

mediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. CAHILL:

H. Res. 728. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Res. 729. 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. DONOHUE:

H.R. 14991. A bill for the relief of Mrs.

Athena Loukanari; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 14992. A bill for the relief of Allen H. "Mal" Elward; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 14993. A bill for the relief of Hazel Alberta (Flanders) Kirkendoll, Sheila Darlene (Kirkendoll) McFarland, Lydia Ellen (Flanders) Smith, Wilma Elizabeth (Flanders) Bainter, Temple Lucile (Flanders) Schulz Wells, William Edward Schulz, Geneva Bell (Flanders) Iiams, John Calvin Iiams, David Eugene Iiams, Pamela Sue Iiams, Florence Garnell (Flanders) Bergerhofer, Richard Albert Bergerhofer, Debra Ann Bergerhofer, Finis Marion (Flanders) McFarland, Mari Kathleen (McFarland) Palmer, and Gary Lee McFarland; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 14994. A bill for the relief of Dave Mueller; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14995. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; to the Committee on Ways and Means.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

341. The SPEAKER presented a petition of the Governor of the Farm Credit Administration, transmitting a resolution of the elected directors of the Nation's 37 farm credit banks, in appreciation of the support of Congress of farmer-owned credit systems which was referred to the Committee on Agriculture.

## SENATE—Tuesday, November 25, 1969

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Dr. Thomas A. Stone, associate pastor, National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal Father, most high and mighty ruler of the universe, by whom our Nation was established: We rejoice in this week of National Thanksgiving, and especially in this place today we lift the prayers of gratitude of the people for another safe return of our explorers from the realms of space. The widening horizons of man's experience bring new wonder at Thy creative power and the sustenance which Thou dost give the people.

We thank Thee for Thy favor shown under our fathers and Thy faithfulness continued to their children; for the rich land given us for an inheritance, and the great power entrusted to the people; for the fidelity of men set in authority, and the peace maintained by righteous laws; for an honorable place among the nations, and the opportunity of increasing service to the world.

Within the hearts and minds of the men in this assembly, keep Thou the commonwealth beneath Thy care, and guide the state according to Thy will; and Thine shall be the glory and the praise and the thanksgiving from generation to generation.

We pray through Jesus Christ our Lord. Amen.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 24, 1969, be dispensed with.

The ACTING 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 Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 45 minutes.

Mr. PROXMIRE. Mr. President, I yield 10 minutes of my time to the distinguished majority leader.

Mr. MANSFIELD. I thank the Senator.

#### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Wisconsin (Mr. PROXMIRE), statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

#### DEPARTMENT OF JUSTICE

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

Mr. MANSFIELD. Mr. President, I

ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. With objection, the nominations are considered and confirmed en bloc. (The nominations are as follows:)

Calendar No. 680, Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years.

Calendar No. 681, Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years.

Calendar No. 682, James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years.

Calendar No. 683, Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

Calendar No. 684, Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

Calendar No. 685, William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years.

Calendar No. 686, J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the action of the Senate earlier today in confirming the nomination of William C. Black, of Texas, to be U.S. marshal for the northern district of Texas, be vacated, and that the nomination which is designated as Calendar No. 685 be returned to the calendar.

The PRESIDING OFFICER. Without objection, the confirmation of the nomination will be vacated, and the nomination will be returned to the calendar.

#### COMMISSION ON CIVIL RIGHTS

Mr. THURMOND subsequently said: Mr. President, although new members of the Commission on Civil Rights are expected to be approved this morning by a voice vote, I would like to go on record as being in opposition to these appointments. I opposed the establishment of this Commission in the beginning, I know of nothing it has accomplished, and I feel that it should be abolished.

For this reason, Mr. President, I will not support any nominations to the Commission on Civil Rights.

The bill clerk proceeded to read sundry nominations to the Commission on Civil Rights.

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

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

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

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

#### LEGISLATIVE SESSION

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

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

#### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

#### DEPARTMENT OF DEFENSE RESEARCH

Mr. MANSFIELD. Mr. President, the military procurement authorization measure contained a provision of particular importance and significance. I refer to section 203 of the military procurement authorization, which reads as follows:

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.

The language of that amendment is clear and specific. The clear intent was to restrict the pervasive policy of the Department of Defense with respect to the sponsorship of research. I think the wisdom of this amendment was manifested by the fact that it remained untouched throughout the conference between the two Houses and is now a part of the law.

Congress, when it enacts its laws, does not attempt to waste time on futile gestures. I make this statement because of the feeling of dismay and astonishment when I read a reply by the Department of Defense to a letter from Senator FULBRIGHT concerning the impact of section 203 on the sponsorship of its research. That letter stated that all of the Department of Defense research has a direct and apparent relationship to a mission of the Department of Defense and thus there would be no impact on their sponsorship by the passage of this section. It is greatly upsetting to see any executive agency disabusing the clear expression of congressional intent. It would be unwise for Congress to attempt to supervise the day-to-day operations of any of the executive agencies; the executive must be permitted to operate

with certain discretion but within the confines of congressional policy delineations. I repeat, it is essential that the broad policy guidelines set down by Congress in the enactment of its laws be followed by the executive agencies. For too long, perhaps, some agencies have been permitted to operate without the type of constitutional check that gives particular relevance to our form of government. I do not believe that it can be tolerated by Congress.

The sponsorship of research by the Department of Defense over the past 20 years has contributed greatly to this country. During this period, Defense was the only agency that was able to obtain sufficient funds to keep the Government's contribution to the scientific community at a level that would maintain this Nation's primacy in the field of scientific research. I think, however, that the attitudes in this country have matured to the extent that we can now justify directly the sponsorship of research in this country by the civilian agencies more directly responsible for the type of work deemed desirable. I believe that there is some merit to the theory that some of the abuse that is being heaped upon the Department of Defense in recent times can be traced to the involvement of the Defense Department in matters more far-reaching than its mission or needs really require. The sponsorship of non-mission oriented research—research that does not have a direct and apparent relationship to a specific mission of the Department of Defense—is a clear example of this overextension.

As a sponsor of this amendment, I can clearly state that there was no intention on my part, and thus I do not believe any intention on the part of Congress when it enacted this section into law, of depriving the scientific community of proper funding for valid research projects. There was, I believe, the intention to realine some of the sponsorship of research. I believe a readjustment of these jurisdictional lines would be much healthier for our society and for the research community itself. Basic research, the key purpose of which is to expand the existing body of knowledge in a particular field—rather than further or develop a specific mission or operation—should be funded by the civilian agencies set up for those purposes. The National Science Foundation was established in 1950 for the specific purpose and intent to maintain the level of excellence in the basic sciences and to contribute public resources to that end. The amount of basic research funded by the Department of Defense last year was approximately \$250 million. There was another \$1.1 billion funded for so-called applied research. There is some question as to whether or not some of this latter could validly meet the criteria of having a direct and apparent relationship to a specific mission of the Department of Defense. I believe that prior to the passage of the Defense appropriation bill this year, a clear accounting from the Department of Defense in this area should be obtained. Last week, I sent letters off to the Secretary of Defense, Mr. Laird, expressing my dismay with the office of Dr. John Foster and his response to the FULBRIGHT inquiry.

In addition, I sent separate letters to Dr. Foster informing him personally of the misinterpretation of section 203; to Elmer Staats, the Comptroller General, requesting an appraisal of the effect of section 203 on the procedures of the Department of Defense in the sponsorship of basic research and a report prior to the consideration of the Defense appropriation bill sometime next month; Robert Mayo, the Budget Director, apprising him of section 203, hoping that he could make its impact clearly felt in next year's budget presentation. This latter impact would be achieved by a shift of resources from the Department of Defense to the appropriate civilian agencies.

I see no reason why that shift cannot be made and valid research projects undertaken on that basis under the agencies which are charged with the primary responsibility for such projects and not the Department of Defense.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to Dr. Foster and the response to that letter.

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

OCTOBER 8, 1969.

Dr. JOHN S. FOSTER, Jr.,  
Director, Defense Research and Engineering,  
Department of Defense, Washington, D.C.

DEAR DR. FOSTER: I noted the enclosed article in this morning's Washington Post concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out the intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. FULBRIGHT.

DIRECTOR OF DEFENSE  
RESEARCH AND ENGINEERING,  
Washington, D.C., November 3, 1969.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for sending me the Washington Post article of 8 October 1969 concerning the Project THEMIS research at the University of Mississippi in the area of Biocontrol Systems.

Historically, animals have been used to perform a variety of tasks. For example: dogs and rescue operations in the Swiss Alps; geese for sentry duty (dates back to the Roman Legions); the carrier pigeons; and porpoises to assist in undersea operations. More recently pigeons have been trained to cull out defective items from pharmaceutical and electronic small component inspection lines. Dogs have been trained to perform a variety of tasks that have proved helpful to our military personnel in Vietnam. Dogs can detect buried and above ground mines, booby traps and trip wires and warn of the presence of these devices. All of these applications have utilized some unique animal capacity to enhance man's operational capability or to save lives. It is our purpose in this research to extend and exploit such capabilities for use when our forces are exposed to situations such as those they now

face. We believe that the potential of utilizing the unique capabilities of certain animals and birds should be investigated if by doing so human lives may be saved. I hope you will agree that this line of applied research has a direct relationship to specific military functions and operations.

We have been giving considerable thought to the implementation of Sections 203 of the House authorization bill and 205 of the Senate authorization bill which require that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." The research programs of the military departments and Defense agencies are under continual review by elements of DoD and receive, in addition, the critical scrutiny of my office. It has long been DoD policy to support only research which is relevant to military functions and operations. Most of our projects in the research and exploratory development budget categories (from which comes most of our university funding) are, in fact, relevant to many military operations. From time to time, however, we eliminate support for research fields which are no longer relevant to DoD needs; high energy physics is a recent example. I do not expect, therefore, that implementation of these sections will entail any new type of review or selection. Nevertheless, Secretary Laird, Secretary Packard, and I have been instituting a number of new management approaches which will provide a basis for more coherent and explicit presentations to the Congress about the basis for our budget requests.

Sincerely,

G. L. TUCKER  
(For John S. Foster, Jr.)

Mr. PROXMIRE. Mr. President, I support the distinguished Senator from Montana, the majority leader, in the fine statement he has just made. There is no question that Federal research has been overwhelmingly sponsored by the Department of Defense in the last few years.

The National Science Foundation, which has been established, as the distinguished Senator said, to do this job, has not been adequately funded in some respects. Of great importance is the fact that the waste which is implicit here is obvious. If we provide funds for the Department of Defense, this is one area where we do not adequately scrutinize them, and there is bound to be waste and extravagance involved. The people who supervise them in the Department of Defense, who may be well qualified for military projects, but cannot do the job for research outside of their field.

I am impressed with the waste in an area called independent research. Independent research is something the Defense Department provides for contractors as a percentage of their overhead on the basis of supporting their research potential. This is not used for governmental purposes but for whatever purpose the defense contractor wishes to use it. We know the overwhelming majority do most of their work in the defense area, but they can use it to improve their own research commercial position.

I think the Senator from Mississippi (Mr. STENNIS) did a good job to cut this down in conference. He accepted my amendment and reduced the sum available in conference.

I hope in the future the thrust of the speech made this morning by the distinguished majority leader is followed

by Congress, to wit, that we provide only those funds for the Department of Defense we can justify in the defense area; that they be for clearly described governmental purposes; that we know precisely what the appropriation is designed to meet; that we know what the benefits are for the cost involved; and in other research areas not defense oriented that nondefense agencies that know what they are doing, handle it.

Mr. MANSFIELD. I thank the Senator.

#### ORDER FOR RECOGNITION OF SENATOR ALLOTT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 20 minutes at the conclusion of the remarks of the distinguished senior Senator from Wisconsin.

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

#### LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to be excused from attendance in the Senate for personal reasons this afternoon and tomorrow.

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

#### S. 3181—INTRODUCTION OF THE REGIONAL WATER QUALITY ACT OF 1970

Mr. PROXMIRE. Mr. President, we are losing the battle against water pollution. We are polluting our waters faster than we are cleaning them up. Despite the expenditure of over \$5.4 billion by the Federal, State, and local governments between 1957 and 1969, we are falling behind in the battle. Despite the enactment of three major pieces of legislation, we are losing ground. Despite a loud public outcry, we are in worse shape now than when the first control legislation was enacted. Despite our most vigorous efforts, we have made little progress toward cleaning up our Nation's waterways in the last 10 years. A comprehensive review of our past efforts by the General Accounting Office released just 2 weeks ago confirms these conclusions:

As a result of the approaches followed in the past, many treatment facilities have been constructed which, because of pollution from other sources, have not had an appreciable effect on reducing the pollution or improving water quality and uses of the nation's waterways.

For those of us who have labored long years toward getting the pollution control program started, the news is very discouraging. To hear that our best efforts have largely been in vain is very hard to take. The immediate reaction is to deny the facts. Many who have worked so hard will simply refuse to believe the facts. "What do you mean, we have not made any progress?" they ask. "What about all the legislation that has been passed, what about all of the money that has been spent? What about all of the desperate fighting to obtain the smallest concessions?" The question which must be asked, however, is how

much cleaner is the water? The simple fact is that it is dirtier. Somewhere we have made mistakes in organizing the fight.

Yes, money has been spent. Yes, thousands of words have been written deploring the situation. And, yes, many laws have been passed. But the water is dirtier. There is more slime on its surface, there are more dead fish lying along the river banks, there are more beaches closed. What then is wrong? Where have we failed? The sophisticated observer will immediately declare that we have not spent enough money. And he is right—up to a point. But the question must be asked, what have we received for the money which has been spent? Very little is the GAO conclusion. But the problem runs much deeper than simply a lack of money. It runs into the very strategy behind our present efforts. It runs to the very heart of our current attack on the problem.

We have confused the means with the ends. We have awarded grants for the construction of waste treatment plants on a first-come-first-serve basis with little thought to their real contribution to cleaning up the water. We have become obsessed with the number of plants built, and have forgotten to ask how much cleaner the water is. We have emphasized the means and assumed the ends. But the means have not produced the desired results. We have built treatment plants, but many are lying idle or only partially operational due to a lack of skilled operators. We have built plants which handle such a small fraction of the actual pollutants being dumped in the waterway that they have produced no measurable improvement in water quality. The General Accounting Office summarized the problem very well:

We believe, however, that the benefits obtained from the construction of the projects have not been as great as they could have been, because many waste treatment facilities have been constructed on waterways where major polluters located nearby—industrial and municipal—continued to discharge untreated or inadequately treated wastes into the waterways.

To understand the real problem, a brief review of our present pollution control policy is needed.

Our present strategy is based on two central tenets. The first is a policy of Federal subsidies for the construction of waste treatment facilities. The second is the Federal enforcement policy against individual waste dischargers. In its simplest form, present policy amounts to one of the carrot and the stick. Federal subsidies are used to induce municipalities to construct municipal waste treatment plants. This is the carrot approach. The financial support for waste treatment plant construction was first introduced in the Water Pollution Control Act of 1956 and the authorization of funds for such subsidies has increased ever since. Under present provisions, it is possible for a municipality to recover from the Federal Government up to 55 percent of the cost of constructing treatment plants.

The other element of the present policy, the stick, is the collection of enforcement efforts initiated by the Federal Water Pollution Control Administration

to bring individual polluters to heel and force them to increase abatement efforts. Unfortunately, comparatively few enforcement actions have been brought against individual polluters. The substantial economic and political power of these industrial polluters has been a serious roadblock to effective enforcement actions.

Although a number of waste treatment plants have been constructed, many of them are simply not equipped to handle the tremendous demands on their capacity to break down raw sewage. A severe lack of trained operators has aggravated the situation.

Much more important, however, than simple operational difficulties is the failure of the present efforts to deal with the major sources of pollution. The report of the General Accounting Office emphasized the fact that much money has been spent on plants which make only very limited contributions to improving river and stream quality because they handle such a small fraction of the total wastes dumped in the river. In every major river system studied by the GAO, the results were the same: We have failed to mount a significant attack against the major contributors to pollution.

I shall cite only one example studied by GAO to illustrate the point. The name of the river is withheld to protect the guilty:

This example involves a 170 mile section of one of the largest interstate rivers in the United States. Although there are more than 20 municipalities located on this stretch, only six discharge their wastes into the river. Sixteen Federal Water Pollution Control Administration Grants totalling about \$6.1 million and two Accelerated Public Works Grants totalling about \$1.6 million were made to five of the six municipalities between April 1957 and April 1969 for the construction of waste treatment facilities.

During the 12-year period studied from 1957 to 1969, the new facilities have successfully reduced domestic wastes poured into the river in terms of their biochemical oxygen demand by 14 percent. But domestic wastes account for only 25 percent of the total waste dumped in the river. Thus, the plants only served to reduce total pollution in the river by approximately 3 percent. However, during the same period, the amount of industrial wastes dumped into the river increased by an astronomical 350 percent—measured by the biochemical oxygen demand created which is needed to break down the waste. To quote the GAO report:

The reduction in municipal biochemical oxygen demand (BOD) that has been accomplished (147,000 P.E.) is of little consequence when compared with the increase in BOD permitted to be discharged by industries (2.4 million PE). Thus despite the expenditure of over \$7.7 million, we have allowed an increase in industrial waste equal to over 16 times the amount by which we have reduced domestic waste. The summary made by GAO of the experience is very enlightening:

Thus, the construction of waste treatment facilities with the aid of \$7.7 million in federal grants has not had an appreciable effect in abating, controlling, and preventing water pollution in this section of the river.

The real source of the problem should now be clear. Our present efforts, de-

spite their admitted lack of funding, failed to even attack the major contributors to pollution—industries located along the river. A full 75 percent of the total wastes dumped into the river are created by industry and yet our present efforts have had almost no effect in controlling this source of pollution. In fact these sources of pollution increased almost 350 percent in the 12 years between 1957 and 1969. This better than anything else should show the inadequacy of the present strategy.

What is more, GAO makes it very clear that this is not an isolated example. The report itself contains seven other similar examples, all of them leading to the same conclusion that our present strategy has almost completely failed to tackle the major sources of industrial pollution.

The grim conclusion one is forced to draw from all of this is that our present strategy for combating water pollution has had only limited success in improving the quality of our Nation's waters. This is not to say that these efforts have not had the best intentions, that they were not possibly all we could do under the circumstances. Those of us who have fought long and hard for just this much know how difficult the battle has been. But we must not give up in the face of past disappointments. We must not become fatalists. What we must do is reassess the situation—see where we have made our mistakes and redirect our efforts to correct them. We must look ahead to a new plan, a new strategy before it is too late.

#### A NEW STRATEGY FOR POLLUTION CONTROL

To those searching for a new strategy, there is a great deal of hope. An alternative strategy does now exist. It is a proven strategy. Where it has been tried, it has met with great success. It promises to yield dramatic progress in a relatively short time. And the best part of it is that it is relatively simple. What it is not is a panacea which will stop all water pollution overnight. It does promise, however, to substantially improve water quality throughout the United States—improve it to a degree which present efforts could not hope to achieve for many years and only after the expenditure of hundreds of millions of dollars.

What is this new strategy? Like the present strategy, it is based on two essential elements. The first one is the imposition of a system of national effluent charges. The second is the development of regional agencies for planning and managing water quality on a wide basis. A brief explanation of these two techniques will help focus our understanding before we deal with them in detail.

First of all, we must understand that the so-called pollution problem is essentially an economic problem. Pollution is actually the wasted resources of our society. Pollution represents the marginal amounts of those resources which we have said are economically no longer useful. They are the limited quantities which it is no longer profitable to recover. Why are they marginal? Because we have said they are. We use resources only to the degree beyond which it is cheaper to get more of the resources. This is the value basis we use in our economic system. The

direct consequence of this fundamental fact is that we must seek an economic solution if we are to attack the heart of the pollution problem.

Under the present strategy there is an economic incentive to continue polluting the environment. It is simply cheaper in many cases for an industry to pay a fine and continue polluting the water than to develop pollution control devices. It is one of sheer economics. The only way to reverse this system is to make it economical not to pollute. We must create a system which provides an economic incentive based on the profit motive to reduce the production of waste. This is the only permanent solution. Force is not the answer. We must make it profitable not to pollute the water. We must make it profitable for a company to recover those marginal resources which it has been wasting up to this time. We must make the water a resource which, like every other resource in the production process, has to be paid for as a legitimate cost of production.

The first step in this new strategy would be the imposition of a system of national effluent charges. These charges would be levied as a form of rent for the use of the water to dispose of industrial wastes. The charges would vary depending on the relative demand placed on the water in disposing of particular waste products. The water can assimilate only so much waste. Each polluter would be assessed based on the quantity of the waste discharged and also on its relative strength and toxicity.

The water would be considered like any other productive resource which is used in the manufacturing process. Merely because it is part of the public domain, and not owned privately, is no reason why it should be considered as a free gift of nature to be despoiled without penalty. We do not allow industry to go into our national forests and cut timber simply because it is part of the public domain. It is sold to the highest bidder. Why should the water be treated any differently? It is just as much a productive resource as timber. The only difference is that its use cannot be easily allocated. We cannot sell the water the way we sell timber. We can, however, charge industry for its use based on the degree to which that use impairs its quality and purity. This is only fair. It is only rational.

There is no reason why the public should be made to bear the cost of cleaning up water which industry has used free of charge to carry away its waste products. Waste disposal is a legitimate cost of production. It is a normal cost of doing business. Why should it be treated any differently from any other legitimate cost? Business must be made to accept this doctrine. It must accept the fact that it is not the only group competing for the water's use. Sportsmen have a right to fish the same water. The public has a right to pure drinking water. Both the public and the fishermen pay for the use of the water. Why should industry be exempted? These are the reasons for the imposition of effluent charges—to make sure that industry pays its fair share like any other water user.

Each type of waste now dumped in our waterways would be assessed a certain

amount per pound based on the relative demand it places on the water's capacity to assimilate and break down wastes.

Since the charges would be levied on a per pound basis, there would be a direct incentive for polluters to reduce their waste production in order that a major part of the charge would be eliminated. As new technology develops for limiting waste discharges even further, the effluent charge would provide a continuing incentive to install the most up-to-date production processes to cut down on waste production and thus reduce the total bill. The ultimate goal, of course, would be to "loop the system" where all of the resources put into the system would be totally used in the manufacturing process, and, therefore, there would be no wastes discharged into the environment.

#### ADVANTAGES

What exactly are the advantages of implementing such a system of effluent charges? There are a number of very important advantages: First, and perhaps most important, the imposition of such a system will enable us to make rapid strides in a relatively short time toward significantly improving the quality of our Nation's waterways. The proposal would attack the major sources of pollution, unlike the present efforts which have dealt with only a fraction of the problem. The economic incentives not to pollute would be very strong. There would be almost an immediate impact due to the natural desire of polluters to reduce their charges as soon as possible. That this is not merely theory, but what has actually happened in practice, is shown by a number of examples where the system has had spectacular success.

Several examples where towns have imposed so-called sewerage charges on industry for the use of the town's waste treatment plant provide excellent cases in point. These sewerage charges are very similar in their impact to effluent charges. The first example is a major industrial operation in Otsego, Mich. The town's waste treatment plant had been designed under the assumption that it would have to handle about 500 pounds of biochemical oxygen demand per day in 1983. However, by 1965 the actual biochemical oxygen demand—BOD—load from the town's major industrial operation alone was about 1,500 pounds per day. The city commission decided to charge the company for all expenses for treating wastes from the industry above 500 pounds per day.

The first monthly billing of the firm after the initiation of the surcharge was based on an estimated biochemical oxygen—BOD—load of 27,000 pounds. This represented a total of 900 pounds per day, down from 1,500 pounds before the tax. For the second 30-day billing period, the firm's biochemical oxygen demand—BOD—load was down to about 22,000 pounds—733 pounds per day, down over 50 percent from the original 1,500 pounds per day. For the third billing period after the charge had been initiated, the BOD load was down to about 15,000 pounds—500 pounds per day, or approximately the BOD load projected for 1983. Thus in 3 months the effluent charge had led to a 66-percent reduction in the amount of untreated wastes re-

leased by the plant. What is more the effluent charge had brought the total waste discharged down to the base amount which the city had agreed to handle. The response to the charge was obvious, and very rapid. It is very questionable whether current Federal enforcement efforts would have been able to achieve nearly the degree of success in nearly the same time.

The second example is the development and initiation of a sewer surcharge in Springfield, Mo. Faced with sharply rising waste loads in 1962, Springfield decided to apply a surcharge on industrial waste discharges above the normal strength of sewage. The rationale, like that of the bill we are introducing today, was to provide an incentive for industrial operations to reduce waste discharges and would provide funds for expansion of the city's treatment plant facilities. Each plant discharging sewage above the permissible concentration was notified of the amount of the prospective surcharge, and of the fact that the city would review the assessment whenever a plant made operational changes. Even before the first official billing, some plants began to take action. A packing plant that faced an assessment of about \$1,400 per month modified its production processes and ended up with a sewer bill of only \$225 per month. A commercial laundry, faced with a large monthly surcharge because its waste discharge was warm and had a relatively high concentration of suspended solids, made changes that resulted in a significant net savings in its production costs even with the sewer surcharge. Many other industries in the town took similar swift corrective action and reduced their charges substantially.

Dr. Allen V. Kneese, a Ph. D. in economics, one of the leading authorities on the economics of water pollution control, and incidentally, the man who called this action to the attention of the Joint Economic Committee a few months ago, when he appeared as a witness, summed up the experience of various communities with sewerage or effluent charges in his book entitled "Managing Water Quality, Economics, Technology, Institutions":

The responses of industrial operations to the imposition of sewer charges can be generalized as follows. First, the imposition of a charge or surcharge tends to encourage plants to make changes that in many cases reduce not only the volume of effluents, but the water intake. Second, sewer charges tend to induce an examination of production processes that often uncovers relatively simple modifications which may result in net reduction in total production costs.

Thus, a system of effluent charges can be expected to provide significant improvements in water quality.

The second advantage which would result from the imposition of a system of national effluent charges is that it would assign responsibility for pollution control to those who are responsible for the pollution. In other words the polluters would pay for the damages caused by pollution, not the public at large. Recently, there has been increasing recognition of the importance of this fundamental doctrine that those who are responsible for pollution should be responsible for cleaning it up. The Water Qual-

ity Improvement Act of 1969 recognizes this essential responsibility when it charges oil companies, not the public, with the responsibility for cleaning up any future spills and for restoring the quality of the damaged environment. The bill we are introducing today strengthens this emphasis. We must restore the fundamental tenet that the polluter and not the Government must be ultimately responsible for cleaning up the environment. The annual report of the Council of Economic Advisers supports this view and recommends a system of effluent charges to develop a sustained revenue system to fight pollution. I quote from the report:

Although it must assist in eliminating the large backlog of capital requirements, the federal government cannot and should not finance local waste treatment indefinitely. In the long run, localities should collect revenues from the polluters adequate to sustain the system and to expand it in line with normal growth. Charges based on use of treatment facilities provide long-run incentives for the abatement of pollution. Effluent charges on polluters in sections of the river where there is no municipal treatment could have a similar effect; when waste discharge is costing industrial firms a certain amount for each pound discharged, the volume of waste will be reduced and the revenue collected will help to pay for collective treatment.

The third principal advantage of a system of effluent charges is that it would contribute to the ultimate solution of the pollution problem; that is, the reduction of waste production. Much of our present effort is directed toward converting one form of waste into another form of waste which is considered less obnoxious. In the process we may actually create more waste. We are merely changing the form of waste, not eliminating it. Without concentrated efforts toward actually cutting down on the amount of waste, not modifying its form, we will be shortly faced with a situation where the production of waste will overtake our ability to dispose of it. If we are to survive in a society which uses enormous amounts of matter and energy, we must find ways to reuse that matter and energy that we now give off as waste.

The imposition of a system of national effluent charges will provide the strongest possible incentives for the maximum use of our productive resources, and thus the reduction of waste. This is where "looping the system"—that is, converting waste into new resources—become so essential. Not only will this conserve valuable natural resources which are irreplaceable, but it will dramatically cut down on our waste production. This is, without question, one of the most important long-range advantages of the effluent charge technique for handling pollution. The technology exists today in many cases for "looping the system." The only thing lacking is an economic incentive to put it to work. The bill being introduced today will provide this needed incentive.

The fourth major advantage of imposing a system of national effluent charges would be that such a system would provide revenue which could be utilized to further pollution control efforts in other sectors of the economy,

most notably in eliminating domestic wastes produced by our municipalities, and, of course, to reduce the enormous size of our Federal budget.

The bill we are introducing today would provide that 50 percent of the revenue collected would be redistributed to the Nation's municipalities to assist them in the construction and maintenance of waste treatment facilities. Mr. President, there is nothing more obvious today than the funding gap between authorizations and appropriations for the construction of waste treatment facilities. Every Member of this body is aware of the critical need for more money for pollution control efforts. Unfortunately the Federal fiscal outlook today is not promising for increased pollution control expenditures. Unless an alternative source of funds is found, the present gap will almost certainly continue. The situation will continue to get worse instead of better.

This bill would provide much of the additional needed revenues. It has been estimated by Dr. Kneese, already mentioned, that an average effluent charge of 10-cents per pound of waste applied on a national basis would yield, at present waste production rates, approximately \$2 billion in revenue each year. Of course, it is expected that the actual amount collected would be lower due to improvements made by industry to reduce their waste production.

Conservatively, however, Dr. Kneese estimates that in the first year of operation, the effluent charge system could be expected to produce a minimum of \$1.5 billion in revenues which would then be available to the municipalities for the construction of waste treatment plants. This is almost seven times the amount which would be provided by the Nixon budget, almost three times the amount the House has voted, and 1½ times the amount which has been authorized by the Senate for the current year. In view of the fact that there is a \$2 billion backlog for Federal funds alone, the need for increased revenue is painfully obvious. This bill would provide that revenue.

Fifth, the bill will provide strong economic incentives for the creation of regional water management associations. These associations will provide the necessary coordination to make a comprehensive attack on a region's water pollution problems possible. They will also enable us to take advantage of significant economies of scale which can be realized in treatment efforts. This will sharply reduce the costs associated with water quality improvement.

What is more important, the bill will allow the maximum possible freedom in developing these water management associations. Existing associations such as the Delaware River Basin Commission, will be encouraged to develop comprehensive plans for treatment works and other control measures as soon as possible. Once the Secretary of the Interior is satisfied that these plans are adequate, he is empowered to turn over to the commission grants from the special trust fund for the construction of regional water improvement facilities. Thus, the bill looks toward turning ultimate re-

sponsibility for water quality management over to associations which can provide the necessary coordination between industry, local governments and State and Federal authorities.

#### SUMMARY OF ADVANTAGES

Thus, the bill presents five principal advantages: First, it promises to sharply improve water quality in a short period of time. Second, it places responsibility on the polluter, and not the public, for paying for damage to the environment. Third, the bill works toward an ultimate solution to the pollution problem by encouraging waste reduction rather than waste conversion. Fourth, the bill will provide substantial new sources of sorely needed revenue to finance the construction of municipal waste treatment facilities. Fifth, and perhaps most important, the bill provides strong economic incentives for the creation of regional water management associations.

#### ADVANTAGES FOR INDUSTRY

The bill, however, has advantages not only for those concerned with cleaning up our waters, but for those who are doing the polluting. The immediate reaction I have obtained from some people with whom I have discussed the bill is, "How about businesses that have to use water for legitimate and desirable productive purposes? How will they be affected?"

Mr. President, I think there may be some private support for this measure among the industries involved. To the industrialist who is faced with paying the charges, the bill has advantages over the present strategy. Faced by massive public demands backed by Federal and State enforcement efforts to clean up pollution, the industrialist is faced with two alternatives. He can either support a system of effluent charges which will enable him to make his own decisions as to how best to reduce waste production through changes in his production processes, at his own speed, or he can continue to face increasing Federal and State pressure to stop all pollution by a date which is imposed on him. It is a choice between force and freedom. In either case, the public demands that our waters be cleaned up—and soon. The demand is clear. It will not go away. It will only increase in the years ahead. Something will be done. The only question which now remains is, how will it be done? For the industrialist, our bill presents an alternative, an alternative much more attractive than what he can expect to face in the next few years under the present system.

#### ADVANTAGES FOR CONSERVATIONISTS

For the conservationist who is concerned over ends, that is, actual improvement in the quality of the water, the bill also has advantages. Some may charge that the bill does not demand a complete halt to all water pollution immediately. Of course, that is true. The point is, however, given the practical impossibility of enforcing absolute standards against industry, the bill provides the most reasonable alternative. The bill provides strong economic incentives, incentives industry understands, to clean up pollution. The results will be much more sweeping than those obtained from isolated enforce-

ment efforts to stop all pollution in a given industry. The difference is that the effluent charge approach will provide the maximum across-the-board improvement in water quality. And this is what we should be interested in. Ideal standards which cannot possibly be enforced are equal to having no standards at all. We must accept economic and political realities. We must seek the optimum solution, whether or not it represents the theoretical ideal. If we want clean water, not ideal standards, then the effluent charge technique is called for. The crisis is too serious to argue over ideal standards. We must begin to move swiftly and we must adopt the strategy which will give us the maximum amount of improvement in the shortest time. The system of effluent charges will do this. It will give us cleaner water in a short time, and that is what we should be concerned about.

#### WHO SUPPORTS EFFLUENT CHARGES?

Perhaps most important, the effluent charge technique has substantial support in the Federal Water Pollution Control Administration, the principal agency involved in the problem. In a comprehensive study of the Delaware Estuary, the FWPCA concluded that—

(1) Effluent charges should be seriously considered as a method for attaining water quality improvement. (2) A charge of 8 to 10 cents per pound of oxygen demanding material discharged appears to produce relatively large increases in critical dissolved oxygen levels. (3) A charge of that level is not expected to cause major regional economic readjustments (such as the closing of industrial plants) in the study area (Delaware River Estuary). (4) The charge method attains the same goal as a conventional method of improving water quality, but treatment costs are lower, and the effect on waste dischargers is more equitable. Also the charge provides a continuing incentive for the discharger to reduce his wastes discharge and serves as a guide to public investment decisions.

The effluent charge program also has the support of the Council of Economic Advisers and the Environmental Pollution Panel of the President's Science Advisory Committee. In addition, the President's Task Force on Pollution Abatement consisting of representatives from the Bureau of the Budget, the Council of Economic Advisers, the Department of Commerce, the Department of the Interior and the Treasury Department strongly recommended a system of national effluent charges. What is more, the effluent charge technique has the support of most major economists and is supported by such research organizations as Resources for the Future, which has done substantial research into the system, and strongly recommends its implementation in the United States. Thus the concept is not new, and it has the support of major elements in the Government including the major water pollution control agency.

I might say, Mr. President, that this is a technique that has been used for some years, with great success, in Europe, where, of course, industry is much more intensely concentrated, and thus pollution could be a much more serious problem. It has been the principal technique which has kept the Rhine River, for ex-

ample, from being the terrifically polluted type of stream which so many of our waterways, like Lake Erie and other areas, have become. It works well, and has been adopted in Canada as well as in Europe.

#### WHAT WILL THE BILL DO?

The bill we are introducing today directs the Secretary of the Interior in conjunction with the Secretary of the Treasury to establish a schedule of charges for those substances which detract from the quality of our Nation's waters. The charges will be based on the damage different substances inflict on the water. Each polluter will then pay an amount based on the quantity of particular wastes he dumps into the water. At any time he may petition the FWPCA for a change in his total charges due to improvements he has made in the productive process which cuts down on wastes.

Fifty percent of the revenue collected will then be redistributed to municipalities for the construction of municipal waste treatment plants. The remaining 50 percent will be placed in a special trust fund which will be allocated to the regional associations once they receive certification from the Federal Water Pollution Control Administration. This will enable the cities to construct many of the badly needed waste treatment facilities which have not received adequate funding in recent years. It will also provide strong economic incentives for the formation of regional water management associations which can provide a coordinated attack on water pollution problems.

Mr. President, the Nation's water crisis is getting more serious. The need for a new strategy of attack is only too clear. The water is getting dirtier, not cleaner. Unless a new strategy is developed, it may be many years before any significant progress is made against water pollution. The bill we are introducing today provides that new strategy. It promises to yield significant improvements in water quality in a short time. It will do this in an equitable manner. It will do it less expensively than is possible using coercion. Most important, it will contribute to the ultimate solution of the pollution problem, that is the reduction of waste. As the distinguished Senator from Maine (Mr. MUSKIE), who has been a great leader in this area, has stated:

Any concept of the environment—air, water, or land—as an infinite reservoir, with an infinite capacity to dilute, disperse, and assimilate waste is outmoded and irresponsible . . . [We must] shift the focus to waste management and reduction as the most effective guarantee of environmental improvement.

The bill we are introducing today will work toward this end. As Senator MUSKIE has indicated, we must look to the future. This bill is an effort toward that end.

Mr. President, I introduce this bill in behalf of myself, the Senator from Montana (Mr. MANSFIELD), the Senator from Ohio (Mr. YOUNG), my colleague from Wisconsin (Mr. NELSON), the Senator from Colorado (Mr. DOMINICK), the Senator from New Jersey (Mr. CASE), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Nevada (Mr.

CANNON), and the Senator from Rhode Island (Mr. PELL).

I ask that the bill be appropriately referred, and that it be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD in accordance with the Senator's request.

The bill (S. 3181), to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities, introduced by Mr. PROXMIER (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

#### S. 3181

##### SHORT TITLE

SECTION 1. This Act may be cited as the "Regional Water Quality Act of 1970".

##### FINDINGS AND PURPOSE

SEC. 2. (a) Congress finds and declares that the clear, fresh, natural waters of the Nation's rivers, lakes, streams, estuaries, bays, and coastal areas have become despoiled and unsightly dumping grounds for the wastes of our industries and for the raw or inadequately treated sewage of our communities; that there is a national concern for the potentially harmful effects of these waters to our health and welfare, for the esthetic qualities of these waters, and for the suitability of these waters for municipal, agricultural, industrial, recreational and wildlife and sport and commercial fish uses; that there is a national urgency to control, prevent, and eliminate polluting substances in these waters through the construction, where appropriate, of coordinated river basin or areawide waste treatment works if these waters are to be reclaimed and restored to adequate standards of quality for our health, welfare, and resource needs; that present Federal programs now authorized to provide financial assistance in the construction of such works are inadequate to meet the rising demand for the works and that these programs have focused on the need for individual municipalities to construct treatment facilities rather than on coordinated efforts to clean up entire river basins and attack all major sources of pollution; that these present programs need to be supplemented by a program which focuses on a coordinated regional approach which provides desirable economic incentives to water users to conserve water and to minimize pollution through reduction in the quantity of waste products dumped into these waterways and which will encourage the formation of interstate regional water management associations which ultimately will assume full financial responsibility for the provision of waste treatment works in the most effective and economically efficient manner.

(b) It is therefore the purpose of this Act to encourage the formation of permanent regional water management associations which are responsible for the preparation and development of comprehensive pollution control plans for all or part of a river basin or parts thereof that is consistent with or part of a comprehensive river basin water and related land use plan for the area. These objectives shall be accomplished through—

(1) the establishment of economic incentives to water users to conserve water and minimize wastes and to join together in regional water management associations to

promote the most efficient use of the water sources of the region; and

(2) the provision of financial assistance to municipalities and regional management associations for the construction of waste treatment facilities.

##### DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "construction" includes preliminary planning to determine the economic and engineering feasibility of waste treatment activities, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of such facilities; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of such facilities; and the inspection and supervision of the construction of such facilities;

(3) "waste treatment facilities" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, powers, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof; and

(4) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

##### NATIONAL EFFLUENT CHARGES

SEC. 4. (a) In furtherance of the purpose of this Act, the Secretary and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect not later than June 1971, a schedule of national effluent charges for all those substances other than domestic sewage which detract from the quality of the water for municipal, agricultural, industrial, recreational, sport, wildlife and commercial fish uses. In determining such charges the Secretary shall consider the relationship between the quantity and quality of the waste discharged and the resulting damage to the quality of the waterway as the base for specific charges.

(b) Revenues collected by the Secretary of the Treasury pursuant to such charges shall be deposited in a trust fund (hereinafter referred to as the "fund") in the Treasury to be available without further appropriation to the Secretary for use as prescribed in section 5.

(c) Any person who violates any regulation established pursuant to this Act shall be subject to a civil penalty of not less than \$1,000 nor more than \$5,000 for each violation. Each day of such violation shall constitute a separate offense. Such penalties may be compromised by the Secretary, when deemed in the public interest.

(d) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this Act.

##### USE OF FUND

SEC. 5. (a) The Secretary shall distribute amounts received in the fund in each fiscal year according to the following formula: fifty per centum shall be allocated to municipalities for the construction of waste treatment facilities in accordance with section 6, and fifty per centum shall be allocated to regional water management associations for the construction of waste treatment facilities in accordance with section 7.

##### GRANTS TO MUNICIPALITIES

SEC. 6. From allocations pursuant to section 5 the Secretary shall make grants to municipalities in any State for the construction of waste treatment facilities. Such

grants shall be made on a priority basis determined by the Secretary in accordance with the purpose of this Act in such manner as to provide for such facilities where the need is greatest.

#### GRANTS TO REGIONAL MANAGEMENT ASSOCIATIONS

SEC. 7. From allocations pursuant to section 4 the Secretary shall make grants to regional management associations for the construction of waste treatment facilities. Such grants shall be made (1) in amounts determined on the basis of the population of the area to be served and the urgency of the need, and (2) subject to the condition that—

(A) the association has developed and submitted to the Secretary a comprehensive water pollution control plan for the region over which it has jurisdiction;

(B) such region covers the area of one or more river basins in one or more States or is an area in one or more States of related land uses;

(C) the Secretary determines that such plan provides for a coordinated attack on water pollution and other related conservation problems in such region; and

(D) such association is a permanent organization with authority (including enforcement authority) to carry out such plan.

#### OTHER CONDITIONS AND REQUIREMENTS

SEC. 8. The Secretary may establish by regulation such other conditions and requirements for grants pursuant to this Act as he determines necessary to carry out the purpose of this Act.

Mr. PROXMIER. Mr. President, I reserve the remainder of my time, and 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, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### POSTPONEMENT OF IMPLEMENTATION OF NEXT INCREMENTAL INCREASE IN NEW GRAZING FEE SCHEDULE

Mr. ALLOTT. Mr. President, I am delighted to inform the Senate that today I have received a copy of a letter addressed to the chairman of the Interior Committee wherein the Secretary of the Interior announces his decision to postpone the implementation of the next incremental increase in the new grazing fee schedule as established by regulations published January 10, 1969. I applaud the Secretary on this wise decision.

As Senators know, earlier this year grazing fees, and specifically the 400-percent increase proposed by the former Secretary of the Interior, were the subject of extensive hearings by the Public Lands Subcommittee under the able chairmanship of the senior Senator from Idaho (Mr. CHURCH). These hearings elicited substantial information regarding the severe impact of the former Secretary's planned 400-percent increase in grazing fees.

It should be recognized that the proposed 400-percent increase was based, at least ostensibly, upon the 1966 Western Livestock Grazing Survey in which 10,000 ranchers participated. It was understood that the agreed-upon cost factors would be utilized in arriving at the new

fees. However, the former Secretary refused to recognize one of the agreed-upon cost factors; namely, permit value. The former Secretary assigned as his reason for refusing to recognize permit value as a cost factor the argument that to recognize permit value would "recognize a proprietary interest in the public lands." Of course, section 3 of the Taylor Grazing Act provides, among other things, that the issuance of a permit "shall not create any right, title, interest, or estate in or to the lands."

Therefore, his assigned reason for reversing himself seems to be totally without basis. However, it should also be noted that that same section of the Taylor Grazing Act also states that "grazing privileges recognized and acknowledged shall be adequately safeguarded." Those "privileges" include, as set forth in section 3, the preference of renewal of the permit in the permittee. Further, in accordance with the act:

Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or landowners of water or water rights.

Therefore, any reasonable reading of the Taylor Grazing Act would lead one to the conclusion that while no "right, title, interest, or estate in or to the lands" is created by the act, the grazing privileges created and granted to those persons having commensurable and appropriate land holdings nearby does have value, and that value is an appropriate factor to be utilized in computing the "reasonable fees" provided for by the act.

I commend the present Secretary of the Interior for forestalling further fee increases. He is keeping his word. In his February 18 press release Secretary Hickel said:

For our part, the Department will keep this whole matter under review in the future, taking into account new information and new circumstances, including those developed in the course of judicial proceedings, Congressional hearings, and recommendations of the Public Land Law Review Commission.

The Commission is scheduled to complete its report on June 30, 1970. This report promises to be the most comprehensive study of public land laws and policies ever conducted, and it will be of particular interest to the public land States.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Secretary of the Interior to the chairman of the Committee on Interior and Insular Affairs which was delivered this morning.

