITS. I want a quorum on the matter.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I want to be sure that we get the parliamentary situation straight.

Under the unanimous-consent agreement, I have been authorized to yield to the Senator from Louisiana without losing my right to the floor. And until I can get more consideration here, I respectfully decline to yield.

The PRESIDING OFFICER. The Senator from Louisiana called up a joint resolution by unanimous consent after the Senator from Mississippi (Mr. STENNIS) yielded without losing his right to the floor.

Mr. JAVITS. Mr. President, a point of order.

Mr. STENNIS. Mr. President, I yield to the Senator for a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, can a joint resolution be passed merely because a Senator holds the floor under a unanimous-consent agreement and has yielded to another Senator without any other Senator debating the matter?

The PRESIDING OFFICER. The Senator is asking whether a resolution can be passed without debate?

Mr. JAVITS. That is correct.

The PRESIDING OFFICER. A resolution can be passed without debate.

Mr. JAVITS. Without a Senator being heard? Then, am I entitled to have a quorum call before the matter is acted upon?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Am I entitled to ask for the yeas and nays before action is taken?

Mr. ELLENDER. Mr. President, I withdraw the request and will let the Senator from New York take the responsibility.

I have been working on this now for 4 months. I explained it to the Senator and he said he would assist me in trying to get the House to act.

Unless a joint resolution is passed now, there will not be any chance to raise the amount of money necessary to take in most of the States under the present food stamp law.

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

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, the thing that puzzles me is when I ever agreed to the $610 million proposition. I have no recollection of it whatever.

I am saying publicly what I wanted to say privately. I gave notice yesterday that when the matter came up I wanted to be heard.

I have not the remotest recollection of agreeing to accept this amount. This is an authorization. It will not go down the drain because there is no authorization.

Mr. ELLENDER. Mr. President, the Senator will recall that he mentioned to me on several occasions the fact that the House had reported a resolution. They did not consider our measures. The House passed a resolution authorizing $610 million.

I stated to the Senator that in my opinion this would be the most that we could get out of the House and that it is necessary that we proceed to act on the $610 million resolution, because if we do not do so, the conference that is now being held between the House and Senate on the Agriculture appropriations bill could not consider a greater amount than the $340 million to operate the food stamp program.

If we do not act on the resolution today, the chances are that the conference on the agriculture bill will be disposed of, and we will be minus the amount necessary to operate fully the food stamp program for this fiscal year.

Mr. JAVITS. Mr. President, I think that everything the Senator has said is absolutely correct. However, he did not point out the assumption upon which it was stated a few minutes ago that I had agreed. I have not agreed, and the Senator knows it. The Senator says he knows it.

The Senator from Louisiana is a very informed man. He has informed me, but I have not agreed to it.

The PRESIDING OFFICER. The Chair would like to state that a joint resolu-

tion can be passed without debate, but it is debatable if anyone cares to debate it.

Mr. JAVITS. Mr. President, if the Senator would agree to permit me to have the floor for 1 minute in my own right, I will not take long.

Mr. STENNIS. Mr. President, I will not object, but I want to address the Chair on the matter.

Under the unanimous-consent agreement I have the floor. We have a conference report on a bill that has been pending for so very long. I think that we have about reached the conclusion of the debate on the matter.

The Senator from Kentucky is the only Senator I know of that has anything further to say. I wonder if it would be possible for us to conclude rapidly the military authorization bill, if we can do so.

Mr. ELLENDER. Mr. President, I have no objection. When I asked the Senator to yield to me, I did not think there would be any trouble at all. I had discussed the matter with the Senator from South Dakota (Mr. McGOVERN) and with the Senator from New York (Mr. JAVITS). I did not do so recently, but I told the Senator about the House action. And I asked him to help me to try to get the leadership on the House side to pass the House resolution so that we could have at least $610 million in the conference that is now being had between the House and the Senate on the regular agriculture bill for this fiscal year.

It is our only hope, If we do not do this, we will have to wait for a supplemental bill which may not be enacted until late in the summer next year.

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

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, what is bothering me—and the Senator knows me well enough to know that I will tell him precisely what is in my mind—is that this is only an authorization bill. If we went to conference with the Senate having voted for $750 million and the House having voted for $610 million, we would be bound to get something more.

Mr. ELLENDER. Our measure has not passed as yet.

Mr. JAVITS. I understand. However, may I continue?

Mr. ELLENDER. We do not have authorization yet.

Mr. JAVITS. We do not have authorization on either side.

Mr. ELLENDER. That is correct. But we have authorization for $340 million.

Mr. JAVITS. We wanted $750 million and they wanted $610 million.

Mr. ELLENDER. But the Senate resolution has not been acted upon by the House. It has been pigeonholed. I am trying to get the matter straightened out.

Mr. JAVITS. That is what I am talking about. It is an authorization matter that is now in conference, not an appropriation. The Senator from Florida (Mr. HOLLAND) is the chairman of the Senate conferees, I believe.

If we are going to take $610 million, which is the lowest possible figure they would bring in here as a basic authorization and reduce it again in the conference, then why should we do it? We might just as well fight everything.

On the other hand, if we can have some assurance on the matter, I am not unreasonable and will be satisfied. I will say that I am confident the Senator from Louisiana is as anxious to do as much on the monetary amount as I am.

There is no question of bona fides, or good faith, or desire to do what needs to be done. If we can have some assurance from the Senator from Florida that the Senate conferees will stand fast for at least this minimum figure of $610 million, I would be content.

I say that very frankly to the Senator. However, if we are to be faced with a situation of going from $750 to $610 million and then going into the conference on the appropriation and have them come back with $450 million and say, "I am sorry, Mr. JAVITS. You have to compromise. We went out with $610 million, so we are coming back with a good deal." I would say then that I have been had with respect to what is going on.

I want to know what is going to happen in the end. We might as well fight all along the way.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield to me briefly

Mr. STENNIS. Yes, I yield to the Senator, under the circumstances.

Mr. HOLLAND. In the first place, the Senator from New York has never been "had," as he puts it, by the Senator from Florida.

Mr. JAVITS. That is correct. I agree with that.

Mr. HOLLAND. I thank the Senator.

In the second place, before the Senator was able to get the floor, the Senator from Florida had stated the facts in this miserably delayed matter—namely, that in June we passed our resolution increasing the authorization for 1970, for the food stamp program, from $340 million to $750 million; that the Senate passed the Agriculture appropriations bill on July 7, and included in it the entire $750 million, simply because the Senate already had adopted its own resolution. Since that time we have been trying for weeks, and for months, to bring this matter to conference.

I see my distinguished friend the ranking Republican member of my appropriation subcommittee in the Chamber, and I am sure he remembers the entire transaction.

Finally, on October 9—and these dates appear on page 13 of the calendar of business for today—the House finally appointed conferees. We have had four conferences since that time, in all of which the Senate conferees have stuck by the $750 million figure, and the House conferees have expressed their regret that they have not been able to get the House Committee on Agriculture and Forestry to act.

Finally, that committee did act, and brought out a House resolution instead of reporting our resolution as amended. The House resolution proposes $610 million for the authorization for 1970.

I did not say this in my previous appearance, but I want the Senator to know how interested I am in resolving this matter. Realizing the attitude of some of the House conferees, I called the distinguished Secretary of Agriculture, told him that this matter was to come up today, and asked him to make arrangements at the White House so that when this bill is passed—as I hope it will be, in the form that it came over to us from the House—the President would immediately sign it, because the chairman of the House conferees had made the point that he did not want to act upon the matter until it was actually law. The other conferees on the part of the Senate will recall his stating that on various occasions.

The Secretary of Agriculture has told me that he has made those arrangements. He also has tried to move fast enough to have a supplemental budget request submitted immediately after that new authorization is signed.

We have been trying very hard, therefore, to get the item completed on the basis of $610 million, and we are going to continue to do that. I cannot tell the Senator with certainty what the result will be, but I have every reason to believe that the House, since we have come to their figure on the authorization, will be glad to proceed on the basis of $610 million in the appropriations bill.

I do want to say, however, that in my own judgment, a cutting down of the authorization from $750 million to $610 million, which was always the maximum amount the Secretary stated that he could use for this year, has become even more reasonable by reason of the passage of time. More than 4 months have passed since we adopted the $750 million figure in June.

All I can say to my distinguished friend is that to the utmost of my ability I will try to uphold the action of the two bodies, if we can get this authorization passed.

The Senator well remembers, I am sure, that my distinguished chairman, who also happens to be a member of my conference committee, was insistent upon the $750 million, when, frankly, the Senator from Florida felt that $610 million was the proper figure, since that was all the Department of Agriculture stated it could use. But I am certainly committed to the $610 million. I will certainly be committed to the $610 million in conference. I will do all within my power to bring the bill out with that amount.

But there are much greater considerations than this in connection with the bill, I say to my distinguished friend. The bill contains more than $7 billion of appropriations, and affects not only Agriculture but also important foreign policy questions, such as in the food for freedom program, and important domestic programs such as the school lunch and food stamp programs and I want to get that bill out of conference and signed into law as soon as possible.

All other items in this appropriation bill have been held up, simply by the inaction upon this food stamp item.

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

Mr. HOLLAND. I am glad to yield the floor.

Mr. STENNIS. I request Senators to please be brief, or just relieve me of my promise to yield. The military procurement authorizations conference report is almost down to the final point. Perhaps if the Senators involved in this other matter can get together and discuss it, they might reach agreement.

Mr. HOLLAND. Mr. President, will the Senator yield once more, just briefly?

I have not talked to the Senator from New York.

Mr. STENNIS. I want to help the Senators if I can, but I have duties of my own.

Mr. HOLLAND. I have not talked to the Senator from New York, but I have talked on three occasions with the Senator from South Dakota, and he told me, no later than yesterday, not only that he felt it was in the interest of his own position to accept the $610 million, but also, that he felt that he was speaking for the entire group with which he had acted.

The Senator from Florida did not go to the Senator from New York and to the many other Senators who constituted a majority of the Senate that supported the $750 million figure. But he believed that the Senator from South Dakota was speaking for the entire group, and under no circumstances would the Senator from Florida try to run over any other Senator. If the Senator from New York desires a rollcall vote, the Senator from Florida would be very glad to join him in that request. If the Senator from New York wants to be heard at length on this problem, we will be glad to wait until the Senator from Mississippi has disposed of this very vital conference report which he is handling so well. But let us get this over with, so that we can complete action on a very important appropriation bill which has been held up since July, largely because of this item.

Mr. JAVITS. The Senator from South Dakota gave no pretense of having spoken for me, I am sure, because I spoke with him 3 minutes ago, or before, because I mentioned this before. The Senator from Louisiana (Mr. ELLENDER) has quite accurately stated that I have not agreed to this.

I am the ranking minority member of the Nutrition Subcommittee, and I gave notice about this matter to the majority leader and on our own side that I wanted to have notice of this proceeding.

I think we can get together, and I am very sympathetic to this point of view. But I would hope that the Senators concerned would give me a minute to catch my breath and permit the Senator from Mississippi to continue. I have a guest downstairs, and I will be back in 15 minutes, and I am sure we can settle the matter.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Louisiana withdraw his request for consideration of the joint resolution?

Mr. ELLENDER. At this time, yes.

(This marks the end of the proceedings on the food stamp bill, which occurred during the consideration of the conference report on the military procurement bill, and which, by unanimous consent, were ordered to be printed at this point in the RECORD.)

AMENDMENT OF THE FOOD STAMP ACT OF 1969

Mr. ELLENDER. Mr. President, I request that the Chair lay before the Senate the message from the House of Representatives on House Joint Resolution 934.

The PRESIDING OFFICER. The Chair inquires of the Senator from Louisiana whether the Senator is asking unanimous consent that the Senate proceed to the consideration of the matter.

Mr. ELLENDER. No, not yet; just that the Chair lay before the Senate the message.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House on House Joint Resolution 934.

Mr. ELLENDER. Mr. President, before I ask for consideration of the resolution I wish to reiterate what I said earlier this afternoon.

The Senate passed Senate Joint Resolution 126, providing $750 million as an authorization to operate the present food stamp program in fiscal 1970. The present food stamp bill is limited to $340 million.

Now, for the past 4 months I have tried in all the ways that I know to get the House to act upon the resolution that was passed by the Senate. I have not been successful. However, the House did pass its own resolution yesterday. The resolution is worded the same as the Senate resolution except that in lieu of $750 million the House resolution provides an authorization of $610 million.

We delayed the conference report on the Agriculture appropriation bill that has been before us for 3 or 4 months in order to obtain a larger appropriation; that is, for the food stamp program.

We are now confronted with this situation. Unless this resolution is enacted, the conference will be bound to the present authorization, which is only $340 million. If this joint resolution is enacted today, the conferees on the appropriation bill for agriculture would be able to increase the amount from $340 million to $610 million.

It will be recalled that when the Agriculture appropriation bill was enacted a few months ago, the measure we enacted provided for $750 million to operate the food stamp program. The House, of course, objects and the House can make a point of order because the House did not act on our resolution for $750 million.

I hope that no objection will be heard when I ask that this resolution be considered today.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House Joint Resolution 934.

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The clerk will state the resolution.

The ASSISTANT LEGISLATIVE CLERK. A resolution (H.J. Res. 934) to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not press the objection, and I shall have a little more to say on the measure when it is actually before us, I do wish to point out two things so that the question may be settled definitely.

First, on yesterday, at page 33104 of the RECORD, I said:

> 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 there is some consent brewing but I would like to be notified when the matter will be brought up.