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

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, D.C.

HON. HENRY M. JACKSON,  
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in further response to your letter of August 7, 1969, enclosing the unanimous resolution by the Senate Interior and Insular Affairs Committee requesting a review of the grazing fee schedule announced on January 14, 1969.

The requested review has been completed by this office. As noted in the resolution, the

questions raised before the Committee, considered in connection with the language and legislative history of the Taylor Grazing Act, cast doubt upon the propriety of the 1969 fee schedules. They may not have taken into account consideration of the full purpose and intent of Congress as established in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 290).

As you are aware, the Public Land Law Review Commission is presently studying the matter and will during calendar 1970 make its recommendations thereon. This Department, of course, is awaiting with great interest the results of the Commission's work.

Meanwhile, we think it appropriate to delay implementation of the next increment until the views of the Commission have been made known and evaluated. At that time, my Department will take such further action as it may determine to be proper.

We plan to publish before December 1, 1969, a proposed rulemaking, copy of which is attached hereto.

We will appreciate your observations.

Sincerely yours,

WALTER J. HICKEL,  
Secretary of the Interior.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JORDAN of Idaho. Mr. President, I join the distinguished Senator from Colorado in being grateful that Secretary of the Interior Hickel has decided to delay implementation of the next grazing fee increment until the Public Land Law Review Commission has concluded hearings and has arrived at its recommendations concerning grazing fee schedules.

As a member of both the Public Land Law Review Commission and the Senate Interior and Insular Affairs Committee, I am well aware of the pressing need for sufficient time to present a comprehensive review of the grazing fee schedules imposed by the Department of the Interior on January 14, 1969.

The Public Land Law Review Commission has given this matter much searching analysis and today's announcement by Secretary Hickel is greatly appreciated as it will allow the time necessary to incorporate our findings on the schedules into the rest of our public land law recommendations, due at the conclusion of our work on June 30, 1970.

Secretary Hickel's decision is a wise one and I commend him for it.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Idaho. The Senator from Idaho and the Senator from Arizona (Mr. FANNIN) have been most diligent in working on the Public Land Law Review Commission reports which are very extensive and cover a great many complicated and difficult areas. Both Senators have been most diligent in attending committee meetings.

I think it might be wise to note at this time, if I may, that the letter from the Secretary does not commit him to follow the recommendations of the Public Land Law Review Commission, but he has wisely deferred any other incremental increase until after that Commission has reported.

Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I am very pleased to join my colleagues in praising

the Secretary for taking this action and giving Congress an opportunity to review the report of the Public Land Law Review Commission.

It is essential that we take matters into consideration that I do not think were considered when the previous Secretary made the decision to change the rates of the grazing fees.

Grazing use of public lands does not produce significant revenues—gross receipts from all public land grazing were approximately \$10 million in fiscal 1968—in terms of public finance. Prior to 1905, no charge whatever was levied for grazing use of any of the public domain. Grazing on unreserved public domain controlled by the Department of the Interior continued unregulated and free of charge until passage of the Taylor Grazing Act of 1934. Because the grazing lands were not exclusively used by the livestock operators, the Secretary did not relate fees to the costs of administration.

The fair market value for public land grazing is not necessarily the same as the value of private land grazing, since the livestock operator is one of several segments of our society utilizing the lands. All the ramifications of the problems involved in the usage of public lands for grazing have been and are being reviewed by the Public Land Law Review Commission. So any final decision on grazing fees should await the report of this Commission. This delay will permit Congress to express its will.

I feel that in taking these matters into consideration, the Secretary has realized the necessity of getting more information, and of course this additional information will be coming from the Public Land Law Review Commission and can be considered by Congress; and recommendations can be made at that time, and perhaps decisions can be made at that time.

So I am very pleased to join my colleagues in praising the Secretary for this action.

Mr. ALLOTT. I thank the Senator.

Mr. President, early this spring we had extensive hearings on this matter, at which the distinguished Senators who have just spoken were present, as was the Senator from Colorado, and I think the case was very adequately made at that time that this matter should be deferred.

Mr. BELLMON. Mr. President, I join with my distinguished colleague, the Senator from Colorado, in complimenting the Secretary on his decision to postpone the change in the grazing fees.

I might say that my own State of Oklahoma has very little, if any, land involved in this decision, but our State is vitally concerned with the livestock industry. I know that when sudden changes are made in the economics of an industry like this, it can cause dislocations that affect not only the livestock producers but also the total economy of the areas and the States involved.

I believe that the Secretary is extremely wise in postponing a decision on a matter of this kind until the facts are known and until the full implications of the decision are carefully understood. I believe that the policies that have been followed in the use of Bureau of Land

Management lands have now been accepted. They have been built in as a part of the cost of production for ranchers. I believe that until the whole process has been carefully studied, we are really taking a very dangerous step in altering these steps to a significant degree.

I therefore wish to join the Senator from Colorado in complimenting the Secretary. I am confident that, after all the facts are known, the Secretary will be able to come to a decision that is just and one that will not cause the serious dislocations that might have been caused had his decision been made at this time.

Mr. HANSEN. Mr. President, I, too, wish to join the distinguished Senator from Colorado (Mr. ALLOTT) in expressing pleasure and gratification for the actions taken by the Secretary of the Interior in announcing a withholding of any additional increases in the grazing fees charged on Bureau of Land Management lands until the report by Public Land Law Review Commission is made. I suspect that few areas of public interest are as badly misunderstood as is this one. Having served as Governor of Wyoming, I am well aware, as are a number of other people in the State, that the important contribution which public lands make to the public good is not reflected by the actual amount of the fee charged for the use of these lands. Rather, the support that these lands give the overall economy of an area is the important factor. In no area is this more true than in the area of livestock production.

What happens when public lands can be grazed is that economic units are made out of other privately owned land that is on the tax roll. Thus, significant tax contributions are made by the added number of livestock placed upon the county tax rolls by the constructive use of public and private lands.

It may seem to a number of people that these increases are rather insignificant, but I need not remind the distinguished Senator from Colorado—because he knows so well—that that is not the case. The livestock industry has been hard hit. Whereas most elements in the economy have prospered and have kept pace with the rising prices that have characterized most of the economy in the United States in the last decade, this is not been true with regard to cattle and sheep. This year, cattle were selling at the same price per pound at which they were selling 20 years ago. Cattle producers have not benefited from the increases.

To a housewife who observes the price she has to pay for meat in the supermarket, this may seem hard to believe. The reason she has to pay more is that the added cost of steak and of roasts comes not from increases that go to the producer of livestock but, rather, goes to all the people along the way who handle the meat. It goes to the worker in public transportation, moving the livestock to market. It goes to the packinghouse worker. It goes to the persons who actually do the cutting and the wrapping in the supermarket. Those are some of the reasons why the price of meat is higher, as far as the housewife is concerned, than it may have been a few years ago.

But the livestock rancher—both the cattleman and the sheepman—have not participated in this benefit, which largely has gone to other elements of the industry. As a consequence, while the grazing fees would not be raised very much, it could be enough to put out of business a number of operators who are now marginal. I do not say, and it is not contended, that the increases would put out of business everybody who is in the livestock business. But what is important to understand is that, as we are making a very major effort to overcome the impact of urban problems which we see being exacerbated because of the movement from rural to urban areas, anything we can do to stabilize employment in rural areas will help. If we let even some of the marginal operators in the sheep business and the cattle business go down the drain, what will happen is that the persons who were employed on those farms and ranches which are no longer able to operate will move into the city. They will drift into the bigger metropolitan areas and will add to the problems of urban America.

In my judgment, the action taken by the Secretary of Interior gives recognition not only to the ramifications that an increase in the cost of grazing fees may have in this area but that he recognizes the importance of giving the Public Land Law Review Commission an opportunity to study all the testimony which has been presented and to examine all the facts which have been dug out by commission staff members in order to have the benefit of the recommendations of the Public Land Law Review Commission before implementing any further grazing fee changes.

I know it does not sound like much when one speaks of only a few cents per animal head per month on lands, but, Mr. President, when your nose is just about to the water level, it does not take much to shove it under. That is where a number of marginal sheep and cattle operators are today. So what the Secretary is doing, in effect, is to withhold the adverse effect that an added increase in grazing fees would have upon these marginal operators, and to give the Public Land Law Review Commission the opportunity to make such recommendations, as in its wise judgment it will be making to the Department of Interior.

In this respect, I know he has acted wisely. I compliment him for his decision. It is a decision I am certain will be misunderstood by some and some will inveigh against it and say he is not acting in the best public interest. I think the facts state the opposite; he has acted in the best public interest.

I am happy to join with the Senator in giving him credit for taking a very wise course.

Mr. ALLOTT. Mr. President, I thank the Senator. Will the Senator yield?

Mr. HANSEN. I yield.

Mr. ALLOTT. Mr. President, I wish to compliment the Senator on his statement because he and other Senators who have spoken here today understand this situation so well.

I wish to compliment the distinguished junior Senator from Oklahoma on the statement he has just made in regard to

this matter because it reflects the concern of those who do have to deal with these problems and our own attitudes toward it.

As the Senator will remember, I have a document showing that the wool growers in the country, the sheepmen, today are realizing 2 to 2.5 percent on their investment, and it is estimated that if the fee schedule of the former Secretary of the Interior had been effected, the return would drop to 1.03 percent in 1973, and .65 percent in 1978. Is the Senator aware of that?

Mr. HANSEN. I am aware of that and I am pleased that the distinguished ranking minority member of the Committee on Interior and Insular Affairs has brought it to the attention of Senators this morning. I say that because it is a fact that often escapes the attention of people when one talks about going into business. Most people, most bankers, most investors recognize it is perfectly legitimate and certainly characteristic of a good thrifty business to expect, first of all, that one will get a return on the investment he makes in lands and in capital. Is that not correct?

Mr. ALLOTT. The Senator is entirely correct. In addition, when one considers that already this year with the implementation of this sudden order of the former Secretary of Interior in the last few days of his office, that the increase amounted to 33½ percent over the previous year, following pretty closely the overall ceiling on grazing fees as recommended by the National Advisory Board, it seems to me that the cattlemen and the stockmen of this country have already taken a substantial increase in their costs.

I was thinking about the Senator's statement about the price of cattle in cents per pound being approximately what it was 20 years ago. There seems to be a widespread feeling that stockmen and ranchers are getting rich. There is only one other commodity or product that I know of which is in this general area, that sells for the same rate per pound, and that is sugar. Otherwise, if one goes over the range of these products outside livestock they have increased constantly. The price of cattle did move up a short while this year and then fell right off again.

If a man was fortunate enough to sell his stock at that time he got a little relief from this, but the facts are that the price of livestock, the price that goes to the producer of livestock today, is comparable to that of 20 years ago. He alone has not been able to share in this great so-called affluent society we have, and if he is going to, he has to get a higher percentage of profit than he is getting now.

I thank the Senator for yielding and I also thank him for his very pertinent remarks.

Mr. HANSEN. Mr. President, I appreciate the leadership that has been given to this effort by my distinguished friend from Colorado (Mr. ALLOTT).

The president of our State stock growers association appeared in Boise, Idaho, in 1966 when this study was being set up and the ground rules were being agreed

upon, when there was concurrence by Federal representatives as well as State stock associations insofar as consideration of items that were to be considered was concerned. The president of our State cattle association, Carl Jorgenson, was there when it was agreed that the cost or investment in permits was a legitimate cost of doing business on the western range country.

So what the Secretary has done by his action in withholding any further increases is to give time to the Public Land Law Review Commission to consider that cost along with all others.

I am sure—and I wish to underscore this because it should not go unnoticed—this is not a partisan effort or the result of partisan interest that the Secretary very wisely has arrived at the decision he has; but rather, it is an effort that reflects the interest and support of people on both sides of the aisle.

I wish to mention the Senator from Idaho (Mr. CHURCH).

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

Mr. HANSEN. I yield.

Mr. ALLOTT. I think any discussion of this matter at all—and I do not intend to discuss it much more—would be very lacking if we did not take credit and give credit to the distinguished Senator from Idaho (Mr. CHURCH), who is chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, and instigated the hearings which we held earlier this year. The same thing would also be true with respect to the senior Senator from Nevada (Mr. BIBLE), who also, with those who have spoken this morning, attended and took an active part in those hearings which, incidentally, cover over 500 pages. The justification for the action of the Secretary is made over and over again in the hearings. Any remarks on this would be remiss if they did not include and give proper credit to the Senator from Idaho (Mr. CHURCH) and the Senator from Nevada (Mr. BIBLE).

I thank the Senator for yielding.

Mr. HANSEN. Right at that point, I should like to call attention to the fact that my colleague, Mr. MCGEE, has introduced legislation which would hold in abeyance any increase in grazing fees which resulted from the implementation of a formula that failed to take into account the investment in grazing permits as part of the cost of production.

I wanted to make that point clear, because it highlights the point my colleague from Colorado was making, in that this is not a partisan effort. It is a bipartisan effort. It merely would attempt to do justice to a beleaguered but important element of the industry in the western range country.

Mr. DOMINICK. Mr. President, I want to congratulate both my colleague (Mr. ALLOTT) and the Senator from Wyoming (Mr. HANSEN) for having this colloquy on this extremely important point. We keep hearing all the time that we should not worry about increasing fees for the livestock people because, after all, they are not paying their fair share of the game. The fact is the increase that had been originally proposed amounted to

\$10 million a year and it would seem to me that until we find out what we are going to do on this policy, we will be punishing people largely responsible for supplying much of the food and material we need so desperately in this country.

I am therefore delighted that the Secretary has taken the action he has. I congratulate my colleague from Colorado for bringing it up in this colloquy.

Mr. HANSEN. I thank the Senator from Colorado (Mr. DOMINICK). He has been most perceptive in speaking out for the people of his State. When he does that, he speaks also in a very meaningful and forceful way, for all of us in the West because we find our interests are alike throughout the western range country.

Mr. HATFIELD. Mr. President, Secretary Hickel's action in postponing the next increment of the grazing fee increase reflects a responsiveness that does great credit to his office.

It has been a matter of continuing concern to me because I have felt that action should not be taken to increase grazing fees until the results of the Public Land Law Review Commission were made known. Primarily for this reason, I opposed the action to increase the fees early this year.

The implications of the Secretary's action will be felt throughout the West. It will be particularly significant in Oregon where about 52 percent of the land is owned by the U.S. Government. Much of this land has traditionally been used for grazing purposes and as a result a substantial livestock industry has developed.

The Secretary's action is very timely and will be welcomed by the entire livestock industry in Oregon.

The PRESIDING OFFICER. Pursuant to the previous order, there will now be a period for the transaction of routine morning business with a 3-minute time limit.

#### A CBS INTERVIEW THIS MORNING

Mr. DOMINICK. Mr. President, I had the very disagreeable and unhappy experience this morning of watching CBS news on television. I am not one of those who participated in criticism of the news media. I am not one of those who have gone out and said that they were slanting the news. I am not talking about that.

I am talking about an interview with a young man who allegedly participated in a "massacre" in South Vietnam.

I think that the interview which CBS conducted, further publicizing this incident, was inexcusable under our legal and judicial system.

We have at the present time a man who is under indictment for murder and here comes an interviewer getting a witness—whether he is paid or not, I do not know—and spreading publicly through this country allegations which were not under oath, allegations which have been disputed by other people while the case is going on, in an inflammatory way, in a way designed to prejudice both himself and the person under indictment, in total disregard of the rules of the Supreme Court and in total disregard of our gen-

eral feeling that a man is innocent until proved guilty.

It strikes me that when we find an ordinarily responsible network and other people who have republished it, including the Washington Post, going along and taking a viewpoint that this is news and any time it is news one can disseminate it regardless of an individual's rights, then we may have arrived at a situation where no individual can be legally and justifiably defended.

This man was not under oath. He was not warned of his rights. He admitted—whether it is true or not, I do not know—that he had personally participated in the murder of some of these men, women, and children.

He had no lawyer to advise him. He had no one there to tell him what he had a right to do or not have the right to do.

In the process, he specifically mentioned the man who is now being indicted for murder.

Mr. President, if we cannot have a court proceeding of this magnitude and this seriousness, not only to the individual involved, but also to the whole country, conducted in some kind of logical, sensible, and thoughtful way, without this kind of publicity, then this country has gone a long way down the drain.

I have never been so justifiably upset, in my opinion, over any newscast I have ever seen before.

In my opinion, this is an invasion of the legal and judicial system of the country, which is the foundation of our country. It is an effort, under the guise of news, to put forth as the truth a statement from someone who has not been sworn, who has not been examined, who undoubtedly will be a witness in this very proceeding, and it was conducted in a fashion where the interview finally ended up, according to the transcript in the Washington Post, with the statement of his mother, "They made a murderer of him."

Mr. President, what is happening here?

What kind of country do we have when this kind of garbage gets put on the air?

It may be true, I do not know, but if it is true, that man is entitled to some kind of warning before he issues any kind of statement like that against himself.

Further, this has the possibility of so influencing public opinion that this case cannot be conducted in an atmosphere of objectivity. This publicity could spread an atmosphere of guilt around the country with regard to this type of operation—if in fact there was one—that may make it impossible to get a fair trial of an individual now under indictment.

There have been other cases, civilian cases, in which the Supreme Court ruled that the atmosphere has been so prejudiced that there is no way to have a fair trial. We have had to let some of those individuals go, even though they may have committed a crime.

Is that what we are going to do in this case?

Here is another example of the other side of the coin.

I would say, Mr. President, and I say it with deep conviction, that this particular interview spread through the news media in this way is not in accordance

with the system we should have. It is not fair to the defendant being tried. It is not fair to the system under which he is being tried and is a total violation of the individual's rights who made the interview.

Mr. HOLLINGS. Mr. President, I join in the general sentiments expressed by the distinguished Senator from Colorado (Mr. DOMINICK). I saw the same interview. What disturbed me, in addition, of course, to the intrusion upon individual rights, was, more particularly, the individual's own interest and his own well being. In this respect, he was obviously sick.

We have seen things like this happen under the pressure of combat. We have seen men shocked in combat. We have observed their psychological response. Feelings of guilt have remained with them for a long time.

Here was a man who was undoubtedly under that particular influence of illness when being interviewed at a particular moment and pleading guilty.

Mistakes are made in battle. Are we now going to say that every member of a helicopter crew or every member of an Air Force B-52 bomber which strikes the wrong target shall be called a murderer? That is the point we seem to be coming to in this country.

We have seen it in the Green Berets case. There was a difference in judgment.

The fellow who was being interviewed, about whom the distinguished Senator from Colorado was speaking, was talking about having lost his buddy. Was his reaction an overreaction to the pressure of war, and is he going to be tried as a common murderer before the facts are known? That is what concerns me in the entire treatment of the war in Vietnam.

I think the interview was highly out of order.

I simply do not think, as the Senator from Colorado has indicated, that a sick man, a man in this particular condition, ought to be exposed to an entire contravening of a person's rights before an authorized and competent investigation is conducted. I think this is entirely wrong and inexcusable. I congratulate the Senator from Colorado for bringing it to the attention of the public in its true light.

#### THE BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, yesterday I called the attention of the Senate to the fact that the country has never had such an acute shortage of railroad boxcars as exists in Nebraska at this time. I also stated that certain southern and eastern railroads are in flagrant violation. I further said, in substance, that the Interstate Commerce Commission apparently had neither the will nor the courage to do anything about it.

Just a few minutes ago I received a telephone call from the manager of a farmers' elevator in a small community. He reported that their elevator alone had 500,000 bushels of grain piled on the ground because there is nowhere else to put it.

A newspaper article that came to my

desk yesterday refers to this problem in the following language:

Throughout the State, we have mountains of grain in streets, ball diamonds, and school grounds, waiting for boxcars.

An Associated Press article from Des Moines, Iowa, reads:

Railroad cars belonging to Midwestern railroads urgently needed to move the grain harvest are being held by railroads in other parts of the country, Gen. John P. Doyle said here Wednesday.

Gen. Doyle, a retired Air Force transportation specialist, is chairman of the Mid-America Transportation Council which is studying the problem.

He explained that "our Midwestern railroads are very good about building cars, but when they are sent out of the region, they don't seem to come back."

One result of the boxcar shortage in Nebraska may be the spoilage of "five to 10 percent of the grain now being stored on the ground," said E. C. Schlaphoff, director of the Nebraska Department of Agriculture.

Mr. President, under the present system, an offending railroad or shipper can keep a boxcar too long, but the charge is so small that it is cheaper for the railroad to hoard and use some other line's cars than to build cars for itself or to build storage facilities.

Two years ago, or about then, a bill was passed which, we were told, would give the Interstate Commerce Commission authority to remedy the situation. As of this date, the Commission has not done anything about it. The Commission seems to be totally out of touch with the needs of shippers, and even the railroads are definitely out of touch.

The Interstate Commerce Commission has been around Washington too long not to understand the needs of our economy, but they are too slow; their procedures are inadequate. The Commission has proved, or nearly so, that it is unable to govern the situation. I wonder why the Commission should be supported by the taxpayers any longer. If the members of the Commission are not reading the CONGRESSIONAL RECORD, I suggest that they should.

Mr. HANSEN. Mr. President, will the Senator from Nebraska yield?

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. CURTIS. I yield to the Senator from Wyoming.

Mr. HANSEN. Has not the Committee on Commerce repeatedly instructed the Interstate Commerce Commission to implement its regulations and to impose such fines as are necessary in order to have cars returned to the Western railroads?

Mr. CURTIS. Yes. There has been a flagrant violation and refusal to follow the directions of an official committee of Congress, and of the law.

Mr. HANSEN. As a consequence, no matter what some of the western railroads may do to try to provide adequate types of cars to take care of shippers, the ability of some eastern and other lines throughout the country to latch onto cars and to keep them effectively

denies the kind of rail transportation that is required to prevent, for instance, the great spoilage of grain that is taking place in the Senator's State of Nebraska today. Is not that true?

Mr. CURTIS. Yes. Without a hearing, the Interstate Commerce Commission has granted an increase in freight rates. It may be that the Commission did not have time to give any attention to shippers or others who want to give the railroads some opposition.

When the measure was passed—I think it was about 2 years ago—a large number of persons who had worked on it for years were invited to the White House, where President Johnson had a signing ceremony. It was believed that Congress had given the Commission what it had said, over the years, it needed—the authority to prevent railroads and shippers from hoarding boxcars, thus preventing them from being returned to the places where they originated.

In fairness, I should say that some members of the Interstate Commerce Commission are alert to the problem. They want to do something to solve it. But the Commission as a whole has miserably failed.

Mr. President, I yield the floor.

#### EXECUTIVE COMMUNICATIONS

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

##### STOCKPILE REPORT OF THE OFFICE OF EMERGENCY PREPAREDNESS

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the semiannual report on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

##### REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the management of military owned furnishings overseas; opportunities for improvement, Department of Defense, dated November 25, 1969 (with an accompanying report); to the Committee on Government Operations.

##### REPORT OF PERSONNEL CLAIMS PAID BY THE DEPARTMENT OF JUSTICE

A letter from the Acting Assistant Attorney General for Administration, transmitting, pursuant to law, a report on personnel claims paid by the Department for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

##### PROCEEDINGS OF THE 44TH MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

A letter from the president, Gallaudet College, Washington, D.C., transmitting pursuant to law, a report on the proceedings of the 44th meeting of the Convention of American Instructors of the Deaf, held at Berkeley, Calif., June 20-27, 1969 (with the accompanying papers); to the Committee on Rules

#### PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A letter from the Governor of the Farm Credit Administration, Washington, D.C., transmitting a resolution adopted by the directors of the farm credit banks of the cooperative farm credit system at their annual conference, expressing appreciation for congressional support and assistance in helping farmers and ranchers to become the complete owners of their own credit systems; to the Committee on Agriculture and Forestry.

A letter, in the nature of a petition, from the president of the Okinawa Bar Association, praying for equitable treatment for the lawyers in Okinawa at such time as the administrative authority over the Ryukyu Islands is turned over to Japan; to the Committee on Foreign Relations.

A memorial adopted by the King County Council, King County, Wash., in support of the President's efforts to end the Vietnam military action; to the Committee on Foreign Relations.

The petition of Thomas G. Staley, of Eagle Point, Oreg., praying for the preservation of the Rogue River; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Oklahoma District Council of the Assemblies of God, Oklahoma City, Okla., praying for the enactment of legislation to prohibit the distribution and sale of obscene publications to minors; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1678. A bill for the relief of Robert C. Szabo (Rept. No. 91-555);

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas (Rept. No. 91-557); and

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife (Rept. No. 91-558).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 19. A bill to reimburse certain persons for amounts contributed to the Department of the Interior (Rept. No. 91-556).

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

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes (Rept. No. 91-559).

By Mr. WILLIAMS of Delaware, from the Committee on Finance, without amendment:

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on United States savings bonds (Rept. No. 91-560).

#### EXECUTIVE REPORTS OF COMMITTEES

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

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

Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Cameroon, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Equatorial Guinea; and

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.

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

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri.

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences:

George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

#### BILLS INTRODUCED

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

By Mr. PROXMIRE (for himself Mr. MANSFIELD, Mr. YOUNG of Ohio, Mr. NELSON, Mr. DOMINICK, Mr. CASE, Mr. HARTKE, Mr. MCGOVERN, Mr. CANNON, and Mr. PELL):

S. 3181. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

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

By Mr. MOSS:

S. 3182. A bill for the relief of Eou Bee Han; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. COOPER, and Mr. RANDOLPH) (by request):

S. 3183. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Public Works.

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

By Mr. DOLE:

S. 3184. A bill for the relief of the Johnson State Bank; to the Committee on the Judiciary.

#### S. 3183—INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BOGGS, Mr. President, pursuant to an authorization contained in the Clean Water Restoration Act of 1966 a study was conducted by the Federal Water Pollution Control Administration into the role estuaries play in our national life. As a result of this study the administration has submitted proposed legislation that would implement certain of the recommendations of the study.

Senator COOPER had intended to introduce this legislation with Senator RANDOLPH, by request. However, Senator COOPER is necessarily absent today and asked that I introduce, by request also, the proposed bill.

I ask unanimous consent that the statement of Senator COOPER, a letter of transmittal from Secretary Hickel and the text of the bill be printed at this point in the RECORD.

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

The bill (S. 3183) to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone, introduced by Mr. BOGGS (for himself, Mr. COOPER, and Mr.

RANDOLPH), by request, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled, That as a result of a comprehensive study carried out pursuant to Section 5(g) of the Federal Water Pollution Control Act, as amended, and the information derived therefrom of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on navigation, flood control, recreation, water supply and water power, and on other beneficial purposes, the Congress finds and declares that it is necessary to establish a national policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and implementation of comprehensive management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment.

Sec. 2. This Act may be cited as the National Estuarine and Coastal Zone Management Act of 1970.

Sec. 3. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as Section 20. After Section 18 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new section:

"Sec. 19. (a) For the purposes of this section—

"(1) 'Estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(2) 'Coastal zone' means the land, waters, and lands beneath the waters in close proximity to the coastline (including the Great Lakes) and strongly influenced by each other. For purposes of identifying the objects of planning, management and regulatory programs the coastal zone extends seaward to the outer limit of the United States territorial sea. Within the coastal zone as defined herein are included areas influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, sounds, embayments, harbors, lagoons, inshore waters and channels.

"(3) 'Coastal State' means any State of the United States bordering on the Atlantic, Pacific or Gulf Coast or the Great Lakes, and includes Puerto Rico, and the Virgin Islands.

"(4) 'Secretary' means the Secretary of the Interior.

"(b) Congressional Findings; Declaration of Policy.

"(1) Congress hereby finds that there is a national interest in the effective management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone for the following reasons:

"(A) The pressures of population growth and economic development, including requirements for industrial, commercial, residential development, recreation, exploitation of mineral resources and fossil fuels, transportation and other navigation, waste disposal, and exploitation of fish and other living marine resources, impose an increasing number of conflicting demands upon the finite resources of the coastal zone.

"(B) Estuaries, marshlands, and other parts of the coastal zone contain extremely valuable habitat for fish and wildlife which move beyond state boundaries; such areas are vital to the life support of a major part of the Nation's commercial and sport fisheries harvest; such areas, particularly the estuaries, constitute ecological systems which are susceptible to destruction and disruption by man.

"(C) Continued unplanned or uncoordinated development activities in the coastal zone pose an immediate threat of irreversible harm to the coastal zone and its resources and a loss of the benefits it offers.

"(D) The Coastal Zone is a valuable area for multiple economic, recreational, and resource uses.

"(E) The interest in the coastal zone extends to the citizens of all the States, and is not limited to the citizens in the coastal States.

"(c) Program Development Grants.

"(1) The Secretary is authorized to make grants to any coastal State for the purpose of assisting in the development of a comprehensive management program for the land and water resources of the coastal zone. Such grants shall not exceed 50% of the costs of such program development. Other Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this subsection, the coastal State must demonstrate to the satisfaction of the Secretary that such grants will be used to develop a comprehensive management program consistent with the requirements set forth in subsection (d) (3) hereof. Successive grants may be made annually, provided however, that no subsequent grant shall be made under this subsection until the Secretary finds that the coastal State is adequately and expeditiously developing such a comprehensive management program. Upon completion of the development of the coastal State's comprehensive management program, the coastal State shall submit such program to the Secretary for review.

"(2) No annual grant to a single coastal State shall be made under this subsection in excess of \$200,000.

"(d) Operating Grants.

"(1) The Secretary is authorized to make annual grants to such coastal States for not more than 50% of the costs of administering such program if he approves a coastal State's management program, in accordance with subsection (3) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(2) Such grants shall be allotted to the States with approved programs based on regulations of the Secretary, which shall take into account the amount and nature of the coastline and area covered by the plan, population, and other relevant factors.

"(3) Prior to granting approval of a comprehensive management program submitted by a coastal State, the Secretary shall find that:

"(A) The Governor of the Coastal State has designated a single agency to receive and administer the grants for implementing the management plan set forth in subsection (D) hereof and the management plan and changes thereto have been reviewed and approved by the Governor;

"(B) The coastal State is organized to implement the management plan set forth in subsection (D) hereof;

"(C) The agency or agencies responsible for implementing such management plan have vested in them the regulatory authorities necessary to implement the plan, including but not limited to, permit authority, authority to acquire interests in real property through the power of eminent domain and zoning authority, or authority to require local zoning to conform with the State management plan.

"(D) The coastal State has developed and adopted a management plan for its coastal zone adequate to carry out the purposes of this Section and containing the following provisions:

"(aa) An identification of the boundaries of the portions of the coastal State subject to the management plan;

"(bb) An identification and recognition of the national, State and local interests in the preservation, use and development of the coastal zone;

"(cc) A feasible land and water use plan, consistent with applicable water quality standards, within specific sections of the coastal zone reasonably reflecting the needs of industry, transportation, recreation, fisheries, wildlife, natural area protection and residential development and other public and private needs, taking into account both short-term and long-term requirements;

"(dd) A description of the coastal State's current and planned programs for management of its coastal zone consistent with the management plan;

"(ee) An identification and description of the means by which the management plan and other resource use and management plans at the Federal, State and local levels in which the coastal State is represented or is a participant concerning use, conservation, and management of the coastal zone will be coordinated, including the relationship of the management plan to State, interstate, and regional comprehensive planning as appropriate;

"(ff) Procedures for adequate review of State and local and private projects for consistency with the management plan;

"(gg) Procedures for furnishing advice as to whether Federal and federally assisted projects are consistent with the management plan;

"(hh) Procedures for modification and change of the management plan, including public notice and hearing;

"(ii) The plan was developed in cooperation with relevant Federal agencies, State agencies, local governments, and all other interests;

"(jj) Procedures for regular review and updating of the management plan;

"(kk) Adequate provisions for disseminating information concerning the management plan and any subsequent modifications or changes therein; and

"(ll) Provision for conducting, fostering or utilizing relevant research.

"(E) The coastal State has provided for adequate public notice and public hearings in the development of the management plan;

"(4) Grants under this subsection shall be subject to the following limitations:

"(A) No annual grant to a single coastal State shall be made under this section in excess of \$200,000; and

"(B) No grant funds shall be used for the acquisition of real property.

"(5) With the approval of the Secretary, the Governor of a coastal State may allocate to an interstate agency a portion of the grant under subsections (c) and (d) of this section for the purpose of carrying out the provisions of said subsections provided such interstate agency has the authority to meet the applicable provisions of subsection (d) (3) of this section otherwise required of the coastal State.

"(e) Review of Performance.

"(1) The Secretary shall conduct a continuing review of the comprehensive management programs of the coastal States and of the performance of each coastal State.

"(2) The Secretary shall have the authority to terminate any financial assistance extended under subsection (d) of this section and to withdraw any unexpended portion of such assistance if: (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the coastal State has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"(f) (1) Advisory Committees for Management of the Coastal Zone.

The Secretary is authorized to establish in the Department of the Interior advisory committees to consult with and make recommendations to the Secretary on matters of policy concerning the coastal zone. Any such committee shall be composed of persons designated by the Secretary and shall perform

such functions and operate in such manner as the Secretary may direct.

"(2) Members of such advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including travel-time may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(g) Interagency Coordination and Cooperation.

"(1) The Secretary shall not approve the plan submitted by the State pursuant to subsection (d) until he has solicited the views of Federal agencies principally affected by such plans or has evidence that such views were provided the State in the development of the plan. In case of serious disagreement between any Federal agency and the State in the development of the plan the Secretary shall seek to mediate the differences.

"(2) All Federal agencies conducting or supporting activities in the coastal area shall seek to make such activities consistent with the approved plan for the area. States and local governments submitting applications for Federal assistance in coastal areas shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved plan for the coastal area. Federal agencies shall not approve proposed projects that are inconsistent with the plan without making investigation and finding that the proposal is, on balance, sound. The Secretary shall be advised by the heads of other agencies of such problems and be provided an opportunity to participate in any investigation.

"(h) Nothing in this section shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of water resources planning, development, or control; nor to displace, supersede, limit or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government, nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this section;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this section; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

"(1) Miscellaneous.

"(1) The Secretary shall develop, after appropriate consultation with other interested parties, both Federal and non-Federal, such rules and regulations covering the submission and review of applications for grants authorized by subsections (c) and (d) as may be necessary to carry out the provisions of this section.

"(2) A coastal State receiving a grant under the provisions of subsections (c) and (d) of this section, the agency designated by the Governor to administer such grant, and an interstate agency allocated a portion of a grant under the provisions of subsection (d) shall make reports and evaluations in

such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved management program as the Secretary may require, and shall keep and make available such records as may be required by the Secretary for the verification of such reports and evaluations.

"(3) The Secretary, the head of another Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received under the provisions of subsections (c) and (d) of this section.

"(j) Appropriations.

"(1) There are authorized to be appropriated:

"(A) the sum of \$2,000,000 for fiscal year 1971 and such sums as may be necessary for the fiscal years thereafter prior to June 30, 1975, for grants under subsection (c) of this section; and

"(B) such sums as may be necessary for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter for grants under subsection (d) of this section.

"(2) There are also authorized to be appropriated such sums as may be necessary for the Secretary to carry out the provisions of this section."

The letter, presented by Mr. Boggs, is as follows:

DEPARTMENT OF THE INTERIOR,

Washington, D.C., November 13, 1969.

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

DEAR MR. PRESIDENT: We are pleased to transmit the enclosed report of the National Estuarine Pollution Study pursuant to section 5(g) of Public Law 89-753 which law was originated by the Committee on Public Works of the United States Senate. Also enclosed is a draft of proposed legislation to amend Public Law 89-753, the Federal Water Pollution Control Act, as amended, consistent with the findings of the study. The bill provides for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone. We recommend that the report together with the proposed bill be referred to the appropriate Committee for consideration and we recommend that the proposed bill be enacted.

Section 5(g) of the Federal Water Pollution Control Act, as amended, directed the Secretary of the Interior to conduct a comprehensive study of the Nation's estuarine and coastal zones and to make recommendations regarding their management and the respective roles of Federal, state, and local governments. The study, which extended over a three-year period, was conducted in cooperation with the Corps of Engineers, Water Resources Council, and every other Federal agency and office involved with estuaries; with all coastal states, and many concerned public and private organizations. Extensive public hearings were held in all coastal states; regional conferences were held with state administrators and state officials.

The Department of the Interior is broadly concerned with the whole area of natural resources and their most effective management. Nowhere is the need for effective management more noticeable than in the estuarine and coastal zone. Here is a situation where many uses compete, be they commercial uses, such as industrial and transportation, as against commercial fishing, and outdoor recreation. Added to this are such intensive uses as off-shore mining, particularly for sand, gravel, oil, gas and sulphur, as well as the discharge of wastes.

The enclosed draft bill establishes a national policy for the effective management and protection of the coastal zone. To accomplish this policy, the bill will add a new section 19 to the Federal Water Pollution Control Act, as amended, to provide for a cooperative program between the Federal and coastal state governments. Federal grants may be made to the coastal states on up to a 50 percent matching basis for developing a comprehensive management program for the coastal zone. Upon approval by the Secretary of the Interior of a coastal state's management program, operational grants may be made to the coastal state on a matching basis for the purpose of implementing the program. The new section provides for a continuing review by the Secretary of the coastal states' performance in the implementation of the state management program.

The Bureau of the Budget advises that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,  
Secretary of the Interior.

The statement of Mr. COOPER is as follows:

Mr. COOPER, Mr. President, one of the essential components on the Nation's environmental system is the coastal area with its complex of tides, bays, harbors, marshes and other natural phenomena that are classified as estuaries. Biologists have given us graphic evidence of the role estuaries play in the overall natural system particularly in essential biological productivity. We tamper ignorantly with this system at our own risk. The report emphasizes the importance of managing the coastal zone in the public interest so that all factors and uses can be considered in proposed development.

To implement its recommendation the report is accompanied by legislation which the administration has proposed that would establish a national policy for the effective management and protection of the coastal zone. The legislation would provide for a cooperative program between the Federal and coastal State governments continuing the policy stated in pollution control legislation that primary responsibility rests with the States. Federal grants to provide assistance to the States for the development of comprehensive programs for the coastal zone are proposed. To achieve compliance with national policy there is also provision for Federal approval.

The Coastal Zone is an extremely important resource and one which we must manage rationally. We can no longer continue ad hoc and unplanned development of this area. Therefore, I am pleased to introduce with Senator Randolph by request this legislation which results from an authorization contained in the Clean Water Act of 1966, and anticipate that it will receive thorough and constructive review by the Committee beginning with public hearings in the near future. It is recognized, however, that many of the provisions of this bill go beyond pollution and rivers and harbors aspects and raise questions of interest to the Committee on Commerce. It is anticipated, therefore, that the Committee on Public Works will work closely with the Committee on Commerce during its consideration of this bill.

The authorization to conduct this study was very much the product of the desire of Mr. Randolph, the Chairman of the Committee on Public Works and other members of the Committee to initiate a program which would lead to the adequate consideration of the coastal zone in our national life. The Committee is to be complimented for its foresight in asking for such a study, and the Administration, particularly Secretary Hickel's Department of the Interior is to be commended for furnishing such a complete and far sighted report.

## ADDITIONAL COSPONSORS OF BILLS

S. 2461

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein and for other purposes.

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

S. 3035

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3035, to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age 62 cutoff.

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

S. 3092

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS) I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. MOSS) and the Senator from Hawaii (Mr. INOUE) be added as cosponsors of S. 3092, to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in fraud of consumers.

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

S. 3171

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 3171, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

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

SENATE CONCURRENT RESOLUTION 49—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR CONGRESSIONAL RECOGNITION OF THE GODDARD ROCKET AND SPACE MUSEUM

Mr. ANDERSON. Mr. President, on this day following the successful conclusion of yet another miraculous space voyage, I think it is fitting that we pause a moment to consider how we reached this point. How were we able, in a dozen years, to marshal the energy and tech-

nology to reach from the earth to the moon? We have only to think back those dozen years, when the space race had only barely begun, to realize the magnitude of your accomplishments since. But what was the foundation on which we built? To whom do we owe tribute for the early, historic developments which made all the rest possible? Who taught us to proceed when the odds were long and the resources short?

Many have done their share and more, but the man whom we now know as "the father of modern rocketry" is Dr. Robert H. Goddard. His early, lonely experiments—carried out at a time when most of us were still taken with the novelty of propeller airplanes—taught us a great deal not only in terms of technology but in terms of the indomitable human spirit.

I am pleased to say that Dr. Goddard carried on many of his early invaluable experiments in my own State of New Mexico, near the city of Roswell. Wildlife and startled ranchers must have looked on with considerable surprise as Dr. Goddard's experimental rockets streaked into the desert sky.

Between 1929 and 1941, with the aid of the Guggenheim Foundation, Goddard laboriously pursued his large gyro-controlled liquid fuel rocket experiments in New Mexico. His work anticipated in technical detail the German V-2 missiles, although Goddard himself sought no publicity and did not make details of his work widely known. He even called his rockets "Nell" after, in his words, "the girl who ain't been done right by."

Today, finally, praise of Dr. Goddard's basic work is in vogue. As Wernher von Braun has said: "Dr. Goddard was ahead of us all." Dr. Goddard, in short, not only realized the potentialities of space flight but also contributed directly to bringing it to practical realization.

I am glad that the city of Roswell, where Dr. Goddard worked during those lonely years, has long recognized his singular contribution. The newest high school there is named in his honor. More than 10 years ago, in April 1959, Dr. von Braun was present for the dedication of the Goddard Rocket and Space Museum at Roswell. Since then, the scope of the museum has expanded so that the Nation now has a fitting memorial to Dr. Goddard and his work.

Mr. President, today I am introducing legislation which provides for congressional recognition of the Goddard Rocket and Space Museum.

The museum has long done a great deal through its educational exhibits and special programs to demonstrate the remarkable developments in rocketry by Dr. Goddard. Recently, the museum added an exact replica of Goddard's workshop and a new Goddard planetarium. These displays are duplicated nowhere else. Also, the display of Goddard memorabilia is one-of-a-kind. On the museum grounds are installed his rocket launching tower and his observation tower, both of which originally were located in the desert northwest of Roswell. Inside, the exhibit consists of motors, controls and other experimental pieces of apparatus, photographs illustrating his early work, and some of his original drawings and notes.

The legislation I am introducing, Mr. President, provides that the Congress hereby recognizes the museum as a fitting memorial to Dr. Goddard, the lonely genius who helped show us the way to the stars. I am hopeful that we can receive quick approval of this appropriate legislation.

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

The concurrent resolution (S. Con. Res. 49), which reads as follows, was referred to the Committee on Aeronautical and Space Sciences:

S. CON. RES. 49

*Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Doctor Robert H. Goddard, who pioneered in rocket experimentation and contributed to America's success in landing men on the moon, and who is known as the "Father of the Rocket", and as an appropriate and outstanding institution for the collection, preservation, and display of the works and memorabilia of Doctor Goddard.*

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 25, 1969, he presented to the President of the United States the enrolled bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on November 24, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity.

## TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 295

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 296

Mr. FANNIN (for himself, Mr. PERCY, and Mr. TOWER) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 297 THROUGH 300

Mr. TOWER submitted four amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. TOWER when he submitted the amendments appear later in the RECORD under the appropriate hearing.)

## AMENDMENT NO. 301

Mr. DOLE (for himself, Mr. PEARSON, and Mr. COOK) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

## AMENDMENT NO. 302

Mr. CURTIS submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

## AMENDMENT NO. 303

Mr. FANNIN submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

## AMENDMENT NO. 304

Mr. GORE (for himself, Mr. BURDICK, Mr. CANNON, Mr. HARTKE, Mr. KENNEDY, Mr. MONTOLA, Mr. PROXMIER, Mr. RIBICOFF, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) submitted amendments, intended to be proposed by them, jointly, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

## AMENDMENTS NOS. 305 THROUGH 309

Mr. JAVITS submitted five amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

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

## AMENDMENT NO. 310

Mr. PROXMIER. Mr. President, I am submitting an amendment intended to be proposed by me to H.R. 13270 to bring the tax treatment of foreign oil exploration and development more into line with the tax treatment of domestic oil exploration and development.

My amendment carries out the intent of the Treasury Department's submissions of September 4 and 30. I report this was the Nixon position as presented to the Finance Committee. It is a moderate position to equalize the foreign and domestic oil industry. After all, the alleged purpose of the oil industry's tax incentives are to encourage domestic exploration and development, not foreign.

My amendment is in two parts: The first part is almost identical to the House provision, section 431, requiring companies to take foreign losses into account when determining their foreign taxable income.

Under present law a U.S. taxpayer is allowed a foreign tax credit against his U.S. tax liability on foreign income. My proposal would not change this rule. My proposal would only require that when a loss is incurred abroad it be offset against income abroad rather than domestic income. Under the per-country formulation of foreign tax credits in the present law, foreign taxes and income are considered on a country-by-country basis.