I do not blame Senators for not having read every word of the RECORD every day, but I think, as my relations with the Senator from Louisiana (Mr. ELLENDER) have always been splendid—and I am very proud of that—I would not for a moment want him to feel that when I came into the Chamber some time ago and was told the matter was being called up, that what I stated was something I dreamed up.

My second point was that the impression may have been created in the minds of the Senator from Louisiana (Mr. ELLENDER), and the Senator from Florida (Mr. HOLLAND), that I had approved of this way of dealing with the matter, but I think it is clear I had not. I am not going to bother the Senate with all the details, but I think it is critically important that we be able to rely on the word of each other. Again, I have been extremely proud of my record in that regard, as are my colleagues. I want to make clear that there was neither agreement on my part nor lack of notice that I wish to debate the matter.

As to the unanimous-consent request by the Senator from Louisiana (Mr. ELLENDER), this matter could go on the calendar and under the rules be called up on Monday or Tuesday. That would be a lot of extra work, and I would not dream of putting my colleague through that extra work. Therefore, I shall not object to the unanimous-consent request.

Mr. McGOVERN. Mr. President, reserving the right to object, and I do not intend to object, I would like to say very briefly that I shall support the joint resolution brought before us by the Senator from Louisiana.

I know, of my personal knowledge, that he has done everything possible for a Senator to do to persuade our friends in the other body to go along with the higher authorization figure that had been approved by the Senate some time ago.

I am convinced that any further effort in that direction would not be productive, but would result only in further delay on the funding of the food stamp program for this fiscal year.

There is no possible way under the present parliamentary situation for the Senate to add any of the reforms in the structure of our food stamp program that we approved earlier by Senate action.

Because of those two considerations,

our inability to add any reform language to the resolution and the almost certain possibility that the House would not go along with any change in the $610 million figure that is now before us, I shall support the Senator from Louisiana in his efforts to secure early passage of this measure.

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

Mr. McGOVERN. I yield.

Mr. JAVITS. Mr. President, before the Senator entered the Chamber, we had a little colloquy about this matter under rather different parliamentary auspices. In due course, and I am sure the Senator from Louisiana will agree, when the RECORD is printed we should cause that part of the debate to come under the heading of the present debate on the joint resolution.

As I have said to the Senator from Louisiana and the Senator from Florida, what we are trying to arrive at is some commitment, which I think is important, for our conferees on the appropriation bill, as long as we are giving on the program. We might go to conference and get another $10 million, $20 million, or $50 million, but I am going to stand with the Senator from South Dakota on that. Taking the House authorization should give moral comfort to those who feel like the Senator from South Dakota and me that our conferees will stand fast for $610 million. Second, that if they do not, obviously the Agriculture appropriation has been held up now for some time so that it may have to be held up for a few weeks longer. If we get the conference report, then, in good conscience, we shall have to oppose it on the ground that we do not have the money for food stamps. I am reserving the right to oppose it and I hope that, there, as I am standing with my chairman here on this, he will stand with me.

Mr. McGOVERN. I could not agree more with the Senator from New York, and with the leadership he has provided on this matter from the beginning. It has not only been sound, it has also been effective. I agree with the conditions that he has attached here for our support for the limited $610 million authorization. I agree with him, that we should settle for nothing less than an appropriation of $610 million.

It has been my understanding that the Senator from Florida has agreed to make that effort, to do everything he can within the Appropriations Committee to see that the full amount is appropriated.

Mr. JAVITS. The Senator from Florida has done that, and he will, I am sure, again; but I do think it was necessary because the Senator from Florida also said the Agriculture appropriation contains many items of importance, and so forth; and I think it is only fair to our conferees to know that there are at least two Senators—maybe more, we hope—who will feel that this is enough of a causa belli, that it is an inadequate amount on the $610 million, which is our bargain basement figure, So that we would consider it proper to fight the conference report if it did not do that.

Mr. McGOVERN. I agree with that.

Mr. ELLENDER. For the information of my good friend from New York as well as South Dakota, the Senate bill now contains $750 million.

Mr. JAVITS. Very good. So it is a compromise.

Mr. ELLENDER. But we cannot sustain that because there is no authorization for a greater sum than the $610 million.

Mr. JAVITS. The Senator shows his usual wit. In other words, if we bring in the $610 million figure in the conference report, that, to us, is $140 million less than the Senate figure.

Mr. ELLENDER. That is right, but as I said, we still have in our bill, which was passed by the Senate, $750 million. Thus, we are the ones who will have to recede.

Mr. JAVITS. May I point out to my colleague that the House Members will tell us in conference—I can hear them now—that the only authorization is for $610 million because we have accepted the bill. So the $750 million figure would go out on a point of order. Our conferees will have to stand fast on this.

The Senator from Florida (Mr. HOLLAND) has made his statement. I have been in conference with him before and I know that he knows how to stand fast. But I did feel that perhaps we would hold up his hand—that we would hold up both his hands—I would like it to be more in the character of Moses—if we made clear that we would feel—the Senator from South Dakota (Mr. McGOVERN) and I—as the chairman and ranking member of the special committee—that this would warrant our opposing the conference report which did not do at least that. I think that might be a useful factor. No one is intimidating anyone. We are all grown men around here. But it might be a useful thing for the House conferees to know that that is the only reason I mentioned it, without in any way—because I have had experience with them, and I know—detracting or derogating from the expressions of determination and view as made by the Senator from Florida (Mr. HOLLAND) when we had debate previously.

Mr. HOLLAND. Mr. President, in the Senate committee, I supported the $610 million figure and tried to get the Secretary of Agriculture in the hearings to go to a higher figure. He declined to do so. The Senator from Florida, on the floor, when this emergency resolution of the Senate was passed, stated that that had been his position in committee but that the rest of the committee felt that the $750 million figure should go in. He said that the committee should go forward with that figure and he voted for the $750 million figure.

I now think that by all means we should stand by the $610 million figure. I have talked to the Secretary of Agriculture within the past few days. He still stands by that figure. He also told me, as I stated, before the Senator from South Dakota came into the Chamber, that he has taken up with the White House the matter of early approval of the bill, if we approve the House resolution, because there was sentiment expressed among the House conferees at the last meeting of the conference committee which we held that they would want to have the bill approved, before concluding action on this item and three other amendments which remain to be resolved.

I hope it will be approved today and goes over to the White House immediately. The Secretary of Agriculture has already taken up with the White House the question of speedy approval. I am very interested in this matter and I am going to ask, insofar as I can, for the $610 million figure.

I want to make clear that I have six levelheaded and sometimes hardheaded Senators as conferees, including the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and from the other side of the aisle, the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), and the Senator from North Dakota (Mr. YOUNG).

I would not pretend to say what their attitude would be. I can say what I think it will be. I think they will all be delighted if we can get the $610 million figure approved. I do not believe that they will agree to report anything less. That would be my attitude.

At the same time, I reiterate what I said to the distinguished Senator from New York a while ago, that after all, the appropriations bill is a bill of over $7 billion, with many important objectives, many of which were increased by the bill. I hope that we can come back here speedily with a conference report which will contain the $610 million figure. I shall do my level best to accomplish that objective.

But, whatever we do, however far we are able to go, I hope that we can get this particular bill through because it is sort of outrageous that we have had to wait over 4 months—well, not quite 4 months, it will be on the 7th of November—from the time we approved the bill in the Senate with the $750 million figure in it for the food stamps.

Mr. President, I have talked this matter over with the Senator from South Dakota. I think he agrees with me completely that we should get a program underway for enlarging the present program as speedily as possible. He is greatly disappointed that we have not gotten it earlier. I am, too. I know the Senator from Louisiana is, because he was strongly for the $750 million figure when the matter was considered earlier.

I am committed to the $610 million figure; and I want that figure kept in the conference report. I will do my utmost to accomplish that objective. I hope that we may go ahead and agree to the House resolution and get this bill speedily on the road to the White House.

Let us get this program on the track, because we are now about 4 months behind in enacting a bill containing some very important appropriations, including this one, and others that are of great importance to our country.

For instance, school lunches will be a greatly increased program over last year. Every Senator is interested in that. I can mention other programs of equal importance, such as those dealing with consumer protection. We have increased funds in the bill for the inspection of red meat and for the inspection of poultry

as required by bills which we passed nearly 2 years ago.

The programs have had to be held at their former levels because this bill has not passed. There are also many other matters of great importance.

Let us pass this bill and get it on the road to the White House. I completely and fully approve the position of the Senator from Louisiana, in which I understand our distinguished friend from South Dakota (Mr. McGOVERN) is joining wholeheartedly.

Mr. ALLEN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. ALLEN. Mr. President, I support the food stamp program. I think it has broad popular appeal throughout the country. I believe it is providing much needed relief to people who actually are destitute or who do not have sufficient income to purchase a sufficient amount of food for their families.

As a member of the Committee on Agriculture and Forestry, I supported the administration request for $610 million, along with the distinguished Senator from Florida (Mr. HOLLAND). The Secretary of Agriculture appeared as a witness before the committee, and he testified that $610 million was all that the Department could use during the current fiscal year. On that basis, I supported, and the distinguished Senator from Florida also supported, the $610 million figure.

The Committee on Agriculture and Forestry reported to the Senate and the Senate approved an emergency authorization of $750 million. Then on long-range authorization the Senate approved $1,250,000,000 for this fiscal year with increases for succeeding years. I opposed and voted against that authorization on the theory that it was more than the Department said it needed or could efficiently and effectively use.

We are back now to the House joint resolution calling for the $610 million figure. We are farther into the fiscal year. If indications several weeks ago were that $610 million was all that could be used, that is all the more reason why $610 million now would be sufficient.

So I am hopeful that we will proceed to agree to the House joint resolution providing for the $610 million. I believe it can be and will be effectively and properly used by the Department. It is $270,000,000 more than was appropriated for the last fiscal year. It is a full meeting of the request of the administration for the food stamp program, which the junior Senator from Alabama heartily endorses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the joint resolution.

Mr. ELLENDER. Mr. President, I move its passage.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read a third time, the question is, Shall it pass?

The joint resolution was passed.

THAT "SILENT MAJORITY" WANT OUR BOYS HOME

Mr. YOUNG of Ohio. Mr. President, unfortunately, it is now apparent that the Vietnam war, which many Americans once termed "Lyndon's war," has now become "Nixon's war." In his speech Monday evening, the President appeared to justify our continued involvement in a civil war in South Vietnam on the same false premises as his predecessor.

So long as this policy continues, young Americans will fight and die waging a ground war in a little faraway country of no importance whatever to the defense of the United States.

It is tragic that the President has allowed himself to become subservient to the Joint Chiefs of Staff, Ambassador Ellsworth Bunker, Ambassador Henry Cabot Lodge and others who led President Johnson down the path to our Nation's disaster, who advised him to escalate our involvement in the fighting between the forces of the National Liberation Front of South Vietnam, aided by infiltration of some forces from North Vietnam, and the so-called friendly forces of the Saigon regime of Thieu and Ky.

President Nixon has stated that our young men are fighting in Vietnam to protect the freedom of the South Vietnamese people. Nothing could be further from the truth. The fact is that the people of South Vietnam are ruled by a militarist regime in Saigon as tyrannical as any in the world. The Thieu-Ky regime took power by overthrowing the government in a nighttime coup. Two years later it received only 34 percent of the votes in a rigged election. Thousands of the soldiers of the Saigon regime voted with their military units, then voted again in their hamlets or cities. Buddhists and neutralists were barred from voting. Also, some 13,000 political prisoners, many being imprisoned without trial, were denied voting rights. Thieu and Ky then jailed the runner-up in that election, Dzu, shortly after the election. He still remains in jail, following a so-called trial which lasted 2 hours.

The Saigon militarist regime has the support at most of only 20 percent of the people of South Vietnam. Except for the support of our Armed Forces and our huge financial subsidy, it would collapse within a matter of days. Then, Thieu would leave to join his wife at their recently purchased villa in Switzerland, and Vice President Ky would take a plane to rendezvous with his unlisted bank accounts in Hong Kong and Switzerland.

The President's statement about not imposing a government in South Vietnam disregards entirely the fact that every day of the year we are imposing the despotic Thieu-Ky regime on the South Vietnamese people.

Our involvement in Vietnam was a historic mistake of horrendous magnitude. To claim that we are in Vietnam to protect freedom is to deny the facts of history. The fact is that we are fighting in Vietnam because of our proud refusal to admit a mistake in our attempt to make South Vietnam a pro-American, anti-Communist Chinese buffer state. More than anything else, we are fighting to avoid admitting failure. As Walter Lippmann bluntly put it, "We are fighting to save face."

Many centuries ago, the Chinese sage Confucius said:

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

The same is certainly true regarding nations. It is high time that we corrected our tragic error of becoming involved in a land war in Southeast Asia.

President Nixon announced that he has a secret plan for the withdrawal of forces from Vietnam, but that any plan he has referred to is predicated upon the ability of the South Vietnamese armed forces to continue the war to ultimate victory—the so-called Vietnamization of the war. The fact is that successive regimes in Saigon have had one opportunity after another to Vietnamize the war during the last 8 years. President Eisenhower sent to Vietnam some 700 military advisers to train the so-called friendly forces of South Vietnam to fight. Under President Kennedy there were approximately 20,000 military advisers sent to South Vietnam to assist, train, and teach the South Vietnamese forces to use modern weapons of war costing American taxpayers billions of dollars, or in other words, to Vietnamize the war.

What evidence does the President have to indicate that within the next year, or 2 years, or 3 years, or even 4 years, the army of South Vietnam will be capable of assuming the burden of the fighting? The answer is "None."

The army of South Vietnam, the so-called friendly forces—too friendly to fight still cling to the relatively safe coastal areas. The desertion rate still remains an appalling one man in 5 each year.

No knowledgeable American observer believes that this army can or will be able to assume the burden of the war within the next 2 years. Still, the President has tied our policy in Southeast Asia to the tail of the Thieu-Ky regime.

The very best that can be expected from President Nixon's policy is a slow and halting withdrawal of American ground combat forces following by permanent occupation of South Vietnam by from 200,000 to 300,000 American forces. This would result in a permanent drain on our resources. This is not what the American people, the silent majority, as the President refers to them, had in mind when they elected Richard Nixon to end the war. He said he had a secret plan to do just that. Evidently, they believed him.

He has yet to disclose that secret plan.

Regarding the talk about a "silent majority," I know that a majority of Ohio citizens want this war ended and our boys brought home on planes or by ship in the same manner they went there. In my judgment, a majority of the American people that—"silent majorty"—want our boys home. Now, more than 10 months later, and after the killing of more than 10,000 additional Americans and the wounding of more than 60,000 others, the President pleads with Americans to be patient and to follow him in

the disastrous course he has apparently chosen to follow in Vietnam.

What the President has done is to create a situation in which the patience of the American people is to be pitted against the patience of the Vietcong and the Hanoi government. That is the course we have been following for more than 8 years. That is the course which has brought only additional death, sorrow, and misery to our Nation. That is the course that has resulted in the killing and maiming of more than half a million Vietnamese civilians—innocent children, women, and old men, most of it by our napalm bombing and poisonous defoliation of their countryside and hamlet and village areas.

The time is long past for temporizing about the war. Millions of Americans are sick unto death of being unwilling accomplices to maintaining a monstrous regime in power in Saigon. They have no further patience with talk of Vietnamizing a war that the people of South Vietnam have neither the capacity nor the desire to fight. As failure has piled upon failure, even some of the most zealous advocates of our intervention in Vietnam have come to recognize the utter folly of the Vietnam adventure.

In attempting to support our continued involvement in Vietnam, President Nixon quoted the late, great President Kennedy as saying:

> We want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia, so we're going to stay there.

He failed, however, to quote President Kennedy's remarks on September 3, 1963, shortly before his assassination, when he said:

> I don't think that unless a greater effort is made by the government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort, and, in my opinion, in the last two months the government has gotten out of touch with the people.

President Nixon also stated that our withdrawal from Vietnam would result in a collapse of confidence in American leadership throughout the world. This, despite the fact that chiefs of state of practically every European and Asiatic nation have urged that we end our involvement in Vietnam—Great Britain, France, the Philippine Republic, Pakistan, Japan, Sweden, India, to name a few. Furthermore, with the exception of our client nation, South Korea, which has sent 50,000 fine fighting men to Vietnam, Australia and New Zealand which have sent but token forces, Thailand which has permitted us to turn that nation into a vast support base, and the Philippine Republic which sent 2,000 non-combat engineers and then withdrew them, no nation in the world has assisted us in the Vietnam war. The Philippine Republic has announced its withdrawal of its 2,000 noncombat engineers which we have been supporting and Australia is yielding to public demand to withdraw its small contingent of fighting men.

No support has been forthcoming from the Governments of Burma, Malaysia, Indonesia, Cambodia, India and other nations in Southeast Asia that allegedly would be directly affected by our withdrawal from Vietnam. The tired old domino theory never had any validity. It was discredited years ago. The President's attempt to revive it to justify our remaining in Vietnam will not change the fact that there is no substance to it.

It was with a feeling of sadness that I, and I am sure many millions of other Americans, listened to the President's words Monday evening. The President spoke of a "silent majority" supporting his policy. That and the build-up prior to his address are fantastic exaggerations. In my view, the great majority of Americans desire an end to the Vietnam war. The majority of Ohio citizens now support the views against our Vietnam war policies I first announced more than 4 years ago. A recent Gallup poll indicated that at least 58 percent of Americans favor withdrawal of all our forces from Vietnam by December 31, 1970, at the latest. When I first spoke out against our Vietnam policy in 1965, I received bitter denunciatory letters calling me an appeaser, a Communist sympathizer, anti-American and other vicious epithets. Today, and for the past 2 years, my mail from Ohio citizens has been overwhelmingly in opposition to the Johnson-Nixon war policy. The sad facts are that in practically every small city in Ohio—in fact, in our Nation—the priceless life of at least one recent high school graduate has been snuffed out in combat in Vietnam, and thousands of our young men have been returned home maimed for life.

I am sure that the President sincerely desires peace. I am equally postive that he has chosen a course of action that will lead to more bloodshed and sorrow. There was nothing in his speech whatever to offer the hope of bringing about meaningful negotiations for an end of the war in Vietnam. Where his policy will lead us, no one knows. In the meantime, priceless lives of additional thousands of young Americans will be lost and thousands more wounded and afflicted with dread jungle diseases. In the meantime we shall continue to witness the curtailment of resources for housing, education, health, and to end hunger and poverty in our Nation. Instead of rebuilding our cities, we will burn Vietnamese villages. Unemployment, ghetto housing, the urgent need for more hospitals and schools—all these must wait while we destroy Vietnam. In their place we will have inflation and higher prices, higher interest rates, a more intensified gearing of our economy to military needs, and all the other economic and social ills that have afflicted our land as a result of the war in Vietnam.

Regarding that "silent majority" frequently adverted to in recent days, I know from the volume of letters and telegrams I receive, as far as the Great Lakes region and Ohio Valley citizens with whom I am constantly in touch are concerned, they are shocked and saddened and they want our boys brought home.

President Nixon did not express their views. In my considered judgment, very definitely he did not express the views of the "silent majority" of men and women of our Nation.

COUNTERPOINT

Mr. CURTIS. Mr. President, on Thursday, October 30, 1969, the Omaha World-Herald published an editorial entitled "Counterpoint," concerning the attitude of various groups and individuals with reference to the war in Vietnam. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

COUNTERPOINT

We want out now, and this is not contingent on anything that Hanoi or the Viet Cong might do.—David Mixner, an organizer of the Oct. 15 moratorium.

Scores of Buddhists in Hue's strong, anti-government resistance movement were slaughtered. So, too, were American and German civilians, French priests, South Vietnamese government officials, anyone with relatives in the South Vietnamese Army, village chiefs, political leaders, anyone who worked for the Americans, and particularly anyone who was known for his opposition to the Viet Cong.—James Cary Copley News Service.

The names of Vietnamese villages destroyed by the United States will be called out.—November demonstration plan, Clergy and Laymen Concerned About Vietnam.

Two V.C. battalions struck in the earliest hours, when the village was asleep. . . . When every building was ablaze, the Communists took their flamethrowers to the mouth of each trench. . . . The bodies of 252 people, mostly mothers and children, lay blistered, charred, burned to the bone. . . . The massacre at Dak Son was a warning . . . to cooperate.—John G. Hubbell, Reader's Digest.

We must disengage at once. Sen. Frank Moss, D-Utah.

It would be wonderful if we could just walk away from it, pull the boats up to Cam Ranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers, because the stories that would come with Communist victory would be pretty grim stories. Twenty years of scores to settle.—Ward Just, Washington Post.

Both reality and reason impel us to declare our support for the formation of a coalition government that will include the significant participation of the National Liberation Front.—Sen. Vance Hartke, D-Ind.

For a new-born revolutionary power to be lenient with counter-revolutionaries is tantamount to committing suicide.—Truong Chinh, Communist official.

We could buy some land elsewhere. Once I suggested Borneo. . . .—Sen. Claiborne Pell, D-R.I., discussing asylum for South Vietnamese.

I saw the little boy with his hands cut off. I have seen heads impaled on stakes, and disemboweled bodies.—Lt. Gen. Lewis W. Walt, U.S. Marine Corps.

There is no truth in the assertion that our enemy is North Vietnam. The head of the National Liberation Front of South Vietnam is a Saigon lawyer. He is not a Communist.—Sen. Stephen Young, D-Ohio.

Those South Vietnamese soldiers not

killed in the battle had been tied up and shot through their mouths or the backs of their heads. Then their wives and children, including a number of 2 and 3-year-olds, had been brought into the street, disrobed, tortured and finally executed: Their throats were cut; they were shot, beheaded, disemboweled. The mutilated bodies were draped on fences. . . .—John G. Hubbell.

The United States is now the great imperialist-aggressor nation in the world.—Sam Brown, chairman, Vietnam Moratorium Committee.

The Wednesday moratorium was conceived and organized by the finest young people in this nation.—Sen. George McGovern, D-S.D.

BREAKING THE LOGJAM ON DRAFT REFORM

Mrs. SMITH of Maine. Mr. President, the Nation, the American people, the President, the Senate, and the young men of America owe the president of Yale University a very grateful vote of thanks; for, single-handedly, he accomplished outside of the Senate what could not be accomplished within the Senate.

Single-handedly, in pointing out the political facts of life on the attitude of the young voters, he broke the roadblock and the logjam on the draft reform bill that the President of the United States has heretofore been unable to budge the Senate leadership on.

But I must say that I do not give warm reception to that part of the proposed compromise which would terminate the Draft Act months earlier—and, most significantly, in an election year. This part of the compromise has "politics" written all over it.

I have grave reservations about it and its obvious political maneuvering. Consequently, I am not about to give it an immediate warm reception and embrace, as others have, without studying it.

DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT

Mr. MANSFIELD. Mr. President, more often than not when a seed is sown there is little notice of the event, even though a great tree may subsequently ensue. There is a legislative seed in the military procurement authorization bill for fiscal year 1970 as reported from conference that deserves our attention. It is section 203 which provides:

> None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function.

I am happy that the Senate position on this amendment has prevailed because, according to my information, over $400 million was spent by the Department of Defense in the past fiscal year on non-mission-oriented research and development projects. I, for one, will pay close attention to how the Defense Department carries out this important change in policy stated in these few words.

Section 203 goes to the heart of an important and now controversial public issue. To what extent should the research of our university scientists have to depend upon the Department of Defense? To illustrate this point, the latest figures available to me from the National Science Foundation show that if the Defense Department funds academic research as anticipated in the initial budget request for fiscal year 1970, DOD would support basic research of the kind traditionally carried out in universities at a level of $311 million in comparison with $277 million for the National Science Foundation.

At this point I would recall something that Dr. DuBridge, the President's Science Adviser, wrote almost 20 years ago in which he warned about the dependence of science upon the military for support. In rather pointed language, he said:

> As long as science is a step-child of the military, it will suffer in dignity; it will suffer through lack of assurance of long-term support; it will be under pressure to yield practical results; and, even at best, only those fields of science which seem to yield some hope of eventual practical results can benefit.

While academic research is not wholly dependent upon the military for support, I submit that for the scientists of our universities to have to depend upon the military functions for as much funding as they receive from the National Science Foundation is a situation that should not continue. Hence, section 203.

Congress, by writing section 203, is giving clear notice to the Defense Department and to university scientists who now rely upon military support and to Members of Congress responsible for funding of academic research by other agencies that the function of the military is not to support academic research, but rather is to obtain only that research which in the eye of a prudent and reasonable man relates to known requirements of the military for advances in science.

For the guidance of the Secretary of Defense, section 203 is aimed more at preventing general investment-in-the-future kinds of research at universities, rather than buying research from university scientists for information that is known to be needed. This is not to say no university research should be funded by the military. But those who seek and receive such funds should realize that they are not enjoying a form of scientific largesse from a grand patron, but rather are joining their talents and interests with the needs of the military for the defense of this country, which in itself is honorable and necessary.

I am aware of testimony by the Department of Defense last year that their research is not done for the sake of research alone. Dr. Foster emphatically informed us during the appropriations hearings of this principle:

> Research is done to provide a technological base, the knowledge and trained people, and the weapons needed for national security. No one in DoD does research just for the sake of doing research.

None of us could disagree with that. Section 203 gets at this issue.

A reasonable goal to be obtained through the working of this new provision could be to reduce DOD funding of academic research to no more than 25 percent of that funded by the National Science Foundation by the end of fiscal year 1971. Such a goal provides time for the President and his advisers and Members of Congress concerned with funding of civil research to decide whether to sustain the overall level of academic research by increasing funds for the National Science Foundation and other agencies, or as a matter of national policy to reduce the overall level. That latter, I would add, would not be a national calamity.

In this connection, I would quote briefly some recent pungent remarks by that historian of science, Dr. Derek J. de Solla Price. Earlier this year he said:

> From the time of Archimedes and Leonardo onwards, they [the scientists] have been able to demonstrate conclusively to any government that maximum support of every need of scientific work was essential for the military and economic security of the state. Unfortunately, the demands of scientists now begin to exceed the possibilities of support of the largest and most developed countries. We, therefore, begin to have a problem of "over-developed countries" where one must somehow learn to say no to at least some of the reasonable demands of the scientific community.

During the coming year we will look to the Comptroller General and his auditors to give close attention to section 203. I, for one, will expect them to establish that research administrators of the Department of Defense provide a written determination of the need for and relevance of each research project to military science and technology. Each DOD administrator should have to establish the relevance of each project at the time the decision is made to fund it, not after a congressional inquiry generates a demand for rationalization. Furthermore, I will ask the Comptroller General to report what changes in research procedures he has observed that carry out section 203.

Congress, in writing section 203, has stated an important national policy; it must be vigorously adhered to by those responsible for the expenditures of these funds.

THE 77 PERCENT IS A MAJORITY

Mr. DOLE. Mr. President, on Tuesday the senior Senator from Massachusetts stated he and millions of other Americans were most disappointed by the President's speech on Vietnam.