Since the per-country limitation is computed separately for each foreign country, losses which occur in one country reduce U.S. tax on domestic income, rather than reducing the credit for taxes paid to other foreign countries. However,

when the business operation in the loss country becomes profitable, the income, in effect is likely not to be taxed by the United States because the foreign country is likely to impose a tax equal to the U.S. tax and, as a result, a foreign tax credit is likely to be allowed with respect to that income.

There should be no objection to this simple provision. All it requires is that companies with foreign losses must offset them against foreign profits, rather than domestic profits. It allows almost unlimited carry forward and carry back and thus should not create any difficulties for any firms doing business abroad. As a matter of fact, it should help the domestic oil industry because the major oil companies would be placed on the same basis independent domestic producers are now on.

The second part of my proposal only refers to a few large international companies which are on the overall foreign tax credit limitation basis. To my knowledge, the only oil companies to be affected would be Getty and Standard Oil of New Jersey. These are the only companies that aggregate all foreign taxes and income.

The problem the second part of my proposal is aimed at arises from the difficulty in distinguishing royalty payments from tax payments. This problem arises where the taxing authority in a foreign country is also the owner of mineral rights in that country. Since royalty payments may not be credited against U.S. taxes, the allowance of a foreign tax credit for a payment which, although called a tax, is, in fact, a royalty, allows a taxpayer a larger reduction in U.S. tax than would occur if a deduction—instead of the credit—were available. Where the credit exceeds the U.S. tax on the income from the mineral production in the foreign country, the excess credit can be used to offset U.S. tax on income from other operations in that country, or on income from other foreign countries.

My proposal merely puts the oil industry on the same basis that other industries are on. It provides a separate foreign tax credit limitation so that excess credits from mineral income cannot be used to reduce U.S. tax on other foreign income. In other words, the foreign tax credit allowed on mineral income from a foreign country will be limited to the amount of U.S. tax on that income. Excess credits may be carried over under the normal foreign tax credit carryover rules and credited against U.S. tax in other years on foreign mineral income.

My proposal is similar to the House provision, section 432, but is not quite so restrictive. I think the best way I can explain the difference is to use an example. Assuming the effective U.S. tax rate on the oil industry is 20 percent, although the theoretical U.S. rate is 50 percent, and the foreign tax rate is 60 percent, my proposal would disallow foreign tax credits on mineral income between 20 and 50 percent. The House proposal would disallow all the foreign taxes above 20 percent; that is the taxes between 20 and 60 percent under my hypothetical example.

In effect, my proposal places foreign

mineral production on the same basis as domestic mineral production.

Quite frankly, I do not know of any reason why we should give more encouragement for foreign oil exploration being done by gigantic oil companies than we do for domestic exploration. That is why I am introducing these proposals and the reason I am also introducing an amendment to eliminate the foreign percentage depletion allowance. I agree wholeheartedly with the House that there is no justification for such a provision in our tax code and therefore will move to reinstate the House passed section 501(b)(1) limiting percentage depletion for the oil and gas industry is to encourage domestic exploration and thereby protect our national security, I cannot see any justification for these additional tax benefits or subsidies for foreign oil, particularly when most of that exploration and development is being done in the area which, even according to the oil industry, is our most insecure source of supply. How can we justify such special treatment?

Mr. President, I send the foreign tax credit amendment to the desk and ask that it be printed.

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

## NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Henry L. Brooks, of Kentucky, to be U.S. circuit judge for the sixth circuit to fill a new position created by Public Law 90-347 which was approved June 18, 1968.

Alfred T. Goodwin, of Oregon, to be U.S. district judge for the district of Oregon, vice John F. Kilkenny, elevated.

Cristobal C. Duenas, of Guam, to be judge of the District Court of Guam for the term of 8 years, vice Paul D. Shriver, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

## NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, December 3, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia, vice Joseph C. McGarraghy, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Sen-

ator from North Dakota (Mr. BURDICK), chairman; the Senator from Michigan (Mr. HART); and the Senator from Nebraska (Mr. HRUSKA).

#### NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

R. Dixon Herman, of Pennsylvania, to be U.S. District judge for the middle district of Pennsylvania, vice Frederick V. Follmer, retired.

David L. Middlebrooks, Jr., of Florida, to be U.S. District judge for the northern district of Florida, vice George Harrold Carswell, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

#### ELEMENTARY AND SECONDARY NEGRO STUDENT POPULATION IN OHIO

Mr. STENNIS. Mr. President, I have a concern which, I believe, is shared by the parents of schoolchildren throughout the entire Nation. It is the concern for the continuation of what I call the community school or neighborhood school. In many parts of my area of the country that concept of public school education is being destroyed through over-rapid demands for total integration or total mixing of the students as between races, somewhat on a percentage basis.

I believe that throughout the Nation the same law applies that is now being applied in our part of the country; and I believe if this extreme application is applied in areas outside the South, it will have a very wholesome and effective response from the parents.

There are certain amendments in the appropriation bill for the Department of Health, Education, and Welfare that will come before this body in one form or another, and perhaps there will be other amendments. In order to get the facts before Senators, I have prepared certain figures taken from official records in the Department of Health, Education, and Welfare that reflect the conditions that exist in this country outside the South. These figures are authentic. They have been computerized and in an open hearing, under my questioning, Mr. Finch stated that as far as he knows and believes they are substantially correct.

I have figures today from the State of Ohio, as they apply to this subject. I shall have other figures later.

Ohio is one of the 10 States outside the Southern and border States which, in the aggregate, have over 90 percent of the elementary and secondary Negro student

population. The overall total in the Northern and Western States is 2,834,083 Negro students. Ohio has a Negro student population of 287,440, but as the total elementary and secondary school population of Ohio, according to the HEW's 1968-69 school survey, is 2,400,296, the Negro student population amounts to only 11.9 percent of the total.

The white student population in Ohio is 2,093,321, or 87.5 percent of the total. The remaining negligible percentage of 0.6 percent consists of American Indians, Orientals, and Spanish-American students, so that for all practical purposes Ohio has 87.5 percent white and 11.9 percent black students in its schools.

Yet, according to official Health, Education, and Welfare IBM tabulations, there are 18 school districts in 18 cities in Ohio which have one or more schools with Negro student enrollments between 80 and 100 percent. To be more exact, there are 197 such Negro schools, in these 18 districts with an aggregate enrollment of 163,783, which is 65 percent of the total Negro student enrollment—252,641—in the public schools of these 18 cities. So, although the total Negro student population of Ohio is only 11.9 percent of the overall student population, 57 percent of the total Negro student enrollment in Ohio schools are attending schools that are 80 to 100 percent black. This percentage would be much higher if it were possible to show the total Negro student enrollments in all schools having a majority of black students, that is, where Negroes make up more than 50 percent of the total school enrollment, but the Health, Education, and Welfare IBM data available does not include cities or school districts where the minority enrollment is under 80 percent.

Actually, of these 197 predominantly Negro schools, there are 154 which are 90 to 100 percent Negro, of which 131 are 95 to 100 percent Negro, with 105 of them being 98 to 100 percent Negro.

The records show 65 of the 105 schools which are 98 to 100 percent black are in Cleveland alone.

Whenever the record reflects a high percentage of Negro student segregation, it also reflects a high percentage of white student segregation or isolation. For example, the Cleveland school district has a total elementary and secondary student enrollment of 156,054 in 180 schools; 87,241, or 55.9 percent of these students are Negroes; 66,324, or 42 percent, are white students. Of the 87,241 black students, 69,728, or 80 percent, are segregated in 68 schools which are 95 to 100 percent black; 70,048, or 86 percent, are segregated in 73 schools 90 to 100 percent black; and 79,221, or 89 percent, are segregated in 78 schools 80 to 100 percent black.

Now, let us look at the white student side of the picture. Of the 66,324 white students, 12,870 are in 25 schools 99 to 100 percent white; 24,176 are in schools 98 to 100 percent white; 40,775 are in 59 schools 95 to 100 percent white; and 49,491 are in 70 schools 90 to 100 percent white. In all of these 70 schools which were 90 to 100 percent white, there were only 497 Negro students, or about 1 percent of the total enrollment of these schools.

I make these comparisons without any reflection on the students of any group. What I am concerned about is the extreme application of rules that tend to destroy and deny all students the benefit of the community school and applying the principle only in one area of the country and virtually overlooking other areas of the country.

The computer run also reflects the number of Negro students attending majority white schools and the number of white students attending majority Negro schools. Of the total Negro student enrollment in Cleveland of 87,241, only 4,172, or 5.1 percent, attended majority white schools. Of the 66,324 white students which make up 42.5 percent of the enrollment in the Cleveland schools, only 4,056, or 6 percent, went to predominantly Negro schools.

Mr. President, we talk about the 15 long years that the South has dragged its feet. Those same 15 years have been running here in the State to which I very respectfully refer. There are segregated school conditions in areas of this State, as I have said, these are the official figures. I shall ask unanimous consent to put all the figures in the RECORD in just a few minutes. There are other cities.

Let us take perhaps a more typical city in Ohio, such as Columbus. In Columbus there are 168 schools with a total enrollment of 110,699, of which 81,655, or 73.8 percent, are white and 28,729, or 26 percent are Negroes, leaving a minimal percentage of other minority students. Here also you have a sharp polarization, or segregation, of the races. Of the 81,655 white students, 45,752, or well over 50 percent, are in 74 schools which are 98 to 100 percent white. There are only 127 black students in these 74 schools. There are 5,034 white and 137 black students in nine schools which are 95 to 98 percent white. There are 5,229 white and 413 black students in 10 schools that are 90 to 95 percent white. There are 6,722 white and 940 black students in nine schools that are 85 to 90 percent white. There are 3,390 white and 695 black students in five schools that are 80 to 85 percent white, and 11,369 white and 5,951 black students in 22 schools that are from 51 to 80 percent white. In all, 8,263 black students, or nearly 28 percent of the total Negro student enrollment, attend majority white schools. On the other hand, only 4,159, or 5 percent of the white students, attend majority black schools, and of the 20,466, or 72 percent of the Negro students which attend majority Negro schools, 16,341 are in schools that are 80 to 100 percent black; 11,684 are in schools that are 90 to 100 percent black; 7,211 are in schools that are 95 to 100 percent black; and 4,146 are in schools that are 99 to 100 percent black.

Whether you take Cleveland and Columbus, or Cincinnati, Toledo, Dayton, Akron, or any number of other cities or towns in Ohio where there are substantial concentrations of Negro students, you will find the same pattern.

I emphasize again that I am not talking against integration or to the discredit of any students, colored or white, I am talking about the fact that, as I understand the decision of 1954, Negro

students are entitled, as a matter of principle, to the right of association with those of the white race. That being true then there is a whole lot of denial of that right in this area. I call that to the

attention of Senators now and I shall do so again in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD the tables pertaining to the school popula-

tion in Ohio to which I have already referred.

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

OHIO STATE TOTAL

[Number of districts, 640; representing, 640; Number of schools, 4,222; representing, 4,222]

	American Indians	Negro	Oriental	Spanish American	Minority Total	Other	Total
Students.....	736	287,440	2,768	16,031	306,975	<sup>a</sup> 2,093,321	2,400,296
Representing.....	736	287,440	2,768	16,031	306,975	2,093,321	2,400,296
Teachers.....	15	5,516	90	109	5,730	86,683	92,353
Representing.....	15	5,516	90	109	5,730	86,683	92,353

<sup>1</sup> Following page numbers are synonymous to school districts.  
<sup>2</sup> 11.9 percent.  
<sup>3</sup> 87.5 percent.

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number.....	0	2,626	19	44	2,689	8,418	11,107	-----	1	23	0	0	24	421	445
Percent.....	.0	23.6	0.2	0.4	24.2	75.8	100.0	-----	0.2	5.2	0.0	0.0	5.4	94.6	300.0
Whittier (18).....	0	804	0	4	808	27	835	011111110000000 (96.8)	0	3	0	0	3	28	31
Garfield (8).....	0	286	0	0	286	134	420	011111110000000 (68.1)	0	2	0	0	2	16	18
South (3).....	0	416	0	8	424	683	1,107	000000001110000 (38.3)	0	6	0	0	6	50	56
Edison (5).....	0	121	0	7	128	244	372	011111110000000 (34.4)	0	1	0	0	1	12	13
Faurot (7).....	0	106	0	2	108	261	369	011111110000000 (29.3)	0	0	0	0	0	13	13
Central (2).....	0	178	1	2	181	513	694	000000001110000 (26.1)	0	2	0	0	2	28	30
Lowell (14).....	0	108	1	1	110	341	451	011111110000000 (24.4)	0	0	0	0	0	15	15
Lima (1).....	0	342	5	9	350	1,612	1,968	000000000001110 (18.1)	0	3	0	0	3	96	99
Emerson (5).....	0	65	0	0	65	309	374	011111110000000 (17.4)	0	0	0	0	0	13	13
Roosevelt (16).....	0	55	0	0	55	343	398	011111110000000 (13.8)	0	0	0	0	0	13	13
Jefferson (11).....	0	45	4	0	49	348	397	011111110000000 (12.3)	0	1	0	0	1	15	16
West (4).....	0	65	3	1	69	629	698	000000001110000 (9.9)	1	3	0	0	4	31	35
Horace Mann (9).....	0	12	0	9	21	567	588	011111110000000 (3.6)	0	0	0	0	0	17	17
Washington McKinley (15).....	0	15	1	1	17	611	628	011111110000000 (2.7)	0	0	0	0	0	20	20
Lincoln (12).....	0	6	2	0	8	430	438	011111110000000 (1.8)	0	1	0	0	1	12	13
Longfellow (13).....	0	2	0	0	2	186	188	011111110000000 (1.1)	0	1	0	0	1	6	7
Westwood (17).....	0	0	2	0	2	377	379	011111110000000 (0.5)	0	0	0	0	0	13	13
Irving (10).....	0	0	0	0	0	803	803	011111110000000 (0.0)	0	0	0	0	0	23	23

DISTRICT: HAMILTON. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: HAMILTON. COUNTY: 9 BUTLER.

Number.....	3	1,554	11	18	1,586	13,877	15,463	-----	1	17	2	1	21	587	608
Percent.....	0.0	10.0	0.1	0.1	10.3	89.7	100.0	-----	0.2	2.8	0.3	0.2	3.5	96.5	100.0
Harrison (12).....	0	673	0	2	675	143	818	011111110000000 (82.5)	1	9	1	0	11	21	32
Roosevelt (4).....	0	343	0	0	343	654	997	000000001111000 (34.4)	0	3	0	0	3	30	33
Jefferson (15).....	1	189	0	0	190	615	805	011111110000000 (23.6)	0	1	0	0	1	33	34
Garfield (1).....	0	217	0	1	218	1,270	1,488	000000000011110 (14.7)	0	1	0	1	2	67	69
Harding (3).....	0	44	2	2	48	944	992	000000001110000 (4.8)	0	3	0	0	3	40	43
Taft (2).....	0	61	0	0	61	1,395	1,456	000000000001110 (4.2)	0	0	0	0	0	66	66
Adams (7).....	2	6	2	2	12	647	659	011111110000000 (1.8)	0	0	0	0	0	26	26
Buchanan (8).....	0	8	0	0	8	472	480	011111110000000 (1.7)	0	0	0	0	0	16	16
Taylor (12).....	0	1	0	3	4	298	302	011111110000000 (1.3)	0	0	0	0	0	11	11
Monroe (19).....	0	0	3	1	4	359	363	011111110000000 (1.1)	0	0	0	0	0	13	13
McKinley (18).....	0	2	0	1	3	300	303	011111110000000 (1.0)	0	0	0	0	0	9	9
Pierce (20).....	0	5	0	0	5	557	562	011111110000000 (0.9)	0	0	0	0	0	21	21
Polk (21).....	0	2	0	0	2	255	257	011111110000000 (0.8)	0	0	0	0	0	9	9
Cleveland (9).....	0	0	4	0	4	658	662	011111110000000 (0.6)	0	0	0	0	0	23	23
Van Buren (23).....	0	3	0	0	3	522	525	011111110000000 (0.6)	0	0	0	0	0	18	18
Lincoln (16).....	0	0	0	4	4	857	861	011111110000000 (0.5)	0	0	0	0	0	30	30
Fillmore (10).....	0	0	0	1	1	688	689	011111110000000 (0.1)	0	0	1	0	1	27	28
Wilson (6).....	0	0	0	1	1	1,098	1,099	000000001110000 (0.1)	0	0	0	0	0	43	43

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: HAMILTON. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: HAMILTON. COUNTY: 9 BUTLER—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total		
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		American Indians	Negro	Oriental	Spanish- American	Minority total	Other			
Washington (5).....	0	0	0	0	0	543	543	00000001110000 (0.0)	0	0	0	0	0	0	24	24
Madison (17).....	0	0	0	0	0	643	643	011111110000000 (0.0)	0	0	0	0	0	0	25	25
Hayes (13).....	0	0	0	0	0	441	441	011111110000000 (0.0)	0	0	0	0	0	0	16	16
Grant (11).....	0	0	0	0	0	268	268	011111110000000 (0.0)	0	0	0	0	0	0	9	9
Jackson (14).....	0	0	0	0	0	250	250	011111000000000 (0.0)	0	0	0	0	0	0	10	10

DISTRICT: SPRINGFIELD. NUMBER OF SCHOOLS: 30. REPRESENTING: 30. CITY: SPRINGFIELD. COUNTY: 12 CLARK. ASSURANCE: 441

Students Percent	14 0.1	3,924 21.3	7 0	17 0.1	3,962 21.5	14,448 78.5	18,410 100.0		0	51 7.3	1 0.1	0	52 7.4	648 92.6	700 100.0
Fulton (13).....	0	+64	0	1	465	103	568	011111110000000 (81.9)	0	5	0	0	5	17	22
Keifer Junior High (6)...	0	358	2	0	360	188	548	00000001110000 (65.7)	0	3	0	0	3	22	25
Garfield (14).....	0	179	0	0	179	144	323	011111110000000 (55.4)	0	2	0	0	2	12	14
Frey (12).....	0	259	0	5	264	213	477	011111110000000 (55.3)	0	2	0	0	2	14	16
Highlands (16).....	0	402	0	4	406	341	747	011111110000000 (54.4)	0	2	0	0	2	23	25
Hayward (5).....	1	316	0	2	319	510	829	00000001110000 (38.5)	0	2	0	0	2	30	32
Springfield South (1)...	5	698	0	1	704	1,417	2,121	00000000011110 (33.2)	0	3	0	0	3	85	88
Lincoln (21).....	0	136	0	0	136	365	501	011111110000000 (27.1)	0	1	0	0	1	17	18
McGuffey (23).....	0	95	0	0	95	258	353	011111110000000 (26.9)	0	1	0	0	1	12	13
McKinley (24).....	0	76	0	1	77	263	340	011111110000000 (22.6)	0	2	0	0	2	11	13
Perrin Woods (25).....	0	143	1	0	144	552	696	011111110000000 (20.7)	0	2	0	0	2	20	22
Emerson (11).....	0	152	0	0	152	660	812	011111110000000 (18.7)	0	5	0	0	5	23	28
Elmwood (10).....	0	92	1	0	93	415	508	011111110000000 (18.3)	0	1	0	0	1	19	20
Jefferson (17).....	2	70	0	2	74	353	427	011111110000000 (17.3)	0	1	0	0	1	12	13
Grayhill (15).....	0	86	0	0	86	442	528	011111110000000 (16.3)	0	2	0	0	2	15	17
Clark (3).....	1	59	0	0	60	487	547	00000001110000 (11.0)	0	0	0	0	0	23	23
Washington (29).....	0	39	0	0	39	398	437	011111110000000 (8.9)	0	2	0	0	2	14	16
Roosevelt (7).....	0	80	0	0	80	841	921	00000001110000 (8.7)	0	2	0	0	2	32	34
Schaefer (8).....	4	56	1	0	61	765	826	00000001110000 (7.4)	0	0	1	0	1	30	31
Franklin (4).....	0	33	0	0	33	518	551	00000001110000 (5.0)	0	1	0	0	1	20	21
Springfield North (2)...	0	74	0	0	74	1,385	1,459	00000000001110 (5.1)	0	1	0	0	1	64	65
Kentucky (18).....	0	13	2	1	16	443	459	011111110000000 (3.5)	0	1	0	0	1	12	13
Lagonda (20).....	1	9	0	0	10	349	359	011111110000000 (2.8)	0	2	0	0	2	16	18
Bushnell (9).....	0	15	0	0	15	527	542	011111110000000 (2.8)	0	1	0	0	1	19	20
Snowhill (26).....	0	7	0	0	7	450	457	011111110000000 (1.5)	0	1	0	0	1	15	16
Snyder Park (27).....	0	3	0	0	3	273	281	011111110000000 (1.1)	0	2	0	0	2	11	13
Kenwood Heights (19)...	0	5	0	0	5	596	601	011111110000000 (0.8)	0	1	0	0	1	20	21
Warder Park (28).....	0	4	0	0	4	577	581	011111110000000 (0.7)	0	1	0	0	1	18	19
Mann (22).....	0	1	0	0	1	468	469	011111110000000 (0.2)	0	1	0	0	1	16	17
Wayne (30).....	0	0	0	0	0	142	142	011111110000000 (0.0)	0	1	0	0	1	6	7

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180 REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA

Number Percent	128 0.1	87,241 55.9	198 0.1	2,163 1.4	89,730 57.5	66,324 42.5	156,054 100.0		3 0.1	2,153 28.9	8 0.1	5 0.1	2,169 39.2	3,365 60.8	5,534 100.0
Washington Irving (167)....	0	985	0	0	985	0	985	111111110000001 (100.0)	0	23	0	0	23	9	32
Quincy (140).....	0	732	0	0	732	0	732	111111110000001 (100.0)	0	18	0	0	18	4	22
Columbia (66).....	0	686	0	0	686	0	686	011111110000001 (100.0)	0	21	0	0	21	4	25
Rawlings (37).....	0	1,456	0	0	1,456	0	1,456	00000001110000 (100.0)	0	35	0	0	35	19	54
Kennard (35).....	1	824	0	0	825	0	825	00000001110000 (100.0)	0	25	0	0	25	7	32
Mary B. Martin (119).....	0	791	0	0	791	0	791	111111110000001 (100.0)	0	23	0	0	23	6	29

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA.—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Rutherford B. Hayes (96)...	0	749	0	0	749	0	749	111111110000001 (100.0)	0	25	0	0	25	3	28
Louis Pasteur (137)....	0	830	0	0	830	0	830	111111110000001 (100.0)	0	25	0	0	25	5	30
Patrick Henry (30).....	0	2,032	2	1	2,035	0	2,035	00000001110000 (100.0)	0	49	0	0	49	32	81
Miles Standish (153)....	0	1,113	1	1	1,115	0	1,115	011111110000000 (100.0)	0	23	0	0	23	15	38
Harry B. Davis (28)....	1	1,637	1	1	1,640	0	1,640	00000001010000 (100.0)	0	58	0	0	58	0	58
Edward M. Williams (173)	0	339	0	0	339	0	339	011111110000001 (100.0)	0	7	0	0	7	3	10
Anton Cedina (91).....	0	1,210	0	0	1,210	0	1,210	111111110000001 (100.0)	0	36	0	0	36	4	40
Rosedale (147).....	0	1,030	0	0	1,030	0	1,030	111110000000001 (100.0)	0	24	0	0	24	7	31
Charles N. Chesnutt (63).....	0	931	0	0	931	0	931	111111110000000 (100.0)	0	27	0	0	27	2	29
Wade Park (161).....	0	1,148	0	3	1,151	0	1,151	111111110000000 (100.0)	0	31	0	0	31	1	32
Joseph F. Landis (111)	0	898	0	0	898	0	898	011111110000001 (100.0)	0	22	0	0	22	6	28
Mary M. Bethune (50)...	0	710	0	0	710	0	710	000001110000000 (100.0)	0	19	0	0	19	6	25
Alfred A. Benesch (49)...	0	670	0	0	670	0	670	111111110000001 (100.0)	0	18	0	0	18	3	21
Dunham (77).....	0	1,183	0	0	1,183	0	1,183	111111110000001 (100.0)	0	25	0	0	25	11	36
Clara Tagg Brewer (54)...	0	432	0	0	432	0	432	011111110000000 (100.0)	0	7	0	0	7	5	12
Dike (74).....	0	258	0	0	258	0	258	011111110000001 (100.0)	0	9	0	0	9	0	9
Crispus Attucks (89)....	4	872	1	2	877	0	877	111111110000001 (100.0)	0	20	0	0	20	4	24
Hazeldell (97).....	0	1,076	2	0	1,078	1	1,079	011111110000001 (99.9)	0	27	0	0	27	11	38
Andrew J. Rickoff (144)	0	1,019	0	0	1,019	1	1,020	011111110000000 (99.9)	0	27	0	0	27	4	31
Mount Pleasant (131)...	0	964	0	0	964	1	965	111111110000001 (99.9)	0	24	0	0	24	6	30
Iowa Maple (103).....	0	903	0	0	903	1	904	011111110000000 (99.9)	0	19	0	0	19	15	34
Lafayette (108).....	0	857	0	0	857	1	858	011111110000001 (99.9)	0	21	0	0	21	7	28
Glenville (8).....	0	3,399	0	0	3,399	4	3,403	000000000001110 (99.9)	0	54	0	0	54	78	132
John Burroughs (58)....	0	831	0	0	831	1	832	111111110000001 (99.9)	0	27	0	0	27	3	30
Chesterfield (62).....	0	819	0	0	819	1	820	011111110000000 (99.9)	0	17	0	0	17	13	30
Franklin D. Roosevelt (38).....	0	1,567	0	0	1,567	2	1,569	00000001110000 (99.9)	0	38	0	0	38	20	58
Parkwood (136).....	0	772	0	0	772	1	773	011111110000000 (99.9)	0	21	0	0	21	3	24
Oliver N. Holmes (100)...	0	1,089	0	0	1,089	2	1,091	011111110000000 (99.8)	0	30	0	0	30	8	38
Bolton (51).....	0	1,039	0	0	1,039	2	1,041	111111110000000 (99.8)	0	21	1	0	22	9	31
Charles H. Lake (110)...	0	989	0	0	989	2	991	111111110000000 (99.8)	0	25	0	0	25	7	32
John N. Faper (141)....	0	946	0	0	946	2	948	011111110000001 (99.8)	0	22	0	0	22	6	28
Stephen E. Howe (102)...	0	759	0	0	759	2	761	111111110000000 (99.7)	0	16	0	0	16	8	24
Hough (101).....	0	730	0	0	730	2	732	111111110000001 (99.7)	0	21	0	0	21	3	24
East Technical (6).....	0	2,546	0	1	2,547	7	2,554	00000000001110 (99.7)	0	65	1	1	67	44	111
Corlett (67).....	0	1,052	0	4	1,056	3	1,059	011111110000001 (99.7)	0	20	1	0	21	11	32
Daniel E. Morgan (126)...	0	962	0	0	962	3	965	111111110000001 (99.7)	0	23	0	0	23	9	32
Forest Hill Parkway (176).....	0	853	0	0	853	3	856	011111110000001 (99.6)	0	15	0	0	15	8	23
Longwood (116).....	0	502	0	0	502	2	504	111111110000000 (99.6)	0	15	0	0	15	1	16
Woodridge (177).....	0	412	0	0	412	2	414	111111110000001 (99.5)	0	15	0	0	15	0	15
Capt. Arthur Roth (148)...	0	1,171	0	0	1,171	6	1,177	011111110000001 (99.5)	0	24	0	0	24	15	39
Observation (133).....	1	398	0	0	399	2	391	011111110000001 (99.5)	0	10	0	0	10	2	12
Rubert Fulton (85).....	0	776	0	0	776	4	780	011111110000001 (99.5)	0	18	0	0	18	4	22
John F. Kennedy (11)...	1	2,629	0	1	2,631	14	2,645	00000000001110 (99.5)	0	43	0	0	43	67	110
Addison (19).....	0	2,158	3	0	2,161	12	2,173	00000001110000 (99.4)	0	60	0	0	60	21	81
Adlai Stevenson (155)...	0	663	0	0	663	4	667	011111110000000 (99.4)	0	12	0	0	12	7	19
Charles N. Eliot (25)....	0	1,315	0	0	1,315	8	1,323	00000001110000 (99.4)	0	21	0	0	21	26	47
Doan (75).....	0	560	0	0	560	4	546	111111110000001 (99.3)	0	23	0	0	23	5	28

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA —Continued

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Alexander Hamilton (28).....	0	1,451	0	0	1,451	12	1,463	000000001110000 (99.2)	0	29	0	0	29	26	55
John D. Rockefeller (146).....	0	932	0	8	940	8	948	111111110000000 (99.2)	0	21	0	0	21	6	27
Emile B. Desauze (72).....	0	314	0	0	314	3	317	011111110000001 (99.1)	0	10	0	0	10	2	12
John Hay Night (3).....	0	1,215	0	2	1,217	12	1,229	000000000000001 (99.0)	0	31	0	0	31	31	62
Charles Dickens (73).....	0	866	2	5	873	10	883	011111110000001 (98.9)	0	21	0	0	21	8	29
Margaret Ireland (104).....	0	677	0	9	686	9	695	111111110000000 (98.7)	0	21	0	0	21	6	27
Charles Orr (135).....	0	448	0	0	448	6	454	111111110000001 (98.7)	0	11	0	0	11	2	13
Thomas Edison (7).....	0	687	0	0	687	10	697	000000001111110 (98.6)	0	31	0	0	31	16	47
Central (22).....	3	1,159	0	10	1,172	18	1,190	000000001110000 (98.5)	0	22	0	0	22	24	46
Moses Cleveland (65).....	0	1,162	0	5	1,167	18	1,185	011111110000000 (98.5)	0	26	0	0	26	9	35
Lulu Diehl (24).....	0	647	0	0	647	11	658	000000001110000 (98.3)	0	17	0	0	17	10	27
Beehive (47).....	0	978	0	0	978	18	996	011111110000001 (98.2)	0	18	0	0	18	14	32
John Hay (9).....	0	1,894	1	6	1,901	39	1,940	000000000011110 (98.0)	0	28	0	0	28	45	73
Robert H. Jamison (33).....	0	1,297	0	1	1,298	40	1,338	000000001110000 (97.0)	0	22	0	0	22	24	46
Gracemount (90).....	0	739	0	0	739	37	776	011111110000001 (95.2)	0	13	0	0	13	11	24
East (5).....	0	1,726	16	14	1,756	96	1,852	000000000011110 (94.8)	0	29	0	0	29	43	72
Marion (118).....	8	398	0	32	436	30	466	011111110000000 (93.6)	0	17	0	0	17	4	21
Empire (26).....	0	842	1	5	848	70	918	000000101110000 (92.4)	0	24	0	0	24	14	38
Nathan Hale (27).....	0	1,054	0	0	1,054	107	1,161	000000001110000 (90.8)	0	22	1	0	23	20	43
aul Revere (142).....	0	1,300	0	0	1,300	134	1,434	011111110000000 (90.7)	0	34	0	0	34	12	46
Houlevard (52).....	0	616	0	0	616	79	695	011111110000000 (88.6)	0	14	0	0	14	5	19
John Adams (1).....	0	2,153	0	1	2,154	361	2,515	000000000011110 (85.6)	0	23	0	0	23	83	106
Sterling (154).....	7	374	0	24	405	68	473	111111110000001 (85.6)	0	7	0	0	7	8	15
Woodland (175).....	0	516	0	0	516	101	617	111111110000000 (83.6)	0	12	0	0	12	4	16
Cranwood (68).....	0	514	0	0	514	109	623	011111110000001 (82.5)	0	7	1	0	8	8	16
Audubon (20).....	0	966	0	0	966	378	1,344	000000001110000 (71.9)	0	20	0	0	20	28	48
Wilson (42).....	0	562	4	12	578	240	818	000000001110000 (70.7)	0	16	0	0	16	21	37
Mount Auburn (130).....	0	268	0	2	270	132	402	011111110000000 (67.2)	0	5	0	0	5	8	13
East Madison (80).....	1	281	0	21	303	206	509	111111110000000 (59.5)	0		0	0	13	6	19
Harvey Rice (143).....	0	304	0	0	304	219	523	011111110000001 (58.1)	0	6	0	0	6	15	21
Brooklawn (56).....	0	189	1	0	190	141	331	011100000000000 (57.4)	0	1	0	0	1	7	8
Jane Adams (2).....	3	428	3	25	459	382	841	000000000011111 (54.6)	0	5	0	0	5	42	47
Miles (124).....	0	391	0	4	395	368	763	011111110000000 (51.8)	0	11	0	0	11	16	27
Standard (152).....	0	241	0	8	249	245	494	111111110000000 (50.4)	0	10	0	0	10	7	17
Woodlands Hills (176).....	0	234	3	1	238	235	473	011111110000001 (50.3)	0	6	0	0	6	8	14
Suwinski (151).....	0	531	6	0	537	543	1,080	011111110000000 (49.7)	0	24	0	0	24	8	32
Anthony Wayne (171).....	0	223	3	7	233	262	495	011111110000000 (47.1)	0	5	0	0	5	12	17
Alexander Graham Bell (179).....	0	79	0	3	82	100	182	111111110000000 (45.1)	0	11	0	0	11	14	25
Hicks (98).....	0	115	0	94	209	244	464	111111110000000 (45.0)	0	3	0	0	0	13	16
East Clark (78).....	0	478	2	3	483	630	1,113	011111110000001 (43.4)	0	5	0	0	5	23	28
Henry N. Longfellow (114).....	0	174	0	1	175	234	409	011111110000001 (42.8)	0	5	0	0	5	10	15
William H. McGuffey (120).....	3	62	2	33	100	147	247	011110000000000 (40.5)	0	0	0	0	0	7	7
Hodge (99).....	7	224	3	17	251	440	691	011111110000000 (36.3)	0	7	0	0	7	15	22
Sunbeam (180).....	0	70	0	6	76	138	214	011111111100000 (35.5)	1	1	0	0	2	15	17
Max S. Hayes (10).....	1	269	0	12	282	526	808	000000000011110 (34.9)	1	2	0	0	3	41	44
Scranton (150).....	0	1	0	124	125	379	504	111111110000000 (24.8)	0	3	0	0	3	10	13
Waring (164).....	2	17	18	41	78	242	320	011111110000001 (24.4)	0	6	0	0	6	5	11
Collinwood (4).....	3	776	13	8	800	2,492	3,292	000000001111110 (24.3)	0	11	1	1	13	116	129

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA—Continued

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Longmead (115).....	0	140	2	8	150	477	627	11111110000000 (23.9)	0	0	0	0	0	18	18
Paul L. Dunbar (76)...	4	1	0	123	128	451	579	11111111000000 (22.1)	0	2	0	0	2	15	17
Tremont (157).....	11	194	0	96	301	1,132	1,433	11111111000000 (21.0)	0	6	0	0	6	48	54
Mill (127).....	0	0	0	81	81	310	391	01111111000001 (20.7)	0	1	0	0	1	10	11
W. Dean Howells (32)...	7	65	2	123	197	829	1,026	00000001110000 (19.2)	0	4	0	0	4	37	41
Carl F. Shuler (39).....	6	143	5	8	162	1,026	1,188	00000001110000 (13.6)	0	1	0	0	1	46	47
Kentucky (107).....	5	53	2	63	123	805	928	11111111000001 (13.3)	0	5	0	0	5	24	29
Willow (174).....	1	25	0	23	49	358	407	01111111000001 (12.0)	0	6	0	0	6	7	13
Orchard (134).....	2	19	0	107	128	1,005	1,133	01111111000000 (11.3)	0	3	0	0	3	29	32
Lincoln (12).....	5	54	4	169	232	2,116	2,348	00000001111110 (9.9)	0	3	0	0	3	91	94
West Technical Branch night (18).....	2	14	6	75	97	1,083	1,180	00000000000011 (8.2)	0	0	0	0	0	46	46
Barkwill (46).....	0	6	0	32	38	434	472	01111111000001 (8.1)	0	6	0	0	6	8	14
Waverly (170).....	1	0	0	68	69	843	912	01111111000001 (7.6)	0	2	0	0	2	23	25
Myron T. Herrick (31)...	0	34	1	17	52	648	700	00000001110000 (7.4)	0	6	0	0	6	25	31
Buhrer (59).....	1	0	0	34	35	437	472	01111111000000 (7.4)	0	1	0	0	1	12	13
West (16).....	8	24	6	110	148	2,061	2,209	00000001111110 (6.7)	0	3	1	2	6	89	95
Nathaniel Hawthorne (95).....	1	38	1	8	48	676	724	01111111000001 (6.6)	0	0	0	0	0	24	24
Case (61).....	0	16	1	6	23	329	352	01111111000001 (6.5)	0	6	0	0	6	5	11
William H. Brett (53)...	0	24	2	5	31	444	475	01111111000001 (6.5)	0	2	0	0	2	12	14
Walton (162).....	0	0	0	31	31	458	489	01111111000000 (6.3)	0	0	0	0	0	14	14
Miles park (125).....	0	25	0	0	25	485	510	01111111000000 (4.9)	0	3	0	0	3	12	15
Louisa M. Alcott (44)...	3	0	5	0	8	156	164	01110000000000 (4.9)	0	0	0	0	0	4	4
John Marshall (13).....	1	110	10	14	135	2,689	2,824	00000000011110 (4.8)	0	3	0	0	3	117	120
East Dension (79).....	0	0	5	18	23	503	526	01111111000000 (4.4)	0	0	0	0	0	13	13
Sackett (149).....	0	10	0	26	36	797	833	01111111000000 (4.3)	0	1	0	0	1	29	30
Lawn (113).....	0	0	1	24	25	613	638	01111111000001 (3.9)	0	0	0	0	0	19	19
Clark (64).....	0	0	0	21	21	552	573	01111111000001 (3.7)	0	0	0	0	0	17	17
A. B. Hart 29).....	0	35	1	2	38	1,039	1,077	00000001110000 (3.5)	0	4	0	0	4	40	44
Memorial (122).....	0	16	0	1	17	468	485	01111111000001 (3.5)	0	1	0	0	1	17	18
Landon (112).....	10	2	3	4	19	527	546	01111111000001 (3.5)	0	0	0	0	0	15	15
West Technical (17)....	2	14	5	84	105	3,160	3,265	00000000011110 (3.2)	0	3	0	0	3	140	143
Union (159).....	2	0	0	11	13	397	410	01111111000000 (3.2)	1	6	0	0	7	5	12
Louis Agassiz (43).....	1	12	1	1	15	517	532	01111111000000 (2.8)	0	0	0	0	0	15	15
Thomas Jefferson (34)...	1	2	2	34	39	1,442	1,481	00000001110000 (2.6)	0	3	0	1	4	49	53
TOD (156).....	0	0	0	6	6	224	230	01111111000000 (2.6)	0	2	0	0	2	5	7
Wilbur Wright (41)....	7	10	6	9	32	1,359	1,391	00000001110000 (2.3)	0	0	0	0	0	48	48
Mckinley (121).....	0	2	1	9	12	543	555	01111111000001 (2.2)	0	0	0	0	0	19	19
Artemus Ward (163)...	0	1	0	11	12	544	556	01111111000001 (2.2)	0	0	0	0	0	16	16
Gordon (89).....	0	0	0	10	10	481	491	01111111000000 (2.0)	0	0	0	0	0	14	14
Almira (45).....	1	3	2	11	17	818	835	01111111000001 (2.0)	0	2	0	0	2	21	23
Denison (71).....	0	0	0	14	14	683	697	01111111000001 (2.0)	0	0	0	0	0	20	20
Puritas (139).....	0	9	1	2	12	694	706	01111111000000 (1.7)	0	0	0	0	0	21	21
Willard (172).....	0	1	6	7	14	848	862	01111111000001 (1.6)	0	0	0	0	0	26	26
Fruitland (83).....	0	0	0	5	5	208	313	01111111000000 (1.6)	0	0	0	0	0	9	9
George Washington (166).....	0	0	6	0	6	371	377	01111111000001 (1.6)	0	0	0	0	0	14	14
Gilbert (88).....	0	0	0	11	11	727	738	01111111000000 (1.5)	0	1	0	0	1	20	21
Milford (126).....	0	0	0	12	12	797	809	01111111000000 (1.5)	0	0	0	0	0	22	22
Washington Park (168)...	0	0	3	0	3	222	225	01111111000000 (1.3)	0	0	0	0	0	0	0

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		American Indians	Negro	Oriental	Spanish- American	Minority total	Other		
South (15).....	0	10	0	12	22	1,664	1,686	00000000001110 (1.3)	0	3	0	0	3	64	67
Riverside (145).....	0	1	3	3	7	532	539	011111110000001 (1.3)	0	0	0	0	0	20	20
Warner (165).....	0	0	2	5	7	534	541	011111110000000 (1.3)	0	0	0	0	0	14	14
Charles A. Mooney (36).....	0	1	4	14	19	1,458	1,477	000000001110000 (1.3)	0	2	1	0	3	51	54
Murray Hill (132).....	0	2	1	0	3	235	238	011111111000001 (1.3)	0	1	0	0	1	12	13
Verda Brobst (55).....	3	2	0	4	9	768	777	011111110000000 (1.2)	0	0	0	0	0	21	21
Benjamin Franklin (82).....	0	1	0	11	12	1,103	1,115	011111110000000 (1.1)	0	0	0	0	0	31	31
Newton D. Baker (21).....	0	5	2	0	7	665	672	000000001110000 (1.0)	0	2	0	0	2	27	29
Halle (92).....	0	3	0	4	7	699	706	011111110000000 (1.0)	0	0	0	0	0	20	20
W. Cullen Bryant (57).....	0	0	0	4	4	406	410	011111110000001 (1.0)	0	0	0	0	0	12	12
Dawning (70).....	0	0	1	2	3	324	327	011111110000000 (0.9)	0	0	0	0	0	10	10
Harvard (94).....	0	0	0	3	3	379	382	011111110000000 (0.8)	0	3	0	0	3	0	12
Paul Bellamy (48).....	0	1	0	0	1	153	154	011111110000000 (0.6)	0	0	0	0	0	5	5
Garfield (86).....	0	0	0	3	3	471	474	011111110000000 (0.6)	0	0	0	0	0	13	13
Tom L. Johnson (105).....	0	1	1	0	2	327	329	011111110000000 (0.6)	0	0	0	0	0	9	9
George N. Carner (50).....	0	0	0	4	4	713	717	111111110000001 (0.6)	0	18	0	0	18	4	22
Memphis (123).....	1	0	0	2	3	597	600	011111110000001 (0.5)	0	0	0	0	0	20	20
Valleyview (180).....	0	0	2	0	2	434	436	011111110000000 (0.5)	0	1	0	0	1	11	12
James Ford Rhodes (14).....	0	4	3	0	7	1,649	1,656	000000000001110 (0.4)	0	1	0	0	1	71	72
Oliver Hazard Perry (138).....	0	1	0	0	1	269	270	011111111000000 (0.4)	0	0	0	0	0	16	16
Clara E. Westropp (40).....	0	3	0	0	3	840	843	000000001110000 (0.4)	0	2	0	0	2	31	33
Douglas MacArthur (117).....	0	0	1	0	1	342	343	011111110000000 (0.3)	0	0	0	0	0	11	11
Euclid Park (81).....	0	0	0	0	0	494	494	011111110000000 (0.0)	0	0	0	0	0	14	14
Fullerton (84).....	0	0	0	0	0	478	478	011111110000000 (0.0)	0	1	0	0	1	13	14
Lake (109).....	0	0	0	0	0	132	132	001100000000000 (0.0)	0	0	0	0	0	4	4
Robinson G. Jones (106).....	0	0	0	0	0	601	601	011111110000001 (0.0)	0	1	0	0	1	15	16
Mark Twain (158).....	0	0	0	0	0	213	213	011100000000000 (0)	0	0	0	0	0	6	6
Mound (129).....	0	0	0	0	0	463	463	011111110000000 (0)	0	2	0	0	2	10	12
Hannah Gibbons (87).....	0	0	0	0	0	301	301	011111110000001 (0)	0	0	0	0	0	9	9
William Rainey Harper (93).....	0	0	0	0	0	359	359	011111110000001 (0)	0	0	0	0	0	11	11
Watterson (169).....	0	0	0	0	0	395	395	010111110000000 (0)	0	0	0	0	0	12	12