I do not doubt that that is possible.

But there is an offsetting fact. Even more millions were pleased. The Gallup poll, buried by the Washington Post, shows, in fact, that 77 percent of the American people agree with the President's plan for ending the war in Vietnam.

Opposed to the President's program for ending the war were 6 percent.

In our Nation there are more than 200 million people, so perhaps my colleague is right. Millions—about 12 million, to be exact, if men, women, and children are included—may oppose the President's policy for peace, but 144 million agree with President Nixon and 44 million are undecided, but not opposed.

There must be spokesmen for this

minority, and apparently the Senator from Massachusetts has undertaken this task.

I ask unanimous consent to have printed at this point in the RECORD a copy of the release issued Wednesday with reference to the Gallup poll.

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

President Nixon wins a vote of confidence of 77% of Americans on his Vietnam policies. Among those persons who listened to his Vietnam speech Monday night, only six percent expressed outright opposition to the President's program for ending the Vietnam War. But another 17% are undecided.

While the initial reaction to the President's program was highly favorable, the course of public opinion in the coming weeks will depend largely on the actual rate of withdrawal of U.S. troops from Vietnam.

In a test of the nation's reactions to the speech, a series of questions were put to a total of 501 adults, living in 286 localities, in a nationwide telephone survey conducted Monday evening immediately following the speech.

Approximately 7 persons in ten contacted heard the speech. Among this group, interviewers found a large percentage of Americans who were impressed and reassured by President Nixon's remarks, but at the same time, a sizeable minority who expressed disappointment that the President did not come up with new ideas to end the war.

The predominant view at this point is that the President is pursuing the only course open to him. The idea of "Vietnamization" of the war has particular appeal to the public.

About half of the people interviewed—49%—think President Nixon's proposals are likely to bring about a settlement of the war but 25% think they are not likely to do so, and another 26% are undecided.

Eight in every ten—77%—of those contacted expressed satisfaction with President Nixon's program for troop withdrawal, 13% expressed dissatisfaction, while another 10% are undecided.

By a 6 to 1 ratio, the persons contacted agree with President Nixon that moratoriums and public demonstrations are harmful to the attainment of peace in Vietnam but most also share the President's belief that people in this country have a right to make their voices heard.

AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 511, S. 823. I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. COOK in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

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 Banking and Currency with an amendment, to strike out all after the enacting clause and insert:

SECTION 1. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

"TITLE VI—CONSUMER CREDIT REPORTING

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling and evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnshing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transacton involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(5) Records of arrest, indictment or conviction of crime, which, from date of disposition, release or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of $50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a principal amount of $25,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, $20,000 or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing, or otherwise delivered to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a)(1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures

"Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"§ 608. Disclosures to governmental agencies

Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identfying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

§ 609. Disclosure to consumers

"Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information in its files on the consumer at the time of the request.

"(2) The sources of the information except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed.

"(3) The receipts of any consumer report on the consumer which it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"§ 610. Conditions of disclosure to consumers

"(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnishes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in section 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

"§ 611. Procedure in case of disputed accuracy

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current statute of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

"§ 612. Charges for certain disclosures

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt of such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under sections 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to persons designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

"§ 613. Public record information for employment purposes

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this subparagraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

"§ 614. Restrictions on investigative consumer reports

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished. Whenever a consumer reporting agency prepares an investigative consumer report, it shall follow reasonable procedures to assure maximum possible accuracy of the report.

"§ 615. Requirements on users of consumer reports

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within a reasonable period of time, upon the consumer's written request for the reason for such adverse action received within sixty days after learning of such adverse action, so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report. The user of the consumer report shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

"§ 616. Civil liability for willful noncompliance

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall not be less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 617. Civil liability for grossly negligent noncompliance

"Any consumer reporting agency or user of information which is grossly negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of——

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 618. Jurisdiction of courts; limitation

"Any action under section 616 or 617 may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation.

"§ 619. Obtaining information under false pretenses

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 620. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalities and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of:

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners Loan Act, of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

"(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union;

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

"§ 621. Relation to State laws

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency."

EFFECTIVE DATE

SEC. 2. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

"(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment. The requirements of section 609 respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of title VI except to the extent that the information is contained in the files of the consumer reporting agency on that date."

CONTROL OF OUTDOOR ADVERTISING ALONG FEDERAL-AID HIGHWAYS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 513, Senate bill 1442.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1442) 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.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, line 8, after the word "out", strike out "one or more"; at the top of page 2, insert "Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section."; in line 9, after the word "are", insert "hereby"; in the same line, after the word "appropriated", strike out the comma and "out of any money in the Treasury not otherwise appropriated,"; in line 11, after the word "exceed", strike out "$5,000,000" and insert "$15,000,000"; in line 13, after the word "shall", strike out "remain available until expended.'" and insert "be available in accordance with the provisions of subsection (m) of this section."; and after line 16, insert a new section, as follows:

(3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section.

So as to make the bill read:

S. 1442

A bill to amend section 131 of title 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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131 of title 23 of the United States Code is amended by inserting at the end thereof a new subsection as follows:

"(o) (1) The Secretary is authorized to enter into agreements with one or more States for the purpose of carrying out pilot programs to determine the best means of accomplishing the purpose of this section. Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section. Any such agreement shall provide for the payment of the Federal share, prescribed in subsection (g), of the cost of the program, and shall be in accordance with the other provisions of this section to the extent applicable for the purpose of this subsection.

"(2) There are hereby authorized to be appropriated not to exceed $15,000,000 to carry out the provisions of this subsection. Amounts appropriated for the purpose of this subsection shall be available in accordance with the provisions of subsection (m) of this section.

"(3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section."

Mr. MOSS. Mr. President, I am pleased to speak in behalf of S.1442, a bill to create a pilot outdoor advertising sign removal program, which I introduced March 7, 1969.

This bill would permit one or more pilot programs for the removal of nonconforming billboards under the highway beautification program. It is the result of more than 2 years of discussions and meetings with Salt Lake advertising executive Douglas T. Snarr and numerous of our key highway officials.

Basically, the program calls for acquiring by contract all the nonconforming signs of a company at one time, and authorizing the owning company to dismantle and remove the signs on an agreed time schedule.

The alternative is to remove nonconforming signs on a highway beautification project which involves the condemnation of signs on a sign-by-sign basis. Research by the Utah State Department of Highways proves such a procedure, the second procedures, would be extremely expensive, costing up to two to three times as much money.

Under the provisions of my bill the very people who built the signs and know where they are would be the ones to go out and take them down. There would be no problem of unfamiliarity and it would permit an orderly procedure with the sign companies cooperating rather than walking away and simply abandoning their signs and leaving them to be removed by some other contractor or State employees.

The Federal Highway Beautification Act of 1965 has been ineffective, and there is danger that it will create a great amount of damage within a number of States.

We need to move ahead and answer some basic questions.

How are signs to be taken down, under what procedure? How are they to be paid for, on a per sign basis which would cost two to three times the amount of the purchase under a per company approach? Can the financing be long termed? Can the Federal Government fulfill its contractual responsibilities by allowing the States to float bonds which the Federal Government will help to liquidate? Where are the signs to be taken? What salvage can be made of them?

We need money authorized and appropriated and given to one or two pilot States to work out these details in a practical demonstration which would at the same time show the good faith of the Federal Government. The need is now while other programs are on the books and States are prepared to go forward. The need is now while the small sign companies can still salvage some of their business and before the giant companies gain an absolute monopoly.

I appreciate the support this bill received from the Public Works Committee. In fact, it was the committee which raised the authorization figure from the $5 million I had requested to the present $15 million.

This bill is important for the beautification of our country, and I urge its approval by the Senate.

The amendments were agreed to.

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

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

Mr. GURNEY. Mr. President, the distinguished majority leader announced yesterday that the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court may be brought to the floor next Wednesday. This is welcome news. The nomination is of the greatest importance and it is the hope of this Senator that we will be able to act upon it next week.

I understand that the committee reports are having the final touches put on them and should be available soon for the study and consideration of all Senators. An enormous amount of work has already been made available to us by our colleagues on the Judiciary Committee and the issues have been pretty well drawn. The distinguished junior Senator from Indiana (Mr. BAYH) has provided a bill of particulars for our consideration. The ranking Republican on the Judiciary Committee (Mr. HRUSKA) and the distinguished junior Senator from Kentucky (Mr. COOK), who also serves on the committee, have made several excellent speeches on the floor and have distributed to each Senator three memorandums dealing with the issues of ethics, civil rights, and labor. These distinguished gentlemen and all members of the Judiciary Committee are to be commended for their efforts to clearly draw and define the issues.

Mr. President, I have reviewed the materials and the issues and I intend to vote for the confirmation of Judge Haynsworth. It is clear to me that Judge Haynsworth is a man of honor and high ethical standards. His opinions are scholarly, and they exhibit the intellectual honesty that is the mark of a truly impartial judge.

A great deal has been written and said about this nomination. The primary source, the hearing record, itself, is 762 pages long. Observers and commentators, union officials, Senators, and the President of the United States have all spoken.

Judge Haynsworth's personal and judicial philosophy differs from that of some other recent nominees. There is no question about that. I will not attempt to define this philosophy or predict his behavior on the Court because history has amply demonstrated the futility of such a course. I will observe that it is not surprising, in view of type of man and philosophy that President Nixon wanted to serve on the Supreme Court, that those of a contrary philosophy have waged a war against this nomination. This was to be expected.

The adverse arguments brought forward by those philosophically opposed to Judge Haynsworth's nomination deserve our careful study. No Senator can intelligently cast his vote if he knows only one side of the question.

What are of greater interest to me,

however, are the testimony and observations of many who, although philosophically opposed to Judge Haynsworth, commend the nomination or, at least find the criticism of him unjust. The opinions of those who speak against their own philosophical interests should be entitled to great weight.

Mr. John P. Frank, attorney, testified in favor of Judge Haynsworth. He served as law clerk to Justice Black, he has taught at Yale and Indiana Law Schools, and has written about the Supreme Court, he is a member of the Advisory Committee of the Supreme Court and the Judicial Conference on Civil Procedure. He filed the first brief calling for total school desegregation in 1950 in the case of Sweatt against Painter. He was the first to write in favor of what has become known as the one-man, one-vote rule. He was cocounsel in Miranda against Arizona. In his testimony he said:

I would without doubt have preferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth is truly an unjust criticism which cannot be fairly made.

This quotation is from page 123 of the hearings record.

Mr. Frank's testimony was directed toward the issue of Judge Haynsworth's ownership of a one-seventh interest in Carolina Vend-A-Matic and whether he should have disqualified himself in the Darlington case. His brief was persuasive. The overwhelming weight of authority required Judge Haynsworth to sit in the case, not to disqualify himself.

Prof. G. W. Foster, Jr., teaches law at the University of Wisconsin. A devoted civil rights advocate, Professor Foster played a prominent role in the promulgation of the original Department of Health, Education, and Welfare school desegregation guidelines in 1965. In his prepared statement which was submitted to the committee and is a part of the record, Professor Foster says:

My presence today is explained by my wish to speak to the charges that Judge Haynsworth is a racial segregationist. Judge Haynsworth is not a segregationist . . .

Judge Haynsworth is an intelligent, sensitive, reasoning man. His record as a judge shows him to be a man capable of continuing growth and responsive to the needs for change where needs are persuasively shown to exist. . . . (H)e will make a first-rate Associate Justice.

Prof. Alexander Bickel, of Yale Law School, summed up, in a recent article for New Republic, as follows:

But President and Senate are partners, and the Constitution gives the President the initiative. If in order to refashion the Court so as to please himself, he were to attempt to move it beyond an ideologically moderate position, senators who are of a different mind ought to resist. But Judge Haynsworth is no reactionary. His civil rights record is centerist, although more cautious than some senators might like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be in deadlock. Judge Haynsworth should be seen ideologically as falling within the area of tolerance in which the Senate defers to the President's initiative.

Speaking during the hearings primarily on the issue of Judge Haynsworth's labor rulings was Louis B. Fine who is a former president of the Virginia Bar Lawyers Association, a member of the board of governors of the American Trial Lawyers Association, and who has served as counsel for the Teamster, the Painters Union, the Carpenters Union, and the Longshoremen's Union of Norfolk. He testified:

I think it is manifestly unfair to have said that Judge Haynsworth was antilabor when, as a matter of fact, he only decided the cases and only wrote one opinion out of 10 that were reversed out of a total of 47. Even the Lord couldn't do much better under the total circumstances, and I say that while I have been and am representing labor, labor is not in a fraternity house with the judicial administration of justice. It is just like any other litigant, and that labor must depend upon the economic and social justice as it appears to a conscientious judge.

The evidence is overwhelming that Clement Haynsworth is a conscientious judge. Those who knew him best, his fellows on the Fourth Circuit Court of Appeals, have affirmed their confidence in his integrity and his ability.

The American Bar Association Committee on the Federal Judiciary interviewed a cross-section of the legal community that worked with Judge Haynsworth. Attorneys from each State in the Fourth Circuit were contacted: some represented plaintiffs in personal injury cases, some represented defendants, two were deans of law schools, two represented labor unions, one did admiralty work for shipowners, another represented seamen and longshoremen, two were outstanding Negro lawyers. As Judge Walsh said in summarizing the investigation:

All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability.

I am impressed by this testimony, the abundance of it, and the sources from which it comes. Judge Haynsworth is not an average, colorless official as some have charged. He has a justly deserved reputation for scholarly analysis and well-written opinions.

I commend President Nixon for making this nomination. The attacks have been furious and the smoke they threw up has been thick, but they have been shown to be without foundation. President Nixon has been unwavering in his support for the nominee. Judge Haynsworth deserves such support.