DISTRICT: SHAKER HEIGHTS. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: SHAKER HEIGHTS. COUNTY: 18 CUYAHOGA

Number.....	0	1,698	10	0	1,708	6,165	7,873	.....	1	9	0	2	12	361	373
Percents.....	0.0	21.6	0.1	0.0	21.7	78.3	100.0	.....	0.3	2.4	0.0	0.5	3.2	96.8	100.0
Moreland (10).....	0	499	0	0	499	63	562	011111110000000 (88.8)	0	2	0	0	2	22	24
Ludlow (7).....	0	181	8	0	189	138	327	011111110000000 (57.8)	0	1	0	0	1	12	13
Woodbury (3).....	0	348	0	0	348	578	926	000000001110000 (37.6)	0	1	0	0	1	56	57
Lomono (6).....	0	166	0	0	166	456	622	011111110000000 (26.7)	0	1	0	0	1	23	24
Shaker Heights (1).....	0	338	1	0	339	1,543	1,882	000000000001110 (18.0)	0	1	0	2	3	90	93
Sussex (12).....	0	37	1	0	38	343	381	011111110000000 (10.0)	0	1	0	0	1	16	17
Byron (2).....	0	91	0	0	91	923	1,014	000000001110000 (9.0)	0	0	0	0	0	56	56
Onaway (11).....	0	18	0	0	18	371	389	011111110000000 (4.6)	0	1	0	0	1	14	15
Boulevard (4).....	0	8	0	0	3	351	359	011111110000000 (2.2)	0	1	0	0	1	14	15
Fernway (5).....	0	6	0	0	6	358	364	011111110000000 (1.6)	0	0	0	0	0	16	16
Merger (9).....	0	6	0	0	6	611	617	011111110000000 (1.0)	0	0	0	0	0	26	26
Malvern (8).....	0	0	0	0	0	430	430	011111110000000 (0.0)	1	0	0	0	1	16	17

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued  
 DISTRICT: EAST CLEVELAND. NUMBER OF SCHOOLS: 9. REPRESENTING: 9. CITY: EAST CLEVELAND. COUNTY: 18 CUYAHOGA

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Number.....	0	5,200	11	8	5,219	2,177	7,396		0	46	0	0	46	297	343
Percent.....	0.0	70.3	0.1	0.1	70.6	29.4	100.0		0.0	13.4	0.0	0.0	13.4	86.6	100.0
Rozelle (6).....	0	643	0	0	643	6	649	011111110000001 (99.1)	0	9	0	0	9	19	28
Mayfair (4).....	0	731	0	0	731	55	786	011111110000000 (93.0)	0	2	0	0	2	28	30
Chambers (3).....	0	829	0	0	829	97	926	011111110000000 (89.5)	0	6	0	0	6	30	36
Superior (7).....	0	485	3	4	492	114	606	011111110000000 (81.2)	0	4	0	0	4	22	26
W. H. Kirk (5).....	0	893	0	4	897	257	1,154	000000001100001 (77.7)	0	14	0	0	14	51	65
Shaw (1).....	0	1,105	0	0	1,105	768	1,873	000000000111110 (59.0)	0	9	0	0	9	83	92
Prospect (5).....	0	505	5	0	510	443	953	011111110000000 (53.5)	0	2	0	0	2	36	38
Noble (9).....	0	5	0	0	5	83	88	111110110000001 (5.7)	0	0	0	0	0	10	10
Caledonia (2).....	0	4	3	0	7	354	361	011111110000000 (1.9)	0	0	0	0	0	18	18

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Number.....	19	28,729	205	91	29,044	81,655	110,699		1	504	6	3	514	3,549	4,063
Percent.....	0	26.0	0.2	0.1	26.2	73.8	100.0		0	12.4	0.1	0.1	12.7	87.3	100.0
Felton (79).....	0	498	0	0	498	0	498	111111110000000 (100.0)	0	10	0	0	10	17	27
Pilgrim (131).....	0	392	0	0	392	0	392	011111110000001 (100.0)	0	13	0	0	13	2	15
Monroe (31).....	0	570	0	0	570	1	571	000000001110000 (99.8)	1	11	0	0	12	19	31
Lexington (105).....	0	302	0	0	302	1	303	011111110000000 (99.7)	0	5	0	0	5	7	12
Eastgate (78).....	0	447	0	0	447	3	450	011111110000000 (99.3)	0	5	0	0	5	11	16
Champion (18).....	0	664	0	0	664	5	669	00000000110001 (99.3)	0	25	0	0	25	9	34
East (4).....	0	1,280	0	0	1,280	13	1,293	000000000011110 (99.0)	0	19	0	1	20	42	62
Trevitt (148).....	0	277	0	0	277	3	280	101111110000000 (98.9)	0	6	0	0	6	9	15
Maryland Park (113).....	0	241	0	0	241	3	244	011111110000000 (98.8)	0	6	0	0	6	3	9
Beatty Park (46).....	0	471	0	0	471	6	477	111111110000000 (98.7)	0	9	0	0	9	6	15
Lastwood (74).....	0	246	0	0	246	6	252	011111110000000 (97.6)	0	7	0	0	7	4	11
Garfield (86).....	0	448	0	0	448	13	461	111111110000000 (97.2)	0	14	0	0	14	4	18
Fair Avenue (76).....	0	682	0	0	682	25	707	111111110000000 (96.5)	0	14	0	0	14	17	31
Fairwood (78).....	0	704	0	0	704	37	741	011111110000000 (95.0)	0	7	0	0	7	17	24
Shepard (140).....	0	316	0	0	316	18	334	011111110000000 (94.6)	0	5	0	0	5	7	12
Franklin (24).....	0	796	0	0	796	50	846	000000001110000 (94.1)	0	15	1	1	17	22	39
Windsor (158).....	0	804	0	0	804	54	858	111111110000000 (93.7)	0	11	0	0	11	20	31
Gladstone (88).....	0	472	0	1	473	39	512	011111110000000 (92.4)	0	5	0	0	5	11	16
Milo (118).....	0	551	0	0	551	50	601	111111110000000 (91.7)	0	10	0	0	10	16	26
Main Street (110).....	0	652	0	0	652	60	712	111111110000000 (91.6)	0	10	0	0	10	12	22
Hamilton Avenue (90).....	0	878	0	0	878	94	972	011111110000000 (90.3)	0	7	0	0	7	29	36
Ohio Avenue (126).....	0	860	0	0	860	99	959	111111110000000 (89.7)	0	19	0	0	19	17	36
Linmoor (28).....	0	1,108	0	0	1,108	141	1,249	000000001110000 (88.7)	0	11	0	0	11	36	47
11th Avenue (75).....	0	624	0	2	626	80	706	111111110000000 (88.7)	0	7	0	0	7	17	24
Brentnell (52).....	0	560	0	0	560	83	643	011111110000000 (87.1)	0	7	0	0	7	13	20
Ciarfield (58).....	0	588	2	1	591	94	685	011111110000000 (86.3)	0	3	0	0	3	20	23
6th Avenue (142).....	0	211	0	0	211	37	248	011100000000000 (85.1)	0	3	0	0	3	7	10
Kent (100).....	0	574	0	0	574	122	696	011111110000000 (82.5)	0	7	0	0	7	17	24
Clearbrook (59).....	0	125	0	0	125	28	153	001111000000000 (81.7)	0	6	0	0	6	1	7
Watkins (152).....	0	341	0	0	341	113	454	011111110000001 (75.11)	0	3	0	0	3	11	14
Highland (98).....	0	600	6	2	608	225	833	011111110000000 (73.0)	0	6	0	0	6	21	27
Alum Crest (42).....	0	267	4	4	275	122	397	011111110000000 (69.3)	0	5	0	0	5	7	12
Sullivant (147).....	0	299	0	0	299	209	508	011111110000000 (58.9)	0	11	0	0	11	7	18
Mohawk (8).....	0	767	0	0	767	563	1,330	000000001111110 (57.7)	0	11	0	0	11	48	59
Roosevelt (33).....	0	481	0	1	482	385	867	000000001110000 (55.6)	0	4	0	0	4	31	35

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Livingston Avenue (109)	0	551	1	1	553	445	998	111111110000000 (55.4)	0	6	0	0	6	25	31
Hudson (95)	0	182	0	0	182	153	335	011111000000000 (54.3)	0	2	0	0	2	8	10
Beery (16)	1	433	1	0	435	366	801	00000001110000 (54.3)	0	3	0	0	3	29	32
Duxberry Park (70)	0	204	0	0	204	201	405	011111110000000 (50.4)	0	2	0	0	2	10	12
East Columbus (72)	0	287	0	0	287	290	577	011111110000001 (49.7)	0	2	0	0	2	17	19
Linden McKinley (6)	0	906	1	0	907	928	1,835	000000000011110 (49.4)	0	5	0	0	5	72	77
Fairfax (165)	0	23	0	0	23	30	53	000111111111100 (43.4)	0	3	0	0	3	8	11
Fulton (85)	0	124	0	0	124	173	297	011111110000001 (41.8)	0	5	0	0	5	8	13
First Avenue (61)	0	131	0	0	131	190	321	011111110000000 (40.8)	0	1	0	0	1	10	11
Chicago Avenue (57)	0	210	3	0	213	309	522	011111110000000 (40.8)	0	2	0	0	2	19	21
Deshler (87)	0	359	0	4	363	555	918	011111110000000 (39.5)	0	2	0	0	2	23	25
Columbus Evening (3)	0	434	8	6	448	774	1,222	000000000111111 (36.7)	0	7	0	0	7	55	62
Indianola (26)	0	348	1	0	349	612	961	000000001110000 (36.3)	0	3	0	0	3	33	36
Weinland Park (153)	0	237	2	2	241	462	703	111111110000000 (34.3)	0	2	0	0	2	25	27
Eastmoor (22)	0	284	4	1	289	561	850	000000001110000 (34.0)	0	3	0	0	3	29	32
Lincoln Park (106)	0	241	0	2	243	472	715	111111110000000 (34.0)	0	10	0	0	10	18	28
Southmoor (40)	0	210	0	0	210	417	627	000000001110000 (33.5)	0	2	0	0	2	21	23
South (11)	0	529	0	0	529	1,143	1,672	000000000011110 (31.6)	0	1	0	0	1	68	69
Central (2)	0	449	3	0	452	990	1,442	000000000111110 (31.3)	0	8	0	0	8	69	77
Second Avenue (137)	0	172	0	0	172	393	565	111111110000000 (30.4)	0	3	0	0	3	23	26
Heimandale (91)	0	122	0	0	122	285	407	011111110000000 (30.0)	0	7	0	0	7	7	14
Third Street (168)	0	38	0	0	38	98	136	000000000111110 (27.9)	0	3	0	0	3	6	9
Franklinton (84)	0	93	0	0	93	247	340	011111110000000 (27.4)	0	3	0	0	3	13	16
Everett (23)	0	252	1	1	254	743	997	000000001110000 (25.5)	0	3	1	0	4	37	41
Marion Franklin (7)	2	270	0	2	274	881	1,155	000000000011110 (23.7)	0	4	0	0	4	50	54
Hilltonia (25)	0	232	0	0	232	773	1,005	000000001110000 (23.1)	0	2	0	0	2	34	36
Starling (35)	0	196	0	0	196	833	1,029	000000001110000 (19.0)	0	4	0	0	4	36	40
Reeb Avenue (133)	4	120	4	0	128	578	706	111111110000000 (18.1)	0	3	0	0	3	27	30
West Mound (155)	0	125	0	0	125	574	699	011111110000000 (17.9)	0	1	0	0	1	21	22
Neil Avenue (167)	0	20	1	0	21	110	131	001111110000000 (16.0)	0	0	0	0	0	12	12
Eastmoor (5)	0	234	5	0	239	1,281	1,520	000000000011110 (15.7)	0	1	1	0	2	57	59
Burroughs (54)	0	127	0	2	129	740	869	011111110000000 (14.8)	0	0	0	0	0	28	28
Douglas (69)	0	78	0	0	78	478	556	111111110000000 (14.0)	0	9	0	0	9	16	25
West (13)	1	277	1	5	284	1,778	2,062	000000000011110 (13.8)	0	2	0	1	3	78	81
McGuffey (29)	0	98	0	0	98	639	737	000000001110000 (13.1)	0	4	0	0	4	24	28
Beck Street (48)	0	68	0	0	68	508	576	111111110000000 (11.8)	0	1	0	0	1	19	20
Wayne (163)	0	28	0	0	28	212	240	011111110000000 (11.7)	0	2	0	0	2	6	8
Heyl Avenue (92)	0	79	0	0	79	620	699	011111110000000 (11.3)	0	1	0	0	1	23	24
Koebel (103)	0	54	0	0	54	453	507	011111110000000 (10.7)	0	3	0	0	3	13	16
North (9)	0	131	11	3	145	1,271	1,416	000000000011110 (10.2)	0	2	0	0	2	55	57
Alexander Graham Bell (166)	0	11	1	0	12	111	123	111111110000000 (9.8)	0	0	0	0	0	16	16
Thurber (128)	0	18	0	0	18	173	191	011111110000000 (9.4)	0	0	0	0	0	7	7
Westmoor (37)	0	92	0	0	92	891	983	000000001110000 (9.4)	0	1	0	0	1	33	34
Kingswood (102)	0	35	8	1	44	428	472	011111110000000 (9.3)	0	0	0	0	0	16	16
Barrett (15)	0	82	1	1	84	976	1,060	000000001110000 (7.9)	0	4	0	0	4	40	44
Indianola (98)	0	33	8	0	41	499	540	011111110000001 (7.6)	0	1	0	0	1	21	22
Bellows (49)	4	19	0	2	25	307	332	011111110000000 (7.5)	0	0	0	0	0	12	12
McGuffey (115)	0	58	3	0	61	805	866	011111110000000 (7.0)	0	1	0	0	1	26	27
Michigan Avenue (117)	0	38	0	0	38	557	595	011111110000000 (6.4)	0	1	1	0	2	18	20
Moler (119)	0	27	2	0	29	451	480	011111110000000 (6.0)	0	1	0	0	1	13	14

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued  
 DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Ninth Avenue (120)....	0	1	7	3	11	222	233	011111110000000 (4.75)	0	0	0	0	0	8	8
Linden (108).....	0	35	3	4	42	944	986	011111110000000 (4.31)	0	1	0	0	1	30	31
Birwick (50).....	0	21	0	0	21	480	501	011111110000000 (4.2)	0	0	0	0	0	15	15
Westgate (156).....	0	25	3	0	28	657	685	011111110000000 (4.1)	0	0	0	0	0	20	20
Broadleigh (53).....	2	12	3	2	19	457	476	011111110000000 (4.0)	0	0	0	0	0	19	19
Arlington Park (43)....	0	4	8	2	14	481	495	011111110000000 (2.8)	0	3	0	0	3	15	18
Willis Park (157).....	0	7	3	5	15	532	547	011111110000001 (2.7)	0	1	0	0	1	18	19
Dana Avenue (66).....	0	18	0	0	18	671	689	011111110000001 (2.6)	0	2	0	0	2	18	20
Hubbard (94).....	0	14	0	0	14	545	559	011111110000000 (2.5)	0	2	0	0	2	17	19
Avondale (44).....	0	7	4	0	11	573	584	010001110000001 (1.9)	0	2	0	0	2	17	19
Johnson Park (27).....	0	22	0	0	22	1,193	1,215	00000001110000 (1.8)	0	2	0	0	2	38	40
Northwood (123).....	0	4	3	0	7	419	426	011111110000000 (1.6)	0	0	0	0	0	14	14
Leawood (104).....	2	0	5	6	13	793	806	011111110000000 (1.6)	0	1	0	0	1	23	24
Southwood (144).....	0	10	0	1	11	701	712	011111110000000 (1.5)	0	1	0	0	1	22	23
Medary (116).....	0	8	2	0	10	663	673	011111110000000 (1.5)	0	1	0	0	1	23	24
James Road (99).....	0	6	0	0	6	412	418	011111110000000 (1.4)	0	0	0	0	0	13	13
Ridgeview (32).....	0	2	7	1	10	704	714	00000001110000 (1.4)	0	2	0	0	2	26	28
Fairmoor (77).....	0	1	5	2	8	573	581	011111110000000 (1.4)	0	0	0	0	0	21	21
Cranbrook (64).....	0	1	5	2	8	594	602	011111110000000 (1.3)	0	0	0	0	0	20	20
Sherwood (34).....	0	4	6	2	12	903	915	00000001110000 (1.3)	0	1	0	0	1	29	30
Scottwood (136).....	0	3	6	0	8	639	647	011111110000000 (1.2)	0	0	0	0	0	19	19
North Linden (121)....	0	4	1	0	5	402	407	011111110000001 (1.2)	0	0	0	0	0	18	18
Indian Springs (97)....	0	6	1	0	7	606	613	011111110000001 (1.1)	0	0	0	0	0	21	21
Glenmont (89).....	0	1	3	1	5	466	471	011111110000000 (1.1)	0	0	0	0	0	15	15
Fifth Avenue (80)....	0	2	0	0	2	211	213	011111110000000 (0.9)	0	1	0	0	1	6	7
Calumet (55).....	0	4	0	0	4	424	428	011111110000001 (0.9)	0	0	0	0	0	13	13
Fornof (83).....	0	3	0	0	3	321	324	011111110000001 (0.9)	0	1	0	0	1	12	13
Dominion (21).....	0	5	4	0	9	964	973	00000001110000 (0.9)	0	1	0	0	1	36	37
Crestview (20).....	0	2	4	0	6	644	650	00000001110000 (0.9)	0	0	0	0	0	25	25
Valleyview (150)....	0	0	3	0	3	358	361	011111110000000 (0.8)	0	1	0	0	1	11	12
Lindbergh (107).....	0	3	1	0	4	486	490	011111110000001 (0.8)	0	3	0	0	3	12	15
Stockbridge (146)....	1	0	0	3	4	526	530	011111110000000 (0.8)	0	1	0	0	1	16	17
Clinton (60).....	0	0	6	1	7	936	943	011111110000000 (0.7)	0	0	0	0	0	30	30
Homedale (161).....	0	0	2	1	3	462	465	011111110000000 (0.6)	0	0	0	0	0	14	14
Forest Park (82).....	0	0	0	5	5	807	812	011111110000000 (0.6)	0	0	0	0	0	24	24
Woodcrest (159).....	0	3	1	0	4	672	676	011111110000000 (0.6)	0	0	0	0	0	21	21
Maize Road (111)....	0	0	4	0	4	710	714	011111110000000 (0.6)	0	0	0	0	0	22	22
Pinecrest (132).....	0	0	4	0	4	716	720	011111110000000 (0.6)	0	1	0	0	1	21	22
Marburn (112).....	0	1	1	0	2	373	375	011111110000000 (0.5)	0	0	0	0	0	12	12
West Broad Street (154)	0	5	0	0	5	963	968	011111110000000 (0.5)	0	0	0	0	0	29	29
Buckeye (17).....	2	0	0	2	4	819	823	00000001110000 (0.5)	0	1	0	0	1	29	30
Alpine (41).....	0	1	1	0	2	428	430	011111110000001 (0.5)	0	0	0	0	0	13	13
Oakland Park (124)....	0	1	1	0	2	429	431	011111110000001 (0.5)	0	1	1	0	2	13	15
Shady Lane (135)....	0	3	0	0	3	644	647	011111110000000 (0.5)	0	0	0	0	0	20	20
Crestview (65).....	0	0	2	0	2	436	438	011111110000000 (0.5)	0	0	0	0	0	14	14
Olde Orchard (127)....	0	1	1	0	2	534	536	011111110000000 (0.4)	0	0	0	0	0	16	16
Binns (51).....	0	0	2	0	2	651	653	011111110000000 (0.3)	0	0	0	0	1	20	21
Oakmont (125).....	0	0	0	1	1	333	334	011111110000001 (0.3)	0	0	0	0	0	12	12
York Town (39).....	0	2	0	0	2	668	670	00000001110000 (0.3)	0	2	0	0	2	25	27
Woodward Park (38)...	0	0	2	0	2	712	714	00000001100000 (0.3)	0	2	0	0	2	22	24

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Kenwood (101).....	0	0	1	0	1	357	358	01111110000000 (0.3)	0	0	0	0	0	12	12
Maybury (114).....	0	0	0	2	2	726	728	01111110000000 (0.3)	0	0	0	0	0	22	22
Salem (13).....	0	0	2	0	2	743	745	01111110000000 (0.3)	0	0	0	0	0	22	22
Stewart Avenue (165)...	0	1	0	0	1	374	375	01111110000000 (0.3)	0	0	0	0	0	12	12
Medina (30).....	0	3	0	0	3	1,151	1,154	000000001110000 (.3)	0	1	0	0	1	40	41
Clinton (19).....	0	0	2	1	3	1,202	1,205	000000001110000 (.2)	0	1	0	0	1	42	43
Parsons (130).....	0	1	0	0	1	436	437	01111110000000 (.2)	0	0	0	0	0	16	16
Brookhaven (1).....	0	3	0	0	3	1,350	1,353	000000000001110 (.2)	0	1	0	0	1	57	58
Wretstone (14).....	0	2	1	0	3	1,463	1,466	000000000001110 (.2)	0	1	0	0	1	52	53
Scioto Trail (135).....	0	1	0	0	1	586	587	01111110000000 (.2)	0	1	0	0	1	17	18
Walnut Ridge (12).....	0	1	1	0	2	1,290	1,292	000000000001110 (.2)	0	0	0	0	0	54	54
Northland (10).....	0	0	2	0	2	1,368	1,370	000000000001110 (.1)	0	1	0	0	1	50	51
Hoy Road (96).....	0	1	0	0	1	812	813	01111110000000 (.1)	0	1	0	0	1	25	26
Eakin road (71).....	0	0	0	0	0	752	752	01111110000000 (0)	0	2	0	0	2	21	23
Devonshire (88).....	0	0	0	0	0	742	742	01111110000000 (0)	0	0	0	0	0	22	22
Como (62).....	0	0	0	0	0	625	625	01111110000000 (0)	0	1	0	0	1	17	18
Valley Forge (149).....	0	0	0	0	0	694	694	01111110000000 (0)	0	0	0	0	0	23	23
Wedgewood (26).....	0	0	0	0	0	567	567	000000001110000 (0)	0	1	0	0	1	22	23
Northtowne (162).....	0	0	0	0	0	231	231	01111110000000 (0)	0	0	0	0	0	7	7
Colerain (61).....	0	0	0	0	0	137	137	01110000000000 (0)	0	0	0	0	0	5	5
Winterset (164).....	0	0	0	0	0	264	264	01111110000000 (0)	0	0	1	0	1	9	10
Northridge (122).....	0	0	0	0	0	560	560	01111110000000 (0)	0	1	0	0	1	16	17
Walford (151).....	0	0	0	0	0	369	369	01111110000000 (0.0)	0	1	0	0	1	11	12
Sharon (139).....	0	0	0	0	0	319	319	01111110000000 (0.0)	0	0	0	0	0	10	10
Courtright (63).....	0	0	0	0	0	597	597	01111110000000 (0.0)	0	0	0	0	0	19	19
Smith Road (143).....	0	0	0	0	0	470	470	01111110000000 (0.0)	0	1	0	0	1	13	14
Easthaven (160).....	0	0	0	0	0	279	279	01111110000000 (0.0)	0	0	0	0	0	8	8
Parkmoor (129).....	0	0	0	0	0	402	402	01111110000000 (0.0)	0	0	0	0	0	14	14
Siebert (141).....	0	0	0	0	0	512	512	01111110000000 (0.0)	0	0	0	0	0	19	19
Cedarwood (55).....	0	0	0	0	0	467	467	01111110000000 (0.0)	0	2	0	0	2	12	14
Georgian Heights (87)...	0	0	0	0	0	663	663	01111110000000 (0.0)	0	0	0	0	0	20	20
Beaumont (47).....	0	0	0	0	0	491	491	01111110000000 (0.0)	0	0	0	0	0	14	14
Barnett (45).....	0	0	0	0	0	253	253	01111110000000 (0.0)	0	0	0	0	0	8	8

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441

Number.....	83	37,275	169	99	37,576	49,231	86,807	.....	0	735	6	3	744	2,502	3,246
Percents.....	0.0	42.9	0.2	0.1	43.3	56.7	100.0	.....	0.0	22.6	0.2	0.1	22.9	77.1	100.0
Douglass (37).....	0	551	0	2	553	0	553	01111110000000 (100.0)	0	13	0	0	13	5	18
Millvale (58).....	0	563	0	0	563	0	563	11111000000000 (100.0)	0	13	0	0	13	7	20
Hays (44).....	0	863	0	0	863	0	863	11111110000000 (100.0)	0	29	0	0	29	7	36
Sands (77).....	0	688	0	0	688	0	688	11111110000000 (100.0)	0	17	0	0	17	10	27
Ach (9).....	0	914	0	1	915	0	915	000000001110000 (100.0)	0	29	2	0	31	14	45
Washburn (86).....	0	776	0	0	776	0	776	01111110000000 (100.0)	0	17	0	0	17	17	34
Evanston (40).....	0	878	0	0	878	0	878	01111110000000 (100.0)	0	11	0	0	11	17	28
Rockdale (72).....	0	1,058	1	0	1,059	0	1,059	01111110000000 (99.9)	0	21	0	0	21	15	36
Burton (25).....	0	893	0	0	893	1	894	01111110000000 (99.9)	0	19	0	0	19	10	29
South Avondale (82)...	0	811	0	0	811	1	812	01111110000000 (99.6)	0	21	0	0	21	12	33
Columbian (34).....	0	542	0	0	542	2	544	01111110000000 (99.5)	0	13	0	0	13	10	23
Hoffman (47).....	0	1,183	0	0	1,183	6	1,189	000000001110000 (99.8)	0	26	0	0	26	16	42
Sawyer (19).....	0	1,183	0	0	1,183	8	1,191		0	29	0	0	29	22	51

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Taft (84).....	0	1,293	0	4	1,297	42	1,339	111111110000000 (96.9)	0	15	0	0	15	32	47
Burdett (24).....	0	456	0	0	456	21	477	011111110000000 (95.6)	0	11	0	0	11	5	16
Garfield (42).....	0	644	0	0	644	36	680	111111110000000 (94.7)	0	16	0	0	16	7	23
Cummins (36).....	0	652	0	0	652	38	690	011111110000000 (94.5)	0	12	0	0	12	10	22
Winton Terrace (96)....	0	1,257	4	0	1,261	81	1,342	011111110000000 (94.0)	0	17	0	0	17	26	43
Taft (4).....	0	1,142	3	0	1,145	116	1,261	000000000011110 (90.8)	0	18	0	0	18	37	55
Bloom (10).....	5	755	0	0	760	90	850	00000001110000 (89.4)	0	22	0	0	22	21	43
Porter (17).....	1	573	1	0	575	85	660	00000001110000 (87.1)	0	15	0	0	15	16	31
Windsor (94).....	0	550	1	0	551	111	662	111111110000000 (83.2)	0	16	0	0	16	9	25
Schiel (79).....	0	732	0	2	734	161	895	011111110000001 (82.0)	0	16	0	0	16	15	31
Madisonville (55).....	0	832	0	1	833	228	1,061	011111110000000 (78.5)	0	7	0	0	7	27	34
Heberle (45).....	0	704	0	0	704	231	935	111111110000000 (75.3)	0	17	0	0	17	20	37
Cutter (11).....	1	936	1	1	939	323	1,262	00000001110000 (74.4)	0	31	1	0	32	35	67
North Avondale (63)....	0	710	0	0	710	246	956	011111110000000 (74.3)	0	11	0	0	11	21	32
Hughes (3).....	0	1,464	1	1	1,466	517	1,983	00000000011110 (73.9)	0	12	0	0	12	70	82
Silverton (80).....	0	431	0	1	432	173	605	011111110000000 (71.4)	0	6	0	0	6	17	23
Kennedy (49).....	0	541	2	0	543	252	795	011111110000000 (68.3)	0	6	0	1	7	17	24
Peaslee (67).....	0	426	0	0	426	245	671	111111110000000 (63.5)	0	9	0	0	9	16	25
Heinold (15).....	0	673	0	0	673	393	1,066	00000001110000 (63.1)	0	15	0	0	15	39	44
Rothenberg (76).....	0	489	0	0	489	286	775	111111110000000 (63.1)	0	4	0	0	4	31	35
Carll (26).....	0	323	2	0	325	199	524	011111000000000 (62.0)	0	6	0	0	6	11	17
Vine (85).....	0	419	1	1	421	260	681	111111110000000 (61.8)	0	7	0	1	8	15	23
Glenview (101).....	0	34	0	0	34	22	56	000000000000001 (60.7)	0	1	0	0	1	4	5
Campbell (104).....	0	361	1	0	362	245	607	00000001100000 (59.6)	0	6	0	0	6	22	28
Sixth District Primary (81).....	0	124	0	0	124	87	211	111110000000000 (58.8)	0	2	0	0	2	15	17
Merry (108).....	0	638	0	0	638	473	1,111	00000001110000 (57.4)	0	9	0	0	9	38	47
Courter Technical (2)...	0	1,042	6	0	1,048	882	1,930	00000000011110 (54.3)	0	10	0	0	10	81	91
Guilford (103).....	0	84	0	0	84	99	183	000000000000000 (45.9)	0	5	0	0	5	8	13
Webster (89).....	0	188	0	1	189	225	414	111111110000000 (45.7)	0	6	0	0	6	12	18
Withrow (7).....	1	1,443	6	4	1,454	1,889	3,343	00000001111110 (48.5)	0	19	2	0	21	116	137
Lyon (18).....	1	382	0	1	384	519	903	00000001110000 (42.5)	0	7	0	0	7	33	40
North Fairmount (64)...	0	249	2	0	251	364	615	011111110000001 (40.8)	0	2	0	0	2	19	21
Condon (100).....	0	127	0	0	127	200	327	011111110000001 (38.8)	0	2	0	0	2	21	23
Shroder (21).....	0	316	2	0	318	501	819	00000001110001 (38.8)	0	4	0	0	4	28	32
Childrens Unit (99)....	0	38	0	0	38	60	98	000000000000001 (38.8)	0	6	0	0	6	8	14
Woodward (8).....	1	1,251	10	3	1,265	2,047	3,312	00000001111110 (38.2)	0	9	0	0	9	126	135
Clifton (32).....	1	327	12	2	342	634	976	011111110000000 (35.0)	0	4	0	1	5	35	40
Bond Hill (22).....	0	251	3	0	254	505	759	011111110000000 (33.5)	0	1	0	0	1	22	23
Washington Park (87)...	0	215	6	1	222	469	691	011111110000000 (32.1)	0	7	0	0	7	28	35
Winton Place (95).....	2	244	0	0	246	555	801	011111110000000 (30.7)	0	2	0	0	2	23	25
Allen House (97).....	0	20	0	0	20	46	66	000000000000001 (30.3)	0	3	0	0	3	0	3
Hillcrest (102).....	0	3	0	0	3	7	10	000000000000001 (30.0)	0	0	0	0	0	1	1
Roll Hill (13).....	0	148	4	1	153	387	540	011111110000000 (28.3)	0	2	0	0	2	14	16
College Hill (33).....	0	216	1	0	217	556	773	011111110000000 (28.1)	0	3	1	0	4	20	24
Swifton Primary (83)...	0	108	8	10	126	351	477	011100000000000 (26.4)	0	2	0	0	2	15	17
Walnut Hills (5).....	10	623	15	5	653	1,976	2,629	00000001111110 (24.8)	0	4	0	0	4	96	100
Washington (88).....	0	176	1	0	177	594	771	011111110000000 (23.0)	0	3	0	0	3	23	26
Pleasant Hill (68).....	0	189	2	5	196	669	865	011111110000000 (22.7)	0	2	0	0	2	21	23
Morgan (59).....	0	58	0	0	58	207	265	111111110000000 (21.9)	0	0	0	0	0	8	8

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Highlands (46).....	0	48	0	0	48	176	224	011111110000000 (21.4)	0	1	0	0	1	8	9
Aiken (1).....	0	371	7	2	380	1,412	1,792	00000000011110 (21.2)	0	2	0	0	2	74	76
Bramble (23).....	0	105	0	0	105	398	503	011110000000000 (20.9)	0	2	0	0	2	11	13
Eastwood (39).....	2	172	0	0	174	765	939	011111110000000 (18.5)	0	2	0	0	2	27	29
Schwab (20).....	0	169	4	6	176	880	1,056	00000001110000 (16.7)	0	3	0	0	3	39	42
Kirby Road (51).....	0	140	0	2	142	739	881	011111110000000 (16.1)	0	2	0	0	2	26	28
Lincoln (52).....	0	65	0	1	66	368	434	011111110000000 (15.2)	0	1	0	0	1	14	15
Hyde Park (48).....	0	115	3	4	122	705	827	011111110000000 (14.8)	0	2	0	0	2	24	26
Roosevelt (74).....	0	61	0	1	62	425	487	011111110000000 (12.7)	0	1	0	0	1	15	16
Hartwell (43).....	0	53	0	0	53	667	720	011111110000000 (7.4)	0	2	0	0	2	21	23
Child Guidance Home (98).....	0	0	0	1	1	13	14	000000000000000 (7.1)	0	0	0	0	0	2	2
Pleasant Ridge (69).....	0	58	0	3	61	1,007	1,068	011111110000000 (5.7)	0	3	0	0	3	29	32
Saylor Park (78).....	0	25	1	0	26	470	496	011111110000000 (5.2)	0	0	0	0	0	14	14
Chase (30).....	0	12	4	0	16	606	622	011111110000000 (2.6)	0	1	0	0	1	20	21
Mount Adams (60).....	0	1	2	0	3	114	117	111111110000000 (2.6)	0	0	0	0	0	3	3
Dater (12).....	1	20	5	2	28	1,187	1,215	00000001110000 (2.3)	0	2	0	0	2	47	49
Mount Airy (61).....	0	5	3	4	12	509	521	011111110000000 (2.3)	0	2	0	0	2	14	16
Whittier (92).....	0	17	1	3	21	960	981	001111110000000 (2.1)	0	2	0	0	2	28	30
Oakley (65).....	1	7	10	0	18	977	995	011111110000000 (1.8)	0	2	0	0	2	30	32
Roselawn (75).....	0	6	0	1	7	420	427	011111110000000 (1.6)	0	2	0	0	2	11	13
Gamble (14).....	0	8	4	1	13	830	843	00000001110001 (1.5)	0	1	0	0	1	30	31
Quebec Heights (70).....	0	7	6	0	13	872	885	011111110000000 (1.5)	0	1	0	0	1	24	25
Lusantville (34).....	0	6	0	3	9	684	693	011111110000000 (1.3)	0	1	0	0	1	20	21
Fairview (41).....	2	7	2	0	11	891	902	011111110000000 (1.2)	0	2	0	0	2	27	29
Carson (27).....	1	0	6	3	10	881	891	011111110000000 (1.1)	0	1	0	0	1	23	24
Covedale (35).....	0	0	4	4	8	823	831	011111110000000 (1.0)	0	2	0	0	2	23	25
Roberts (18).....	0	11	0	0	11	1,264	1,275	00000001110000 (0.9)	0	5	0	0	5	47	52
Western Hills (6).....	0	13	2	3	18	2,402	2,420	00000000000000 (0.7)	0	1	0	0	1	96	97
Westwood primary (90).....	0	0	2	0	2	286	288	011100000000000 (0.7)	0	0	0	0	0	8	8
Osage primary (93).....	0	2	1	0	3	437	440	011111110000000 (0.7)	0	1	0	0	1	11	12
Westwood (91).....	0	0	2	3	5	854	859	011111110000000 (0.6)	0	2	0	0	2	22	24
Mount Washington (62).....	0	2	2	0	4	689	693	011111110000000 (0.6)	0	1	0	0	1	21	22
Central Fairmount (29).....	0	4	0	0	4	708	712	011111110000000 (0.6)	0	2	0	0	2	19	21
Kilgour (50).....	1	0	3	1	5	942	947	011111110000000 (0.5)	0	1	0	0	1	28	29
Carthage (28).....	0	0	1	1	2	381	383	011111110000000 (0.5)	0	1	0	0	1	12	13
Midway (57).....	0	1	0	2	3	577	580	011111110000000 (0.5)	0	0	0	0	0	16	16
Oyler (66).....	2	1	0	0	3	861	864	011111110000000 (0.3)	0	4	0	0	4	25	29
Eastern Hills (13).....	0	2	0	0	2	660	662	00000001110000 (0.3)	0	1	0	0	1	26	27
Cheviot (31).....	0	0	1	1	2	829	831	011111110000000 (0.2)	0	1	0	0	1	20	21
McKinley (56).....	0	1	0	0	1	618	619	011111110000000 (0.2)	0	1	0	0	1	18	19
Eastern Hills (38).....	0	0	0	0	0	322	322	011111110000000 (0.0)	0	1	0	0	1	11	12
Linwood (53).....	0	0	0	0	0	342	342	011111110000000 (0.0)	0	1	0	0	1	11	12
Riverside Harrison (71).....	0	0	0	0	0	559	559	011111110000000 (0.0)	0	2	0	0	2	16	18
McMillan Center (105).....	0	0	0	0	0	0	0	000000000000000 (0.0)	0	2	0	0	2	5	7

DISTRICT: LINCOLN HEIGHTS. NUMBER OF SCHOOLS: 2. REPRESENTING: 2. CITY: LINCOLN HEIGHTS. COUNTY: 31 HAMILTON. WEIGHT: 1.0

Number	0	1,898	0	0	1,898	0	1,898	0	75	0	0	75	3	78	
Percents	0.0	100.0	0.0	0.0	100.0	0.0	100.0	0.0	96.2	0.0	0.0	96.2	3.8	100.0	
Lincoln Heights (1).....	0	503	0	0	503	0	503	00000000011111 (100.0)	0	17	0	0	17	2	19
Lincoln Heights (2).....	0	1,395	0	0	1,395	0	1,395	01111111100001 (100.0)	0	58	0	0	58	1	59

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: LORAIN. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: LORAIN. COUNTY: 47 LORAIN. ASSURANCE: 441. WEIGHT: 1.0-GRADES

Number.....	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		American Indians	Negro	Oriental	Spanish- American	Minority total	Other		
Percents.....	33 0.2	2,280 13.2	15 0.1	2,492 14.4	4,820 27.8	12,488 72.2	17,308 100.0	0 0.0	43 6.9	0 0.0	5 0.8	48 7.7	573 92.3	621 100.0	
Lincoln (14).....	0	201	0	473	674	59	733	01111110000000 (92.0)	0	7	0	2	9	20	29
Boone (3).....	6	256	0	85	347	128	475	01111100000000 (73.1)	0	7	0	0	7	10	17
Hawthorne (9).....	0	297	0	138	435	328	763	00000011110000 (57.0)	0	3	0	0	3	32	35
Garfield (7).....	5	308	2	200	513	425	938	01111110000000 (54.7)	0	4	0	0	4	27	31
Charleston (4).....	0	250	0	76	326	357	683	00111110000000 (47.7)	0	2	0	0	2	24	26
Harrison (8).....	0	86	0	40	126	153	279	01111110000000 (45.2)	0	0	0	0	0	9	9
Lowell (17).....	5	11	0	336	352	431	783	01111110000000 (45.0)	0	2	0	2	4	20	24
Whittier (22).....	2	61	0	230	293	445	738	00000001100000 (39.7)	0	1	0	0	1	25	26
Oakwood (19).....	0	4	0	95	99	171	270	01111110000000 (36.7)	0	1	0	0	1	8	9
King (1).....	2	289	3	426	720	2,057	2,777	00000000011110 (25.9)	0	6	0	1	7	93	100
Brownell (23).....	1	51	1	32	85	328	413	01000000000000 (20.6)	0	1	0	0	1	7	8
Washington (21).....	1	61	0	10	72	354	426	01111110000000 (16.9)	0	0	0	0	0	16	16
Lorain(2).....	1	194	2	145	342	1,871	2,213	00000000011110 (15.5)	0	3	0	0	3	79	82
Fairhume (6).....	0	46	0	19	65	378	443	00111110000000 (14.7)	0	1	0	0	1	13	14
Larkmoor (13).....	3	49	3	33	88	818	906	01111110000000 (9.7)	0	1	0	0	1	29	30
Longfellow (16).....	0	30	0	16	46	450	496	00000000110000 (9.3)	0	2	0	0	2	19	21
Irving (11).....	6	21	0	34	61	603	664	00111111100000 (9.2)	0	1	0	0	1	26	27
Emerson (5).....	0	4	0	17	21	255	276	01111110000000 (7.6)	0	0	0	0	0	11	11
Masson (18).....	0	34	1	39	74	980	1,054	00111111100000 (7.0)	0	0	0	0	0	41	41
Lakeview (12).....	0	24	0	14	39	572	611	01111110000000 (6.4)	0	0	0	0	0	20	20
Palm Avenue (20).....	1	0	0	15	16	260	276	01111110000000 (5.8)	0	0	0	0	0	10	10
Jane Lindsay (15).....	0	1	3	5	9	187	196	01111110000000 (4.6)	0	0	0	0	0	7	7
Homewood (10).....	1	2	0	14	17	878	895	01111110000000 (1.9)	0	1	0	0	1	27	28

DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS

Number.....	26	16,473	88	1,439	18,026	43,658	61,684	.....	0	379	5	6	390	1,906	2,296
Percents.....	0.0	26.7	0.1	2.3	29.2	70.8	100.0	.....	0.0	16.5	0.2	0.3	17.0	83.0	100.0
Roosevelt (65).....	0	946	0	0	946	0	946	01111110000000 (100.0)	0	28	0	0	28	8	36
Ella P. Stewart (25).....	0	671	0	4	675	0	675	01111111000000 (100.0)	0	22	0	0	22	3	25
Washington (72).....	0	547	0	0	547	5	552	01111110000000 (99.1)	0	15	0	0	15	5	20
Lincoln (45).....	0	1,232	0	4	1,236	19	1,255	01111110000000 (98.5)	0	31	0	0	31	11	42
Gunckel (35).....	0	1,147	0	9	1,156	29	1,185	01111111000001 (97.6)	0	34	0	0	34	12	46
Robinson (64).....	0	856	2	4	862	28	890	00000001100001 (96.9)	0	23	2	0	25	27	52
Pickett (59).....	0	1,353	0	0	1,353	46	1,399	01111111000000 (96.7)	0	31	0	0	31	12	43
Scott (6).....	0	1,874	5	24	1,903	178	2,081	00000000011110 (91.4)	0	36	1	0	37	55	92
SS (12).....	0	107	0	1	108	15	123	00000000011110 (87.8)	0	8	0	0	8	4	12
Warren (71).....	0	589	7	9	605	97	702	01111110000000 (86.2)	0	18	0	0	18	7	25
Ryder (66).....	0	271	0	4	275	62	337	01111110000000 (81.6)	0	3	0	0	3	8	11
Fulton (29).....	0	960	4	17	981	225	1,206	01111011100000 (81.3)	0	23	0	0	23	20	43
SS Irwin (75).....	0	247	0	10	257	68	325	01111111000000 (79.1)	0	10	0	0	10	2	12
Scott evening school (7).....	0	325	8	61	394	107	501	00000000000001 (78.6)	0	0	0	0	0	0	0
Glenwood (33).....	0	794	0	38	832	606	1,438	01111111000000 (57.9)	0	15	0	0	15	30	45
Libbey (3).....	0	829	0	68	897	845	1,742	00000000011110 (51.5)	0	11	0	0	11	68	79
Sherman (67).....	4	448	0	81	533	570	1,103	01111111000000 (48.3)	0	13	0	1	14	26	40
Hale (52).....	1	605	1	14	621	692	1,313	01111111000000 (47.3)	0	7	0	0	7	37	44
Westfield (73).....	0	151	2	100	253	325	578	01111000000000 (43.8)	0	2	0	0	2	17	19
Hamilton (36).....	0	403	0	29	432	580	1,012	01111111000000 (42.7)	0	2	0	0	2	34	36
Spring (68).....	0	280	0	39	319	477	796	01111111000000 (40.1)	0	1	0	0	1	23	24

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued  
 DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total		Other
Parkland Craft (58).....	0	76	0	4	80	131	211	000000001100000 (37.9)	0	2	0	0	2	14	16
Jones (40).....	0	104	1	83	188	566	754	000000111100001 (24.9)		1	0	1	2	29	31
Feilbach (76).....	0	36	0	1	37	112	149	001111111111111 (24.8)	0	0	0	0	0	14	14
Mount Vernon (51).....	0	73	0	0	73	265	338	011111110000000 (21.6)	0	0	0	0	0	12	12
Birmingham (17).....	0	66	0	67	133	560	693	011111111100000 (19.2)	0	1	0	0	1	22	23
Macomber Vocational Tech (4).....	1	181	2	29	213	1,000	1,213	000000000011110 (17.6)	0	2	0	0	2	59	61
Whitney Vocational Tech (10).....	0	86	1	13	100	496	596	000000000001110 (16.8)	0	1	0	0	1	28	29
LaGrange (43).....	4	12	1	106	123	648	771	011111111100000 (16.0)	0	0	0	0	0	72	27
Woodward (11).....	2	241	5	100	348	2,011	2,359	000000000011110 (14.8)	0	4	0	1	5	82	87
Marshall (47).....	0	1	2	85	88	555	643	011111110000000 (13.7)	0	0	0	0	0	21	21
Dandale (55).....	0	95	0	46	141	924	1,065	011111111100000 (13.2)	0	2	0	0	2	34	36
Franklin (28).....	0	14	1	53	68	525	593	011111111100001 (11.5)	0	1	0	1	2	19	21
Motique Junior High (13).....	1	165	0	12	178	1,390	1,568	00000000110010 (11.4)	0	2	0	0	2	58	60
Garfield (30).....	0	54	0	39	93	727	820	011111111100000 (11.3)	0	0	0	0	0	25	25
Waite (9).....	4	99	2	75	180	1,703	1,883	000000000011110 (9.6)	0	4	0	1	5	67	72
Devilbiss (2).....	0	163	2	3	168	1,645	1,813	000000000011110 (9.3)	0	2	1	1	4	87	91
Navarre (53).....	0	43	0	24	67	698	765	011111111100000 (8.8)	0	0	0	0	0	24	24
Bancroft Hills (15).....	0	6	2	9	17	179	196	011111110000000 (8.7)	0	1	0	0	1	6	7
Walbridge (70).....	0	55	0	14	69	740	809	011111111000000 (8.5)	0	3	0	0	3	25	28
Chase (19).....	1	11	0	12	24	266	290	011111100000000 (8.3)	0	0	0	0	0	11	11
Rugers (5).....	0	113	2	7	122	1,390	1,512	000000000001111 (8.1)	0	0	0	0	0	65	65
Riverside (63).....	0	29	0	11	40	675	715	011111111100000 (5.6)	0	3	0	0	3	21	24
Martin (48).....	0	5	0	8	13	247	260	011111110000000 (5.0)	0	2	0	0	2	8	10
Stickney (68).....	0	1	0	21	22	458	480	011111111000000 (4.6)	0	1	0	0	1	16	17
Old Orchard (58).....	0	24	1	0	25	620	645	011111111000000 (3.9)	0	0	0	0	0	26	26
Nebury (54).....	0	0	0	18	18	529	547	011111110000000 (3.3)	0	1	0	0	1	15	16
East Side Central (23).....	0	1	0	25	26	766	792	011111111000000 (3.3)	0	1	0	0	1	27	28
Cherry (20).....	0	6	0	16	22	702	724	011111111000000 (3.0)	0	1	0	0	1	21	22
McKinley (50).....	0	20	0	12	32	1,065	1,097	011111111000000 (2.9)	0	1	0	0	1	39	40
Fall Meyer (27).....	0	4	1	4	9	343	352	011111110000000 (2.6)	0	0	0	0	0	14	14
Longfellow (46).....	6	17	2	1	26	1,152	1,178	011111111000000 (2.2)	0	1	0	0	1	38	39
Kleis (42).....	0	0	6	0	6	290	296	011111110000000 (2.0)	0	1	0	0	1	9	10
Grove Patterson (34).....	0	1	2	2	5	278	283	011111110000000 (1.8)	0	0	0	0	0	10	10
Deveaux (22).....	0	20	0	1	21	1,177	1,198	011111111000000 (1.8)	0	0	0	0	0	45	45
Heather Downs (39).....	0	0	6	0	6	461	467	011111110000000 (1.3)	0	0	0	0	0	15	15
Keyser (41).....	0	3	1	0	4	324	328	011111110000000 (1.2)	0	1	0	0	1	10	11
Raymer (61).....	0	6	0	5	11	913	924	011111111000001 (1.2)	0	0	0	0	0	33	33
Burroughs (18).....	0	0	0	6	6	706	712	011111111000000 (0.8)	0	1	0	0	1	23	24
Harvard (37).....	0	1	3	2	6	718	724	011111111000000 (0.8)	0	0	0	0	0	24	24
Edgewater (24).....	0	0	1	2	3	432	435	011111110000000 (0.71)	0	0	0	0	0	14	14
Start (8).....	2	3	4	4	13	2,015	2,028	000000000011110 (0.6)	0	0	0	0	0	80	80
Larchmont (44).....	0	0	2	0	2	403	405	011111110000000 (0.5)	0	0	0	0	0	13	13
Point Place (60).....	0	0	1	0	1	294	295	000000001100000 (0.3)	0	0	0	0	0	12	12
Glann (31).....	0	0	0	1	1	353	354	011111110000000 (0.3)	0	3	0	0	3	9	12
Arlington (14).....	0	0	2	0	2	764	766	011111111000000 (0.3)	0	0	0	0	0	24	24
Lonsdor (1).....	0	3	2	0	5	1,953	1,958	000000002222220 (0.3)	0	0	0	0	0	77	77
Hawkins (38).....	0	0	1	0	1	440	441	011111110000000 (0.2)	0	1	0	0	1	12	13
Glendale (32).....	0	0	0	1	1	471	472	011111110000000 (0.2)	0	0	0	0	0	15	15

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		American Indians	Negro	Oriental	Spanish- American	Minority total	Other		
Whittier (74).....	0	0	2	1	3	1,492	1,495	01111111000000 (0.2)	0	1	0	0	1	50	51
Beverly (16).....	0	0	1	0	1	520	521	01111111000000 (0.2)	0	0	0	0	0	17	17
Crossgates (21).....	0	0	0	0	0	403	403	01111111000000 (0.0)	0	1	1	0	2	10	12
Ottawa River (57).....	0	0	0	0	0	286	286	01111111000000 (0.0)	0	0	0	0	0	9	9
Mayfair (49).....	0	0	0	0	0	279	279	01111111000000 (0.0)	0	0	0	0	0	9	9
Reynolds (62).....	0	0	0	0	0	298	298	01111111000000 (0.0)	0	0	0	0	0	10	10
Elkhurst (26).....	0	0	0	0	0	326	326	01111111000000 (0.0)	0	0	0	0	0	13	13

DISTRICT: YOUNGSTOWN. NUMBER OF SCHOOLS: 43. REPRESENTING: 43. CITY: YOUNGSTOWN. COUNTY: 50 MAHONING

Number Percent	6 0.0	10,905 50.9	50 0.2	801 3.0	11,762 44.1	14,882 55.9	26,644 100.0		0 0.0	81 7.7	2 0.2	2 0.2	85 8.1	968 91.9	1,053 100.0
Covington (17).....	0	566	0	0	566	22	588	01111111000000 (96.3)	0	6	0	0	6	14	20
Grant (19).....	0	618	1	4	623	30	653	01111111000000 (95.4)	0	6	0	0	6	20	26
Jefferson (25).....	0	523	0	9	532	36	568	01111111000000 (93.7)	0	2	0	0	2	17	19
Monroe (30).....	0	740	0	4	744	57	801	01111111000000 (92.9)	0	3	0	0	3	27	30
Thorn Hill (37).....	0	336	0	0	336	29	365	01111111000000 (92.1)	0	6	0	0	6	9	15
Hillman (7).....	0	705	4	39	748	103	851	00000001110000 (87.9)	0	5	0	0	5	33	38
White (41).....	0	296	0	4	300	62	362	01111111000000 (82.9)	0	0	0	0	0	13	13
Lincoln (27).....	0	602	0	139	741	158	899	01111111000000 (82.4)	0	8	0	0	8	27	35
Roosevelt (32).....	0	279	0	203	482	111	593	01111111000000 (81.3)	0	1	0	0	1	19	20
Madison (28).....	0	426	1	26	453	146	599	01111111000000 (75.6)	0	3	0	0	3	19	22
Science Hill Ele- mentary (33).....	0	179	0	5	184	68	252	00111111000000 (73.0)	0	2	0	0	2	8	10
Science Hill Jr. (43)....	0	255	1	4	260	98	358	00000001100000 (72.6)	0	4	0	0	4	15	19
Harrison (27).....	0	336	3	4	343	153	496	01111111000000 (69.2)	0	4	0	0	4	13	17
North (3).....	1	476	4	5	486	217	703	0000000000111110 (69.1)	0	4	1	0	5	27	32
Cleveland (15).....	0	395	2	3	400	191	591	01111111000000 (67.7)	0	1	0	0	1	19	20
South (5).....	0	798	2	24	824	468	1,292	000000000011110 (63.8)	0	5	0	0	5	53	58
Richey (31).....	0	106	0	9	115	69	184	01111111000000 (62.5)	0	0	0	0	0	5	5
Hayes (23).....	0	380	0	10	390	255	645	00000000110000 (60.5)	0	2	0	1	3	26	29
Garfield (18).....	0	266	1	9	276	198	474	01111111000000 (58.2)	0	0	0	0	0	17	17
Williamson (42).....	0	223	11	45	279	205	484	01111111000000 (57.6)	0	1	0	0	1	16	17
Princeton (8).....	0	401	0	9	410	330	740	00000000011100 (55.4)	0	1	0	0	1	31	32
East (2).....	0	862	0	116	978	808	1,786	00000000011110 (54.8)	0	4	0	0	4	78	82
Rayen (4).....	0	554	2	31	587	655	1,242	00000000011110 (47.3)	0	2	0	0	2	56	58
Tod (38).....	0	73	0	4	77	174	251	01111111000000 (30.7)	0	0	0	0	0	8	8
Haddow (20).....	0	118	0	17	135	310	445	01111111000000 (30.3)	0	1	0	0	1	16	17
McKinley (29).....	0	69	2	6	77	284	361	01111111000000 (21.3)	0	2	0	0	2	9	11
Bennett (13).....	0	63	0	24	87	355	442	01111111000000 (19.7)	0	0	0	0	0	20	20
Stambaugh (35).....	0	60	0	10	70	300	370	01111111000000 (18.9)	0	2	0	0	2	14	16
Sheridan (34).....	0	49	3	0	52	330	382	01111111000000 (13.6)	0	1	0	0	1	14	15
Harding (21).....	0	44	2	1	47	392	439	01111111000000 (10.7)	0	0	0	0	0	14	14
Adams (11).....	0	20	0	13	33	493	526	00111111100000 (6.3)	0	0	0	0	0	23	23
West (10).....	5	23	0	8	34	623	657	00000000111000 (5.2)	0	0	0	0	0	26	26
Bancroft (12).....	0	4	0	3	7	187	194	01111111000000 (3.6)	0	0	0	0	0	7	7
Washington (39).....	2	19	1	0	22	590	612	01111111000000 (3.6)	0	3	0	0	3	17	20
Wilson (5).....	0	19	9	3	31	1,520	1,551	00000000011111 (2.0)	0	1	1	0	2	63	65
Chaney (1).....	0	20	0	4	24	1,415	1,439	00000000001110 (1.7)	0	1	0	1	2	57	59
Jackson (24).....	0	0	0	3	3	592	595	01111111000000 (0.5)	0	0	0	0	0	20	20
Coitsville (16).....	0	1	0	0	1	203	204	01111111000000 (0.5)	0	0	0	0	0	7	7

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: YOUNGSTOWN. NUMBER OF SCHOOLS: 43. REPRESENTING: 43. CITY: YOUNGSTOWN. COUNTY: 50 MAHONING—Continued

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Taft (36).....	0	1	0	1	2	421	423	011111111000000 (0.5)	0	0	0	0	0	14	14
Bunn (14).....	0	0	0	2	2	681	683	011111111000000 (0.3)	0	0	0	0	0	23	23
Volney Rogers (9).....	0	0	1	0	1	502	503	000000011100000 (0.2)	0	0	0	0	0	22	22
West (40).....	0	0	0	0	0	501	501	011111110000000 (0.0)	0	0	0	0	0	16	16
Kirkmere (26).....	0	0	0	0	0	540	540	011111110000000 (0.0)	0	0	0	0	0	16	16

DISTRICT: DAYTON. NUMBER OF SCHOOLS: 69. REPRESENTING: 69. CITY: DAYTON. COUNTY: 57 MONTGOMERY. ASSURANCE: 441

Number.....	15	22,790	73	67	22,945	36,582	59,527	.....	0	673	0	2	675	1,682	2,357
Percent.....	0	38.3	0.1	0.1	38.5	61.5	100.0	.....	0	28.6	0	0.1	28.6	71.4	100.0
Roosevelt (7).....	0	2,083	0	0	2,083	0	2,088	00000000111110 (100.0)	0	63	0	0	63	31	94
Weaver (63).....	0	1,224	1	0	1,225	0	1,225	111111111000000 (100.0)	0	42	0	0	42	5	47
Troy (59).....	0	676	0	0	676	0	676	111110000000000 (100.0)	0	23	0	0	23	0	23
Wogaman (67).....	0	1,078	0	0	1,078	0	1,078	111111111000001 (100.0)	0	36	0	0	36	1	37
Macearlane (47).....	0	1,281	1	0	1,282	1	1,283	111111111000000 (99.9)	0	44	0	0	44	0	44
Miami Chapel (52).....	0	667	0	0	687	1	688	000001111100000 (99.9)	0	25	0	0	25	3	28
Monary Park (50).....	0	533	0	0	533	3	536	111111000000000 (99.4)	0	15	0	0	15	4	19
Westwood (65).....	0	1,564	0	0	1,564	9	1,573	111111111000000 (99.4)	0	40	0	0	40	21	61
Dunbar (2).....	0	1,487	1	0	1,488	9	1,497	000000000111110 (99.4)	0	55	0	0	55	7	62
Residence Park Primary (54).....	0	432	0	0	432	3	435	011100000000000 (99.3)	0	10	0	0	10	3	13
Whittier (66).....	0	843	0	0	843	6	849	111111111100000 (99.3)	0	18	0	0	18	11	29
Jackson (37).....	0	355	0	0	855	7	862	000001111100000 (99.2)	0	27	0	0	27	5	32
Irving (36).....	0	847	p	0	847	8	855	111111111100000 (99.1)	0	25	0	0	25	10	35
Carlson (17).....	0	608	0	0	608	6	614	011111111100000 (99.0)	0	20	0	0	20	4	24
Jackson Primary (38).....	0	678	0	0	678	8	686	011110000000000 (98.8)	0	17	0	0	17	4	21
Residence Park (55).....	0	747	0	0	747	9	756	000011111000000 (98.8)	0	20	0	0	20	11	31
Edison (22).....	0	508	0	0	508	14	522	111110010000000 (97.3)	0	18	0	0	18	3	21
Highview (34).....	0	898	0	0	898	27	925	111111111100000 (97.1)	0	20	0	0	20	13	33
Greene (31).....	0	545	0	0	545	18	563	111111111100000 (96.8)	0	22	0	0	22	7	29
Roth (8).....	2	1,263	0	4	1,269	99	1,368	000000001111110 (92.8)	0	38	0	0	38	20	58
Addams (12).....	0	504	0	0	504	179	683	111111111100000 (73.8)	0	7	0	0	7	19	26
Jefferson (39).....	0	568	2	0	570	375	945	000001111100000 (60.3)	0	5	0	0	5	37	42
Jefferson Primary (40).....	0	393	0	0	393	295	688	011100000000001 (57.1)	0	7	0	0	7	15	22
Cornell Heights (19).....	0	382	13	3	398	466	864	101111111100000 (46.1)	0	3	0	0	3	28	31
Longfellow (45).....	0	444	0	0	444	605	1,049	111111111100000 (42.3)	0	6	0	0	6	31	37
Gardendale (28).....	1	81	0	0	82	202	284	111111111100000 (28.9)	0	4	0	0	4	8	12
Gorman (69).....	0	19	0	0	19	71	90	011111011100000 (21.1)	0	0	0	0	0	8	8
Col White (10).....	0	338	4	6	348	1,403	1,751	000000000111110 (19.9)	0	3	0	1	4	72	76
Washington (62).....	0	138	0	1	139	570	709	111111111100000 (19.6)	0	4	0	0	4	21	25
Patterson (6).....	0	290	1	8	299	1,283	1,582	000000000111110 (18.9)	0	4	0	0	4	60	64
McGuffey (49).....	1	137	0	1	139	812	951	111111111100000 (14.6)	0	1	0	0	1	33	34
Kennedy Deaf (421).....	0	15	0	1	16	163	179	111111110000000 (8.9)	0	6	0	0	6	15	21
Meadowdale (51).....	0	54	2	2	58	613	671	011111111100000 (8.6)	0	1	0	0	1	26	27
Valerie (60).....	0	35	3	0	38	425	463	011111111100000 (8.2)	0	0	0	0	0	17	17
Ruskin (56).....	0	66	2	0	68	870	938	111111111100000 (7.2)	0	0	0	0	0	39	39
Emerson (23).....	0	62	3	0	65	839	904	111111111100000 (7.2)	0	4	0	0	5	35	39
Shoup Mill (58).....	0	26	0	0	26	338	364	011111111100000 (7.1)	0	1	0	0	1	13	14
Hickorydale (33).....	0	35	0	0	35	494	529	011111111100000 (6.6)	0	0	0	0	0	19	19
Drexel (20).....	0	37	0	0	37	601	638	011111111100000 (5.8)	0	2	0	0	2	20	22
Belle Haven (14).....	0	61	0	7	68	1,120	1,188	011111111100000 (5.7)	0	2	0	0	2	39	41
Fairview (3).....	0	75	1	4	80	1,340	1,420	000000000111110 (5.6)	0	4	0	0	4	62	66

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: DAYTON. NUMBER OF SCHOOLS: 69. REPRESENTING: 69. CITY: DAYTON. COUNTY: 57 MONTGOMERY. ASSURANCE: 441—Continued

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Gettysburg Avenue (29).....	0	34	1	1	36	615	651	01111111100000 (5.5)	0	1	0	0	1	25	26
Loos (46).....	0	33	1	0	34	670	704	01111111100000 (4.8)	0	1	0	0	1	26	27
Wilbur Wright (11).....	0	51	1	1	53	1,365	1,418	00000000011110 (3.7)	0	3	0	0	3	60	63
Fairview (25).....	0	14	2	2	18	781	799	01111111100000 (2.3)	0	1	0	0	1	27	28
Kiser (4).....	0	14	0	1	15	747	762	00000000011110 (2.0)	0	2	0	0	2	38	40
Hawthorne (32).....	1	0	4	0	5	286	291	01111111100000 (1.7)	0	0	0	0	0	11	11
Van Cleve (61).....	1	9	1	2	13	788	801	01111111100000 (1.6)	0	1	0	0	1	31	32
Horace Mann (43).....	0	1	2	2	5	339	344	01111111100000 (1.5)	0	0	0	0	0	13	15
Brown (16).....	0	7	1	6	14	1,131	1145	01111111100000 (1.2)	0	0	0	0	0	44	44
Meadowdale (5).....	1	18	1	0	20	1,637	1657	00000000011110 (1.2)	0	3	0	0	3	69	72
Huffman (35).....	7	0	2	1	10	966	976	11111111100000 (1.0)	0	3	0	0	3	36	39
Stivers (9).....	0	6	2	0	8	902	910	00000000011110 (0.9)	0	2	0	0	2	52	54
Fairport (24).....	0	1	5	0	6	838	844	01111111100000 (0.7)	0	1	0	0	1	27	28
Kemp (41).....	0	0	2	2	4	679	683	01111111100000 (0.6)	0	0	0	0	0	26	26
Patterson (53).....	0	0	0	3	3	562	565	01111111100000 (0.5)	0	1	0	0	1	23	24
Eastmont Park (21).....	0	0	2	2	4	840	844	01111111100000 (0.5)	0	1	0	0	1	32	33
Belmont (15).....	0	0	3	0	3	654	657	01111111100000 (0.5)	0	1	0	0	1	24	25
Fort McKinley (26).....	0	0	2	0	2	464	466	01111111100000 (0.4)	0	1	0	0	1	17	18
Grant (30).....	0	1	2	0	3	752	755	11111111100000 (0.4)	0	1	0	0	1	23	24
Allen (13).....	0	1	0	1	2	602	604	01111111100000 (0.3)	0	1	0	0	1	23	24
Cleveland (18).....	0	0	3	1	4	1,244	1,248	01111111100000 (0.3)	0	0	0	0	0	41	41
Belmont (1).....	1	2	0	3	6	2,003	2,009	00000000011111 (0.3)	0	4	0	1	5	72	77
Franklin (27).....	0	0	2	0	2	854	856	01111111100000 (0.2)	0	1	0	0	1	31	32
Shiloh (57).....	0	1	0	0	1	581	582	01111111100000 (0.2)	0	0	0	0	0	18	18
Orville Wright (88).....	0	0	0	1	1	791	792	01111111100000 (0.1)	0	1	0	0	1	28	29
Lincoln (44).....	0	0	0	1	1	1,069	1,070	01111111100000 (0.1)	0	1	0	0	1	38	39
Lewton (43).....	0	0	0	0	0	556	556	01111111100000 (0.0)	0	0	0	0	0	19	19
Webster (64).....	0	0	0	0	0	574	574	01111111100000 (0.0)	0	0	0	0	0	28	28

DISTRICT: JEFFERSON TOWNSHIP LOCAL. NUMBER OF SCHOOLS: 5. REPRESENTING: 5. CITY: DAYTON. COUNTY: 57 MONTGOMERY

Number.....	1	1,889	1	1	1,892	933	2,825	.....	0	48	0	0	48	57	105
Percent.....	0.0	66.9	0.0	0.0	67.0	33.0	100.0	.....	0.0	45.7	0.0	0.0	45.7	54.3	100.0
Blairwood Elementary (3).....	0	658	0	0	658	3	661	01111110000001 (99.5)	0	16	0	0	16	6	22
Jefferson (2).....	0	450	0	0	450	204	654	00000000111000 (68.8)	0	12	0	0	12	16	28
Jefferson High School (1).....	1	337	1	1	380	233	613	00000000011110 (62.0)	0	8	0	0	8	13	21
Radcliff Heights (5).....	0	223	0	0	223	190	413	01111110000000 (54.0)	0	6	0	0	6	10	16
Jefferson Elementary (4).....	0	181	0	0	181	203	484	01111110000000 (37.4)	0	6	0	0	6	12	18

DISTRICT: ALLIANCE. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: ALLIANCE. COUNTY: 76 STARK

Number.....	0	1,127	8	1	1,136	5,118	6,254	.....	0	9	0	0	9	255	264
Percent.....	0.0	18.0	0.1	0.0	18.2	81.8	100.0	.....	0.0	3.4	0.0	0.0	3.4	96.6	100.0
Franklin (4).....	0	251	0	0	51	27	278	01111110000000 (90.3)	0	3	0	0	3	10	13
Morgan (7).....	0	269	0	0	269	226	495	01111110000000 (54.3)	0	0	0	0	0	21	21
Stanton (2).....	0	221	0	1	222	522	744	00000000111000 (29.8)	0	3	0	0	3	31	34
Riverside (10).....	0	42	0	0	42	149	191	01111110000000 (22.0)	0	0	0	0	0	6	6
Alliance (1).....	0	248	1	0	249	1,061	1,310	00000000001110 (19.0)	0	3	0	0	3	67	70
Liberty (6).....	0	37	1	0	38	485	523	01111110000001 (7.3)	0	0	0	0	0	20	20
State Street (3).....	0	41	0	0	41	685	726	00000000111000 (5.6)	0	0	0	0	0	30	30

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued  
 DISTRICT: ALLIANCE. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: ALLIANCE. COUNTY: 76 STARK—Continued

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Freedom (5).....	0	11	0	0	11	325	336	011111110000000 (3.3)	0	0	0	0	0	11	11
North Lincoln (8).....	0	4	4	0	8	470	478	011111110000000 (1.7)	0	0	0	0	0	18	18
Parkway (9).....	0	2	1	0	3	282	285	011111110000000 (1.1)	0	0	0	0	0	10	10
Rockhill (11).....	0	0	1	0	1	307	308	011111110000000 (0.3)	0	0	0	0	0	11	11
South Lincoln (12).....	0	1	0	0	1	579	580	011111110000000 (0.2)	0	0	0	0	0	20	20

DISTRICT: CANTON. NUMBER OF SCHOOLS: 33. REPRESENTING: 33. CITY: CANTON. COUNTY: 76 STARK

Number.....	6	4,318	19	95	4,438	17,539	21,977		0	50	1	4	55	846	901
Percent.....	0.0	19.6	0.1	0.4	20.2	79.8	100.0		0.0	5.5	0.1	0.4	6.1	93.9	100.0
Allen (7).....	0	386	0	0	386	17	403	010001110000001 (95.8)	0	2	0	0	2	15	17
athrop (19).....	0	330	0	0	330	97	427	010001110000001 (77.3)	0	3	0	0	3	17	20
Hartford (18).....	0	553	0	5	558	233	791	000000001100000 (70.5)	0	5	0	1	6	41	47
Roosevelt (24).....	0	253	0	2	255	113	368	010000000000001 (69.3)	0	2	0	0	2	12	14
Washington (29).....	0	363	0	0	363	220	582	010001110000001 (62.3)	0	4	0	0	4	20	24
Belden (9).....	0	416	0	8	424	270	694	010001110000001 (61.1)	0	2	0	2	2	23	25
Martin (21).....	0	283	0	1	284	187	471	010001110000001 (60.3)	0	2	0	0	2	17	19
Burns (10).....	0	208	0	2	210	318	528	010001111100001 (39.8)	0	3	0	1	4	17	21
McKinley (4).....	0	912	0	9	921	1,558	2,479	000000000011110 (37.2)	0	5	0	0	5	105	110
Wells (30).....	0	166	1	0	167	413	580	010001110000001 (28.8)	0	2	0	0	2	21	23
Horace Mann (20).....	0	77	0	0	77	398	475	010001111100001 (16.2)	0	1	0	0	1	16	17
Timken Vocational (5).....	0	151	1	14	166	1,221	1,387	000000000011110 (12.0)	0	2	0	0	2	68	70
Canton Adult Evening (1).....	0	16	0	0	16	129	145	010001110000001 (11.0)	0	0	0	0	0	0	0
Starr (26).....	0	30	0	1	31	255	286	010001110000001 (10.8)	0	1	0	0	1	11	12
Garfield (15).....	0	12	4	2	18	295	313	010001110000001 (5.8)	0	1	0	1	2	9	11
Souers (6).....	3	58	1	1	63	1,047	1,110	000000001110000 (5.7)	0	0	0	0	2	47	49
Gibbs (16).....	0	32	2	0	34	788	822	010001111100001 (4.1)	0	2	0	0	1	27	28
Dueber (13).....	0	13	0	0	13	431	444	010001110000001 (2.9)	0	1	0	0	1	14	15
Lincoln (3).....	3	9	0	24	36	1,271	1,307	000000000011110 (2.8)	0	1	0	1	2	59	61
Mason (22).....	0	5	0	3	8	285	293	010000001100001 (2.7)	0	1	0	0	1	9	10
McGregor (23).....	0	3	0	9	12	511	523	010000000000001 (2.3)	0	1	1	0	2	18	20
Fairmount (14).....	0	14	2	0	16	707	723	010001111100001 (2.2)	0	0	0	0	0	23	23
Lehman (2).....	0	1	2	13	16	1,020	1,036	000000000011110 (1.5)	0	0	0	0	0	47	47
Youtz (33).....	0	6	0	0	6	417	423	010001110000001 (1.4)	0	0	0	0	0	19	19
Harter (17).....	0	6	0	0	6	477	483	010011111100001 (1.2)	0	1	0	0	1	19	20
Smith (25).....	0	4	0	0	4	320	324	010001111100001 (1.2)	0	1	0	0	1	15	16
Cudar (11).....	0	3	0	1	4	539	543	010011110000001 (0.7)	0	1	0	0	1	18	19
Clarendon (12).....	0	1	4	0	5	776	781	010001111100001 (0.6)	0	1	0	0	1	26	27
Woodland (31).....	0	2	1	0	3	586	589	010001111100001 (0.5)	0	1	0	0	1	20	21
Stone (27).....	0	3	0	0	3	712	715	010001111100001 (0.4)	0	1	0	0	1	28	29
Summit (28).....	0	2	1	0	3	944	947	010011111100001 (0.3)	0	1	0	0	1	30	31
Worley (32).....	0	0	0	0	0	501	501	010011111100001 (0.0)	0	0	0	0	0	18	18
Baxter (8).....	0	0	0	0	0	483	483	010001110000001 (0.0)	0	1	0	0	1	17	8

DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT

Number.....	6	15,137	64	41	15,248	43,341	58,589		0	163	0	1	164	2,035	2,199
Percent.....	0.0	25.8	0.1	0.1	26.0	74.0	100.0		0.0	7.4	0.0	0.0	7.5	92.5	100.0
Bryan (25).....	0	588	0	0	588	0	588	011111110000000 (100.0)	0	8	0	0	8	20	28
Lane (50).....	0	676	0	0	676	3	679	011111110000000 (99.6)	0	8	0	0	8	16	24
Crouse (28).....	0	1,056	0	0	1,056	14	1,070	011111110000000 (98.7)	0	7	0	0	7	32	39
Schumacher (65).....	0	813	0	0	813	40	853	011111110000000 (95.3)	0	3	0	0	3	24	27

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued  
 DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		American Indians	Negro	Oriental	Spanish- American	Minority total	Other		
Howe (47).....	0	405	0	0	405	29	434	01111110060000 (93.3)	0	4	0	0	4	14	18
Maple Valley (54).....	0	56	0	0	56	5	61	00110000000000 (91.8)	0	2	0	0	2	2	4
South (11).....	0	871	0	1	872	103	975	00000000011110 (89.4)	0	13	0	0	13	31	44
Robinson (64).....	1	918	2	0	921	178	1,099	01111111000000 (83.8)	0	15	0	0	15	22	37
Miller (58).....	0	273	0	0	273	54	327	01111111000000 (83.5)	0	3	0	0	3	9	12
Horace St. John Stewart Primary (71).....	0	304	0	0	302	60	362	(83.4)	0	3	0	0	3	9	12
Grace (37).....	3	501	2	0	506	139	645	01111110000000 (78.4)	0	7	0	0	7	23	30
West (21).....	0	921	2	1	924	278	1,202	00000001110000 (76.9)	0	5	0	0	5	48	53
Thornton (20).....	1	727	0	0	728	293	1,021	00000001110000 (71.3)	0	7	0	0	7	42	49
Margaret Park (55).....	0	648	0	0	648	420	1,068	01111111000000 (60.7)	0	6	0	0	6	33	39
Crosby (27).....	0	241	0	3	244	192	436	01111111000000 (56.0)	0	4	0	0	4	13	17
Findley (32).....	0	436	2	1	439	399	838	01111111000000 (52.9)	0	3	0	0	3	22	25
Buchtel (1).....	0	606	1	2	609	812	1,421	00000000001110 (42.9)	0	2	0	0	2	54	56
Perkins (19).....	0	441	0	0	441	776	1,217	00000001110000 (36.2)	0	0	0	0	0	46	46
Lincoln (53).....	0	345	2	2	349	636	985	01111111000000 (35.4)	0	4	0	0	4	33	37
Glover (36).....	0	352	2	1	355	687	1,042	01111111000000 (34.1)	0	0	0	0	0	33	33
Goodyear (13).....	0	445	1	1	447	921	1,368	00000001110000 (32.7)	0	1	0	0	1	56	57
Jennings (16).....	0	422	1	2	425	962	1,387	00000001110000 (20.6)	0	4	0	0	4	52	56
East (3).....	0	318	0	0	318	785	1,103	00000000001110 (28.8)	0	1	0	0	1	45	46
However Vocational (8).....	0	172	0	0	172	448	620	00000000001110 (27.7)	0	0	0	0	0	35	35
Central (2).....	0	257	2	1	260	741	1,001	00000000011110 (26.0)	0	1	0	0	1	43	44
McEbright (57).....	0	173	0	2	175	525	700	01111111000000 (25.0)	0	3	0	0	3	18	21
Evening (5).....	0	129	0	0	129	460	589	00000000000001 (21.9)	0	1	0	1	1	29	30
Leggett (52).....	0	164	0	0	164	595	759	01111111000000 (21.6)	0	1	0	0	1	29	30
Henry (42).....	0	96	0	4	100	367	467	01111111000000 (21.4)	0	2	0	0	2	14	16
Hill (64).....	0	177	0	2	179	685	864	01111111000000 (20.7)	0	1	0	0	1	29	30
North (10).....	0	238	0	1	239	928	1,167	00000000011110 (20.5)	0	1	0	0	1	56	57
Barber (22).....	0	145	0	0	145	601	746	01111111000000 (19.4)	0	0	0	0	0	22	22
Rankin (61).....	0	194	3	0	197	818	1,015	01111111000000 (19.4)	0	3	0	0	3	32	35
Goodrich (12).....	0	223	0	0	223	953	1,176	00000001110000 (19.0)	0	3	0	0	3	42	45
Portage Path (60).....	0	108	0	0	108	713	821	01111111000000 (13.2)	0	1	0	0	1	26	27
Garfield (7).....	0	241	0	3	244	1,739	1,983	00000000011110 (12.3)	0	1	0	0	1	80	81
Seiberling (66).....	0	136	3	0	139	1,048	1,187	01111111000000 (11.7)	0	1	0	0	1	37	38
Erie Island (29).....	0	60	2	2	64	577	641	01111111000000 (10.0)	0	2	0	0	2	17	19
Fraunfelder (35).....	0	28	0	4	32	476	508	01111111000000 (6.3)	0	1	0	0	1	14	15
Harris (39).....	0	40	0	1	41	785	826	00000001110000 (5.0)	0	1	0	0	1	27	28
Kent (17).....	0	56	0	0	56	1,136	1,192	01111111000000 (4.7)	0	0	0	0	0	46	46
Mason (56).....	0	37	0	2	39	883	922	01111111000000 (4.2)	0	4	0	0	4	33	37
Forest Hill (34).....	0	15	0	0	15	520	535	01111111000000 (2.8)	0	1	0	0	1	17	18
Pfeiffer (59).....	0	10	0	0	10	419	429	011111110000009 (2.3)	0	0	0	0	0	14	14
Hotchkiss (46).....	0	8	2	1	11	502	513	01111111000000 (2.1)	0	2	0	0	2	18	20
Case (26).....	0	5	15	0	20	935	955	01111111000000 (2.1)	0	1	0	0	1	31	32
Essex (30).....	0	4	1	1	6	458	464	01111111000000 (1.3)	0	2	0	0	2	13	15
Heminger (41).....	0	4	0	0	4	312	316	01111111000000 (1.3)	0	1	0	0	1	11	12
Rimer (62).....	0	2	3	0	5	401	406	01111111000000 (1.2)	0	0	0	0	0	17	17
Innes (15).....	0	14	0	0	14	1,178	1,192	00000001110000 (1.2)	0	0	0	0	0	45	45
Kenmore (9).....	0	17	0	0	17	1,453	1,470	00000000011110 (1.2)	0	0	0	0	0	61	61
Bettes (23).....	0	5	0	1	6	550	556	01111111000000 (1.1)	0	1	0	1	2	20	22
Jackson (48).....	0	0	4	0	4	399	403	01111111000000 (1.0)	0	0	0	0	0	12	12
Litchfield (18).....	1	5	4	0	10	1,143	1,153	00000001110000 (0.9)	0	1	0	0	1	42	43

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT—Continued

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Highland Park (43).....	0	1	3	1	5	737	742	011111110000000 (0.7)	0	2	0	0	2	26	28
Smith (67).....	0	1	2	0	3	519	522	011111110000000 (0.6)	0	0	0	0	0	15	15
Windemere (70).....	0	0	3	0	3	565	568	011111110000000 (0.5)	0	0	0	0	0	18	18
King (49).....	0	3	0	0	3	660	663	011111110000000 (0.5)	0	1	0	0	1	21	22
Firestone (6).....	0	3	0	1	4	1,340	1,344	000000000011110 (0.3)	0	2	0	0	2	50	52
Hatton (40).....	0	2	0	0	2	981	983	011111110000000 (0.2)	0	2	0	0	2	28	30
Ellet (4).....	0	2	0	0	2	1,132	1,134	000000000011110 (0.2)	0	1	0	0	1	45	46
Ritzman (63).....	0	0	1	0	1	797	798	011111110000000 (0.1)	0	2	0	0	2	24	26
Fairlawn (31).....	0	0	1	0	1	834	835	011111110000000 (0.1)	0	1	0	0	1	24	25
Hyre (14).....	0	1	0	0	1	1,369	1,370	000000001110000 (0.1)	0	1	0	0	1	49	50
Betty Jane (24).....	0	0	0	0	0	1,111	1,111	011111110000000 (0.0)	0	2	0	0	2	37	39
Hillwood (45).....	0	0	0	0	0	101	101	010000000000000 (0.0)	0	0	0	0	0	2	2
Firestone Park (33).....	0	0	0	0	0	1,057	1,057	011111110000000 (0.0)	0	2	0	0	2	29	31
Guinther (38).....	0	0	0	0	0	289	289	011100000000000 (0.0)	0	0	0	0	0	8	8
Voris (69).....	0	0	0	0	0	596	596	011111110000000 (0.0)	0	0	0	0	0	27	27
Thomastown (68).....	0	0	0	0	0	298	298	011111110000000 (0.0)	0	0	0	0	0	10	10
Lawndale (51).....	0	0	0	0	0	421	421	011111110000000 (0.0)	0	1	0	0	1	13	14

DISTRICT: WARREN CITY. NUMBER OF SCHOOLS: 24. REPRESENTING: 24. CITY: WARREN. COUNTY: 78 TRUMBULL. ASSURANCE: 441

Number.....	0	3,206	10	11	3,227	11,083	14,310	-----	0	26	0	1	27	536	563
Percent.....	0	22.4	.1	.1	22.6	77.4	100	-----	0	4.6	0	.2	4.8	95.2	100
First Street (10).....	0	493	0	0	493	15	508	101111110000001 (97.0)	0	6	0	0	6	16	22
Washington (22).....	0	242	0	0	242	33	275	101111110000001 (88.0)	0	2	0	0	2	11	13
JeGerson (12).....	0	412	1	0	413	116	529	111111110000000 (78.1)	0	2	0	0	2	19	21
Tod Avenue Elementary (20).....	0	102	0	0	102	52	154	011111110000000 (66.2)	0	0	0	0	0	8	8
Willard (24).....	0	305	1	1	307	158	465	000000001111110 (66.0)	0	1	0	0	1	19	20
Market (2).....	0	159	0	0	159	96	255	011111110000000 (62.4)	0	5	0	0	5	11	16
Roosevelt (18).....	0	117	0	1	118	367	485	000000001100000 (24.3)	0	0	0	0	0	16	16
West (23).....	0	165	1	0	166	547	713	000000001100000 (23.3)	0	0	0	0	0	32	32
Last (7).....	0	156	0	0	156	556	712	000000001100000 (21.9)	0	1	0	0	1	31	32
Turner (21).....	0	121	1	0	122	517	639	000000001100000 (19.1)	0	0	0	0	0	24	24
Warren Western Reserve (3).....	0	358	3	1	362	1,577	1,939	000000000111110 (18.7)	0	3	0	0	3	82	85
Mann (15).....	0	125	0	0	125	580	705	011111110000001 (17.7)	0	0	0	0	0	22	22
Harding (1).....	0	294	1	5	300	1,646	1,946	000000000111110 (15.4)	0	3	0	1	4	84	88
Alden (4).....	0	56	1	0	57	383	440	011111110000000 (13.0)	0	0	0	0	0	15	15
Elm Road (8).....	0	32	1	0	33	320	353	011111110000000 (9.3)	0	2	0	0	2	11	13
aird Avenue (13).....	0	40	0	0	40	427	467	111111110000000 (8.6)	0	1	0	0	1	14	15
Dickey Avenue (6).....	0	12	0	2	14	413	427	011111110000000 (3.3)	0	0	0	0	0	15	15
McKinley (17).....	0	8	0	0	8	498	506	011111110000000 (1.6)	0	0	0	0	0	16	16
Emerson (9).....	0	6	0	0	6	672	678	011111110000000 (0.9)	0	0	0	0	0	22	22
Garfield (11).....	0	2	0	1	3	452	455	011111110000000 (0.7)	0	0	0	0	0	15	15
McGuffey (16).....	0	1	0	0	1	554	555	011111110000000 (0.2)	0	0	0	0	0	19	19
Lincoln (14).....	0	0	0	0	0	168	168	011111110000000 (0)	0	0	0	0	0	7	7
Secrest (19).....	0	0	0	0	0	516	516	011101100000000 (0)	0	0	0	0	0	14	14
Devon (5).....	0	0	0	0	0	420	420	011111110000000 (0)	0	0	0	0	0	13	13

THE NIXON-SATO COMMUNIQUE

Mr. BYRD of Virginia. Mr. President, during the weekend, I had an opportunity to study the communique issued

Friday by the President of the United States and the Prime Minister of Japan.

It was cordial in tone, as it should have been. It is important, I feel, that

there be a close and friendly relationship between Japan and the United States.

Prime Minister Sato's visit to the

United States, as President Nixon made clear, should help achieve a better understanding between the two countries.

The text of the communique is three columns of newspaper type. It is divided into 15 brief sections.

The key section is number 6.

This is the section which deals specifically with Okinawa. In this section, the Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan to return Okinawa to Japanese control. President Nixon expressed appreciation of the Prime Minister's view:

Now we come to the key sentences:

They (President Nixon and Prime Minister Sato) therefore agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East, including Japan.

They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support.

Now, let us analyze the above language.

Just what agreement was reached by Mr. Nixon and Mr. Sato.

First. They agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa, and,

Second. Such consultations would be subject to the conclusion of these specific arrangements with the necessary legislative support.

So, it seems clear that the only agreement made by President Nixon is one of principle; namely, an early reversion of Okinawa.

But no details have been agreed to.

No specific arrangements have been agreed to.

The agreement, to cite the text of the communique, is to "enter into consultations regarding specific arrangements."

As one who feels that the United States must have the unrestricted use of Okinawa, our greatest military complex in the far Pacific, if we are to continue our widespread commitments in Asia, I frankly am relieved since reading the text of the communique.

The text does not bear out the newspaper headlines concerning the communique.

The only agreement President Nixon made was to "immediately enter into consultations regarding specific arrangements."

And then that was followed by the two leaders of government specifying that any specific arrangements would be subject to legislative support which, insofar as the United States is concerned, means approval by the Senate.

I am glad to state to the Senate that I support this communique. It should help Prime Minister Sato in Japan without forfeiture by the United States of any control over Okinawa other than agreeing to enter "into consultations regarding specific arrangements."

I am especially pleased that the Sen-

ate's role in any final arrangements affecting Okinawa is specifically recognized in the text of the communique.

The fact that this is so clearly spelled out in the communique results, I feel, from the action taken by the Senate of the United States on November 5, 1969.

On that date, the Senate, by a recorded vote of 63 to 14, specified that any change in the Treaty of Peace with Japan must come to the Senate for approval or disapproval.

In the Nixon/Sato communique 16 days later, both leaders recognized that any "specific arrangements" affecting Okinawa would be subject to Senate approval.

In my judgment, this establishes a historic precedent and one which is of vital importance both to the Senate and to the Nation.

President Johnson, last year, unilaterally returned to Japan the Bonin Islands, which included Iwo Jima, without submitting his action to the Senate for ratification.

The Senate was not aware of President Johnson's action until the deed had been accomplished.

But the Senate on November 5 of this year served notice that any changes in treaties previously ratified by the Senate must be submitted to the Senate for approval.

This action of the Senate on November 5, followed by the Nixon/Sato communique of November 21, makes clear that both the Senate and President Nixon are aware that no change may be made in the present status of Okinawa without Senate approval.

It is difficult to predict what the Senate will do in regard to Okinawa—and I do not intend to try.

The leadership of the Senate favors an early return of Okinawa to Japan, but I have talked with a great many Senators who do not agree with that viewpoint.

I have the feeling that the United States will be retaining the free and unrestricted use of Okinawa until such time as we reduce our commitments to defend so many Asian nations. It is my hope that we will soon begin to reduce our Asian commitments.

I ask unanimous consent, Mr. President, that the text of the Nixon-Sato communique be printed at this point in the RECORD.

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

#### THE NIXON-SATO COMMUNIQUE

WASHINGTON, November 21.—Following is the text of the joint communique issued today by President Nixon and Premier Eisaku Sato of Japan:

[1]

President Nixon and Prime Minister Sato met in Washington on Nov. 19, 20 and 21, 1969, to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan.

[2]

The President and the Prime Minister recognized that both the United States and Japan have greatly benefited from their close association in a variety of fields, and they declared that guided by their common prin-

ciples of democracy and liberty, the two countries would maintain and strengthen their fruitful cooperation in the continuing search for world peace and prosperity and in particular for the relaxation of international tensions. The President expressed his and his Government's deep interest in Asia and stated his belief that the United States and Japan should cooperate in contributing to the peace and prosperity of the region. The Prime Minister stated that Japan would make further active contributions to the peace and prosperity of Asia.