I yield the floor.

AMENDMENT OF THE CONSUMER PROTECTION CREDIT ACT

The Senate resumed the consideration of the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

Mr. PROXMIRE. Mr. President, this is the fair credit reporting bill, which has been reported by the Committee on Banking and Currency, I believe by a unanimous vote.

The purpose of the fair credit reporting bill is to prevent consumers from being unjustly damaged because of inaccurate or arbitrary information in a credit report. The bill also seeks to prevent an undue invasion of the individual's right to privacy in the collection and dissemination of credit reports.

Whenever an individual is rejected for credit, insurance, or employment because of an adverse credit report, the individual is given the right to be told the name of the agency making the report.

Credit reporting agencies would be required to inform the consumer of all the information in his credit file. Following disclosure, the consumer would be given an opportunity to correct inaccurate or misleading information in his credit file. In addition, the bill requires that the information in a person's file be kept confidential and used only for legitimate business transactions. Under most circumstances, adverse information older than 7 years could not be reported. The legislation also establishes the right of a consumer to be informed of investigations into his personal life.

The bill covers reports on consumers when used for obtaining credit, insurance or employment. However, the bill does not cover business credit reports or business insurance reports.

The bill recognizes the vital role played by credit reporting agencies in our economy. Those who extend credit or insurance or who offer employment have a right to the facts they need to make sound decisions. Likewise, the consumer has a right to know when he is being turned down because of an adverse credit report and to correct any erroneous information in his credit file. The procedures established in the bill assure the free flow of credit information while at the same time they give the consumer access to his credit file so that he is not unjustly damaged by an erroneous credit report.

GROWTH OF THE CREDIT REPORTING INDUSTRY

Mr. President, few Members of the Senate, and I think few people in our country, realize the terrific scope of credit reporting, or realize how rapidly the consumer credit industry has grown. The figures are really astonishing.

One of the phenomenal growth records since the end of World War II has been the growth of the consumer credit industry. At the end of 1945 the American consumer owed less than $6 billion, whereas he now owes over $116 billion. With the growth of consumer credit, a vast credit reporting industry has developed to supply credit information. The growth of computer technology has facilitated the storage and interchange of information on consumers and opens the possibility of a nationwide data bank covering every citizen.

As a matter of fact, it is my understanding that almost every adult in America has a credit file containing information on him. Few individuals realize that these credit files are in existence. However, such a file can have a very serious effect on whether a man gets em-

ployment or insurance. It can have a disastrous effect, as our hearings show it has had a disastrous effect, on some individuals.

As an example of the size of the industry, the Associated Credit Bureaus, a major trade association, has over 2,200 individual members serving 400,000 creditors in 36,000 communities. These credit bureaus maintain credit files on more than 110 million individuals and in 1967 they issued over 97 million credit reports. Credit bureaus typically supply information on a person's financial status, bill paying record and items of public record such as arrests, suits, judgments, and the like. The information is generally furnished to creditors for extending credit although it may also be used for employment purposes.

One of the fastest growing credit bureaus already has 27 million files on computer tape. Moreover, the firm is adding names at the rate of 7 million a year. If this growth rate is maintained, the firm will have data on every American family in their computer file within a few years. Last year the firm made 7 million reports to creditors.

Another firm prominent in the insurance reporting field has 1,800 offices in the United States and Canada. This firm has dossiers on 45 million individuals and makes 35 million reports a year to their 40,000 customers. Insurance reporting firms investigate people who apply for insurance, generally through interviews with neighbors and coworkers. Their files include information on a person's character, habits and morals as well as his financial status. Once the information is in the file, it can be used again for future insurance or employment reports.

Until this year, there has been virtually no State legislation regulating credit reporting other than a 1916 Oklahoma statute with limited scope. In 1969, credit reporting legislation was introduced in 27 States and two States—Massachusetts and New Mexico—passed a statute. Because of the nationwide character of the credit reporting business, firms which operate on a nationwide scale expressed a preference for Federal regulation rather than State legislation during the hearings on S. 823. Moreover, New York State officials who testified expressed a need for Federal legislation to supplement any future State legislation which may be enacted.

PROBLEMS OF THE CREDIT REPORTING INDUSTRY

Given the rapid expansion of the credit reporting industry and the almost complete lack of regulation, it is inevitable that some problems will arise. For the most part, the credit reporting system has served the consumer well. Nonetheless, congressional hearings have shown that some abuses do exist. Moreover, industry leaders have agreed that there have been some abuses and many have already taken voluntary steps to correct them. The leaders of the credit reporting industry are likewise agreed upon the need for Federal legislation to insure that guidelines apply uniformly and fairly to all segments of the industry.

One problem which the hearings on S. 823 identified is the frequent inability of the consumer to know he is being damaged by an adverse credit report. Standard agreements between credit reporting agencies and the users of their reports prohibit the user from disclosing the contents of the report to the consumer. In some cases, the user is even precluded from mentioning the name of the credit reporting agency. Unless a person knows he is being rejected for credit or insurance or employment because of a credit report, he has no opportunity to be confronted with the charges against him and tell his side of the story.

Under the fair credit reporting bill, this problem would be solved by requiring those who turn someone down for credit, insurance or employment because of an adverse credit report to disclose the name and address of the credit reporting agency. The disclosure would be at the written request of the consumer; however, the creditor, insurer, or employer, would be required to disclose to the consumer his right to make such a request at the time the adverse information was communicated. This disclosure requirement would alert consumers that they are being turned down on the basis of an adverse credit report. Other provisions in the bill would then give the consumer an opportunity to correct any misleading or inaccurate information in the report.

A second problem is that even if the person knows the name of the credit reporting agency, he is not always given access to his file. Insurance reporting firms generally do not admit to making a report on an individual and ordinarily will not reveal the contents of their file to him. Credit bureaus sometimes build roadblocks in the path of the consumer. For example, the credit bureau industry trade publication, in frankly discussing this problem, states that some bureaus discourage consumer interviews "by placing a nuisance charge on the investigation, or merely placing the date of the interview as much as 2 weeks away."

The bill deals with this problem by requiring that credit reporting agencies interview consumers during normal business hours and on reasonable notice and disclose all the information in the consumer's file. Moreover, a charge for such interview cannot be made if the consumer is turned down for credit, insurance, or employment, or if he has received a collection letter from a collection affiliate of the credit reporting agency. In other cases, the reporting agency would be permitted to levy a reasonable charge.

Access to the file would also be facilitated by giving the consumer the right to have a person with him when he discusses his credit file. This would enable the Neighborhood Legal Service and similar groups to assist low-income consumers in dealing with credit reporting agencies. In addition, the credit reporting agency would be required to have trained personnel available to discuss a consumer's credit file with him.

A third problem is that even when individuals gain access to their credit file, they sometimes have difficulty in correcting inaccurate information. Some credit reporting agencies proceed on the assumption that an individual is guilty until proven innocent and refuse to delete information which is no longer verifiable unless the consumer can prove otherwise. In other cases, the consumer may have difficulty in getting his version of a legitimate dispute recorded in his credit file. For example, a consumer may withhold payment from a creditor because the merchandise was defective. His credit record may simply show that he has refused to pay without entering his reasons.

The bill would deal with this problem by requiring credit reporting agencies to delete information from their files if it is found to be inaccurate or if it can no longer be verified. If there is a dispute between the consumer and the merchant or other source of information, the consumer is given the right to file a brief explanatory statement setting forth his side of the story. This statement or a clear and accurate summary thereof would have to be included on all subsequent reports made by the credit reporting agency. I am hopeful that this provision would prevent unscrupulous creditors from unjustly damaging the credit reputation of the consumer when the merchant himself is at fault.

A fourth problem is that the information in a person's credit file is not always kept strictly confidential. As an example, a reporter for a major TV network was able to obtain 10 out of 20 reports requested at random from 20 credit bureaus by using the name of a completely fictitious company.

This problem would be dealt with by requiring credit bureaus to maintain procedures to safeguard the confidentiality of the information in their files. Those who requested credit reports would have to certify the purposes for which they are requested and agree not to use the information for any other purposes. The credit reporting agency would have to make a reasonable effort to determine the authenticity of new prospective users of reports. Moreover, any persons who obtained a credit report under false pretenses could be fined up to $5,000 and imprisoned up to 1 year, or both.

A fifth problem is that investigative-type credit reports often gather highly sensitive and personal information about a person's private life. Moreover, because of its very nature, most of the information on a person's general character, habits, and morals is based on someone's subjective opinion rather than objective fact. Some of the information collected on investigative reports appears to be only marginally related to the purpose of granting credit or insurance and may tend to invade the individual's right to reasonable privacy.

As an illustration of the personal type of information being collected, the hearings on S. 823 revealed the following items on consumers are included on the report forms of insurance reporting firms; Racial or ethnic descent; drinking habits; reasons for drinking; domestic trouble; immoral conduct; gambling activities; use of drugs; type or reputation of associates; general character and reputation; type of neighborhood; family reputation; housekeeping habits; condition of yard; number of bathrooms per resident; connection with illegal liquor; reasons for divorce or separa-

tion; care of children; attitude toward authority; quarrelsome behavior; abuse of family; argumentative, antagonistic; antisocial or uncooperative attitudes; and common law marriage. Many of these obviously are not relevant to whether a man should have credit, or whether he is a good credit risk.

This problem would be dealt with by requiring those who order investigative reports on a consumer's character, general reputation, personal characteristics, or mode of living to disclose such fact to the consumer. In addition, the consumer would have the right to receive a complete and accurate disclosure of the nature and scope of the investigation if he makes a written request. His right to make such a written request would also have to be disclosed by the person ordering the investigative report.

I am hopeful that this provision will bring to a halt the unwarranted snooping into a person's private life. Even insurance industry representatives had to admit during the hearings on S. 823 that some of the questions appearing on insurance reporting forms are silly, unnecessary, and unduly intrusive. There seems to be no legitimate reasons why insurance companies need to know the number of bathrooms a person has or whether he is a neat housekeeper or whether he mows his lawn. No actuarial statistics are available to relate these factors to mortality.

A sixth problem deals with the handling of public record information. Most credit bureaus systematically compile public record information such as records of suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments, and the like. This information is then included on a person's report when he applies for credit, or in some cases when he applies for employment. Unfortunately, the information cannot always be kept up to date either because it is costly or because the correct information is simply not available. Thus, it is possible for a credit bureau to report a record of a suit or arrest without indicating that the suit was dismissed or the arrest charges dropped. Because public record information is reported to employers as well as creditors, a consumer's future employment career could be jeopardized because of an incomplete credit report.

In order to deal with this problem, the bill requires that if a credit reporting agency collects public record information and furnishes such information to prospective employers, it must maintain strict procedures to keep the information up to date. If this cannot be done the reporting agency must notify the consumer that the adverse information is being reported at the time it is reported. The reporting agency must also disclose the name of the person to whom the information is reported. This disclosure principal would alert consumers to the fact that adverse information of a public nature is being reported on them. If the information is inaccurate or out of date, the consumer would then have an opportunity to correct the information by contacting the credit bureau.

A seventh problem is concerned with the reporting of information about a person's earlier credit difficulties. Creditors obviously have a right to know if a person has had trouble in paying his bills. At the same time it is unfair to burden a consumer for life with a bad credit record if he has improved his performance. The Associated Credit Bureaus has recognized this problem and had proposed voluntary guidelines to its members to the effect that adverse information not be reported if it is older than 7 years or 14 years in the case of bankruptcies. Nonetheless, these guidelines are not necessarily followed by reporting agencies who are not members of the ACB. The Associated Credit Bureaus has worked to enforce these guidelines on a voluntary basis.

The bill would handle this problem by prohibiting the reporting of adverse information older than 7 years or 14 years in the case of bankruptcies, thus extending the ACB voluntary guidelines to other segments of the industry. However, an exemption would be made in the case of large life insurance transactions in excess of $25,000, large credit transactions in excess of $50,000 and employment reports involving an annual salary in excess of $20,000. In these cases, the committee felt that because of the large amounts of money involved the user of the credit report has a right to go back beyond 7 years to determine if there is any adverse information in the person's credit file. However, in the vast majority of cases the 7-year requirement would enable the average consumer to start with a clean slate.

Mr. President, I believe this bill is a reasonable bill. It is fair to the consumer and fair to the credit reporting industry and those who use credit reports. The industry has voluntarily cooperated with the committee in developing sound and workable legislation which accomplishes the objectives without imposing unduly restrictive requirements on the industry. I believe the example we have set in this legislation should serve as a guide to future consumer legislation.

Whenever consumers have a substantial problem in the marketplace, there is no reason why consumer groups, the industry and Government cannot work together to come up with a reasonable approach for solving the problem. They certainly have done so this time.

I pay tribute to the industry. They showed a great deal of initiative and intelligence and cooperation in coming to the committee and discussing with all members of the committee the problems and the kind of legislation that would be workable and practicable and would do the job.

We discussed the matter in great detail with the Associated Credit Bureau, the consumer groups, and with interested groups.

I think we have a bill that will work and do the job for the consumer and will protect the very important interests of a vital industry.

Mr. President, I compliment the senior Senator from Utah (Mr. BENNETT) and the able chairman of this committee (Mr. SPARKMAN) for their constructive cooperation on this legislation. The committee has reported a fair and workable bill and I recommend its enactment to the Senate.

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

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I submitted some amendments which were referred to the committee, and I am glad to see that the committee has paid attention to these amendments, especially the one which relates to the ability of the consumer to present his side of the case. Much of the effect of these provisions have been added to the bill. I am troubled, however, by one aspect which I think is important.