[3]

The President and the Prime Minister exchanged frank views on the current international situation, with particular attention to developments in the Far East. The President, while emphasizing that the countries in the area were expected to make their own efforts for the stability of the area, gave assurance that the United States would continue to contribute to the maintenance of international peace and security in the Far East by honoring its defense treaty obligations in the area. The Prime Minister, appreciating the determination of the United States, stressed that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its obligations referred to by the President. He further expressed his recognition that, in the light of the present situation, the presence of United States forces in the Far East constituted a mainstay for the stability of the area.

[4]

The President and the Prime Minister specifically noted the continuing tension over the Korean peninsula. The Prime Minister deeply appreciated the peace-keeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security. The President and the Prime Minister shared the hope that Communist China would adopt a more cooperative and constructive attitude in its external relations. The President referred to the treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan. The President described the earnest efforts made by the United States for a peaceful and just settlement of the Vietnam problem. The President and the Prime Minister expressed the strong hope that the war in Vietnam would be concluded before return of the administrative rights over Okinawa to Japan. In this connection, they agreed that, should peace in Vietnam not have been realized by the time reversion of Okinawa is scheduled to take place, the two Governments would fully consult with each other in the light of the situation at that time so that reversion would be accomplished without affecting the United States efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference. The Prime Minister stated that Japan was exploring what role she could play in bringing about stability in the Indochina area.

[5]

In light of the current situation and the prospects in the Far East, the President and the Prime Minister agreed that they highly valued the role played by the Treaty of Mutual Cooperation and Security in maintaining the peace and security of the Far East including Japan, and they affirmed the intention of the two Governments firmly to maintain the treaty on the basis of mutual trust and common evaluation of the international situation. They further agreed that

the two Governments should maintain close contact with each other on matters affecting the peace and security of the Far East, including Japan, and on the implementation of the Treaty of Mutual Cooperation and Security.

[6]

The Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan, of both the mainland and Okinawa, to have the administrative rights over Okinawa returned to Japan on the basis of the friendly relations between the United States and Japan and thereby to restore Okinawa to its normal status. The President expressed appreciation of the Prime Minister's view. The President and the Prime Minister also recognized the vital role played by United States forces in Okinawa in the present situation in the Far East. As a result of their discussion it was agreed that the mutual security interests of the United States and Japan could be accommodated within arrangements for the return of the administrative rights over Okinawa to Japan. They therefore agreed that the two Governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East including Japan. They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support. In this connection, the Prime Minister made clear the intention of his Government, following reversion, to assume gradually the responsibility for the immediate defense of Okinawa as part of Japan's defense efforts for her own territories. The President and the Prime Minister agreed also that the United States would retain, under the terms of the Treaty of Mutual Cooperation and Security, such military facilities and areas in Okinawa as required in the mutual security of both countries.

[7]

The President and the Prime Minister agreed that, upon return of the administrative rights, the Treaty of Mutual Cooperation and Security and its related arrangements would apply to Okinawa without modification thereof. In this connection, the Prime Minister affirmed the recognition of his Government that the security of Japan could not be adequately maintained without international peace and security in the Far East and, therefore, the security of countries in the Far East was a matter of serious concern for Japan. The Prime Minister was of the view that, in the light of such recognition on the part of the Japanese Government, the return of the administrative rights over Okinawa in the manner agreed above should not hinder the effective discharge of the international obligations assumed by the United States for the defense of countries in the Far East, including Japan. The President replied that he shared the Prime Minister's view.

[8]

The Prime Minister described in detail the particular sentiment of the Japanese people against nuclear weapons and the policy of the Japanese Government reflecting such sentiment. The President expressed his deep understanding and assured the Prime Minister that, without prejudice to the position of the United States Government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.

[9]

The President and the Prime Minister took note of the fact that there would be a number of financial and economic problems, including those concerning United States business interests in Okinawa, to be solved between the two countries in connection with the transfer of the administrative rights over Okinawa to Japan and agreed that detailed discussions relative to their solution would be initiated promptly.

[10]

The President and the Prime Minister, recognizing the complexity of the problems involved in the reversion of Okinawa, agreed that the two Governments should consult closely and cooperate on the measures necessary to assure a smooth transfer of administrative rights to the Japanese Government, in accordance with reversion arrangements to be agreed to by both Governments. They agreed that the United States-Japan Consultative Committee in Tokyo should undertake over-all responsibility for this preparatory work. The President and the Prime Minister decided to establish in Okinawa a preparation commission in place of the existing advisory committee to the High Commissioner of the Ryukyu Islands for the purpose of consulting and coordinating locally on measures relating to preparation for the transfer of administrative rights, including necessary assistance to the government of the Ryukyu Islands. The preparatory commission will be composed of a representative of the Japanese Government with ambassadorial rank and the High Commissioner of the Ryukyu Islands, with the chief executive of the government of the Ryukyu Islands acting as adviser to the commission. The commission will report and make recommendations to the two Governments through the United States-Japan Consultative Committee.

[11]

The President and the Prime Minister expressed their conviction that a mutually satisfactory solution of the question of the return of the administrative rights over Okinawa to Japan, which is the last of the major issues between the two countries arising from World War II, would further strengthen United States-Japan relations, which are based on friendship and mutual trust and would make a major contribution to the peace and security of the Far East.

[12]

In their discussion of economic matters, the president and the Prime Minister noted the marked growth in economic relations between the two countries. They also acknowledged that the leading positions which their countries occupy in the world economy impose important responsibilities on each for the maintenance and strengthening of the international trade and monetary system, especially in the light of the current large imbalances in trade and payments. In this regard, the President stressed his determination to bring inflation in the United States under control. He also reaffirmed the commitment of the United States to the principle of promoting freer trade. The Prime Minister indicated the intention of the Japanese Government to accelerate rapidly the reduction of Japan's trade and capital restrictions. Specifically, he stated the intention of the Japanese Government to remove Japan's residual import quota restrictions over a broad range of products by the end of 1971 and to make maximum efforts to accelerate the liberalization of the remaining items. He added that the Japanese Government intends to make periodic reviews of its liberalization program with a view to implementing trade liberalization at a more accelerated pace than hitherto. The President and the Prime Minister agreed that their re-

spective actions would further solidify the foundation of over-all U.S.-Japan relations.

[13]

The President and the Prime Minister agreed that attention to the economic needs of the developing countries was essential to the development of international peace and stability. The Prime Minister stated the intention of the Japanese Government to expand and improve its aid programs in Asia, commensurate with the economic growth of Japan. The President welcomed this statement and confirmed that the United States would continue to contribute to the economic development of Asia. The President and Prime Minister recognized that there would be major requirements for the post-war rehabilitation of Vietnam and elsewhere in Southeast Asia. The Prime Minister stated the intention of the Japanese Government to make a substantial contribution to this end.

[14]

The Prime Minister congratulated the President on the successful moon landing of Apollo 12, and expressed the hope for a safe journey back to earth for the astronauts. The President and the Prime Minister agreed that the exploration of space offers great opportunities for expanding cooperation in peaceful scientific projects among all nations. In this connection, the Prime Minister noted with pleasure that the United States and Japan last summer had concluded an agreement on space cooperation. The President and the Prime Minister agreed that implementation of this unique program is of importance to both countries.

[15]

The President and the Prime Minister discussed prospects for the promotion of arms control and the slowing down of the arms race. The President outlined his Government's efforts to initiate the strategic arms limitations talks with the Soviet Union that have recently started in Helsinki. The Prime Minister expressed his Government's strong hopes for the success of these talks. The Prime Minister pointed out his country's strong and traditional interest in effective disarmament measures with a view to achievement of general and complete disarmament under strict and effective international control.

Mr. HOLLINGS. Mr. President, I commend our distinguished colleague from Virginia for emphasizing the importance of the Okinawa question to the security of the free world, and its disposition to the interest and participation of the U.S. Senate, as concerns the so-called agreement or communique between President Nixon and Prime Minister Sato.

I do not necessarily enjoy the same comfort as the Senator, but I hope he is right. I do not necessarily enjoy the same assurance that this communique is crystal clear. Having just gone through a 3-month ordeal of headline and substance, and having had the headline prevail after having read the substance over and over again, and lost, and there being no education in the second kick of a mule, I would like to read some of the headlines and show what I believe Prime Minister Sato had in mind as to this particular communique.

The headline in the Japan Times on Tuesday, November 11, was as follows: "Sato Tells Opposition U.S. Will O.K. Reversion Under 1972 Formula." That is the headline.

It so happened that the Interparliamentary Union group from the U.S. Senate was in Japan on that day, and visiting in the home of the Prime Minister. It was at practically that same time that the sense of the Senate resolution of the distinguished Senator from Virginia was under consideration here. I would have joined in support of what the Senator from Virginia presented in that resolution. But Mr. Sato received that resolution in the context that it had no bearing whatsoever, and he said so very clearly. He said if he had misunderstood it, he did not believe he would have been invited to the United States to continue with discussions.

He cited the matter that under no circumstance, for example, would the textile talks be confused with the Okinawa question. Now, Mr. President, this is the one section of the article with which I agree. I believe our international security and our commitments in the Far East transcend a singular economic problem like textile jobs, and certainly no one has been more attentive to that particular problem than I.

Some have said that we are going to swap Okinawa for textiles with Japan, and I do not agree with that approach in any way whatsoever. I do not think they should be confused, because this is far, far more important to world peace than fulfilling our commitments in the Far East.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask consent that I be permitted to continue for an additional 5 minutes.

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

Mr. HOLLINGS. Mr. President, I thought the Senator from Virginia had yielded the floor. I will be glad to ask the Senator a question.

I do not necessarily wish to join the Senator from Virginia with my particular thoughts. However, I will continue, if the Senator will permit me.

I think there has been some confusion. First, certainly we should not confuse textiles with Okinawa. Second, I deplore the confusion of the Mutual Security Pact of 1964 with the rights of Okinawa.

I am fully aware of the statement of former Secretary of State Foster Dulles and of the ultimate sovereignty. We do not want countries. We did not want the Philippines. We did not want Cuba. We did not want Vietnam. We do not want territorial gain. Everyone knows that.

We do not want the responsibility that has been thrust upon us, but having had it thrust upon us, we should not confuse the mutual security pact with the internal affairs of Japan.

Okinawa is so fundamental in carrying out—at this particular time or any other time—our commitment in the Far East.

It is only, in my judgment, as I see it from listening to Japan itself, the domestic political concern with the reelection of the Prime Minister in January that brings about this confusion. They want to have him reelected. That is fine with me. However, if it comes to filling

the commitment or getting him reelected, I think we should bring it clearly to the attention of the people of Japan that they should assume some of the responsibilities.

I do not think that we should confuse this with legislating the demonstrators when we tell it like it is. And there has been activity engaged in concerning our responsibility or role as Senators. And I am not sure that is appreciated yet by the Executive.

I hope that the Senator is correct. I believe that ultimately Okinawa should go back. I think that if we could make an agreement to continue our responsibility and operations in Japan with the unquestioned right of launching combat operations, to use the expression employed in Japan—not just nuclear, but also combat operations—without having to check with the Japanese Government, that is all we would need.

Under the 1972 formula, we have to check with them. This is what Mr. Sato understands. If we could only buy a subscription to the Japanese Times for the Members of the Senate between now and the election in January, we would understand better what has been and is being published in the headlines instead of what is in the actual agreement. I think this is an important agreement.

The Senator from Virginia interprets the Senate's clear language as conveyed in the Byrd resolution as reaffirming the obligation and right of the Senate with respect to treaty obligation. I would wish that if the Executive disagrees with the Senator's version, he would so state.

I think that the Senator from Virginia has brought about a very important understanding and brought it to the light of truth.

Getting behind the headlines and to the substance of the matter, I can see where the substance of the Senator's interpretation is founded. However, unfortunately, that has not been my experience.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished and able Senator from South Carolina. I associate myself with his statements for the most part.

In regard to what Mr. Sato may feel about what should happen to Okinawa, that is his own personal view. However, I am taking the language of the communique signed by the President of the United States and by the Prime Minister of Japan at face value.

I am assuming that they are being fair with the American people and with the Japanese people and with the Senate of the United States, and that the executive branch of the Government will do what the communique says it will do, and that is, submit any proposal affecting Okinawa to the Senate of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be recognized for an additional 3 minutes.

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

Mr. BYRD of Virginia. Mr. President,

if that is done, I am convinced that there are enough Senators who feel that Okinawa is vital to the United States if our country is to continue to guarantee the freedom of so many Asian nations.

I have no doubt that Prime Minister Sato will endeavor to use his discussions with the President to his political advantage in Japan. And like the Senator from South Carolina, I see no particular objection to that. He is entitled to put whatever interpretations he wishes on it.

However, what we in the Senate have a right to rely upon is the statement of the President of the United States which is inserted as a major part of the communique—that any action must receive legislative support.

I think, as does the Senator from South Carolina, that this is a vitally important matter.

This Nation is deeply committed all over the world.

We have mutual defense agreements with 44 different nations.

We have committed ourselves to defend Japan, Vietnam, Thailand, Laos, Australia, New Zealand, the Philippines, and many other places, the names of which do not come to mind at the moment.

If we are going to adhere to all of these commitments, I submit that we had best keep our greatest military complex in the far Pacific, which is Okinawa. And I think the action the Senate took on November 5 of this year in the sense-of-the-Senate resolution will be extremely important in protecting the Okinawa bases for the United States and will also be extremely important in reasserting the Senate's role in foreign policy.

Mr. HOLLINGS. Mr. President, I, too, agree with the Senator from Virginia that now is not the time to return Okinawa under our present commitments and under the present circumstances with world peace being in jeopardy in the Far East.

I am not ready to withdraw from the Far East. I, too, as does the Senator from Virginia, take the communique at its face value. I read the same words:

They further agree to expedite the consultations with a view to accomplishing the reversion during 1972 subject to the conclusion of these specific arrangements with the necessary legislative support.

It does not guarantee the accomplishment of it. And the word "support" does not necessarily mean advice and consent.

I believe the President wanted to put it clearly in light of the sense of the Senate resolution which advised that we felt that the advice and consent to confirm the treaty ratification was necessary and that the actual exclusion of the word "ratification" is significant in itself. And their use of the word "support," rather than "ratification," is what is disturbing to me.

I hope the Senator is correct. We have the same sentiment, I believe, with respect to our commitments and the vital nature of Okinawa at this time to the fulfillment of the obligations of the Unit-

ed States in the Far East and in the maintenance of world peace.

**SENATOR EVERETT MCKINLEY DIRKSEN**

Mr. PERCY. Mr. President, I ask unanimous consent, in behalf of my good friend, the Vice President, to have printed in the RECORD remarks by him regarding the life of Senator Dirksen.

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

The VICE PRESIDENT. Few men command an overwhelming spiritual presence. The late Senator Everett McKinley Dirksen was such a man. While language was important to him and he used words with a rare grace, ideas were central to him and inspired his eloquence. While appearance and stature were important to him, his strength was generated by his character and his image was lighted by his soul. Everett McKinley Dirksen did not just sound like a Senator should sound or look like a Senator should look. He exemplified a Senator in his manner, his action, his work.

Senator Dirksen was a consummate politician and an extraordinary legislator, because he knew that the heart of law and politics was people. And he understood people. He not only represented them, but dedicated his great gift of expression to articulate and defend their values.

That he was a successful man and leader is a matter of fact. Even more, he was a man for all seasons; interested in all things, comfortable with all men. He was a warm and generous person who loved his family and his country with a stirring intensity. He gave much of himself to others; he was a fine teacher, an excellent ally and an admirable opponent.

It is not just the United States Senate or the Republican Party but all America which is less for his death. Yet, there is comfort. We are a better, stronger Nation for his wisdom. We not only enjoyed the years of his leadership, but know that he, too, enjoyed being a leader. We are grateful whenever we see a deserving man live to be a legend in his own time.

Senator Dirksen often quoted Abraham Lincoln, not only because he was a President, a Republican or a citizen of Illinois; but because both men shared a profound faith in America and a philosophy that was so purely American. Therefore, in eulogizing the late Senator; there can be no more fitting conclusion than these words of President Lincoln: "I like to see a man proud of the place in which he lives. I like to see a man live in it so that his place will be proud of him."

**LIFE, LIBERTY, AND SECURITY**

Mr. PROXMIRE. Mr. President, there can be no doubt that life, liberty, and security are three of the most basic human rights. This fact is recognized in article 3 of the United Nations Declaration of Human Rights, adopted in December of 1948. This article states:

Everyone has the right to life, liberty and security of person.

In its survey of human rights in the United States, the President's Commission for the Observance of Human Rights Year 1969 stated in regard to article 3:

The broad principle of individual freedom and personal security set forth in Article 3 is similarly expressed in various provisions

of American constitutional and statutory law. Thus, Article 3 is markedly similar in its terms to the "due process" clauses of the Fifth and Fourteenth Amendments to the United States Constitution, which provide that neither the Federal nor State governments shall deprive any person of "life, liberty or property without due process of law."

Other provisions of the Federal and State Constitutions limit more specifically governmental authority to restrict or interfere with personal liberty. For example, the Fourth Amendment to the Federal Constitution expressly recognizes "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

In addition to these basic constitutional guarantees, the Federal and State legislatures have enacted numerous statutes designed to assure the freedom and security of the individual, such as provisions regulating the issuance of search warrants and implementing the Federal constitutional right to be represented by counsel in criminal prosecutions. (See also Articles 9 and 12.)

Our Nation has certainly gone to great lengths to insure the rights of life and liberty to us all. It should go without saying that these rights do not belong only to those in our Nation, but to nations throughout the world. These most basic human rights have been guaranteed to the citizens of this Nation. Should they not be guaranteed to the citizens of the world?

The human rights conventions concerning the abolition of forced labor and on genocide are integral to the assurance to the peoples of the world that they are somewhat protected against the insecurities that this life offers. It is to give the peoples of the world an assurance that their life, liberty, and security are protected by law that I ask this Chamber to immediately consider and ratify the human rights conventions that I have mentioned.

**NEWSPAPERS IN THE 1970'S**

Mr. MURPHY. Mr. President, recently I and several other Senators joined the Vice President in suggesting that certain areas of our fourth estate should reexamine their reporting policies and undertake a long-needed appraisal of the way they perform their services.

No one would ever suggest censorship of any kind. The freedom that exists in the press is a part of its greatness and the background of our heritage. Yet, at the same time, we cannot deny that constructive criticism is as much a part of this freedom. Positive recommendations are needed. In the future, the fourth estate will continue to expand its important role in all our lives.

Charles L. Gould, publisher of the San Francisco Examiner, delivered a most thought-provoking, analytical essay, entitled "Newspapers in the 1970's" at the 44th annual convention of the California Newspaper Advertising Executive Association. In his remarks, Mr. Gould, a newspaperman for 35 years, gives an exciting preview of the future of our great press and offers many positive programs for America's news media. I commend Mr. Gould for his carefully prepared observations and ask unanimous consent that his address be printed in the RECORD.

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

**NEWSPAPERS IN THE 1970'S**

(By Charles L. Gould)

At the very outset, let me make it patently clear that I do not presume to stand before you as an expert in any sense of the term.

However, I do speak to you as a newspaperman who—in the past 35 years—has been privileged to meet with literally thousands of experts in all parts of the world.

It is largely because of my first-hand knowledge of the high mortality rate of predictions made by these geniuses that I run a little gun-shy in addressing myself directly to the star-gazing topic that has been assigned me by your program chairman.

As I look into my personal ink-stained crystal ball I find it difficult to predict the size and content of Sunday's newspaper let alone make predictions about the newspapers of the seventies. In fact, after reading the latest report on the Senate's fancy dance on the Newspaper Preservation Act, I would be out of mind to comment on the future of San Francisco's liveliest economic shotgun marriage.

While I tend to run skeptical of the prophecies of many of the experts, I do not mean to discount the truth that we are in the midst of a scientific revolution that will surely change many aspects of the communications industry.

In fact, if it runs unchecked it could change the very shape of the world.

This week in San Francisco one noted professor told a convention group that if the Government permits, cable television is able, ready and willing to bring a world of culture, science, entertainment, education and medical counsel into the homes of subscribers.

Other scientists visualized print-out machines that will one day permit cable television subscribers to pick and choose from a wide variety of newspapers and magazines including, we presume, special sales messages from friendly used car dealers.

Recently in Washington a scientist testified to the possibility of linking computers with satellites to achieve simultaneous world-wide transmission of news, advertising and official announcements in as many as 76 separate languages.

Yesterday we learned of a Boston chemist who is seeking to perfect a nylon-type paper that can be electronically impregnated to receive news reports and pictures—in full color—while the subscriber sleeps.

If this genius is able to develop his dream, the subscriber, when he has completed reading the paper, merely gives it a charge of negative current and it is erased and ready for the next edition.

Each week trade papers in the electronics and communications field are filled with stories and charts of new breakthroughs in man's crash program to expand, improve and speed the dissemination of news and advertising.

Yes . . . the dreams of tomorrow are here today. How many of them will ever come to fruition?

To put this question in proper perspective, let me read from a news release I have reproduced in my remarks.

It is from a speech made by General James Guthrie Harbord, chairman of the board of the Radio Corporation of America before the engineering students of Princeton University. Listen carefully . . . and I quote . . . "Over a facsimile transmitter, four large New York newspapers may soon radio-broadcast their full editions to the home. Before the end of the year, model facsimile attachments for home reception will be tested. RCA has already developed a model receiver to retail for \$100."

This statement by General Harbord takes on added importance when measured against these words by David Sarnoff, one of the guiding forces behind the growth and development of RCA. General Sarnoff predicted—and again I make a direct quote—"radio delivery of a complete Sunday newspaper, comics and all, to the home in one minute," end of quote.

Think of it . . . a receiver for \$100 . . . and the possibility of receiving a complete Sunday newspaper . . . comics and all in less than one minute.

These are not the musings of mad dreamers . . . these are the statements by two men who played important roles in building one of the greatest electronic empires in all the world.

The greatest significance of these remarks, however, is the timing. General Harbord made his historic speech on November 23, 1935. And General Sarnoff made his remarkable prediction in November 1948.

You now understand why I am reluctant to try and lift the curtain on the newspapers of the seventies.

Again, let me make it clear that I do not underestimate the size and scope of the scientific revolution that is sweeping the nation and the world. It will have far-reaching effects. It will change the techniques and much of the hardware essential to the production and distribution of newspapers.

I have never been one to minimize the importance of modern, efficient production and distribution facilities in this frightfully complex, costly and competitive newspaper business.

I have seen solid and substantial properties falter and fall as a result of dry rot in the plant. And as a result of dead wood in the management.

However, the real heart-beat of a great newspaper . . . the real thrust and drive and power comes not from the throbbing roar of the mammoth presses. . . . it comes from the product. It comes from the words, the hopes, the dreams, the prayers, the criticisms and the inspiration woven into the fabric of the stories and editorials and features and pictures that are the warp and woof of a newspaper.

Editors must care. Reporters must care. They must be concerned. As a team they must generate and project proper blends of courage and compassion. They must be willing and ready to seek out truth and flush out evil. Newspapers must not be apathetic or apologetic. They can be—and should be—the conscience of the communities they serve . . . and of the nation . . . and of the world.

They must sift fact from fiction and dedicate their energies to accurately and honestly mirroring the changing parade of contemporary life. They must not be fooled by the silver-tongued oratory of some who would undermine our nation through deception and intrigue. Neither should they permit themselves to be taken in by the bombastic blasts of pseudo-intellectuals or militant extremists.

They must chart and steer steady courses, avoiding both the far left and the far right, despite the turbulent forces that would turn them from their twin goals of truth and service.

They must be on guard against the derelictions and excesses of their own members.

They must be equally vigilant to the attempts of some in high places who seek to curb and control the free press . . . who seek to restrict and limit freedom of choice in the market place.

For make no mistake about it—across the width and breadth of our fair land there are now developing a series of campaigns that will seek to place stifling limitations on the freedoms now enjoyed by many facets of our highly complicated and highly successful private enterprise system.

Because of my deep concern in these mat-

ters, please bear with me while I stray from my assigned topic.

Let me for the next few minutes speak to you as a card-carrying consumer.

To prove my qualifications in this regard, I place in evidence a wallet that bulges with various varieties of the plastic "play and pay later" currency that is presently so popular with princes, paupers and the proletariat.

I have been a practicing consumer for more than half a century. I have conducted my practice in most of the states of the union and in a hundred lands around the world.

On the basis of these experiences I am quite convinced that the American public—despite inflation, despite high taxes, despite tension and turmoil and trouble in our streets—despite all of these things—the American public never had it so good.

More people have more money than ever before. They earn more, save more, spend more, and, yes, owe more than any other generation since the beginning of time.

While I am a great champion of the American system and of the free and open marketplace, I must confess there are rare occasions when I stand as a doubting Thomas as I attempt to evaluate some of the products, promises and performances that are pushed and peddled by both the private and public sectors of our society. Note, I said "both."

For today, more than ever before, big government plays for big stakes as it uses Madison Avenue tactics and techniques in merchandising its programs to the public.

In fact, it seems that every sector of our complex society is caught up in the ever escalating game of beating last year's figures.

As a result, we live in a pressure-cooker environment where superlatives are the order of the day.

We live in a nation where biggest, best, most, greatest, largest, finest, gigantic and stupendous are employed in describing everything from airplanes to zithers and from movie stars to washing machines. And don't exclude poverty programs or campaigns to sell government savings bonds.

Our private enterprise system is sparked and stimulated by the owners and operators of our great and small companies and corporations; by men and women with money, vision, and courage. Plus the priceless ingredients of faith and freedom.

It is stimulated, too, by the masters of salesmanship in action; the big guns of the advertising profession who expend multi-million dollar budgets to support the verve and nerve of manufacturers who are out to capture a bigger share of the market for soap or soup or cornflakes or cold cream.

But—never has any manufacturer or merchant prince indulged in merchandising and advertising slug-fests of the magnitude of some of those launched by the brain-trusters of big government over the past thirty years.

During these three decades, bureaucrats in Washington—Republicans and Democrats alike—have poured billions of dollars into programs to sell the New Deal, the Fair Deal, the NRA, the Marshall Plan, the Peace Corps and a hundred other grandiose plans that were literally guaranteed to bring peace, prosperity, equal opportunity or mutual joy to the citizens of the world and for our great republic.

It is not necessary to go into ancient history to get a realistic picture of the techniques and tactics used by our political professionals when they embark on planned programs to peddle their personal brands of big brotherism to the consuming public.

Every four years we witness the greatest show on earth as they make the run for the roses . . . and let the devil take the hindmost.

Let us take a look at the gross and costly orgy of windy rhetoric and pie-in-the-sky promises that marked many of last year's elections.

Never before have candidates travelled so

far or so fast. Never before have candidates talked so often on so many different subjects.

Never before have candidates been seen and heard and reported so consistently and extensively.

Never before have so many millions of dollars been poured into campaigns where the winners take all.

All sides used terms and tactics in their merchandising and advertising programs that would have the FCC, the FDA, the four a's, the ANPA, the Better Business Bureau, and a dozen other agencies hot on the trail of any private organization that indulged in such excesses.

But these were not merchandising and advertising campaigns for new products. The end results were infinitely more important.

These men and women—and their campaign leaders—were pointing for the most precious treasures in all the world.

The trust of the American people. The faith of our future. The destiny of our cities, our states, our nation, and perhaps of the world.

It is a sad travesty indeed that the path to offices of such glory and greatness should be through the swamp lands of invective and innuendo.

Let me make it clear that I do not target in on the Presidential race alone. But, surely, in some of its dimensions—at the primary level in particular—some candidates failed to reflect the dignity and character of the high office sought.

I point the finger of shame more directly at those desperate men and women who believed the end justified the means.

Today, it is possible that some of these men and women are seated in the halls of Congress. Others may hold positions of power in the city, state, or federal government. Those who do will play roles in charting the future of this nation in the months and years ahead.

However, I would be guilty of the same shading of the truth that I attribute to some candidates if I tended to tar all of our government representatives with these slanted suggestions.

Nothing could be farther from the truth.

Candidates for all offices must run the gauntlet of public opinion. They must be tested and evaluated in the market place by the same consumers who have been educated to be discriminating and selective by the high priests of our competitive, profit-oriented private enterprise system.

Nowhere in all the world is there a screening system so sensitive—so eminently successful—as this nation's polyglot population of two hundred million citizens.

They are rich and poor, young and old, skilled and unskilled. They are black and white and red and yellow. They are long-haired and short-haired and no-haired. They live in apartments, in shacks, in mansions, in hovels. They like all sorts of things in all manner of degrees.

All are different. Yet, all are alike in their determination to be different.

It is the wide range of their talents and temperaments and tastes that provides this nation with its complex yet highly effective screening system.

It is true, of course, that shoddy products or politicians or policies may win temporary acceptance.

But woe to the candidate or company or corporation that long fails to measure up to its promises.

For one of the great strengths of our highly competitive, free choice society is its ability to purge most of the poisons from its system.

Look at the incumbent candidates who became croppers in the last election. They bear vivid testimony to the purging power of our voting citizens.

And note well the truth that these same

citizens vote in the market place as well as in the voting booth.

Last year nearly 16,000 American business concerns faded from the scene. They went into bankruptcy because they lost the public vote . . . they lost the faith and support of the consuming public.

Despite the failure of these thousands of companies and corporations, our nation is presently economically stronger than ever before.

In the past eight years total gross national output in the United States increased more than 300 billion dollars. Nearly 60 per cent.

Corporate profits soared thirty billion dollars. More than 60 per cent.

Personal incomes jumped more than 225 billion dollars and the number of persons employed increased a whopping eight million.

Now let me make it patently clear that the fountainhead of our affluent society is not big government. The mainspring of our capacity to produce more, spend more, save more and share more is our private enterprise system. And equally important the faith of our people in this system.

Weaken that faith and the sensitive balance of our unique and highly complicated system can falter and fall. Ours is an economy of diverse and seemingly separate and independent elements. But they are bound together with emotional mortar of consumer faith.

It is thus that I share with many of our business leaders a feeling of frustration and futility and fear as I find men and women in high places within and without our Government who look at profit as a dirty word and are targeting in on big business in general and at the advertising profession in particular.

Well, profit is not a dirty word in my lexicon. Profit is one of the most powerful ingredients in the complex machinery of our complex society.

Without profits there would be a drying up of investment capital. Without profits there would be a drying up of wages and salaries. Without profits there would be a drying up of taxes, charitable contributions and educational funds.

It is an ironical truth that the most frequent attacks on the profit system come from those in government, those in education, those in religion.

While all three divisions play a most vital role in our society, none is directly involved in commercial profit making. Yet all are wholly dependent on the profits created by others.

In fact, the members of these eleemosynary cults are the queen bees of our industrial hive.

In preparation for today's discussions, I struggled through the labored and loaded logic of dozens of directives, essays, speeches and bulletins—critical of facets of our free enterprise system—that have poured forth from the weird wonderland of Washington . . . and from a dozen State Capitals throughout the nation.

I do not cloud the honesty and sincerity of all of these men and women who have raised their voices in protest against some of the basic planks in our free enterprise system. Most are as sincere as they are deluded.

However, no government agency . . . no do-gooders in private or public life can possibly have as much interest in pleasing the consuming public as do our successful companies and corporations. For—in our economy—their lives literally depend on keeping their customers happy.

In my pursuit of facts for today's meeting, I found a recurring note of criticism in dozens of the bulletins and speeches that came from our Justice Department, from our consumer councils and our alphabetical agencies.

Advertising in all of its ramifications is a favored target for the iconoclasts who seem

determined to try their strength at shaking and shocking the gods of competitive commerce.

Some echoed the sentiments of Arnold Toynbee, the famous British historian, who has repeatedly charged that advertising borders on the immoral. In one essay he said—and I quote—"I cannot think of any circumstances in which advertising would not be evil." end of quote.

The Honorable John K. Galbraith, an advisor to at least three presidents, was equally outspoken in his attacks. He charges advertising with being a costly luxury that raises the prices of goods and services and thus becomes an unnecessary and unwarranted burden for working men and women.

A few weeks ago, Senator Philip A. Hart, who heads the powerful antitrust and monopoly subcommittee, deplored the concentration of power in various areas of our private enterprise system.

He exhumed an old ghost and again paraded it before members of the American Advertising Federation who were meeting in the nation's capital.

He said: "The fellow with the most advertising dollars can, as a general rule, clobber his less financially endowed rivals."

He admitted that this was not a new charge but he ignored completely the substantial file of evidence that tends to cloud his thesis. Was Coca Cola's tidal wave of advertising able to slow the powerful and challenging drive of Pepsi Cola?

Was not Senator Hart's logic faulted when Winston challenged and passed Camel cigarettes in a classic example of a competitive free-for-all?

What happened to the theories of other prophets of doom who 20 years ago claimed that the Great Atlantic and Pacific Tea Company had reached such a position of power and influence that it would soon strangle and destroy all competition. Ask Safeway and Grand Union and Lucky Stores and First National if they are in danger of being gobbled up by A&P?

No Senator Hart, whiz kids and double-domes to the contrary, no one has ever been able to put a hammer-lock on customer loyalty so long as freedom of choice is maintained.

The billion dollar fiasco of the Edsel motor car is a priceless testimonial to the discriminating taste and complete independence of Mr. and Mrs. John Q. Public . . . so long as freedom of choice in the market place is maintained.

More recently, Senator Hart also referred to a bill he planned to introduce that would set up an independent consumer's council. He referred to it as—and I quote—"an independent corporation chartered by the Congress."

What would the corporation do? Here, the good Senator dusted off a few of the dewey-eyed dreams of Esther Pederson, former queen bee of the mushrooming federal consumer agency, and Donald F. Turner, former Assistant Attorney General for the Federal Government. The corporation envisioned by Senator Hart would act as a collector and dispenser of facts and figures and guidelines on products and services offered to the consuming public. He envisions a nation-wide network of bureaus and systems to achieve these ends.

Yes—that's what the man proposed.

The bureau would grade and evaluate all consumer goods and services. He would have reports regularly issued so that the public could be the beneficiaries of his costly scoring system.

Would not and could not this—if it ever came to fruition—be the most monumental and costly boon-doggle in all time?

Who would do the scoring? How would it be done? Who would settle disputes? Who would pay the cost?

If this foolish fantasy ever came to pass

and truly functioned as planned, let's look at the consequences.

Would not the consumers buy only those products and services with the highest scores?

Would not the also-rans soon falter and fall and then fade away? Would not competition wither and die?

Instead of eliminating or reducing monopolies as Senator Hart envisions, would not this socialistic scheme give birth to the very Frankenstein of monopoly that the Senator fears and deplores.

Carried to its fanciful conclusion, would we not have an economy where competition was as effectively throttled as it is in Russia with its rigid state controls on production, distribution and display?

Now, let me make it clear that I am not out to white-wash advertising. Neither do I propose that the Eagle Scout emblem of good citizenship be conferred on all our merchants, manufacturers and entrepreneurs.

I am sometimes annoyed at the shocking or unethical behavior of some elements of the business community. And I do not exclude newspapers from such criticism. We are sometimes guilty of questionable conduct.

In short, I am quick to admit there are unhealthy viruses that infect our private enterprise system.

But these are not malignancies. They do not require the strictures or surgery of government action. I believe we presently have the medicine and the power within our free society to make the necessary cures.

In those instances where laws are broken, the courts should, of course, take corrective action.

In most cases, though, I believe the purging action should come from the responsible elements of the business community that are affected.

Responsible advertising men must accelerate their fight against those who cloud their industry.

Responsible real estate men must accelerate their fight against those who cloud their industry. Responsible movie producers, publishers, promoters, retailers and manufacturers must hear a fair share of the burden of policing their own industries.

Only by demonstrating this kind of concern for the basic interests of the consuming public can we hope to preserve freedom of the market place. Such action is the best defense against the regimented enslavement that could be the end result of some of the visionary dreams advanced by far too many ambitious empire-builders within and without our government.

We must not underestimate the force and drive and ambition of these government planners. Neither should we assume that the Federal Government has a patent on chastity belts for industry.

On Wednesday of this week, the senior branch of our California Legislature voted overwhelmingly to ban all cigarette advertising in the state of California.

Prohibitions of this kind are pushed at this hour in Washington and a dozen state houses from coast-to-coast. It is ironical that many of the same real and pseudo intellectuals who campaign for such restrictions are at the same time beating the drums for legalizing marijuana.

This, though, seems to be par for the course in this age of confusion and contradictions.

For example, while prayer is banned in our school rooms, the Free Speech Movement with its gutter language and permissive sex attitudes is embraced by thousands of faculty members in high schools and colleges throughout the land.

Another sorry band of trouble makers is able to enlist impressive support for a campaign to ban the ROTC from some colleges and universities. At the same time a similar group makes frightening progress in selling some educational leaders on establishing ac-

credited courses in counter-insurgency and guerrilla warfare.

In short, there are some who use our tax-supported institutions of higher learning as staging areas for mapping campaigns to overthrow the system. We may—in truth—be hoist on our own petard.

There is still another dimension to this problem. The matter of instant experts.

We have had a virtual tidal wave of publicity for Ralph Nader, the iconoclast of despair. My limited research does not indicate he has ever constructed anything. He knows not how to build but he knows too well the art of destruction.

There are tens of thousands like him in schools and colleges on radio and television in newspapers and magazines and in many departments of government.

They question the quality or purpose or method or need of cars and bikes and washing machines and fur coats and airports and airplanes and food products.

By searching out tiny flaws and imperfections—real and imagined—they can cloud and damage the honest efforts of millions of scientists, engineers, architects and workmen who have helped to give our nation the highest standard of living the world has ever known.

For twenty years these self-styled experts have flooded the airwaves and our entire communications system with statements charging the establishment with corruption, dishonesty, misrepresentation and deceit.

Is it any wonder that today's youth is disturbed and concerned and rebellious and cynical?

As I indicated earlier, I do not propose to sanctify big business. It has its weaknesses. But most of all it has its strengths. And the latter are shared by all of our people including those who scoff and deplore the merits of the profit system.

Within the government there are some critics who use the techniques and talents of the very people they profess to deplore—the men and women of Madison Avenue.

These critics build their programs with professional skill. They employ dramatic presentations and are adept at adopting the sales wallop of slogans and the well turned phrase.

Who, for example, can quarrel with the clarion cry for Truth in Packaging? Like Motherhood and an early Spring, it has almost universal appeal.

But look behind the slogan. It is only the camel's nose pushing under the tent.

The bureaucratic brain-trusters have announced grandiose plans for reshaping, re-packaging, re-designing, and re-organizing many of our basic business concepts.

They have publicly deplored the wide variety of products that crowd the shelves of our supermarkets. They have deplored their multiple shapes, their sizes, their contents and their labels.

They are disciples of the cult of uniformity. And conformity. They fail to understand the vital importance of freedom of choice. And even the freedom to make the wrong choice.

These government planners come from a growing school of economists who are long on theory but short on experience. These are the Bureaucrats who never met a payroll. These are the ones who demand an investigation on the higher price of bread, while, at the same time, they applaud union-negotiated wage increases for the men who haul the wheat, for those who grind it, for those who bake it, and for those who sell it.

They fail to understand that if you continue to increase the costs of industry without commensurate increases in productivity, you must expect a corresponding increase in prices.

Now—don't get me wrong. I am 100% in favor of protecting consumers.

As a long-time card carrying, cash carrying, credit using consumer, I am heartily in favor of any system or procedures that will help me get higher quality and lower prices on the goods and services I purchase.

But, having witnessed for more than thirty years the way Uncle Sam has protected our farmers with price controls, soil banks, bonuses, quotas and other impractical gimmicks, I have a strong suspicion that, as a taxpayer, I can't stand much more of his planned protection.

Now, I see my time is up. In closing—as my friend Jim McCollum has pointed out—when it comes to truth in packaging . . . perhaps the government planners should start by relabeling some of their own packages.

Let them start with the dollar bill. Let them clearly state that it lacks the purchasing power of last week or last month or last year. To quote Jim McCollum: "How can the average housewife know if she is getting her money's worth if she doesn't know what her money is worth."

Let them also take a long look at the nickels and dimes and quarters and half dollars that are presently circulated.

They may be sandwiches, but they don't go far toward a lunch or dinner.

In fact, they actually violate the express guidelines of the Constitution.

If a private manufacturer produced such shoddy merchandise I suspect it would be a case for Senator Hart.

However, just as every package of cigarettes carries a danger warning, so, too, does every coin produced by Uncle Sam. The language is different, but the meaning is the same.

Every coin carries the statement: In God we trust. To that I say amen.

#### OUR OIL IMPORT PROGRAM

Mr. EAGLETON. Mr. President, yesterday, on the floor of the Senate, several Senators participated in a most interesting discussion of our oil import program in general and its application to the American petrochemical industry in specific.

This discussion, which appears at pages 34450 through 34454 of the Record of November 24, 1969, began with a very lucid statement by my distinguished senior colleague from Missouri (Mr. SYMINGTON). His statement points out the present dilemma of the American petrochemical industry insofar as it is restricted in its access to foreign raw materials, the seriously inhibiting effect these restrictions have on the industry's ability to compete, and the implications this situation will doubtless have on our balance-of-payments position if it is allowed to continue.

Other Senators—including Senators PERCY, JAVITS, TYDINGS, HART, PROUTY, THURMOND, and PROXMIRE—addressed themselves to the immediate problems of the American petrochemical industry as well as to some of the broader implications of our existing oil import program.

Mr. President, I believe yesterday's discussion to be a most interesting and important one. Our present oil import program has many far-reaching consequences.

While it has been argued that there are national security considerations which justify production for the oil industry, we cannot afford to perpetuate our present policy to the detriment of a modern growth industry whose importance will surely increase over the years ahead.

If the United States is inhibited from trading effectively on the basis of its technological superiority as manifested in the petrochemical industry and many others, I see little hope that we will ever be able to prosper in the world economy. In this regard, I wish also to commend President Nixon's forward-looking statement of November 18, 1969, that the "competition cannot stop at the water's edge" and that his administration will continue to pursue freer trade policies to the extent that these are consistent with our general national and economic interests.

The situation of the petrochemical industry has been of concern to me for some time, and, like Senator SYMINGTON, I have written to Secretary Shultz, as Chairman of the President's Task Force on Oil Import Control, regarding this matter. I ask unanimous consent that the text of my letter be printed in the Record.

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

SEPTEMBER 22, 1969.

HON. GEORGE P. SHULTZ,  
Chairman, Cabinet Task Force on Oil Import Control, Washington, D.C.

DEAR MR. SECRETARY: I realize that you are Chairman of the Cabinet Task Force on Oil Import Control, the broad scope of which I know to be complex and far-reaching.

I want to bring one facet of this complex problem to your attention, i.e. the effect of the Oil Import Program on the domestic petrochemical industry:

The Oil Import Program limits the ability of the domestic industry to select feedstocks suitable for its manufacturing needs. For the most part, the industry is limited the use of natural gas liquids as feedstocks, as these materials are approximately at parity with the feedstocks used by foreign competition. However, industry experts forecast a developing supply-price situation on these gas liquids which will make them uneconomic by the mid-seventies.

The industry has the ability and the desire to use heavier petroleum fractions—naphtha, gas oil and crude oil—the same feedstocks available to its foreign competition. The present Import Program, however, makes these heavy feedstocks produced in the United States approximately 60% more expensive to the domestic petrochemical industry than the prices being paid by foreign competition. With feedstock costs the major element of total chemical economics, the domestic petrochemical manufacturer cannot realistically consider use of these heavier materials. Thus, with future supplies of natural gas liquids doubtful, and with use of heavier alternates economically unfeasible, the domestic petrochemical manufacturer is presented with a serious dilemma as to how to intelligently plan for the enormous investment required in the construction of future petrochemical facilities. Obviously, the forward planning for these types of projects must commence several years in advance of the completion of the facilities.

The industries only realistic election at this point is to construct facilities abroad, as I observe many U.S. companies are doing. This type of action is bound to have an unfavorable long-term effect on our nation's security, its jobs, its tax income, and its balance of payments.

I bring this situation to your attention so that it may be considered along with all other possible modifications and changes in the Oil Import Program.

Yours very truly,

THOMAS F. EAGLETON,  
U.S. Senator.

Mr. EAGLETON. In conclusion, Mr. President, I wish to emphasize the vital importance of the report to be issued by the President's Task Force on Oil Import Control. I have high hopes that this report, which is expected to be issued by the end of this year, will make some new recommendations which will rectify some of the inequities of our present program without doing any violence to our national security or to our domestic oil producers. I eagerly await this report as do, I daresay, the distinguished senators previously mentioned who participated in yesterday's discussion.

#### A SHOT IN THE ARM

Mr. HRUSKA. Mr. President, for the first time in the history of our country the shortcomings and ineffectiveness of our corrections system is the subject of immediate public concern and pressure for action. Almost every day in our newspapers we see new indictments of the failure of the prisons, the jails, and probation and parole.

These methods have failed because they have never been given the support needed to make them work. They have experienced a totality of neglect that should weigh heavily on the conscience of every citizen.