Mr. PROXMIRE. Mr. President, before the Senator comes to that matter, I point out that the Senator from New York was very helpful to the committee.

The Senator from New York is a leading consumer's advocate. He is very expert in the matter. His advice and recommendations to the committee were very helpful.

Mr. JAVITS. Mr. President, I am very pleased that the Senator feels that way. When I was attorney general of New York, I had a great deal to do with consumer fraud. And my successor, Attorney General Lefkowitz, is considered to be very much of a leader in this field. I profited greatly from my consultations with him with respect to the questions which I will raise.

First, the Senator will recall that I suggested to the committee the possibility of granting authority to the attorney general of a State to seek a permanent injunction against a credit reporting agency or user of information which does not comply with the law. Could the Senator tell us what is the scheme of enforcement which commended itself to the committee which makes the committee feel that it was better to omit that authority in States' attorneys general?

Mr. PROXMIRE. The suggestion of the Senator from New York was discussed in some detail. It was felt that this could somewhat complicate the bill. There was a particular feeling that this ought to be as uniform nationally as possible because of the nature of the credit reporting industry, which crosses State lines so freely, so widely, and so regularly. So the enforcement was given to the Federal Trade Commission instead of the individual States' attorneys general.

Mr. JAVITS. The purpose of that, then, was uniformity of litigation and uniformity of decision?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. I think that is sound.

I would assume, however—and may the record clearly show—that it is intended that the attorneys general of the States are encouraged to carry on consumer protection activities, that it is the intention of Congress that they may be considered part of the enforcement mechanism by which this particular measure will operate, and that their complaint will be given very considerable weight by the enforcing agency.

Mr. PROXMIRE. By all means. And I am delighted that the Senator has emphasized this, because this is the type

of legislation which can work effectively only if States' attorneys general, who are recognized so widely as the enforcing arm in the States, do feel that they have this responsibility and feel free to exercise it when called upon to do so.

Mr. JAVITS. So that in our legislative oversight, I hope very much that the Committee on Banking and Currency, which reported the bill, will have that in mind, so that some accounting might be asked of the attention paid by the Federal Trade Commission to the complaints of attorneys general.

Mr. PROXMIRE. I appreciate that very much. That is something that we will certainly watch and encourage.

Mr. JAVITS. And I will asume the same accounting will be taken of the other enforcement agencies within the bill?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. The other thing that puzzles me with a scheme of this character, and I realize that it is sort of webbed through the bill, is this: The scheme of operation which gives notice to the consumer, who is the subject of possibly arbitrary, erroneous, and malicious credit information, that there is something in the files about him or that something is being looked into which affects him, in order that he might head off, with his explanation or deletion at the earliest possible time the particular information about him which is arbitrary, erroneous, and malicious.

For example, I note that section 606(b), on page 14, line 10, which refers to this concept of notice deals only with an "investigative consumer report," defined as one dealing more with character and methods of living, and so forth, but does not deal with the credit worthiness of the consumer. Credit worthiness comes under another heading of "consumer report."

If the Senator will bear with me and look at the bottom of page 15, section 609, he will note the words "Every consumer reporting agency shall, upon request."

When I offered my amendments, I had hoped that the committee would get as near as possible to making it the responsibility of the credit reporting agency to notify the person, the subject of the report, as it began to prepare a report on him, so that he would know that he is being investigated and could begin at that particular moment to deal with anything that might be unearthed and written about him that would be very deleterious.

I am sure the Senator knows the normal processes of life. This concern does not involve General Motors or General Electric. It involves very ordinary people who might seek credit from a department store or a restaurant of any one of a dozen things of that character. Before he even knows that he is being looked into or that there is a credit report on him, he is characterized as a deadbeat, a drunkard, or a wife beater, and that is the end of that. He will never catch up with that. It is only then by the bill's provisions concerning credit worthiness, that he may be able to make a request to evaluate the information that characterized him in such a way.

I am stating it in the worst possible way, but I should like the Senator to explain how he feels—understanding that because this is his bill there may be many other considerations of which the Senator is aware—he is trying within reason to give the consumer a fair break on that equation.

Mr. PROXMIRE. As I drafted this bill originally, I provided that whenever adverse information is included in any file, the consumer would have to be notified, and I was strongly for that. This was discussed by the committee. It was discussed in the hearings at some length. We were finally convinced that this would involve so much expense and so much difficulty for the credit agencies that they had a legitimate complaint about it. Therefore, we took something which would be less satisfactory to the consumer—I would agree—but which would work in most cases; that is, whenever a consumer is turned down, he then would have the right to find out what is in his credit file and to have it corrected.

The Senator from New York is absolutely correct in his implications about inaccurate, untrue, or slanderous information in a file which many people might not know exists. But the theory is that until they are damaged in some way by an adverse reaction on employment, insurance, or credit, they do not have as much basis for correcting it.

Mr. JAVITS. How does the consumer get the reporting agency to backtrack with the company, for example, that denied him credit on the basis of an erroneous report? Does the bill make the credit agency correct its error, even though it is post facto?

Mr. PROXMIRE. They would be required to delete the information which is inaccurate. They would be required to notify the recipients of the credit report that it had been deleted and corrected.

Mr. JAVITS. That is very important. That is clear in the bill?

Mr. PROXMIRE. That is clear in the bill.

Mr. JAVITS. The Senator represents that to the Senate?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. They have to backtrack as far back as to the very people who denied the credit on the ground of an erroneous report?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. And they have to do that in writing?

Mr. PROXMIRE. The Senator is correct.

Mr. JAVITS. That is important, because the credit agency's value as an item of their good will, is their veracity. So that is a sanction, and it is intended to be?

Mr. PROXMIRE. It certainly is.

Mr. JAVITS. That is, a sanction on the individual reporting agency?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. Suppose the information is malicious. Is there anything that prevents the individual from seeking redress in a civil suit? I realize the good faith problem which is involved, but would the bill cut off the right to penalize the reporting agency in the event of malice?

Mr. PROXMIRE. If he feels it is malicious. The reporting agency could still get a waiver in which it could not be held that it was malicious until he could prove it. The burden of proof would be on the complainant, on the consumer. But he can bring the suit.

Mr. JAVITS. There is nothing in the bill that exempts the agency from malicious conduct? There is some analogy here, of course, to the New York Times case in Mississippi.

Mr. PROXMIRE. That is correct.

Mr. JAVITS. I just want to be positive that we are not giving some kind of license to the reporting agency to which it is not entitled.

Mr. PROXMIRE. Let me read the section, so that we will be perfectly clear. Page 17, line 9, reads as follows:

(e) Except as provided in sections 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

I would think that that exception clause would meet the point made by the Senator from New York.

Mr. JAVITS. So care has been taken to preserve the right of action for the consumer.

Mr. PROXMIRE. That provision was patterned after the New York State law.

Mr. JAVITS. Yes. Care has been taken to protect the right of action where it is premised on non-good-faith reporting.

Mr. PROXMIRE. The Senator is correct; malice.

Mr. JAVITS. Nothing in section 616 or section 617 negates that preservation of right in the consumer. Is that right?

Mr. PROXMIRE. No. That gives the consumer the right to file his complaint.

Mr. JAVITS. So that the civil liabilities of section 616 and section 617 do not prevent the consumer from suing and recovering, if he can prove that false information was taken or was furnished with malice or willful intent to injure him.

Mr. PROXMIRE. No. On page 23 there is spelled out how he can do it. It seems to me this would strengthen the consumer's position and it would not and does not intend to diminish it.

Mr. JAVITS. And certainly it is not intended to cut off his right of recovery, even without the limitation in section 616 and section 617, if he can prove what the Senator read, that it was false information furnished with malice or willful intent.

Mr. PROXMIRE. That is correct.

Mr. JAVITS. That is very important because I realize the reporting agencies get something out of this. They get a limitation of liability; the right to publish certain information, as in periodicals, not notifying the consumer until he is hurt.

Mr. PROXMIRE. That is the quid quo pro for full disclosure.

Mr. JAVITS. I understand. I have been in a few businesses myself. But when a really outrageous case is involved,

we do not want to hobble the injured party at all; if anybody is maliciously harmed he would have recourse.

Mr. PROXMIRE. I thank the Senator for his help.

Mr. JAVITS. Mr. President, the Senator from Wisconsin, as often happens here, has done a monumental job of great importance to the lives of the rank and file of our people. I wanted to be sure these essential elements of fairness have been preserved.

Mr. PROXMIRE. I thank the Senator.

THE FAIR CREDIT REPORTING ACT—A GIANT STEP FORWARD IN INCREASED CONSUMER PROTECTION

Mr. WILLIAMS of New Jersey. Mr. President, as one of the original sponsors of the Fair Credit Reporting Act, I am most gratified that this legislation is now before the Senate. When enacted this bill will close what in my opinion has been an unfortunate gap in our Nation's consumer protection laws. It will prevent consumers from being unjustly damaged by inaccurate credit reports. At the same time it will also insure the individual's right to privacy in the field of credit reporting.

This legislation will not place undue burdens on legitimate credit bureaus. It will allow credit bureaus to continue the gathering and supplying of data which is essential for fair and just credit ratings.

This bill recognizes the vital role played by credit reporting agencies in our economy. No one disagrees with the premise that those who extend credit have a right to the facts needed in order to make sound decisions. On the other hand, the consumer has equal right to know why he is refused credit because of an adverse report. His right to correct inaccuracies and to submit explanatory material is also of the utmost importance. The right of rebuttal provided for in this legislation is an inherent one under our traditions of fairplay and jurisprudence. Presently, there are far too many cases where adverse credit reports cause irreparable harm to the individual without his being afforded the opportunity to answer the charges, correct inaccuracies or in some cases to even know that such a report has been issued. The Fair Credit Reporting Act will put an end to these unwarranted practices.

Under this bill credit reporting agencies are required to make full disclosure to the consumer of all of the information obtained. The consumer will then be given the opportunity to correct inaccurate or misleading data. The bill also requires that this information be kept confidential and used only for legitimate business purposes. The consumer is also given the right to be informed of investigations into his personal life.

While most credit bureaus already operate within the framework of this bill, the rapid expansion of the credit reporting industry, where today files are maintained on more than 110,000,000 individuals, coupled with an almost complete lack of State regulation has caused some problems to arise. Hearings held earlier this year before the Banking and Currency Committee showed that in some cases highly confidential and personal data had been disseminated as a result of random telephone calls or letters. In these cases not even a cursory check was made on the individual making the request for the data or its ultimate use.

An even more striking example of the need for this legislation was presented on CBS television earlier this year. At that time a reporter for the network was able to obtain 10 out of 20 of the credit reports on individuals whom he selected at random from 20 credit bureaus. To make matters worse, the reporter obtained this information by claiming that he represented a completely fictitious company. I am sure all will agree that basic protections are necessary to preserve the rights of the individual in such instances.

The Fair Credit Reporting Act is a reasonable and sensible approach toward alleviating these problem areas. Its provisions will not hinder credit bureaus in the collection of legitimate data. The bill will, however, preserve the basic rights of the individual. It will allow the subject of an adverse credit report to be fully informed of the charges levied against him. When such charges are inaccurate, the right to explain or refute is also present. These rights are basic to our American heritage and must not be infringed upon. Finally, this legislation will help to preserve the individual's right to privacy, especially where highly personal information is involved.

These are the rights which the Fair Credit Reporting Act seeks to protect. Surely no one would deny these rights to any of our Nation's citizens or quarrel with the purpose of this most important consumer protection legislation.

Mr. President, I commend the Senator from Wisconsin for the long, difficult, most necessary work he has done in connection with the important legislation now before the Senate.

Mr. PROXMIRE. I thank the Senator from New Jersey. I know of no one who has worked harder, more consistently, or more effectively on behalf of the consumer than the Senator from New Jersey not only on this bill but in other bills before the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR GRAVEL AT THE CONCLUSION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that sometime at a convenient point during the morning hour, or at the conclusion of morning business, the distinguished Senator from Alaska (Mr. GRAVEL) be allowed to proceed for not to exceed 30 minutes.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT OF CONSUMER PROTECTION CREDIT PLAN

The Senate resumed the consideration of the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

Mr. BENNETT. Mr. President, I appreciate the courtesy of the Senate, and of my colleague from Wisconsin (Mr. PROXMIRE) in particular, in giving me this opportunity to participate in the presentation of the bill.

I am sorry I could not be on the floor during my colleague's discussion of it, but I am involved in a conference downstairs, and I hope that what I shall say will fit in with what has gone before, because obviously I am in no position to be sure.

Mr. President, I support this legislation, although I believe that the need for it has been greatly exaggerated.

The committee members and representatives of both the reporting agencies and the industries which they serve have worked hard to reach agreement on responsible legislation which would protect the legitimate interests of both consumers and industry. I believe that those representing the industries which will be covered by this legislation should be commended for their untiring efforts and their willingness to view not only their own interest but that of consumers whom they ultimately serve.

Of course, I realize that there are some segments of the industry which are disappointed, which feel that it does not adequately take care of their particular and perhaps different needs. But, with this bill, we are breaking new ground, and I am sure if time reveals that we have made mistakes, or we have overlooked situations, the committee can come back and remedy the deficiencies.

This bill covers all types of reports on consumers, even though one might be led to believe that it covers only credit reports. In addition to credit reports, reports are also made on individuals seeking employment and individuals seeking insurance. In fact, reports dealing with insurance and employment are necessarily more detailed in most instances than those on individuals seeking credit. Because of this additional detail, this legislation is more onerous on reporting

agencies which are engaged in this type of activity.

Mr. President, I would like to point out the fact that credit reporting agencies have been established to serve not only industry but also consumers. Without information on an individual, it is difficult to make a decision as to whether he should receive credit, what rate he should pay for insurance if it is to be sold to him at all, or whether he would fill the needs of his employer. We should keep in mind that retailers want to sell merchandise, not refrain from selling it. Employers desire to fill their job requirements. They are not seeking to turn down prospective employees. Insurance companies desire to sell insurance. They have no interest in turning down prospective customers unless there are reasons why they would not be good customers. Decisions made by retailers, employers, and insurance companies can only be as good as the information which they have upon which it is based. It is important, therefore, that we not enact legislation which would reduce the information which is legitimately required in order to make these decisions, and which information becomes available to them through accurate and complete reporting.

As this bill has been considered by our committee, many changes have been made in order that the flow of credit information would not be unduly hampered.

At this point, Mr. President, I should like to pay personal tribute to the Senator from Wisconsin (Mr. PROXMIRE) who has been the author and is the Senator in charge of the bill.

He has been most patient with the rest of us on the committee. He has been very willing to accept our ideas for changes in the bill. I like to think that the bill is very much better because of the way it has been handled in committee.

Despite our efforts, in our eagerness to reach the enactment of legislation, we may have made some mistakes which, as I have just said, may later need to be corrected. The major purposes of the legislation, however, are important. I believe that every consumer is entitled to have the benefit of accurate information when decisions are made regarding his purchase of insurance, his employment, or the granting of credit to him. In nearly all cases, there are no problems. The reporting of information on individuals is based on confidence, honesty, and good will between the reporting agency, the individual seeking credit insurance or employment, and the individual making the final decision.

Many reporting agencies have processed millions of reports without any complaints regarding the invasion of privacy, inaccuracy of their reports, or irrelevancy of the data. To be sure, errors are made in this industry, despite the good intentions of those involved. But what errors may occur in the normal process of the reporting business generally have little, if any, detrimental effect upon the person involved. No amount of legislation will completely do away with inaccuracy. On the other hand, it is important that individuals know that they have access to information which is being used regarding their activities. This bill provides that individuals may have access to information contained in reports made on them. To many reporting agencies, this will bring no change in their operations because they have always been willing to discuss the information they have with individuals to whom it applies. They have done this because of their desire that the information be accurate. Despite the relatively few abuses in the reporting industry, there are some individuals both in the reporting industry and outside of the reporting industry who misuse information on individuals.

I think it is important that we understand that this is not limited to reporting agencies. During our hearings, several individuals complained about their experience with reporting agencies. As might be expected, a careful study of the background of these individuals and the information contained on them in the files of reporting agencies showed that in some instances the information contained was completely accurate so far as could be determined. In other instances, there were errors. We discovered, however, that often the problem that a consumer has is because of a misunderstanding rather than improper reporting by an agency.

In our hearings, we also discovered that we cannot protect an individual's privacy or assure accuracy of information by dealing only with reporting agencies. It is necessary in some instances also to deal with those who provide information to reporting agencies and those who receive the information from those agencies. We found cases where individuals whom one would not suspect of misrepresentation had intentionally fabricated situations in order to receive information from reporting agencies to which they were not entitled. In one case, this was done by a professor at a well-known university who said that he was considering promoting an employee, when no such change was under consideration. He did receive a report and used the report to prove his feeling that credit-reporting agencies provide information to unauthorized individuals. In another case, a program was shown on a major television network which proved that information could be received from a credit-reporting agency by individuals who should not have access to the information. In this case, a fictitious company was established and reports were sought on individuals stating that they desired credit from the company.

It is because of this type of unauthorized use and the unauthorized securing of information that the bill provides a penalty of up to $5,000 and 1 year's imprisonment for any person who knowingly and willfully obtains a consumer report under false pretenses.

Mr. President, it should also be brought to the attention of the Senate that this legislation is not supported by reporting firms involved in making employment and insurance reports, the insurance industry, or the banking community. None of these disagree with the purpose of the legislation to assure the accuracy and confidentiality of information reported on consumers. They do disagree, however, with some of the requirements contained in this legislation.

It is these particular disagreements that we in the committee should watch carefully over the next year or two to see whether they are justified. If they are not, we should change the law.

Despite the possible shortcomings and despite the difficulties which may arise as a result of this proposal, I believe that on balance it deserves the support of the Senate.

I am happy to join my colleague from Wisconsin in urging that the Senate pass the bill.

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

Mr. BENNETT. I yield.

Mr. PROXMIRE. I thank the Senator very much for an excellent speech. The bill, in its present, practical, workable form would not have been possible without the kind of work the Senator from Utah put into it. The Senator from Utah brings to this kind of legislation a very solid experience in business, a practical turn of mind, and both the diligence and the willingness to work hard on details that are rare in any kind of activity. His contributions have been essential. Although we may have disagreed on various aspects of the measure, we have reached a compromise that I can enthusiastically support, as I think he does.

Mr. BENNETT. Mr. President, I appreciate what the Senator has said about me.

I hope the Senate will pass the bill.

The PRESIDING OFFICER. If there be no amendment to be offered to the committee amendment, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the third reading and engrossment of the bill.

The bill was ordered to be engrossed, and to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AUTHORIZATION TO FILE ADDITIONAL VIEWS ON S. 2577

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, on S. 2577, a bill to provide additional mortgage credit

and for other purposes, permission be granted to file additional views.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF JUDGE HAYNSWORTH TO THE SUPREME COURT

Mr. MILLER. Last May 5, in my speech to the Senate regarding the disclosure that Mr. Justice Fortas had received a $20,000 fee from a family foundation of financier Louis Wolfson, recently sentenced to prison for violating our securities laws, I expressed the hope "that any future nominations to the Supreme Court and, for that matter, to any other court, will be given far more thorough scrutiny by both the administration and the Senate Judiciary Committee than was the case with the nomination of Mr. Justice Fortas."

Although I deeply regret the discomfort and inconvenience caused Judge Haynsworth by the fact that his nomination to the Supreme Court has been before the Senate since last August 18, I nevertheless believe my words of last May have been heeded and that it has been in the public interest that they were.

Until recently, the confidence of the public in the Supreme Court had reached what might be termed an all-time low. In a Gallup poll published on July 10, 1968, only 36 percent of the public was indicated as giving a favorable rating to the Court. With the resignation of Mr. Justice Fortas and the appointment of Judge Burger to be Chief Justice, this confidence has begun to be restored. I believe I have a duty, as a Member of the Senate, to do what I can, through the confirming power of the Senate, to see to it that public confidence in the Supreme Court is fully restored. Unless it is, all of our democratic institutions are threatened.

As I said on July 26, 1968, during the debate on the Fortas nomination:

> But a time comes when every Senator should search his conscience to see whether the exercise of the confirming power by the Senate is for the good of the country—not for the good of the White House, not for the good of the Senate, but for the good of the people of this country. The people are the ones who ultimately count in our governmental system. . . . The rights of the people are supreme. They are supreme over the right of the President or the right of the Senate.

The revelations about Mr. Justice Fortas, following his nomination by former President Johnson to be Chief Justice, and about Mr. Justice Douglas, who continues to sit on the Court, the sponsorship in 1965 by the now senior Senator from Massachusetts to secure confirmation to a Federal judgeship of a Boston lawyer who possessed few qualifications except that he had been a faithful family friend, and whom the American Bar Association's Committee on the Judiciary chairman described as the worst qualified judicial candidate it had ever encountered, and the recent scandals involving several justices of certain State supreme courts—these and other incidents have combined to undermine the confidence of the people in our system of justice. Nor are these events lost on the young people of our country, many of whom feel that their ideals have been betrayed, are disillusioned with their Government, and are dangerously inclined—illogical though this may be—to condemn the American system of government rather than those who abuse it.

I have concluded that confirmation of Judge Haynsworth would, for reasons which I shall presently discuss, delay the restoration of public confidence in the Supreme Court which is so necessary and urgent. Accordingly, I cannot vote for his confirmation.

Let me say, first, that I have been deeply troubled by some of the charges of prejudice made by some of the opponents of this nomination. I have been equally troubled by the unnecessary and most unhelpful exaggerations which have attended some of these charges. "Trial by the press" lends itself to political assassination, which is hardly in keeping with the role of the U.S. Senate in advising and consenting on Presidential nominations.

For too long, now, appointments to the Supreme Court have been based not so much on ability and judicial temperament as on whether the appointee's views are strongly in favor of, if not actually biased toward, a certain socio-economic philosophy. When, as in Judge Haynsworth's case, there is a nominee who has expressed views which, on balance, stamp him as a "neutral" rather than strongly in favor of, or biased toward, a certain socio-economic philosophy, it is unfair when those who do not like neutrality charge him with bias and prejudice.

When I use the term "neutral," I refer not to certain carefully selected decisions and opinions, but to the entire record—such as presented in the analysis of Judge Haynsworth's record on civil rights cases by Prof. G. W. Foster, Jr., of Wisconsin University, and the analysis of his record on labor-management relations cases provided by Senators HRUSKA and COOK. These demonstrate that Judge Haynsworth took an objective and judicious approach in his work—granted that some of us might not agree with some of his decisions and opinions.

However, Judge Haynsworth's own careless approach to the Canons of Judicial Ethics is at least partly responsible for some of the feeling that he was biased and prejudiced. These canons emphasize that a judge should not only avoid improprieties but should avoid the appearance of impropriety. The Supreme Court itself has declared that not only should a judicial tribunal be unbiased, but "must avoid even the appearance of bias." *Commonwealth Coatings Corp.* v. *Continental Casualty Co.*, 393 U.S. 145 (1960). The reason, of course, is to avoid a reasonable suspicion in the public mind that a judge is biased or acting improperly—whether or not he actually is—because such suspicion undercuts the confidence of the people in our system of justice.

Thus, for example, it seems to me that a foundation was laid for such reasonable suspicion by Judge Haynsworth's connections with the Carolina Vend-a-Matic Co.—which had five substantial contracts with Deering Milliken, Inc.—at the time the Deering Milliken subsidiary case was argued on June 13, 1963, and decided on November 15, 1963—in favor of the subsidiary—Darlington Mfg. Co.—by a 3 to 2 vote of the Fourth Circuit Court of Appeals, with Judge Haynsworth voting with the majority. The "connections" were as follows:

Owner of one-seventh of the stock of Carolina Vend-a-Matic which Judge Haynsworth disposed of on April 8, 1964, for $437,000.

A director of Carolina Vend-a-Matic before his appointment to the Court and during his tenure on the Court until October 31, 1963. He received directors fees of $2,600 in 1963 alone.

A vice president of Carolina Vend-a-Matic before his appointment to the Court and during his tenure on the Court until September 1963.

A trustee of Carolina Vend-a-Matic's profit sharing and retirement trust from 1961 to 1964.

His wife, the secretary of Carolina Vend-a-Matic in 1963 and 1964.

In fairness it should be pointed out that the losing party in the Darlington case—the Textile Workers Union of America—asked the then chief judge of the fourth circuit, Simon E. Sobeloff, to investigate a rumor that Deering Milliken, Inc., intended to throw the vending machine business of its subsidiaries to Carolina Vend-a-Matic after the favorable decision by the fourth circuit in the Darlington case. Judge Sobeloff and the other members of the court found the charge completely unfounded and exonerated Judge Haynsworth of any improper action in the case. The then Attorney General, Robert F. Kennedy, to whom the court's investigative report was forwarded, noted the findings and expressed "complete confidence" in Judge Haynsworth.

The trouble is, however, that Judge Haynsworth's connections with Carolina Vend-a-Matic, which was doing business with Deering Milliken, Inc., were such as to lay a foundation for a reasonable suspicion of bias when and if these connections became known. The union did not know about any of these connections until after the case was decided; and then, in December of 1963, it only knew about his connection as vice president.

Apparently this troubled Judge Haynsworth, too, because he testified—page 71 of the record—that his stock ownership did not become known to the Textile Workers Union, lawyers, and members of the court until December 1963, and added:

> But then I was concerned that others might know, and this is what impelled me to take extraordinary steps to rid myself of the stock at that time.

The anomaly is that the union strongly protests—page 188 of the record—that it did not know of the stock interest, but only of his connections as vice president. Moreover, it was not until 4 months later that Judge Haynsworth disposed of his stock—a delay which does not appear to square with his testimony—page 43 of the record—that "I moved to do that as quickly as I could."

Judge Haynsworth testified—page 64 of the record—that it "did not occur to me at all" that he should disqualify himself when the Darlington case came before the court. However, it is understandable that the union thinks it should have been notified of his connections with Carolina Vend-A-Matic. But the judge's answer to that is simply:

I was not consciously aware of any connection I had [with the litigant], and I certainly was not aware of any financial interest I might have in the outcome of that law suit.

Nevertheless, taking the judge at his word, and I do so, the seriousness is his carelessness with the canon of ethics which, if my reading of them is correct, should have caused him at least to divest himself of the vice-presidency and directorship of Carolina Vend-A-Matic, if not his stock ownership, before the Darlington case ever came before the court. Between 1958 and 1963, customers of Carolina Vend-A-Matic were involved in litigation before Judge Haynsworth's court on six different occasions. Canon 26 provides:

A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

It is disappointing that Judge Haynsworth's explanation of his understanding of this language—page 284 of the record—implied that, because it would be unreasonable for a judge owning stock in American Telephone and Telegraph, which would naturally have as its customers every litigant that would come before the Court, to be required to divest himself of A.T. & T. stock, it would be unreasonable to require him to divest himself of his interests in Carolina Vend-a-Matic because its customers were "apt" to be involved in litigation before the Court. It is also an indication of carelessness when he testified at page 95 in his interpretation of the word "apt":

And I suggest to you that I have not made or retained any investment in any concern which was likely to be involved *with frequency* in my court.