In 1968, Congress took the first significant action to make up for this neglect. It enacted the Omnibus Crime Control and Safe Streets Act, which set up the machinery and authorized the funds to bring about improvement in all areas of law enforcement, including corrections.

I invite attention to an article entitled "A Shot in the Arm for Corrections," written by Richard W. Velde, Associate Administrator of the Law Enforcement Assistance Administration, and published in the September, 1969, issue of Federal Probation. It relates what is being done to begin the process of change in the field of corrections, and it is apparent that all of the programs of the new agency are being brought to bear—bloc grants, discretionary funds, technical assistance, research, and academic assistance.

If the task of improving corrections is to be accomplished, a much greater commitment must be made at all levels of government.

On September 9, 1969, I introduced a bill, S. 2875, designed to amend the Law Enforcement Assistance Act and provide greater flexibility to the Law Enforcement Assistance Administration dealing with the problems facing our Nation's corrections and penal systems.

Since then I have received support for this bill from penologists and corrections officials from all over the Nation.

I urge prompt and favorable Senate consideration of this necessary legislation.

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

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

#### A SHOT IN THE ARM FOR CORRECTIONS (By Richard W. Velde)

Corrections is in a deplorable state in this country. It has reached this condition after

decades of neglect and apathy by the general public, by many legislators, and too often by corrections administrators themselves. Current literature on corrections gives a picture very different from the realities—both the realities as we have seen them and as they are described by states in their plans for criminal justice system improvements submitted to the Law Enforcement Assistance Administration. The literature gives the impression that correctional treatment programs have reached a high level of sophistication. From the state plans, however, it is evident that these programs exist largely on paper.

#### STATE PLANS ARE HIGHLY DESCRIPTIVE OF DEPLORABLE CONDITIONS

The state plans document the fact that institutional correctional programs are often either nonexistent or rudimentary. Probation is commonly lacking in resources and is largely a matter of form rather than substance. Parole standards and practices vary widely. Everywhere there are insufficient numbers of personnel, and they are generally underpaid and lacking in training. Facilities are typically wanting where they are needed, or so hopelessly rundown and archaic that they are virtually useless.

Much alleged progress in corrections has been measured in terms of euphemisms. For example, earlier this year I visited a state prison that had recently been redesignated a "correctional institution." But it had obviously remained a prison in every sense of the word.

In some places the positions of guards have been retitled "correctional officers." But as often as not they have remained largely undereducated, untrained, ill-paid, and preoccupied with purely custodial duties.

The "hole" has been given a number of different official appellations in recent years. It is called "isolation," "seclusion," or a "special treatment unit." (Someone with a sense of humor must have thought up the latter name!) But to the inmates and personnel alike it remains the "hole," and from the forbidding appearance of the place in most institutions that I have seen, a more dignified term is unwarranted.

In plan after plan, we find the same conditions recounted by states. Only words change:

... "(The state's) jails tend generally to be in abominable condition . . . a public disgrace and a continuing breeding ground for crime. . . . Too often youthful criminals are thrown in with seasoned offenders who further indoctrinate them in the ways of the criminally corrupt . . ."

... "Seventy-nine percent of the county and city jails are substandard . . . dungeon-like facilities, unfit for human habitation . . ."

... "Juvenile educational and rehabilitation activities are substandard . . ."

... "There are no alternatives to incarceration of juveniles, such as halfway houses . . ."

... "Juvenile probation is understaffed, underfunded, and undertrained . . ."

... "(County work camps) apparently keep poor records, possibly not knowing or caring who is where, or why, unless someone asks"

... "More convicted juveniles and adults could be put on probation if adequate supervision could be supplied . . ."

... "The need for improvements in the area of probation is enormous . . ."

... "Resources for the correction of offenders except for limited educational and vocational programs are almost nonexistent . . ."

... "As a result of inadequate local detention facilities, children have been placed in situations that were reportedly unfit for the confinement of animals and which have resulted in suicides, injuries, and children being subjected to unsanitary conditions and undesirable influences . . ."

Perhaps the most encouraging thing about

the state plans that we received during the fiscal year 1969 is the honesty with which the state planning agencies have described and identified the problems in their correctional agencies.

Perhaps the most discouraging fact is that not enough of the state plans proposed any immediate action to do away with these disgraceful conditions.

But, undeniably, the states at least acknowledged the problems and supplied abundant documentation. The next step is to gain acceptance of the fact that it is time, and long past time, to take action—to bring widespread, meaningful improvements. This is one of the priorities of the Law Enforcement Assistance Administration (LEAA).

#### LEAA PROGRAMS

During the fiscal year 1969 the Law Enforcement Assistance Administration awarded \$25 million in action grants to the states. For 1970, Congress has authorized, though not yet appropriated, a budget of \$300 million. If this appropriation is forthcoming, \$225 million would go to the states in action grants. It can be an auspicious beginning if corrections gets its proper share. It can mean that corrections will finally end its downward drift. It can mean the start of the long climb toward respectable accomplishment.

In addition to the \$225 million in action funds, the administrators of LEAA can expend 15 percent of the total budget on law enforcement projects they feel have substantial significance. Corrections also occupies a higher priority in this program. We are looking for sound ideas in the field of corrections. If the idea is promising, we will sit down with the applicant and develop a formal proposal. The discretionary authority will be used chiefly to fund innovative or demonstration programs that may have national implications, or to initiate within a state valuable programs used elsewhere.

Research projects will be funded directly by the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA. The Institute gives grants and contracts for promising corrections research and to develop new techniques for the rehabilitation of offenders.

The Academic Assistance program is another LEAA resource. It is intended to deal with the dismal fact that the average correctional employee does not even have a high school education. The Academic Assistance program finances college degree studies. Corrections and law enforcement personnel are eligible for a loan of up to \$1,800 a year or a grant of up to \$300 a quarter. A corrections employee can cancel the entire indebtedness if he will then work in corrections for the 4 years following a graduation.

In fiscal 1969, unfortunately, corrections did not get its proper share of the Academic Assistance funds. In some instances, college financial aid officers did not understand that correctional employees qualified as law enforcement officers and were therefore entitled to loans and grants. In other instances, police personnel apparently were favored over those in corrections. We learned about one instance of this rather dramatically when the head of one correctional institution stormed into our office with the news that he had been "robbed!"

This general situation has been corrected. In the future, grants and loans will be distributed in proportion to the relative number of applications from police and corrections personnel. It now is up to corrections personnel to get their share.

Another LEAA program offers technical assistance to state, county, and local correctional agencies, and to state planning agencies. Two million dollars has been budgeted for LEAA technical assistance in fiscal 1970—much of which will go to corrections. We also have other resources upon which we can depend, such as the Federal Bureau of Prisons, the Department of Health, Educa-

tion, and Welfare, the Labor Department, and the Department of Housing and Urban Development.

Through these and other means, we can furnish to correctional agencies qualified assistance in such fields as probation, parole, institutions, jails, juvenile delinquency, community programs, architecture, engineering, construction, research, and management. And we do not charge a dime for it.

In any of these programs—action grants, discretionary funds, academic assistance, research and technical assistance—the point of contact for correctional agencies is LEAA's Corrections Division. The Division has the responsibility to coordinate LEAA corrections programs and to give correctional agencies all assistance within the responsibility of LEAA.

#### LEAA'S CORRECTIONAL PRIORITIES

Each state must set its own priorities for action programs. However, LEAA grants will affect national trends and in view of that, LEAA has developed a number of what to us are important priorities.

On the basis of our study of the state plans, we conclude that the field of probation offers the best opportunity for immediate, visible improvement in the correctional process. Planning agencies of state after state have observed that because probation services are missing or weak, many judges depend upon imprisonment as the only effective disposition of cases. One planning agency wrote: "In 1967, approximately 70 percent of the persons committed to the State Board of Corrections were first offenders . . ."

Another said: "The lack of probational services forces the court to rely heavily on state residential institutions. As a result, 20 percent were committed without even having been on probation . . ."

Every career corrections official knows that to use imprisonment when probation is indicated is a short-sighted and expensive policy. It costs \$3,000 to \$4,000 a year to keep an adult in prison and as much as \$6,000 a year for a juvenile or youth offender. Probation costs are a fraction of those sums. It is much cheaper for a state to provide good probation services, even if additional appropriations are necessary, than it is to give the judges little choice but to send offenders to prison. If rehabilitation of the offender is our primary objective—and we believe that it must be—the desired result is more likely to come about as a result of probation. The prison or the juvenile institution is more likely to bring about the opposite result.

The California Legislature's Office of Research recently completed a major study of this problem. The study indicated that if all California counties would reduce their prison commitment rates to those already in effect in some of the large counties, commitments to the state prisons would be reduced 60 percent. This development would save approximately \$75 million in operating costs. It would also make it unnecessary to build any more prisons for the next 5 years.

A number of state planning agencies have come to similar conclusions. As a result, we hope to see increasing numbers of states emphasize probation improvements in their action proposals. And to the extent that we can, we intend to see that our discretionary and research funds are used to support this priority.

Other needs also are clear. We need more probation personnel. We need better trained personnel. Probation methods themselves should be refined, with more flexibility in the amount of personnel time given to each probationer and the length of probation terms. More resources are required so that probation officers may obtain such services as technical training or medical or psychiatric treatment for their probationers. Probation officers should also be able to place their probationers in various types of com-

munity programs—halfway houses, new career programs, job training, volunteer programs.

Related to the problem of improving probation is, of course, the problem of improving parole. Both need to be strengthened in the same ways. In virtually no other phase of corrections do policies and practices vary so widely from state to state as in parole. In some states, the chief means of release is by parole. In other states it is little used. And there is every variation in between.

The potential for improvement is pointed up by the California study, which said: "If mean time served in state correctional institutions were reduced by 20 percent, the effect on serious crime would be insignificant or nil, but the cost savings great."

Research also suggests that the longer a person is imprisoned, the less his chances of rehabilitation. The prison is still the best way of insuring that criminal behavior is perpetuated. It may be that in the United States we rely on imprisonment so much because we are still primarily interested in the punishment of the offender. But if so, we are paying a high price for our vindictiveness. We not only are paying the much heavier financial costs of imprisonment, but also are producing a large corps of thoroughly confirmed criminals.

#### THE SHAME OF THE JAILS

Another priority for improvement has to be the American jail and police lockups. There are thousands of these facilities, and, typically, they are a disgrace to our people and our Nation. The LEAA Administrator, Charles Rogovin, visited one recently, and after an hour and a half went away with deep feelings of disgust and revulsion. The prisoners were herded together in dark, dirty cells, and for many there was nothing to do but sit in idleness month after month. The jail was run largely by the prisoners themselves. The situation represented by this jail is duplicated many times around the country.

We note the same comments on jails in state plan after state plan. One eastern state said: "None of these jails provides anything beyond custodial care. In many it is impossible to segregate adults effectively. Most are in poor physical condition. During night hours no one supervises inmates and inmates sometimes inflict horrible atrocities on each other . . ."

In one state, the jails average more than 100 years old!

The problem of improving our jails is so formidable that it will take many years and billions of dollars to obtain any noticeable results. Many of the jails simply have to be replaced. About the best hope for the immediate future is to encourage such programs as work release. This is a method of at least minimizing the damage that the jail can do. The offender can work in the community during the day, and sleep in the jail at night.

The White House has set for LEAA the task of developing a prototype of a new kind of jail—a community facility. In addition to detention, it would provide for all types of diagnostic resources for the courts, probation facilities, space for a community residential center, counseling, and, of course, classrooms and medical facilities.

We will use discretionary funds to develop appropriate models and to encourage adaptations of the models to meet the needs of the communities around the Nation. But very largely the task of replacing the present jail system with something more humane and constructive will have to be a job for the communities. The problem is too widespread for LEAA to tackle alone.

#### MINIMIZING DESTRUCTIVE EFFECTS OF IMPRISONMENT

I should like to turn now to the prison, that peculiar American contribution to

civilization. It has not improved much since the Quakers first conceived of it 200 years ago in Pennsylvania.

We read and hear about programs of "correctional treatment" in prison. But a visit to a typical prison usually shows that treatment is so much hocus-pocus. The prison by its very nature must be considered our least effective method of bringing about the rehabilitation of the offender. Perhaps it can never be really effective in this respect, but the damage it does can certainly be reduced.

Many prisons—at least 25 that I know of—are more than 100 years old. And too many of the newer facilities are no better, either in design or physical condition. Our prisons, typically, are nothing but human warehouses. Regimentation is so bad that to speak of rehabilitation or "individualized treatment," as it is often stated, is to abuse the meaning of words.

We need to change our national policy on the use of prisons. There is a great need, of course, to protect society. Despite the best rehabilitative efforts, there always will be some men who are too dangerous to be at large; they must be kept in prison.

But we cannot lose hope even here, and we must continue our efforts to find some way of minimizing the bad effects of the prison on inmates. Even some hardened cases will eventually gain the maturity that comes with the passing of years, and eventually be released. Prison programs must be conceived with this possibility in mind.

We need work release to get some of these men out of the prison until they become eligible for parole. We need halfway houses so that some of these men can be reintroduced gradually to the community. Even in the prison, we need volunteer programs. Neither keeper nor prisoner has an inspiring influence on the other. But the volunteer from the community can directly affect the attitudes, hopes, and aspiration of the imprisoned.

We already have educational and vocational training programs in most prisons. But often they are very inadequate. We need educational programs that really educate, vocational training programs that really teach usable occupations and skills. We deceive only ourselves, for example, when we record the cellulose mop brigade as "building custodians" enrolled in vocational training. And when half a dozen prisoners are assigned to a task that one person can easily do—the typical situation in prison—we are providing neither employment nor training.

One state plan summed it up this way: "Penal facilities, adult and juvenile, are inadequate and overcrowded . . ." But few states planned to do anything at all for their prisons with their 1969 LEAA money. Is it that they share our society's traditional habit of giving corrections only the crumbs of the state budget?

#### LEAA EMPHASIS ON CORRECTIONS

So far as the LEAA budget is concerned, we are determined that corrections will receive its appropriate share of funds. It will receive support and emphasis as full as that accorded any other element of law enforcement. Yet if our objectives are to be achieved, the same principle will have to be shared by the states and their planning agencies, and local governments, too.

The task of improving corrections has to be a cooperative effort. For nearly its entire history, corrections has wallowed in neglect and apathy. To get out is going to be a tremendous job. LEAA will seek help from all responsible sources. We will go anywhere in the country to help.

One state plan contained this statement: "The state's correctional system, including parole and probation, has been studied and restudied, but for reasons largely financial and political, the findings have never been tested or implemented. . . ."

We have no time to waste simply on studies.

The amount of LEAA money available for fiscal 1969 was relatively small compared to what we anticipate will be available in the years ahead. According to the state plans, the 1969 action money will be distributed approximately according to this tabulation:

	Grants	Percentage
Police.....	\$18,600,000	74.2
Courts.....	1,400,000	5.5
Corrections.....	3,400,000	13.5
Miscellaneous.....	1,700,000	6.8
Total.....	25,100,000	100.0

The commitment of LEAA funds ranged from 50 percent in Guam to zero percent in two states.

The largest proportion of the corrections money, \$1,281,894 or 36.4 percent, went into juvenile delinquency programs (not including police prevention or community education programs). Adult institutions got \$872,196, or 24.8 percent, adult parole and probation \$750,902, or 21.3 percent, jails \$291,115, or 8.3 percent, and such miscellaneous activities as research and personnel newsletters, \$324,438, or 9.2 percent. Community programs were well represented in all of the first four categories.

All in all, corrections shared in the various LEAA funding programs as follows:

	Total	Correction	Percent
Discretionary.....	\$3,700,000	\$700,000	18.9
Research.....	2,900,000	550,000	18.9
Block.....	25,100,000	3,400,000	13.5
Total.....	31,700,000	4,650,000	14.6

A number of the states, including Washington, Maryland, Colorado, Connecticut, and Massachusetts, put the 1969 money to use on excellent programs. One of the projects funded by the State of Washington is an intensive probation service for youth who are so seriously delinquent that they would otherwise be institutionalized. The State also started a project to do away with obsolete jails and replace them with regional detention and diagnostic and rehabilitation facilities. Both address correctional problems that are high priority issues all over the country.

Maryland is training volunteers for intensive work with probationers. Colorado is attempting to keep youngsters out of institutions by developing group homes for probationers and parolees. Connecticut is working on a similar program.

Massachusetts has funded a project to provide intensive probation services to persons in high risk districts, with the emphasis on the use of a wide range of community resources and programs. It also has funded a number of other projects in the corrections field. We trust it is no coincidence that the Administrator of LEAA, Charles Rogovin, is from Massachusetts!

A variety of innovative programs have been undertaken in several other states. With larger investments in coming years—particularly in community programs—the impact of LEAA aid on the corrections field should produce significant results in 2 or 3 years. Within that time it also can bring about a shift in emphasis from the large-scale commitment of offenders to jails and prisons to a more general reliance on probation and community programs.

#### SANTA BARBARA CHANNEL CHALLENGES OIL INDUSTRY SKILLS

Mr. CRANSTON. Mr. President, last weekend a bizarre new chapter was

added to the tragic history of oil development in the Santa Barbara Channel. Sun Oil Co. had hauled an oil platform down from Oakland to be installed on its lease, which, incidentally, is adjacent to the Union lease where oil is still leaking from the site of last January's blowout.

Unfortunately, the platform has been less than tractable to the present state of the skills of the industry's petroleum technicians. Twice this last weekend the platform has tumbled upside down and fallen down to the bottom of the channel. This morning, the platform still floats upside down, resisting efforts to right it, according to reports I have received from Santa Barbara. This inauspicious demonstration of industrial techniques should not go unnoticed by those of us who are concerned with how safe our present drilling practices are. I hope that Senators will take note of the Sun Oil platform saga as described by the Los Angeles Times.

I ask unanimous consent that the Sunday and Monday reports from the Los Angeles Times be printed in the RECORD.

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

#### PLATFORM MAY BE ERECTED TODAY—OIL WELL NERVE WAR HEADS FOR SHOWDOWN

(By Noel Greenwood)

The oil well platform battle is headed for a showdown—possibly this morning—off the coast of Santa Barbara.

Sun Oil Co. work crews Saturday towed their disabled 3,100-ton drilling platform to deeper water to gain more maneuvering room as attempts are made to right it.

Antiplatform forces drifted nearby in a small sloop, prepared to attempt blocking the area where the platform is to be erected.

Although time estimates were uncertain, one oil company spokesman said crews may be ready to place the platform at its planned location sometime this morning.

That could bring on the confrontation between work crews and protesting residents that has been building since the platform was floated down from Oakland last week.

The drilling platform tipped and sank Friday as it was being unloaded from a barge, preparatory to being placed in 190 feet of water about six miles south of Santa Barbara.

There, Sun Oil intends to produce oil from 5,760 acres beneath the ocean floor, leased from the federal government in 1968 for \$38.4 million.

But foes of further oil drilling in the Santa Barbara Channel—spurred by memories of the Union Oil spill in January—have mounted a 24-hour "fish-in" to prevent the platform from being erected.

They have rallied around an organization called GOO (Get Oil Out), led by former Democratic State Sen. Alvin Weingand of Santa Barbara.

Weingand Saturday wired President Nixon for help, saying the platform accident "once again highlights (the) inability to control offshore drilling at any stage."

He added in his telegram:

"We implore you, Mr. President, to stop this tragedy before Santa Barbara is once again the recipient of millions of barrels of pollution. We cannot take another disaster."

A Sun Oil spokesman, however, said the platform accident was being exaggerated.

"Everybody talks about this as a disaster,"

he said. "It's not. It's just a matter of this thing having turned topsy-turvy in the water."

The platform, upside down with its eight legs protruding from the water, went down in about 250 feet of water nearly a mile from the site where it is to be erected.

The oil company spokesman said a tug which took the platform under tow late Saturday afternoon would haul it about 3½ miles seaward to a big ocean-going derrick.

Using cables placed by divers, the derrick will raise the platform. A "jacket" of air-filled pipes will keep it buoyant.

Crews will then be ready to haul the platform to its permanent location and position it right-side up.

Antiplatform forces are pinning their hopes on a ruling expected from the U.S. Supreme Court Monday. The court has been asked by attorneys for Santa Barbara County and the American Civil Liberties Union to halt erection of the platform.

Sun Oil has said that should the blockade prove a problem, any attempt to break it would be made in court—not at sea.

The Coast Guard stationed the cutter Pt. Evans at the scene Saturday, but said it was there for surveillance purposes only.

Harold Beveridge and Bob Waters, GOO leaders, said oil company boats harassed the GOO craft Friday night.

Waters said he was roused from his bunk when one oil boat passed close by.

"We couldn't have gotten a boat between our stern and him when he passed," Waters said.

Oil company spokesmen couldn't be reached for comment.

Beveridge's 34-foot sloop, the Galadriel, is one of several boats being used in shifts to monitor the drilling platform site.

The floating war of nerves has been heightened by periodic hints from the oil company that GOO forces really don't have the oil platform site accurately plotted.

But GOO leaders say they do, and others assert that the site is clearly marked with buoys.

#### OIL PLATFORM RAISED, THEN TIPS OVER AGAIN—FIRM REFUSES TO DISCUSS PROBLEMS OR PLANS FOR ERECTING RIG IN CHANNEL

(By John Scheibe)

Sun Oil Co.'s drilling platform off Santa Barbara was raised on its side by workmen early Sunday, but by late afternoon it was again floating upside down.

Company spokesmen refused to discuss any problems they may be having with the platform. They also declined to indicate when workmen will try to erect the rig.

Seagoing protesters from GOO (Get Oil Out) cruised nearby in a sloop, determined to block any attempt to install the platform by positioning their boat directly over the platform site.

The platform, which will be erected in a tilting maneuver by a \* \* \* large drilling site.

The platform site, which is five and one half miles from Santa Barbara's beaches, is situated in an east-west line with five other oil towers.

#### BARGE BEYOND DRILLING SITE

The barge carrying the derrick lay a mile to sea beyond the drilling site Sunday night.

The Coast Guard cutter Point Evans, berthed in Santa Barbara, stood by, waiting for the word from Sun Oil that the platform was ready to be placed.

"We intend to be there when the platform is positioned" said Lt. James Getman. "We're obligated to protect life and property at sea."

The platform, from which Sun Oil intends to drill as many as 60 wells, turned upside down and sank Friday. Work crews succeeded Sunday in raising the platform on its side, with buoyancy provided by the "jacket" of air-filled pipes.

Myron Elliott, Sun Oil production superintendent, declined to speculate when the oil company would make its move.

Another Sun Oil spokesman, Robert Klaus, said the company's lawyers had advised the "silent strategy" because "If we predict when we're going to do what in this operation and it's printed and somebody gets hurt and they take it to court, then we're on very shaky legal grounds because it's almost like we invited them."

#### DENIES CLAIMS MADE SATURDAY

He denied claims made Saturday by GOO that oil company boats had tried to harass the boats of protesters by swerving close to them. "I was out there myself," he said. "I didn't notice that. I did notice a couple of GOO boats getting close to that platform."

A U.S. Supreme Court decision is expected today on a plea from Santa Barbara County attorneys and the American Civil Liberties Union to halt erection of the platform.

"If they rule against us, we'll have to get out," said Mrs. Harold Beveridge, a GOO leader.

Sun Oil intends to begin exploring for oil across 5,760 acres of ocean floor, leased from the federal government for more than \$61.4 million.

Foes of any new oil drilling in the Santa Barbara Channel—spurred by memories of the disastrous Union Oil Co. leak that began last January, mounted their "fish-in" to prevent the platform from being erected.

They have rallied around former State Sen. Alvin Weigand of Santa Barbara, a GOO leader, who Saturday wired President Nixon for help.

#### THANKSGIVING AND CHRISTMAS ACTIVITIES FOR SENIOR CITIZENS IN KANSAS

Mr. DOLE. Mr. President, while the National Federal of Women's Clubs is planning activities for senior citizens for Thanksgiving, the Kansas chapter of this organization is going a step further.

The Kansas chapter plans to host dinners and other activities throughout the Thanksgiving and Christmas holidays.

Mrs. Charles O. Smith, Holcomb, is chairman for the Kansas events, and I am pleased to say that I am a State patron.

This is a prime example of how voluntary action at the community level can help senior citizens who are without family to share in the joys experienced by others during the holiday season. The Women's Federation and especially the Kansas group is to be commended for devoting great energy and funds to others during an especially busy time of the year.

#### A PLAN TO END VIOLENCE—HERE AND VIETNAM

Mr. McGOVERN. Mr. President, on October 15, the day of the first peace moratorium, Mr. Milton J. Shapp delivered an eloquent, hard-hitting address entitled "A Plan To End Violence—Here and Vietnam." Mr. Shapp, who waged an impressive campaign for the governorship of Pennsylvania in 1968, is a successful, highly respected industrialist and civic leader. I know him as a personal friend and a fellow advocate of peace.

His address was delivered at Bryn Mawr College, Penn State University, and at a torchlight rally at Erie, Pa.

I ask unanimous consent that the text of Mr. Shapp's remarks be printed at this point in the RECORD.

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

#### A PLAN TO END VIOLENCE—HERE AND VIETNAM (By Milton J. Shapp)

In your Inaugural Address last January, President Nixon, you told us about the sign you had seen during Campaign '68 that read, "Bring Us Together." I remember how your voice quavered as you told us that this credo would be the hallmark of your Administration. You promised to strive at all times to bring us together. Well, here we are!

Unfortunately, we find it necessary to come together today to protest violence, here and in Viet Nam. We raise our voices against an entrenched leadership in our nation that seeks to impose its will upon the people of other nations at the expense of our own people.

Mr. Nixon, you've blown your cool. Last week you warned that you would not be influenced by protests against your Viet Nam policies. Yesterday, in that masterful "Dear Randy" letter to an unsuspecting sophomore at Georgetown University (by the way he's too young to vote) you advised the world that "There is nothing new we can learn from the demonstration." It's obvious, you're a disciple of the Ostrich School of Reality.

Come now, Mr. President. You've only been in office nine months. I suggest you place a collect call to Austin, Texas and ask LBJ what happened in 1968.

The statement that there's nothing new you can learn could be almost as fateful for you as Marie Antoinette's, "Let Them Eat Cake."

Make no mistake about it. This cake eating, coke drinking young generation believes it has plenty to tell you and other leaders of this nation about the type of world they want to live in. And they are singularly unimpressed with Presidents who claim they are unimpressed with momentous events.

Now, I must admit that protesting to the establishment in Washington often seems much like complaining to a cigarette machine that has shortchanged you.

But the Viet Nam protests are bringing progress. Don't let us belittle the results. Consider what has been achieved in just one year, primarily as a result of student protests against the immorality of our Viet Nam policies.

Go back to last October. The great debate in this nation raged around the issue of "stopping the bombing."

Today we debate how and how soon we shall pull out of Viet Nam.

Next year, if we keep up the pressure, and certainly by 1971, we will be debating along with returned GI's how we can prevent future Viet Nam's.

Support for our position comes today from many unexpected sources—sources, that last year, no one would have suspected of lending support.

For a specific example, I am in complete agreement with the statement of Mr. Frank Hilton, former National Commander of the Veterans of Foreign Wars, who addressed the Pennsylvania State VFW Convention this past July:

"Never again should our country enter an undeclared war like Korea and Viet Nam, and never again should U.S. troops be sent to war without approval of the U.S. Congress. An endless series of Viet Nams will bring death to each generation of our nation's youth, waste our national treasury and leave us as a nation of physical misfits. The British Empire, what is left of it, is a perfect example of what more than 200 years of periodic war can do to a nation of people."

Mr. Nixon, as the young Mr. Laird, who marches in Wisconsin today, will probably tell his father tonight, you can do no more to stop the anti-war tide sweeping this nation than King Canute could halt the waves.

There are those in this nation who sincerely believe that pulling out of Viet Nam will represent a serious loss of face, and will be an affront to the memory of the 40,000 Americans who have died in the war.

There are some who believe strongly and sincerely that for these reasons we must carry on to victory in Viet Nam.

There are some who feel that even though victory may not be attainable, we must, nonetheless, carry on to justify the deaths of our young men.

I cannot accept these views anymore than I can accept the inane utterings of a man I heard on Philadelphia's WCAU two-way radio last week. He said, "We must not pull out of Viet Nam until we have won total victory else we would be denying our men the right to return home as victorious soldiers."

Shades of Caesar's Legions.

I say there has been too much slaughter on both sides already.

The issue before us is not how we can save the nation's face, but how we can save the nation itself.

If, indeed, the reason why our soldiers patrol the rice paddies 10,000 miles away, is to stop the spread of Communism, then the rulers in Moscow and Peking must be thrilled at our display of stupidity.

They have yet to lose a man in the Viet Nam War.

It is we, not they who are bogged down. They are not draining away the lifeblood of their youth and their precious resources.

What does it avail us to continue with discredited war policies? We do not lose face by pulling out of Viet Nam; for there is no thinking person in the world who does not know that we have the weaponry to completely obliterate North Viet Nam should we so desire. Discontinuing the war would be merely the action taken by a responsible, powerful and peaceful nation, that realizes that this war serves no purpose; that it is immoral to continue and that further slaughter on both sides must be ended.

Further, I ask, can the tragedy of 40,000 dead American soldiers ever be avenged with more unnecessary killing?

To those who sincerely seek victory to uphold the honor of this nation, I say, there can be no victory in this war for America in the sense that we have had past military victories. It is obvious today that we are involved in what is basically a civil war between two and perhaps three or four factions in Viet Nam.

It may be very true that the Theu-Ky government could not stand if we should withdraw our troops. This is no excuse for staying in Saigon. I say, it is a prime reason why we must get out.

Can there be any real self-determination of the will of the Viet Nam people if this will must be imposed and enforced by the machine guns and bombs of an outside power?

As one who volunteered and then served for over three and a half years in World War II and who would fight again to stop the rise of a new Hitler in the world, and to prevent genocide, I raise my voice against the cancer that is Viet Nam. I raise my voice, as you raise yours, to urge sanity in a troubled land.

We gather to prove to the world that conscience still lives in these United States. We proclaim the power of conscience, and we are determined that it shall be the ultimate power in this nation. We have declared this Moratorium to prove that the concerned of this nation are numbered in the millions. We shall raise our voices until new policies are forged to guide America. We join hands

today in a human chain that stretches from the Atlantic to the Pacific and we say with a single voice to Washington: "Stop this senseless killing now!"

We protest the continued killing of our young men. We protest the devastation of a small, far off land. We condemn the napalm, the flames, the bombing of the innocent and the wanton uprooting of millions of South Vietnamese people who desire to till their land in peace.

Here at home, we are appalled by the neglected America that permits poverty to flourish in our festering urban and rural slums. We protest the inflation caused by war and endless military expenditure. We join with the low and moderate wage earner in opposing the burden of excessive taxation rooted in Viet Nam and the arms race.

We lament our misguided foreign policy, still based upon zones of influence and a game of dominoes. We call for an end to the arms race Armageddon, and the internal decay in our cities that threatens to overwhelm us. We are disturbed by the moral decline in American life, and seek new direction and renewal of the American dream.

We long for the days when our radios and TV sets did not blurt out the news each morning that yet another ten or twenty American youths had been killed in the previous day's action but that this was offset by bombing raids that killed at least 100 or 150 of the enemy; the bodies apparently being counted by the pilots of the attacking planes.

Here today, ours is a peaceful protest symbolizing the determination of aroused people to return the nation to the true pursuit of peace. Our desire is to heal the gaping wounds inflicted upon all of us by this immoral war.

We gather to counter the erosion of Democracy from within the nation, even as tensions rooted in the Viet Nam war boil to the surface.

This great non-violent protest movement for peace—unfortunately—is endangered, because here at home, a relative handful of irresponsibles, in the name of some ill defined and unstated revolutionary design, seek violent confrontation with all who refuse to join them.

I believe that the future belongs to youth who understand the creative use of protest and the might of numbers enlisted on the side of conscience. I believe violence as a principle—even in the name of fighting injustice—will only create greater injustice and alienate the vast majority of Americans, who like those of us here, have had enough of the blood-baths. Let's end violence here and in Viet Nam.

I salute the youth who so carefully forged this October 15th Viet Nam Moratorium and in so doing have taught their elders a great moral lesson. We should know—but we always seem to forget—that there is nothing so powerful as an idea whose moment has arrived.

And the moment has arrived to get out of Viet Nam.

Mr. President, that's the whole idea of today's protest message. The nation is tired of your hypocritical approach.

General Hershey may be gone, but his malady lingers on.

The credibility gap yawns even wider between the White House and the people. You are substituting sleight of hand, top level talkfests and double-talk for performance. The same old talk of Vietnamization of the war goes on just as it did during the Johnson Administration. While Mr. Rogers, Mr. Laird and others within the Administration declare that they seek negotiated peace and not military victory, General Earle G. Wheeler declares in Saigon that there is no change in military policy.

We, the American people, demand to know who is in charge. We demand to know whether it is the civilians or the chiefs of staff. We demand to know the nation's true policy. We have a right to know whether your Administration supports Thieu in his recent statement: "That replacement of (American) troops is not a one year problem, it is a problem that will take years and years," and further, as he told ABC recently, that he—President Thieu, needs atomic weapons.

Are American lives to be sacrificed to support Thieu's intent to rule?

Shall Thieu determine who shall die at Danang or in the Delta? Our answer must be a thundering "No!"

You have asked for suggestions, Mr. President.

Well, I have a simple formula to end the war in Viet Nam. It may sound somewhat facetious on first reading, but there's a kernel of sound reasoning upon which it is based.

Take a sum of money—some rather small sum in today's war market like \$2 billion, or even \$3 billion.

Put this money in Swiss or other foreign banks. Then tell Messers Thieu and Ky and the top 500 or so leaders and generals in South Viet Nam that all this money is theirs—yes, theirs personally—to divide. All they have to do is join Madame Nu on the Riviera or in Rome or Paris and stay out of Viet Nam with their families for at least five years. With them gone, it should be rather simple for a new group of leaders in Saigon to sit down with the Viet Cong and North Vietnamese and work out a coalition government.

I've discussed this plan with several members of the press corps who are familiar with the Saigon problem. The main flaw they see in this novel idea, is that it seems that Thieu, Ky and many of the other South Vietnamese leaders are already making more money out of the war than they would get under my peace plan.

Well, we could always raise the ante. After all, what are three or four billion dollars or more on a one-shot basis compared to a drain on our taxpayers in excess of \$40 billion per year?

Mr. President, whether you adopt my plan or one of your own, this is to advise that the American people will no longer remain silent. Every day counts for more death and destruction in Viet Nam and decay at home. We have been treated with your demands for patience until our patience has been worn to the breaking point.

For nine months, since inauguration day, this nation has remained silent giving you plenty of time to put into effect the plan promised during the '68 campaign.

Even if you have only become pregnant with an idea during this normal period of gestation, it's time to inform the nation what you hope to bring forth, when and how.

This is no longer Eisenhower's or Kennedy's or LBJ's war, Mr. President. It is yours—Nixon's—war.

It is your war to continue or to end.

If you end the war quickly your place in history is assured. If you do not end the war quickly your place in history is also assured.

You have the power to continue to lead America on the path to peace or on the path to self-destruction.

Mr. President, on this day of Moratorium 1969, we ask you by direct decisive action to stop the war and to truly bring this nation together, so that the American people can go forward and build a more beautiful and productive future for themselves and for all mankind.

Turn the flow of the vast resources of this nation and the power of our intellect in a positive peaceful direction and you will bring all of us together.

#### FOREIGN PRESS COMMENT ON PRESIDENT NIXON'S ADDRESS

Mr. BELLMON, Mr. President, foreign media comment on President Nixon's recent address on Vietnam has focused to date on its impact on American public opinion. It is gratifying to note that many foreign correspondents and editorialists found that the "silent majority" of Americans is rallying in support of Mr. Nixon's plan to end the war.

Several commentators praised his "clear" and "courageous" statement of strategy for peace, stressing that he had pointed the way to withdrawal of all U.S. ground combat forces.

Here is the gist of what some said: The independent Times of London maintained that "what is important in this statement is that it is a policy which explicitly removes any need for a breakthrough in Paris."

South Korea's Joongang Ilbo said the speech had produced a feeling of relief among the Vietnam war allies and the people of South Vietnam. The Bangkok World said it "seems to have gone as far as possible" without damaging the allied position.

Not surprisingly Soviet and East European media criticized Mr. Nixon for failing to announce either a further troop withdrawal or a cease-fire. Hanoi radio said that "to divert public opinion he also insinuated that private meetings were being held between the belligerent parties."

The London Daily Telegraph, a strong supporter of President Nixon's efforts to find peace, termed the speech "a courageous act of leadership" and commented further:

There were already signs before he spoke that the bulk of middle-American opinion was beginning to react against the extremism and near-hysteria of those who were screaming for America to cut and run. . . .

Now Mr. Nixon has presented the basic argument in the clearest and most explicit terms yet. . . . There has been criticism for the President's speech from many quarters, as well as praise. But none of his critics has given any convincing explanation of what they would do if they were in his shoes.

In Paris the independent-left Combat thought the most important part of the speech was the conclusion in which he "asked his compatriots not to jeopardize by their peace demonstrations the position of strength which American diplomacy needs to conduct the decisive negotiations to a successful conclusion." It continued:

It is clear that the foremost world power cannot abandon its allies or lose face with impunity. People who sincerely hope for peace should always have this in mind.

Also in Paris, financial Les Echos wrote:

Everything permits the belief that the majority of the American people still concur in the formula which Richard Nixon used during his election campaign: "Peace but not capitulation." A quickly organized poll has confirmed this. A moratorium backlash is visible.

The paper observed that the North Vietnamese delegate at Paris "understood this so well that he hurriedly affirmed that no one wanted to humiliate

the United States or to make it capitulate. Apparently this is the first show of some understanding of the American position."

Duesseldorf's pro-Christian Democratic Rheinische Post asserted that an unconditional U.S. withdrawal would result in "a complete loss of faith in America's leading role not only in Asia but all over the world." It continued:

Now the Americans must decide whether they will follow the President. The answer concerns not only Viet-Nam and America, but the whole world.

Leading independent Die Welt of Hamburg carried its Washington correspondent's view that:

The publication of the letters Nixon exchanged with Ho will convince all Americans that the President has done everything in his power to get a stubborn and irreconcilable enemy to agree to peace.

In Canada, the Montreal Gazette commented that Mr. Nixon "made a noble, and intelligent, effort to heal the divisions" in America. It continued:

Mr. Nixon's speech may not have succeeded in its prime objective of converting the anti-war groups. But even for them, it must have brought some sobering thoughts about the deep and serious factors involved in finding a solution.

From all who heard it or read it, the speech should produce a more sympathetic understanding of President Nixon's greatest and most agonizing responsibility.

#### BANGKOK: "NO ABANDONMENT"

Thai media today generally approved the content and approach of the speech. Conservative Prachatipatal of Bangkok said Mr. Nixon had confirmed "that the United States will not abandon the South Vietnamese people's right to choose their future," and that his speech "has brought a sense of relief to the people of Asian countries: The United States will not abandon them."

Mr. President, it is gratifying to see that the propagandists of the cop-out crew, those who try to present the Nation as opposed to the President and for peace at any price, have failed in most parts of the world.

It is obvious that much of the foreign press also recognizes that the President and the United States have obligations to go far beyond the wishes of a comparatively few street demonstrators and that they are determined to live up to those obligations.

#### OIL IMPORT PROGRAM

Mr. BOGGS. Mr. President, I am pleased that attention yesterday was called to this very important matter of the effect of the oil import program on the petrochemical industry.

It is timely that the oil import program be reviewed not only to be sure that it achieves its national security objectives with respect to the oil industry, but also to be sure that it deals fairly and adequately with the problem of the petrochemical industry. The program must do this in a way which permits both of these great industries to grow and prosper.

The petrochemical companies, several with plants in Delaware, have presented

a well-thought-out program to eliminate the disadvantage this industry is suffering in the cost of its feedstocks because of the oil import program.

I believe this diversified industry needs a national program. I am convinced that a fair program should be two-legged. A company should be able to elect: First, to have controlled access to foreign raw materials for petrochemical manufacture, or, second, when the company cannot use foreign raw materials, to have quota adjustments made to eliminate the cost disadvantage of domestic feedstocks over foreign feedstocks.

This is truly a national program. It is good for big and little companies. It is fair to all and gives none an advantage.

This plan is in the national interest. It will permit this great industry to grow and prosper and to increase its exports. It will keep the industry in the United States instead of stimulating the companies to go abroad to look for cheap feedstocks.

It is urgent that we get this plan implemented promptly. These companies have told me that hundreds of millions of dollars of investment in new plants is awaiting decision. We certainly do not want this industry and its jobs to be driven abroad.

If this plan is adopted, the industry can plan ahead, can buy land, arrange financing and can put up the plants in the United States. This is what we need. A program under which industry can plan is urgently needed. I hope the Task Force and the President will see fit to a broad plan fair to all. If it is adopted, we will see a stronger and better petrochemical industry in the United States.

#### PORNOGRAPHY LEGISLATION CONSIDERED BY THE JUVENILE DELINQUENCY SUBCOMMITTEE

Mr. DODD. Mr. President, I was pleased to note in yesterday's RECORD the majority leader's statement commenting on the need for Federal legislation to combat the tremendous increase in the traffic in pornography through the mails in the United States.

He referred specifically to the pornography legislation which was recently considered by the Subcommittee on Juvenile Delinquency.

In order to complete the record, I should like to add some information to the majority leader's statement on his subject.

On August 5, 1969, the Subcommittee on Juvenile Delinquency reported the administration pornography bills to the Judiciary Committee with a letter from me outlining the urgency of this legislation and requesting immediate consideration by the full committee.

I elected not to conduct further hearings because the Subcommittee on Juvenile Delinquency has conducted many weeks of hearings throughout the years on the issues of the interstate transportation of pornography, pornographic solicitations, and the actual sale of pornography through the U.S. mails.

We all know that we have a mail order pornography problem and that it is growing worse by the hour.

I discussed this matter with the chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), and we both agreed that further hearings were not necessary.

So, based on the hearings which had been conducted as recently as 1967, and based on studies that had continued through 1968 and 1969, the subcommittee reported the administration bills to the full committee.

I have attempted at every Judiciary Committee meeting since that date to have these bills reported to the Senate.

So far, however, I have not been able to secure committee approval.

One member insists on substituting his own bill.

Still others have objections to the bills on constitutional grounds.

In each case, I have offered to consider amendments immediately, or to work the problems out at the staff level, or to conduct hearings immediately on the constitutional questions; in effect, to do anything and everything possible to move this legislation to the floor of the Senate expeditiously.

I must admit that when I originally reported the bills from the subcommittee, I was troubled about some of the constitutional aspects of the legislation. I felt, however, and I feel now, that the proper forum to discuss the constitutional questions was the floor of the Senate, where we could have the advice and counsel of Constitution lawyers on both sides of the aisle, many of whom are not members of the Judiciary Committee. I still feel that the floor of the Senate is the place to resolve any constitutional difficulties which might be involved in the bills.

Nonetheless, at a recent Judiciary Committee meeting, I agreed to work with the Senator from North Carolina (Mr. ERVIN) to consider the constitutional questions on these bills in joint hearings between our two subcommittees. I welcome Senator ERVIN's assistance, because I consider him to be one of the Senate's most able constitutional experts.

Unfortunately, however, Senator ERVIN's schedule will not permit him to consider this issue until January of next year. I can well understand the scheduling difficulties, because I share them myself, and I suspect that every member of the Senate has an overwhelming amount of work which must be completed before Congress adjourns for the year.

For my own part, however, I wish to assure the majority leader that I remain ready to report these bills to the Senate immediately, for I still feel that any questions that exist can be hammered out on the floor of the Senate.

While we are on the subject of delayed legislation, I would like to point out for the record that I presided over 26 days of hearings in the Subcommittee on Juvenile Delinquency on the subjects of juvenile institutions, firearms, and narcotics and dangerous drugs legislation. In every case, however, where the subcommittee has completed its work and where the legislation was reported to the full Judiciary Committee, the bills were interminably held up by someone

for one reason or another. This was true of the firearms legislation last year, and it is true this year of the legislation dealing with narcotics and pornography.

The narcotics legislation is a particular case in point, because this legislation has been ready to report out to the Senate floor for several weeks.

The bill is all ready to go.

If there are amendments to be offered, they can be considered on the floor of the Senate.

Yet this bill remains in the full Judiciary Committee, and I do not know when we can expect it to reach the floor.

Frankly, there has been so much delay that one cannot help feeling that there are those who want to pick the roses, but who want all the pruning and thorny work done before they jump into the garden.

Mr. President, the thorny work is all done on narcotics. It has been done for quite some time. And the thorny work is done on pornography. The roses are ready to be picked off, if we could only get the bills to the floor of the Senate.