Nowhere in Canon 26 do the words "with frequency" appear.

The last sentence of Canon 26 quoted above would certainly appear to cover Judge Haynsworth's connections with Carolina Vend-a-Matic. And it is no answer at all to say that there was "no conflict of interest" on the part of Judge Haynsworth in the Darlington case. That sentence of the canons is directed at the appearance of a conflict of interest, whether or not the conflict actually existed.

Perhaps, as some have testified, it was Judge Haynsworth's duty to sit on the Darlington case. That is not the point. The point is that it was his duty to abide by Canon 26, so that not only would there be no conflict of interest, but there would be no connection with Carolina Vend-a-Matic that would arouse the suspicion that he was biased in his judgment. All of this could have been prevented if he had exercised that duty before the Darlington case ever came before the Court.

Another indication of carelessness over the canons of ethics appears in Judge Haynsworth's testimony—page 71 of the record—giving his interpretation of that last-quoted sentence from Canon 26, which I repeat:

It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He said:

Well, this is directed, I suppose, to relations with gamblers and people like this, with backgrounds that were suspect or shady. And I have had no such relations.

Such a narrow construction hardly squares with his testimony elsewhere—page 285:

The canons are written in broad language. Of course, they are subject to very broad construction. . . .

A further indication of carelessness appears in his testimony at page 64:

I would say that what is important, of course, is not a technical office one holds unless he is active—if he is an active officer, of course, that could have all sorts of influence on what he did as a judge. In this instance, I had no active office with respect to its outside affairs, though I was in 1963 a director and vice president. But the only influence that was borne on me was my interest as a stockholder. And this could have resulted in some financial interest if my interest as a stockholder was known and someone doing business with Vend-a-Matic sought to influence my vote by doing something I otherwise would not have done.

Such a statement suggests that the canon is only concerned with relationships which are "known"; that relationships which are not known are not proscribed. That is not what the canon says, and it requires no imagination to realize that when connections with Carolina Vend-a-Matic—which were not known during the Court's consideration of the Darlington case—eventually became "known," the very suspicion Canon 26 seeks to avoid began to arise.

Canon 29 provides that a judge "should abstain from performing or taking part in any judicial act in which his personal interests are involved." Nothing is said about exempting its proscription when those interests are not "known."

As a Member of the Senate, I am concerned over certain testimony of Judge Haynsworth before the Senate Judiciary Committee which does not square with the facts. On June 2, 1969, he testified before the committee's Subcommittee on Improvements in Judicial Machinery as follows:

Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation . . .

The connections with Carolina Vend-a-Matic which I listed earlier, most of which were maintained for more than 6 years after he went on the bench, cannot be reconciled with that testimony. I am not, by any means, contending that Judge Haynsworth was trying to deceive the committee, because I do not believe he was. Rather, I believe that his view toward the canons caused him to make this statement in pursuance to a careless fixation that only connections which were "known" were important.

The record reveals that Judge Haynsworth owned some 700 shares of stock in the J. P. Stevens Co. when he went on the bench in April 1957 and still owns 551 shares, worth approximately $25,000. From 1965 to 1969, this company has had litigation on four different occasions before Judge Haynsworth's court. Still, in the face of Canon 26, he has not seen fit to dispose of his stock. One can understand that the word "apt" would not be intended to require divestiture just because the company happened to show up in the judge's court on one occasion; or even two. But after four times, it would seem that the company is, indeed, very "apt" to become involved in litigation before the Court. But Judge Haynsworth appears untroubled by this, because he testified—pages 96 to 97 of the record—that even if he had sold the stock, he would not have sat on these cases in view of his past close relationship with the company in his law practice before he went on the bench.

This amounts to the judge writing his own canon of ethics—ignoring the proscription in Canon 26 whenever, for some other reason, a judge sees fit to disqualify himself from a case. Of course, by disqualifying himself, he can say that he satisfied any possible conflict-of-interest problem. But that is not necessarily the only problem. The appearance of a judge having a substantial interest in a party litigant, even though he disqualifies himself, would not relieve concern over his influence over other members of the court. Moreover, people unskilled in the law might not realize that the judge had disqualified himself. One can be sure there were reasons for the canons of ethics, and the principal reason was to maintain public confidence in the integrity of our courts.

It may be contended that Judge Haynsworth's holdings in J. P. Stevens Co. were very small in relation to the total 6 million shares outstanding, and that, therefore, he did not have a substantial interest warranting proscription by the canons. However, the judge himself felt that his 1,000 shares in Brunswick, out of 18 million shares, was "substantial"—page 305 of the record.

Another instance of carelessness to-

ward the canons of ethics and, indeed, toward the Federal disqualification statute itself, occurred in the Brunswick case.

The statute provides:

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

The words "other proceeding" are particularly significant.

Canon 29 follows naturally from the statute and provides that a judge "should abstain from performing or taking part in any judicial act in which his personal interests are involved."

What happened was that the Brunswick case was heard by Judge Haynsworth's court on November 10, 1967, and immediately decided by the court the same day. On December 15, Judge Haynsworth approved his broker's recommendation to purchase 1,000 shares of Brunswick stock—a recommendation which appeared to have no relationship whatsoever to the case before the court. On December 18, 1967, the purchase was made at $16 per share. On December 27, 1967, Judge Winter circulated the opinion he had drafted in support of the court's decision on November 10, and Judge Haynsworth gave his concurrence in the opinion. Finally, on February 2, 1968, the written opinion was released to the public.

It can be argued that, since the decision had already been made, the subsequent purchase of the stock did not amount to a violation of either the statutes or the canon—although it was theoretically possible that the decision might be changed after the opinion was drafted. But in the eyes of the average person, who is not a lawyer, the purchase of the stock before the opinion was released to the public would make this look like a conflict of interest.

On March 12, 1968, the losing party filed a petition with the court to extend the time to file a petition for rehearing—the time having expired 30 days after the release of the opinion on February 2. It appears that the losing party's attorney claimed that he had not received notice of the opinion until February 27. Judge Haynsworth forwarded an order of denial of the petition to the clerk of the court on March 26. Again a petition and supplemental petition to reconsider the petition for an extension of time were filed on April 3 and 4, 1968; and these were denied on August 26, with all three judges joining in the denial.

The point is that the consideration and disposition of each of these various petitions constituted an "other proceeding" covered by the statute and a "judicial act" under Canon 29. Accordingly, it would seem that, at the very least, there were technical violations by Judge Haynsworth—granted that these proceedings might have been more or less perfunctory.

The question then arises over whether Judge Haynsworth's ownership of 1,000 shares of Brunswick stock constituted a "substantial interest" for purposes of the statute and a "personal interest" for purposes of the canon. It would seem that the phrase "personal interest" should be interpreted in light of the statute to mean a "personal and substantial interest."

The point is made that the outcome of the Brunswick case, assuming the most favorable result to Brunswick, would have been diluted among 18 million shares and would have amounted to a total of $5 benefit to Judge Haynsworth's 1,000 shares. Therefore, it is argued that the judge did not have a "substantial" interest. I do not so read the statute or the canon, however. To do so would reduce them to a mere conflict-of-interest proposition—and, of course, one could hardly argue that the $5 constituted a meaningful "conflict of interest" sufficient to sway the decision of a judge. Rather, they go beyond mere conflict of interest and cover the "appearances" to the general public, which must have confidence in the integrity of the court. The average nonlawyer—and these are the people we must consider when it comes to "appearances"—would not have the information required to enable him to conclude that only $5 was involved as far as Judge Haynsworth was concerned. What would count with him would be realization that the judge had 1,000 shares of stock in a company in whose favor he decided a case. Even Judge Haynsworth himself recognized this when he testified—page 305 of the record—he would not have sat on the Brunswick case if he had owned the stock at the time of the hearing.

As far as a conflict of interest is concerned, more than just the sum involved in a case could be involved. A favorable precedent established by the decision could inure to the benefit of the company and its future operations, for example. But, to me, the matter of overriding importance is the impact on public opinion of the "appearances."

It has been contended that we must not construe the canons of ethics too harshly. This only begs the question over whether such a construction is, indeed, "harsh." I would agree that one must avoid interpretations which would favor "unreasonable" suspicion in the public mind. To do so would ratify false accusations and innuendoes which a trusting or gullible public might accept as fact. It is very easy for an opponent to plant suspicion in the public mind so that a nominee would become "controversial" and therefore "not acceptable." All of us in public life understand such techniques very well, because many of us have had them worked on us. The point is that Judge Haynsworth's own carelessness laid a foundation for a substantial amount of the controversy. And I say this in the firm belief that he is an honest judge who has not benefited personally or financially from any of his decisions.

It is argued that too strict construction of the Canons of Judicial Ethics would mean that only lawyers who are paupers or law school professors would be eligible for consideration; because anyone who owns some stock or investments will find that his company is "apt" to come before his court in a lawsuit. I do not believe such a conclusion follows at all, and certainly the drafters of the canons—going clear back 45 years ago—would hardly have intended such a conclusion. What they did intend, however, was that judges handle their portfolios in such a manner as to maintain public confidence; and if this might take some doing, then they should do it, or forget about serving on the bench.

It is contended that the American Bar Association's Committee on Federal Judiciary has endorsed this nomination—not just once, but a second time following a meeting to reconsider the nomination. This may be regarded as a factor to be taken into account—although this same committee—granted there are now some different members—undertook to recommend approval of Mr. Justice Fortas' nomination to be Chief Justice last year even before the hearings of the Senate Judiciary Committee were commenced. And following the revelations in those hearings, this same committee did not even undertake to reconsider its prior recommendation.

Another point on this subject is that the ethics committee of the American Bar Association has never considered Judge Haynsworth's case, and it is the ethical considerations which trouble me—not the other qualifications which are the prerogative of the Committee on Federal Judiciary.

In conclusion, I would not wish to suggest that nominations to the Supreme Court, or to any other court, be made or evaluated on the basis of "popularity." Judges, in the exercise of their sworn duties, often have to make unpopular decisions—just as Members of Congress, if they are to live with their consciences, must occasionally cast some unpopular roll call votes. What is all important, however, is that judges, who have lifetime appointments and do not have to answer to the public at election time, demonstrate that their high office and the public they serve come first, and that private considerations come second. For this they can expect and will deserve public approbation—if not popularity.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

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

(At 5 o'clock and 25 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 6 o'clock and 53 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. COOK in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments 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.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10595) to amend the act of August 7, 1956, (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT OF THE HOUSE UNTIL WEDNESDAY, NOVEMBER 12, 1969

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Congressional Resolution 441.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 441, which will be read.

The legislative clerk read as follows:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, Nov. 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the concurrent resolution (H. Con. Res. 441) was considered and agreed to.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 7, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 6, 1969:

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

U.S. MARSHAL

Lloyd H. Grimm of Nebraska to be U.S. marshal for the district of Nebraska for the term of 4 years, vice D. Clive Short.

James W. Traeger of Indiana to be U.S. marshal for the northern district of Indiana for the term of 4 years, vice Casimir J. Pajakowski.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 1969:

U.S. ATTORNEY

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years.

AMBASSADOR

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

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

WORLD HEALTH ORGANIZATION

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.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1972:

David R. Derge, of Indiana.
Jewel LaFontant, of Illinois.
William C. Turner, of Arizona.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning John F. Fitzgerald, to be a consular officer of the United States of America, and ending James A. Weiner, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 8, 1969.

EXTENSIONS OF REMARKS

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KUYKENDALL. Mr. Speaker, in the past few days many of those who supported the activities of October 15, have had second thoughts and are now disavowing any connection with the proposed stop the war program proposed for next week. They tell us they are now convinced the demonstrations are in control of a hard-core group of subversives and are Communist dominated.

Mr. Speaker, I am glad these folks are finally recognizing what many have been warning about for a long time.

One of those who had the courage to speak out strongly against the leadership of the October moratorium committee was Vice President SPIRO AGNEW. For his forthrightness he was heartily condemned by the moratorium leaders, the self-styled liberals in the press, and others who feel that freedom of speech belongs only to the dissenters.

I think it is becoming increasingly clear that the Vice President is saying only what the majority of Americans know to be true. Thank God we have a man in high office with such courage and the patriotism which leads him to speak out.

As the columnist James J. Kilpatrick puts it in his column in today's Washington Star, "AGNEW Becoming a Wonderful Household Word." The column follows:

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

(By James J. Kilpatrick)

In this award-conscious society, which is forever presenting Oscars, Emmies, brass plaques, illuminated scrolls, and other bottlecaps and doorstops, a special Golden Stump Award should be devised for the year's best speech by a man in public life. If nominations are in order for 1969, I hereby nominate Spiro Agnew's speech of Oct. 30 at Harrisburg. It was a beaut.

The vice president, it will be recalled, had gone down to New Orleans on the 19th for a Republican fund-raising rally. He seized the occasion to denounce "a spirit of national masochism, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Holy smokes! Here in Washington, the reaction was cataclysmic. The Post was aghast. Everywhere one looked, liberals were clutching their throats and turning purple. Around and about the Hill, Republican moderates were saying tsk, tsk, and now, now. The general assumption of the cocktail crowd was that the vice president would be summoned back to the White House, there to have his mouth washed out with soap. The "dump Agnew" movement had begun.

A less astute president than Richard Nixon might have yielded to the hissing of our local gaggle of geese. Nixon has an intuitive sense