I would hope that the majority leader could perhaps direct his attention and efforts to those who have thwarted action on the narcotics legislation, for once we have this bill on the floor of the Senate, our attention can be directed solely to pornography.

Again, I commend the majority leader for his comments, and I look forward to his help.

Mr. President, I ask unanimous consent that the text of a letter dated August 5, 1969, to the chairman of the Judiciary Committee be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C., August 5, 1969.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am submitting herewith two pornography bills, S. 2073, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; and S. 2074, a bill to prohibit the use of interstate facilities including the mails, for the transportation of salacious advertising, which the Judiciary Subcommittee on Juvenile Delinquency is reporting favorably and which by a majority vote recommends that the bills do pass.

As you know these two pieces of legislation were recommended by the Administration and they consider them urgently needed to help this nation combat our rising crime rate. I would, therefore, appreciate your bringing these bills up before the Full Committee as soon as it is convenient.

With kindest personal regards, I am  
Sincerely yours,

THOMAS J. DODD,  
Chairman.

#### FOREIGN POLICY OPPORTUNITIES FOR THE SEVENTIES

MR. PEARSON. Mr. President, I believe that one of the most skilled analysts of international affairs today is Mr. Alf M. Landon. On previous occasions I have had the privilege of calling his addresses to the attention of the Senate, and I do so again today.

Mr. Landon's speech before the American Association of University Women at Topeka, Kans., on November 15, entitled "Leadership for the Seventies," is a particularly perceptive analysis of world conditions. Mr. Landon points to a number of factors which result in an extremely fluid world situation, and it is this state of flux in world conditions which, according to Mr. Landon, gives to President Nixon such a great opportunity to reshape American foreign policy and to establish new patterns of long-range consequence.

Mr. Landon asserts that President Nixon is proceeding in precisely the way that he should: That he is proceeding with care and through well-considered moves to develop "a new pragmatic, workable relationship of all governments in place of the emotional reformation of the world in our own image." I agree with this assessment. I believe that the possibilities for new policy initiatives are considerable, and I believe that the Nixon administration will capitalize on those opportunities.

I ask unanimous consent that Mr. Landon's speech be printed in the RECORD. I also ask unanimous consent that an editorial entitled "Wisdom in the Nixon Flexibility," commenting on Mr. Landon's speech, and published in the Topeka State Journal of November 15 be printed in the RECORD.

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

#### NEW LEADERSHIP FOR THE SEVENTIES

President Nixon occupies a flexible position—new for an American president—in fluid world situations existing on the biggest scale at any time heretofore.

All over the globe, old men with fixed positions are on the verge of being retired or losing power for one reason or another. We are in an era of new leaders and new struggles for power with concomitant uncertainty as to their future policies in the swirling, changing world around them. These new leaders may or may not have been tied to the mistakes of the past. Only time can uncover the new strong men and women with willingness and ability to assemble new groups with constructive objectives.

This incipient confusion can serve a healthy purpose in providing at least a temporary period for building new international accommodations and new arrangements on which long range peace can grow and develop.

I make a brief survey of new leadership conditions in many countries. There are really only three major powers in the world today—the United States of America, Russia and China. I mean, considering all facets of government—political, military, as well as industrial—although it is true that West Germany and Japan could be ranked probably ahead of China, and possibly Russia, industrially.

In North Vietnam—with the death of Ho Chi Minh—a new leadership is taking over. In the interim, his acting successor is another old man, who has a somewhat dubious position and is far from the forceful figure of one boss man out of the five younger men named by Ho as the North Vietnamese Communist hierarchy.

In China, there is another old sick man—Chairman Mao—that throws open internal contention as to his successor and leadership. While Premier Chou En Lai has shown a remarkable ability to ride successfully all the internal political upheavals in China for some 20-odd years, he is in his seventies.

And whether Mao's designated heir, Lin Biao, will be able to consolidate the political and military leadership of China is now a major question in every foreign office of the world.

Indonesia—the sixth largest country in world population today—is making headway building back stability in its economy and therewith the necessary conditions that will enable a strong and stable government to be established in place of the former Communist sympathizers.

In Pakistan, there is obviously a temporary political change at the top.

In Somalia, the Russians back successfully another military coup.

In Spain and Portugal, shake-ups in the cabinets have just occurred. All this may mean major changes of direction in these governments.

In India, there is also political instability. There are more states in India today that have gone Communist in their local governments than heretofore existed. Indira Gandhi was able to win a new coalition government in the last election only by pandering to the Communists. However, there is still strong opposition to her government in the Indian Parliament and the President of India is another old man with a rather equivocal position in foreign policies as well as his country's domestic policies. It is obvious that, in India—whatever its foreign policies are, they cannot be pro-Chinese Communist policies because of the long and deep-seated antipathy between the peoples of the first and second most populous countries of the world.

Today, the Middle East is the powder keg. The United States of America's power is declining because of political weakness resulting from mounting public protest against any more Vietnams.

Former Secretary of State Dean Rusk and Senator Gale McGee of Wyoming pointed out six months ago the isolationist trend in our country.

That development supports demands for withdrawal of our military forces from South Vietnam—Europe—cuts in foreign aid—and in forceful constructive leadership in world affairs. Ironically, these demands come from conflicting sources that want one, or some, or all of these changes. That is not the isolationism of the 1940's. It is clear today that the American people are internationalist in some areas and isolationist in others.

Following Israel's amazing victories in the brief war of 1967—Russia again started building up the military equipment of Egypt—and other Arab countries—which was destroyed by Israel in that war. But Israel's amazing air superiority over Egypt, the second time, has once more proven the weakness of the Russian policy—either in the equipment that she furnished Egypt the second time—or in the ability of her technicians in training the Egyptian military forces—or in the ability of the Egyptian forces to respond to that training. Yet in the recent election, the government of Israel won only a plurality in the Parliament. That has plagued the Israeli government for some years.

In Egypt, there is Nasser—a weak—perhaps ailing—figure—who has been the chief beneficiary of Russian support in the Middle East. His public existence depends on Soviet financial and military support. Furthermore, many of the Arab countries have shaky governments.

The Soviet is confronted with either making a major effort to build up, for the third time, Egypt and Arab countries' military strength, or, in the light of the Chinese-Russian situation and the mounting trend toward isolationism in America—being satisfied with a stalemate for the time being, at least, in the Middle East.

The Soviet is confronted with the exorbitantly high price it paid in bad public reaction to the Czechoslovakian affair in reaffirmation of its imperialist policy of ruling its colonies by suppression with military

troops stationed in those colonies. In Russia, the old Stalin Communists are more powerful than they have been for some years. No one can be sure what that means.

For the last three weeks, a momentous conference in Peking with Soviet representatives has been going on. Whatever the result, that can be a turning point in world history.

If Russia and China are able to compose their animosities, it means the Soviet Union—relieved of war on that front—is confronted with history-making decisions:

1. Can it trust the Chinese if it gets embroiled by continuation of its high pressure tactics on the western front?

2. Can it trust any country unoccupied by Russian troops or threatened by their occupation?

3. Therefore, does it have the vision to match its situation by reversing its perilous mode of operations in the moderate direction of survival in our nuclear age?

4. Do we have the vision to encourage this change in Soviet Union strategy by removing some of our vulnerable policies that are an irritant to normal international relations?

A case in point is the statute that prohibits American firms selling to Russia some 1300 strategic items. Senator Mondale's bill reduces this to 200. At stake is a big fast growing market. But, laying that aside is a greater one of opening better relations with Russia through trade. Our President wishes to keep the present statute, which authorizes him to release any one of the blacklisted items—for a better position in negotiating.

While I generally agree that is of value in negotiating, I think in the present era a positive measure by the Congress and the President is more substantial evidence of American thinking. Furthermore, it gives some assurances to all governments that Congress will not return to a high protective tariff through a quota system.

If the Soviet Union can trust the Chinese, it occupies somewhat the same position that Hitler did in 1938 after his occupation of Czechoslovakia and faces a weaker Europe than Hitler did that year—but occupies a stronger position in the Middle East.

The Soviet Union occupies somewhat the same position with China that Stalin did with Hitler. Will the Chinese turn on Russia if it gets deeper embroiled with continued high pressure tactics on the western front as Hitler turned on Stalin?

Former Secretary of State Dean Acheson said recently there had been no change in the Soviets' willingness to push westward. "They have not mellowed—there has not been a process of adjustment to the rest of the world." Canada's former Prime Minister Lester Pearson also said he saw a continued military threat from the Kremlin.

Europe is as unprepared to face the Russians today as it was the Germans in 1914 and 1938, except for the possible use of atomic weapons by France and England. Once they are forced to start throwing them around, there is no stopping place in a world atomic war.

What faces Soviet power in Western Europe?

In Italy, there is a weak coalition government beset by dissension and labor troubles getting weaker day by day in every way.

England is in a jam caused by wildcat strikes and unrest and labor rivalry. Prime Minister Wilson was forced to yield to the left wing of his Labor Party on his attempt to correct the industrial and economic problems of his country. The last by-elections of two weeks ago continued the strong anti-government vote. Yet he must follow that soft line until it is confirmed or denied in the next election.

DeGaulle is gone—leaving the new untried coalition government in France facing stormy times with the problems he left unsolved.

That brings us to Germany, which, as I say, is one of the great industrial powers of the world, but lacks any sizable military strength or influence.

The result of the recent election is another new coalition government which includes the Free Democratic Party formed with the Social Democrat Party. Walter Scheel, the head of the Free Democrat Party—which denounces the folly of an arms race and advocates limitation of military weapons—is the new foreign minister in this new coalition that will probably be more favorable to conservation with East Germany and Russia than the old one. The French are fearful this new German coalition government will support stronger ties with Britain through the Common Market than European political integration through Paris-Bonn axis.

An outstanding result was the crushing defeat of the National Democrat Party, which had created widespread fear of the danger of a new Nazi Party arising in Germany. However, there is a bigger nucleus for this National Democratic Party than Hitler started with.

In Sweden, there is a new government friendly to Communist Russia.

In the European area, England, France, Italy and Greece all have wobbly economies and ineffective governments. So do North and South Vietnam, Indonesia, Malaysia, Pakistan, India, Egypt—and most of the governments of Latin America. China and Russia have dictatorship economies based on military control, primarily, rather than basic development of a modern social economy.

In Puerto Rico, terrorists are beginning to plan a vigorous campaign of sabotage to separate the mutuality of interests between Puerto Rico and America.

In the Western Hemisphere, there are three new military governments and, in Canada, an untried government.

As I said at the start, President Nixon occupies a more flexible position than any of his predecessors in this vast changing of world governments replacing older men with fixed positions by younger men naturally more peacefully oriented than the Stalin-Mao and Ho old-liners focused on world conquest for Communism by force.

President Nixon's moderating of President Johnson's containment policy and rejection of Democrat administrations' negative policy for open minded reception of these new governments fits the times, despite the opposition's attempts to force on him the inflexible policies of the Democrat administrations.

President Eisenhower occupied some flexibility, but that was a flexibility based on popular confidence in his leadership—rather than the world conditions at that time. And, furthermore, his flexibility was offset by his Secretary of State, John Foster Dulles, who had an inflexible policy of the threat of massive retaliation and the containment policy.

President Kennedy—involved early with the Bay of Pigs, which had largely been developed by the Eisenhower-Dulles administration—later showed strength and maneuverability in his bold challenge to Russia on the missile bases in Cuba. He was starting to develop a more flexible policy known as inter-dependence—particularly in his American University speech in 1963—when his untimely death prevented the full development of his policy.

President Johnson—in his campaign in 1964—dealt in rhetoric in outlining a flexible position, which he promptly contradicted with the Gulf of Tonkin Resolution in August, 1964, and his Vietnam policy based on that resolution in 1965—which substituted a fixed containment policy for his 1964 campaign rhetoric on a flexible policy.

So President Nixon today really inherits, as I say, more of a fluid position in the world today than any of his predecessors—really since before the start of World War II—when

you come to examine the broad outlines of all his predecessors' policies. And that fluidity is contributed to by the probing and searching by the Senate Foreign Relations Committee.

Progress toward stabilizing global affairs on which peace is ultimately based will of necessity include many issues and many governments.

It is fortunate for the people in this rum-pus world that the Chief Executive of the mightiest power in the world is not stamped by emotional clamor from different groups in this country to take one fixed position or another while these major events are still in flux. Time is working on the side of developing a new sound and workable foreign policy in the interest of the United States of America—and what is to the interest of the United States of America is to the interest of peace for all peoples of the world.

It now appears that—in our President and his Secretary of State, William Rogers—our great and beloved country, and the world at large, may have two leaders with the patience and the foresight to watch the turn of major global events that I have briefly outlined and fit their country's policies to them as they develop—instead of trying to guide their development by force or the threat of force—either economic or military.

Roughly, the President and Secretary of State occupy and are following, by and large, the policy of the great English statesman of the eighteenth century—William Pitt, the elder—who, by his patience and skillful handling of the power of Great Britain—avoiding premature decisions and waiting for events to develop which he could use advantageously—sought with great success a Peace Britannica for one hundred years.

Pitt, also, was bitterly attacked by the opposition and some of his own party and by the press for his inaction—a do-nothing policy. England was widely sneered at as "Perfidious Albion."

President Nixon's swing around the circle was first labeled by his opposition more of a publicity stunt than policy making. Yet, when followed by Secretary of State Rogers, the new foreign policy began to shape up—one of other peoples and other governments doing more to help themselves. Apparently no longer is Uncle Sam going to be "Uncle Trusty" in its foreign policies.

This so-called do-nothing policy of the Nixon administration seems to be developing into a calm and iron-willed policy of flexible adjustment to the major changes in the offing all over the globe.

Our President has indicated that he is not going to be hurried in making momentous decisions on crucial policies when he knows time is fighting on his side—as long as he keeps America's military forces organized—efficiently honed for immediate effective response to another major war or threat of war. The demands for national security and domestic stability are also coming into focus along with the international relations.

No one can be sure what variations in foreign policies and international relations these new men in foreign governments will make.

We can be sure they will be major and, while reflecting emotional and local issues, they will also have diverse implications.

At this time, it is impossible to define with accuracy either the dominant attitudes or policies of these new leaders—or who is going to speak with authority. There is also evidence of a difference of opinion in the Soviet Union of major policies between the military and the political hierarchy.

We are ourselves in the midst of a long-required review of United States commitments abroad—economic, political and military.

All this can be described as the era of interim governments—to be followed shortly

by a time of new governments that can mean a beginning of new policies—new ideologies—new forces at work.

This, then, seems to me to be the measure of our President's policy—sound in its conception of using this opportunity for the return to a balance of power policy—of building on the hopes and fears of new governments without compromising with Communism's goal of world conquest. Our President is developing a new pragmatic workable relationship with all governments in place of the emotional reformation of the world in our own image.

You will remember the hysterical clamour at the time of his inauguration that he had a hundred days to demonstrate his leadership. That has been generously extended to a longer period by some—although others hold that time is now running against our President.

Well, I think time is running his way—not only in the impending changes in so many governments strewn around the globe, but also because he now faces with some assurance the prospect of going on seven more years to shape and mold his policies to bring a real prospect of peace once more to the world by old successfully tried pragmatic principles in places of myth and mumbo-jumbo.

It is monstrous strange—when Mr. Nixon is the first President since Theodore Roosevelt—with the exception of the lamented John Fitzgerald Kennedy—to be initiating a flexible United States of America foreign policy—that he is being pressured from the so-called doves to take a fixed position even down to a timetable for ending the South Vietnamese war by unconditional surrender.

On the other hand, he is being pressured by the so-called hawks to end the Vietnam war by escalating military actions.

Either way, it reduces our President's trading stock in negotiations.

We were once known as a nation of Yankee Traders. Our President is being accused by the strange combination of opposition as having a "do-nothing foreign policy." Well, that can be called watchful waiting, which fits this world situation.

With internal struggles for power and influence going on all over the globe, it is realistic to stand by—for a while, at least—until there is a semblance of permanence in the new governments of the world.

It is high time for us to leave the shaky sixties policies in order to try to inaugurate the sensible seventies.

That is what President Nixon proposes to do in Vietnam. Facing four years of failure by the Johnson administration to establish a viable government there with broad base democratic processes—and the adamant refusal by the Communists to consider his make peace advances—President Nixon is solving the stalemate by turning over to the South Vietnamese government the responsibility of building up a real Vietnamese army so that they can have their own adequate defense forces and we can go home.

#### WISDOM IN THE NIXON FLEXIBILITY

A direction in President Nixon's present policy—by its very flexibility for which he is being criticized as a do-nothing—is convincingly brought into focus by Alf M. Landon as the logical course for the United States in the current global shakeup.

The former governor and keen student of world affairs makes a searching assessment of today's leadership uncertainties in other nations. He cautions that it is realistic to stand by until there is a "semblance of permanence" in the new governments.

Meanwhile, he told the American Assn. of University Women in his speech here today, "This incipient confusion can serve a healthy purpose in providing at least a temporary period for building new international accommodations and new arrange-

ments on which long range peace can grow and develop."

In view of that, Landon believes President Nixon is wisely assuming the proper stance for the times.

"All over the globe," says Landon, "old men with fixed positions are on the verge of being retired or losing power for one reason or another. We are in an era of new leaders and new struggles for power with concomitant uncertainty as to their future policies in the swirling, changing world around them."

He mentions a score of important nations, their alliances and domestic upheavals—all of which he points out need watching as the United States moves cautiously, under the Nixon flexibility, to develop the new relationships.

For the present, Landon observes, it is an era of interim governments. "At this time," he said, "it is impossible to define with accuracy either the dominant attitudes or policies of these new leaders—or who is going to speak with authority."

As for Nixon's role Landon sees the President in a better position, "more of a fluid position in the world today than any of his predecessors—really since before the start of World War II," to pick his course.

"It is fortunate for the people in this rumpus world that the chief executive of the mightiest power in the world is not stampeded by emotional clamor from different groups in this country to take one fixed position or another while these major events are still in flux," Landon observed.

"Time is working on the side of developing a new and sound and workable foreign policy in the interest of the United States of America—and what is to the peace interest of the United States is to the interest of peace for all peoples of the world."

By their policies, Landon said it now appears that President Nixon and Secretary of State William Rogers are leaders "with the patience and foresight to watch the turn of major global events . . . and fit their country's policies to them as they develop—instead of trying to guide their development by force or the threat of force—either economic or military."

He mentions the new foreign policy beginning to shape up—one of the other peoples and other governments doing more to help themselves.

Apparently Uncle Sam is no longer going to be "Uncle Trusty" in foreign policies, he adds.

"This so-called do-nothing policy of the Nixon administration seems to be developing into a calm and iron-willed policy of flexible adjustment to the major changes in the offing all over the globe."

To those who have felt some uneasiness over not being able to discern President Nixon's intentions beyond Vietnam, the Landon analysis provides a reasonable and assuring explanation.

#### THE "PINKSVILLE" MASSACRES

Mr. FULBRIGHT, Mr. President, reports in recent days of the "Pinksville" massacres in South Vietnam have shocked many Americans. We are familiar with our own press and television reports on these alleged incidents.

We have, however, only a hazy idea of the impact these reports have on our friends abroad.

"Pinksville" has driven Apollo 12 off the front pages in many countries.

In an effort to get some idea of foreign press treatment of these alleged massacres, I have examined two recent reports published by the U.S. Information Agency.

I hope that Senators will read the excerpts which I shall place in the RECORD—excerpts from the November 19 and November 21 issues of "Worldwide Treatment of Current Issues."

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

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

#### ALLEGED MASS KILLINGS BY U.S. TROOPS IN VIETNAM

News media in Britain, Sweden and India are playing various stories alleging that U.S. soldiers killed large numbers of Vietnamese villagers in March 1968. Little comment has appeared.

#### "COULD GIVE INITIATIVE TO WAR CRITICS"

The conservative London *Daily Telegraph*, which supports the U.S. position in Viet-Nam, today warned that the massacre story could harm the Administration's cause:

"The moderate demonstrators . . . the police and the President all emerged with credit from the weekend marches. Mr. Nixon is showing resolution in his policy of withdrawing as fast as possible consistent with safety.

"He is, however, still dangerously vulnerable. If, for instance, there proves to be any substance in allegations of an American massacre in Viet-Nam, his critics will regain the initiative."

The conservative London *Daily Mail* today headed a story on the incident, "The Candy Bar Killers: All the Americans Had Rifles. People were Begging and Crying."

The liberal *Guardian* of Manchester and London headlined yesterday: "Army Killing Inquiry by U.S." The pro-Labor *Daily Mirror's* head was "U.S. Stays Silent Over 'Massacre.'"

Commercial television yesterday ran extracts from a CBS report on the alleged massacre. On Monday, a BBC radio commentator predicted that the allegations would arouse renewed storms of protest against the war. A correspondent for commercial TV declared that while the atrocity allegations were "nothing new," the numbers of persons supposedly killed were "the biggest yet."

#### STOCKHOLM: "AMERICAN CRUELTY"

Liberal *Expressen* of Stockholm, which is highly critical of U.S. Viet-Nam policy, argued today that "the new disclosures about American cruelty have a direct counterpart in the massacre staged by the National Liberation Front at Hue . . ."

"The disclosures . . . came only after American opinion had changed . . . Faced with the horrors of war, we must not forget to ask what would have happened in Vietnam if truth had as little chance in the U.S. as it has had in North Viet-Nam, China and the Soviet Union."

#### TREATMENT IN NEW DELHI

The independent-moderate *Statesman* of New Delhi and Calcutta, which generally shows a basic understanding of the U.S. position in Viet-Nam, front-paged a Reuters report of the account by "survivors" of an American "massacre" of over 300 in Mylail village in March 1968.

It also carried an unidentified South Vietnamese colonel's statement that he asked the American command to investigate the incident in June 1968, but that nothing happened until June 1969. The head over the two stories was "Genocide in Viet-Nam Village."

The extreme-left *Patriot* of New Delhi also front-paged the Reuters story.

#### MOSCOW: "YET ANOTHER U.S. CRIME"

TASS on Monday distributed a report by a New York correspondent on "yet another crime" by U.S. forces in Viet-Nam—"the execution of 567 unarmed men, women and children and the razing of the village of Song

My." He added that the Defense Department "simply refused to comment on the reports about the crime committed by an American punitive force."

A Radio Moscow commentary yesterday began:

"If I tell you what happened to the village of Song My, you will probably think that I am talking about one of the Nazi crimes in World War II. . . ."

#### ALLEGED MASS KILLINGS BY U.S. TROOPS IN VIETNAM—II

As additional allegations were made that U.S. soldiers killed large numbers of civilians in a cluster of South Vietnamese villages in March 1968, comment appeared in volume in Britain and sparsely in various other countries.

#### CALL FOR COMMONS DEBATE

All but two London newspapers gave prominent coverage to "massacre" stories today.

The independent Times of London headed its story, "Call For Debate on Massacre—Wilson Still Backs Nixon's Policy." It reported that "back-bench MPs, deeply shocked by allegations of a massacre carried out by American troops in South Viet-Nam, are pressing for a Commons debate before Mr. Wilson goes to Washington in January."

#### DOES NOT AFFECT MERITS OF U.S. POLICY

The conservative Daily Telegraph, which generally supports the U.S. position in Viet-Nam, headed a story, "U.S. Row Grows at 'Massacres' in Pinkville."

The paper's editorial held that "even if there was a massacre, this would hardly affect the merits of Mr. Nixon's policy in Viet-Nam." It said further:

"It is natural that public opinion should be shocked at such detailed allegations. Even if they are substantiated to the extent of only 1 per cent, they would leave forever a blot on American military honor.

"It must be assumed that the investigation will proceed with the utmost speed and thoroughness, taking no account, in any wider ramifications, either of rank or of any supposed overriding national interest.

"In such cases the highest national interest is that the truth should be convincingly laid bare. The high-level independent South Vietnamese investigation will contribute to this end."

The mass-circulated *Daily Sketch* banner-headlined, "If this can happen, America has lost." Its extensive story included this statement:

"... Although American troops may have behaved like Nazi SS men or Soviet storm troopers at Mylai, it is important to remember that the U.S. is not a totalitarian state. It is the freest nation in the world. And the facts have come out. The truth is known, despite the damage it can do to America. For this very reason, America's honor is saved."

#### "MASSACRE THAT CHILLED WORLD"

The pro-Labor *Daily Mirror* devoted all of its front page and part of its back page to the story under the headline, "The Massacre that Chilled the World." Its lead reported, "A horrifying story of a massacre by rampaging American troops stunned the world yesterday."

The conservative *Daily Mail* ran an article titled "The Brutal American," with a sub-headline, "What Really Startles Me is that These College Boy Soldiers Do Not Go Mad More Often." The writer said:

"The Americans are great believers in firepower. And dead gooks in black pajamas can't get up and protest, 'Please, Mr. All-American boy, I am not really a Viet Cong.' . . . Firepower corrupts and absolute firepower corrupts absolutely."

In Paris, *Paris-Jour* reported that the 43rd session of the Paris Viet-Nam talks had been "dominated by the feeling of horror created by Mme. Binh's tragic account of the mas-

sacre by American forces in March 1968 of 546 Vietnamese civilians. . . ."

#### "AMERICANS WILL NOT HUSH ATROCITIES"

In Bonn, independent *General-Anzeiger* found it "particularly shocking" that "20 months elapsed before the Truong massacre was made known and was investigated. Those who kept silent have harmed the reputation of other U.S. soldiers who are simply doing their sad duty in Viet-Nam.

"The investigation shows that the Americans will not hush up these atrocities. This indiscriminate mass execution . . . will be grist for the mill of the home-front foes of the war, and will considerably interfere with Nixon's efforts to get the nation to adopt a rational attitude toward the war and end it as soon as possible."

Most Dutch papers today carried "massacre" reports but there was no comment.

#### CHALLENGE FOR AMERICANS

Sweden's liberal *Goteborgs Handels och Sjöfartstidning* declared today:

"We know that the opposite side does not act against similar transgressors. This must not bring the Americans to let their own war criminals go free. They now face the challenge of demonstrating that they will do no such thing."

In New Delhi, Mrs. Gandhi's paper, the *National Herald*, and the extreme-left *Patriot* carried Sgt. Bernhardt's "eye-witness" account.

Freetown's *Daily Mail* wrote today, "Let every American bow his or her head in shame."

#### MOSCOW: "PENTAGON PROTECTS KILLERS"

Communist media gave heavy replay to reports and "eyewitness" accounts.

A Soviet military affairs commentator said in a radio broadcast on Wednesday:

"The Pentagon is pleading ignorant. . . . This is not the first time the Pentagon has tried to protect killers.

"A trial of the killers would amount to an indictment of the entire American policy in Southeast Asia."

TASS yesterday distributed a report from New York rounding up U.S. press coverage of the incident, adding:

"Nobody knows if a trial will take place, since the lawyers of the killers try to whitewash them by pointing to 'an absence of evidence.' But in any case, the witnesses' testimony is a wrathful indictment of the barbaric crimes committed by the American military in Viet-Nam."

#### TASS said today:

"The crimes again showed the hypocrisy of official Washington which hushes up facts of the real situation in South Viet-Nam while trying to accuse the DRV of 'inhuman' treatment of American prisoners of war."

#### NATIONAL STUDENT LEADERSHIP SEMINAR

Mr. HATFIELD. Mr. President, last October 23, 24, and 25 a group of students from throughout the Nation met for the National Student Leadership Seminar. The purpose of the seminar was to explore the possible basis for reconciliation among the various segments and polarized groups in our society. One of the participants in the seminar, Scott McBride, the former student body president at Stanford University, has sent me his summary of his impressions. I and other Members of Congress were privileged to participate in part of the seminar and to talk with students attending this event.

Believing that Senators will be interested in those who are searching for reconciling relationships throughout our

Nation, I ask unanimous consent that this material be printed in the RECORD.

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

WASHINGTON, D.C., November 21, 1969.

HON. MARK O. HATFIELD,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR HATFIELD: You will recall we had breakfast together at the National Student Leadership Seminar last month. The seminar had such an impact on me that after it was over I wrote a short diary of my impressions. I am taking the liberty of sending you a copy. I hope that you find it a meaningful chronicle of the events which you were unable to attend.

Not long ago I returned from military service in Vietnam. My experiences in combat have intensified a deep concern I have felt since attending Stanford and Harvard. My concern is that men today seemingly have no basis for really getting together.

At the university I saw human polarization in the form of intellectual aloofness—the readiness to share the currency of the intellect but the reticence to open the bank vault of the heart.

In Vietnam, disengagement among people took the paradoxical form of apparent involvement. We spent most of our waking hours in each other's company. Yet, too often it was togetherness without content. For example, if I asked a soldier to tell me about a dead comrade, often he would admit complete ignorance, even about his friend's own family.

I have never met a more diverse group of people in the military or college as I encountered at the National Student Leadership Seminar. The differing viewpoints of these people could have easily fostered alienation. But they didn't. Instead, we talked openly about possible bases for reconciliation among men. Many honestly admitted that they had no answer. Others felt that the basis could be love emanating from a belief in Jesus Christ.

But we seemed united in an honest search for reconciliation among men. In that, is the hope for reconciliation rather than surrender to alienation. For me, firmly grasping that hope was the real significance of the seminar.

Sincerely,

J. SCOTT McBRIDE.

THURSDAY, OCTOBER 23: THE PEOPLE AND THE SETTING

I was helping with registration when people began arriving at the Washington Hilton Hotel for the National Student Leadership Seminar.

The first person to catch my eye was a young man with long hair which drooped to the top of his faded Marine field jacket. He wore an opened-neck work shirt and bell bottom trousers. His clothes starkly contrasted with the luxurious decor of the hotel.

Behind him was a second man. He was the antithesis of the first—the very picture of an old Napoleon. He was short, yet braced in a military-like posture which made him appear to stand taller than he was. His short hair was snow white, matching that of his neatly cropped mustache.

These men were joining with 200 other men and women in a program which normally would never have occurred because they ostensibly had nothing in common. Or did they?

Who were these men?

The first man was Dan Campbell. He graduated from Louisiana State University this year and plans to enter law school soon. Currently he participates in the anti-war movement. He has been involved in civil rights activities in the South.

The second man was Merwin Silverthorn, a retired Lieutenant General in the Marine Corps. He fought in World War II and has three sons who followed him through the military. He supports U.S. military involvement in Vietnam.

These men were taking part in an interplay between campus and national leaders that included John W. Gardner, Chairman of the Urban Coalition; John W. Macy, Jr., President of the Corporation for Public Broadcasting; John M. Houchin, President of Phillips Petroleum Company; John Hannah, Administrator of the Agency for International Development; and twenty-two congressmen and senators. In addition, some of the younger participants included Jeff Donfeld, White House Staff Assistant; Charlie Palmer, President of the National Student Association; Herm Pirschner, Executive Secretary for the Associated Student Governments; Spencer Oliver, President of the Young Democrats; and Phil Luce, Director of College Services, Young Americans for Freedom.

That's just the beginning of who was there. The great majority of attendees were students. They represented colleges and universities in 36 states stretching from Harvard to the University of California at Berkeley and from the University of British Columbia to the University of Mississippi. Some were student body presidents, others newspaper editors. Some were black. Others white. Some had slanted eyes of Oriental extraction. Others rounded eyes of European heritage. Some were active in the peace movement. Others supported U.S. involvement in Vietnam.

#### FIRST NIGHT

Alan Boles, a former editor of the *Yale Daily News*, opened the seminar. He said it was a program conceived and planned by a group of about 15-20 students from around the country who met at past Presidential Prayer Breakfasts.

"It's purpose," he said was two-fold, "to create an atmosphere in which meaningful dialogue between a broad variety of campus and national leaders could take place and second, to provide an open opportunity for men to discuss the relevance of the person of Jesus Christ in modern times."

The theme selected to spur the discussion was "Resignation? Revolution? Reconciliation?"

#### FELICIA'S BIRTHDAY PARTY

The seminar began Thursday night with a fancy hors d'oeuvres reception followed by the viewing of three short films. All of these films shared the theme that man is still wrestling unsuccessfully to solve the perennial problems of human estrangement. The first movie, "Happy Birthday, Felicia," began with scenes of fighting G.I.'s in Vietnam, starving children in Asia, and chanting protesters in the U.S. interrupting the frivolity of a little girl's birthday party. I wished Felicia's party could be isolated from all of this. I wished I could escape these problems too. I was sad for Felicia. And for me. I was anxious, and frustrated, and angry. My stomach churned with visceral manifestations of my anxiety about these grave problems.

My stomach didn't settle during the showing of the next two movies. They were animated cartoons, though, so I laughed. Now I wonder why. The cartoons were actually satires which mocked man's inability to solve the fundamental "people problems" of war, hatred, and prejudice. At the conclusion of the movies the emcee, Bob Mattson from Stanford University, told us soberly to form into little groups to discuss what we had seen.

I couldn't talk. All I could do then was feel, but I wanted to communicate those feelings. That's when I began to realize that maybe this was why we were all there. But

nothing really happened in the small group that night. Perhaps that was predictable: we needed to learn something about one another before we would want to share feelings.

#### FRIDAY, OCTOBER 24: SCHAEFFER'S SPEECH: A PERSONAL HIGHLIGHT

Senator Mark O. Hatfield, who assisted the students in sponsoring the seminar, spoke first at breakfast. He was followed by the principal speaker of the morning, Dr. Francis A. Schaeffer.

Dr. Schaeffer is a philosopher-theologian. He is an author of three books. Though he is an American, he has been residing in Huezmoz, Switzerland for the last fifteen years in a small community called L'Abri. In this study center he and the other permanent residents live with guests from all parts of the world who journey there to study and experience how men can live together in the transcendent love of Christ.

Dr. Schaeffer analyzed the major philosophical and historical developments since the time of the early Greeks and then identified the influence of these streams of thought on contemporary life. I found myself taking copious notes on what he said. His principal ideas were:

"We are treating men like machines. The reason we are treating men like machines is we believe they are machines. And if they are only machines, Society is a Big Machine dealing with little machines. . . . It's not a fluke modern man is treating man as a machine. . . . It's rooted into the philosophy and thinking of our own generation."

"Because people think and act like machines," Dr. Schaeffer said, "they have no basis for their values. They only function on the basis of memory. When a child asks 'Why?' parents have no answer. . . . We are faced with a 'plastic culture'. This is the thing many of the young people are screaming out against. . . . You can think of the Beatles record, 'we gave her everything money could buy'. And the Beatles said it all in this tremendous thing. . . ."

"In modern theology 'God is dead,'" Schaeffer pointed out. "Reason has no place. All content about God is dead. All we are left with are high motivation 'God words' without content. Banners without content. But there they sit—high motivation words—'Christ!' 'Cross!' 'God!', 'Resurrection!' Man picks them up and puts his own content to them and says 'follow me'. I hate 'God words'! 'God words' can lead into tyranny. They can take us anywhere, unless there is content, unless reason has something to say about it, unless there is a possibility of categories on the basis of the God who is there speaking.

"What we have then is religion in the modern theological sense being just another kind of trip. And if reason is gone how do you choose between one kind of trip and another? It doesn't matter."

I thought this analysis of our present day situation was both pointed and accurate. But I was even more fascinated with his solution for our current problems.

"My answer is that we need reconciliation on the basis of a different kind of revolution. It must be love. Not love alone, but also a God who is holy and gives categories which can be the basis for reconciliation. It must be a personal God. On this basis man is not dead. On this basis all is not hopeless. Man is wonderful. He is made in the image of God. On the basis of the substitutionary death of Christ there is an answer for man's true moral guilt. On this basis man can be returned to fellowship with God and horizontal fellowship with men."

As Dr. Schaeffer concluded, I looked at my watch: he had talked for 75 minutes. It seemed like fifteen. I began to wonder why

he had captivated me so? Why was his talk so meaningful?

First, he is a man of strongly felt beliefs. I admire a man who has real convictions about the important things in his life. But Schaeffer's convictions do not appear to be a defense for ignorance as they are for some people. He clearly understands why he believes what he does.

At a time when it is not popular to voice Christian beliefs, Schaeffer displays no timidity. He offers a positive solution for reconciling men. And he does not tolerate anyone trying to disregard what he says by categorizing his comments under a meaningless "God word".

#### VISIT TO CAPITOL HILL

The next activity was a series of small-group visits with twenty-two congressmen and senators. This provided an opportunity for dialogue between campus and national leaders which Alan Boles had mentioned the night before. It was quite a change from Dr. Schaeffer's talk because here we discussed the gitty, pragmatic issues of politics, economics, and social reforms.

In this arena men's differences of opinion on specific issues soon became distinct. But then it occurred to me that this was the testing ground for any basis for reconciliation. Can men be reconciled in the face of reasonable, or even unreasonable differences? As I left the Hill, it seemed that this could only happen if men shared a basis for reconciliation such as an awareness of God's love.

Later in the afternoon, each of us participated in one of four panel discussions with panelists from around the country. These discussions brought into focus many of the thoughts we had been considering throughout the day.

From the panel discussions we adjourned into our small groups again. This time some of the groups "got going". However, others were bogged down. In those groups which did provide meaningful experiences for individuals, the discussions were characterized as frank and personal. In the groups which did not "move" the discussions were largely intellectual and impersonal.

Alan Fong from the University of California at Berkeley, and Steve Whitmore from Sacramento State were two students who did not feel the group discussions were very meaningful. In an "ad hoc" meeting we had Friday afternoon they expressed the view that the conference wasn't focusing on specific problems in our society. They wanted to "take over" the seminar that night and direct the discussions to urgent political, social, and economic problems. Just then Luke Lukoskie said that he had disagreed with the notion that the conference wasn't focusing on the important needs of today. He said that in his group students were beginning to feel a common concern for each other. It was this experience that he felt must preface a significant effort to deal with thorny, national problems.

I don't know if Luke changed any minds but he must have had an impact. That night I ate dinner with Alan and just during dinner I perceived a noticeable change in his attitude toward me. Initially I felt he had engaged me in intellectual discussion only for the purpose of trying to "shoot me down" on any point of disagreement. Yet by the end of dinner I felt he was more interested in me as a person than as a computer full of information and opinions. I thoroughly enjoyed our conversation. And for some reason he decided against taking over the meeting.

#### JOHN GARDNER'S MESSAGE

Our dinner speaker was Dr. John W. Gardner, former Secretary of Health, Education, and Welfare, and now Chairman of the Urban Coalition. He spoke about meaning in life. "Life is a process and meaning is IN the process," he said. "Meaning is something you

build into your life, starting fairly early and working at it fairly hard." He also frequently stated the idea that values "come alive only when a living person—or a generation—re-creates the values for its own time by living the faith, by caring, by doing."

I liked the activist tone of his speech. He clearly tolerates no apathy in the pursuit of meaning in life. His active life of public service is an authentic demonstration of this philosophy.

Later in his talk he added a new emphasis to his remarks. He said, "let me remind you of the real problem. It is not to find a framework of values. It is to bring these values alive."

I disagreed with this assertion. Yes, millions of people in our country are apathetic about living the values, or moral and spiritual tenets they confess. But I think this is because most of them do not understand what they mean.

Most people's actions are stalled by an inability to answer the questions, *Why* should I want peace, liberty, justice, and a sense of community? *Why* should I believe in the dignity of man, the fulfillment of the individual, and quality of opportunity? People today can't bring their values alive because they don't understand them. They have little or no faith in them.

#### SATURDAY, OCTOBER 25: THE INNER CITY

Saturday morning we moved from the sheltered environment of the Washington Hilton and our philosophical messages to the practical problems of the inner city of Washington. I liked that. I think if beliefs or values have any validity it ought to be demonstrated in practical living experiences.

I was amazed to hear John Staggers, Assistant to the Mayor of Washington, and other black residents describe how they had initially come together in weekly prayer breakfasts. He said the groups were "diagonally" structured. That is they included: black and white, rich and poor, Christian and Jew. The basis for meeting together is their willingness to meet in the love of Jesus Christ regardless of their religious convictions. Now men and women in this association have started many social action projects which are having a significant impact in the city.

I could write much more about the panel discussions and other group meetings we had that afternoon. Or I could try to recapture the regal and peaceful mood of the closing banquet at the Australian Chancery where a folk group—the Kinsfolk from Australia—entertained us with thought provoking songs.

But the real value of the conference is determined by the people who attended it. I was particularly interested with what the students said or wrote about the seminar. One student from the Pacific Northwest asked, "would you help us do something like what happened here on our campus?"

One Yale law student returned to school to find it embroiled in a strike over some faculty decisions. "I ended up wandering up and down the hall," he wrote, "wondering about reconciliation as I carried my picket sign to protest faculty actions. The seminar gave me a chance to stop and look at myself and try to discern where I was going and why. It helped me define some things for myself."

An animated Jewish student from the University of California at Berkeley surprised me when he said, "I am glad I came. It was a very meaningful experience."

I too was glad I came. What happened to me in two and one-half days helped me un-shoulder feelings of pessimism and despondency.

These emotions had been welling up in me since my encounter with suffering and inhumanity in Vietnam. In July I left Vietnam and traveled through Asia and Europe. For three months I thought about our nation. About life. About people. About inflexi-

ble stubborn people. About all the human problems which I would soon inherit when I got home.

It bothered me that so many people seemed to have everything. Everything except happiness and meaning. Everything except unity with one another.

Then at the seminar, I saw a black socialist and a member of the Young Americans for Freedom talk with one another. I saw a student in the peace movement and a Marine general really communicate with one another.

I'm still wondering, why was it possible for these men to communicate? Maybe I was observing the power of love in action. Whatever it was I liked it.

For the first time in months I felt the warmth of new hope—hope for reconciliation among men.

#### FAILURE OF THE GENEVA PROTOCOL

Mr. FULBRIGHT. Mr. President, the President's announcement this morning of his intention to resubmit to the Senate the Geneva Protocol of 1925 and to discontinue the production and stockpiling of biological warfare agents by the United States represents a very significant turning point in our Government's attitude toward the question of chemical and biological weapons. The President's actions will be welcomed by all who advocate the control and eventual elimination of these uniquely repugnant forms of warfare. Our failure to adhere to the Geneva Protocol has long been a source of dismay and embarrassment to those, like myself, who would like to see our country in the forefront of efforts to overcome the irrationality of the arms race.

It is a tragic irony that the United States, which played a leading role in the formulation of the Geneva Protocol of 1925, has never become a party to it. Earlier this year, several Members of this body, led by Senator HARTKE, introduced a resolution urging the President to resubmit the Geneva Protocol to the Senate. Today the President has made known his intention to take such action and I warmly applaud his decision.

In recent years and months, the United States has become increasingly isolated by its failure to adhere to the Geneva Protocol. We are today virtually the only major power which has not done so. Twice in the last 3 years, the United Nations called upon all nations which had not done so to accede to the Geneva Protocol. Only this past summer at the Geneva Conference on Disarmament, several new proposals for the further limitations on chemical and biological warfare were introduced. These have successively added to our embarrassment and isolation and have placed us continuously and needlessly on the defensive. As a result of the President's announcement today, we are now on the way to restoring our respectability.

I am especially pleased, of course, that the President went beyond the statement of intent to resubmit the Geneva Protocol and embraced the principles of the United Kingdom's proposal to ban the production and possession of bacteriological weapons. Furthermore, the President's intention to dispose of our existing stock of biological agents rep-

resents an almost unparalleled initiative in the field of arms control. It is to be hoped that the Soviet Union might join with the United States in a destruction of similar agents in its possession.

The conscience of the American people, aroused by information which has only recently become available, clearly demanded a rethinking of our chemical and biological warfare program. The President has responded to this sentiment and I hope that my colleagues will join me in endorsing the President's decisions.

Our previous chemical and biological programs, and the secretive, unthinking manner in which they have been pursued, have constituted an ever-present danger to our own population. Our possession of such weapons, and the fact that they were accorded legitimacy in our military planning, contributed to the possibility that mankind might someday have been subjected to untold and unpredictable horrors.

While approving the decisions announced by the President today, there are some points of terminology and interpretation which must be clarified. I am confident the Senate will, in due course, ensure that these questions are addressed. The Committee on Foreign Relations will move promptly to see that this is done. I offer my congratulations to the President for having undertaken the review which led to today's decisions. That review, plus the continuing efforts of Members of both Houses of Congress and of concerned members of the public, created a climate of enlightened opinion and concern in this body and throughout the country. I look forward to continued progress which will remove the United States from its reluctant position on these critical issues and restore us to a rightful position of leadership among nations.

#### PRESIDENT NIXON RENOUNCES BIOLOGICAL WARFARE

Mr. CASE. The President's action today in renouncing biological warfare, limiting first use of chemical weapons, and ordering steps toward the disposal of existing bacteriological stocks, is a potentially far-reaching decision. No less than nuclear armaments, the proliferation of chemical and biological weapons has represented a grave threat to world security.

Together with yesterday's joint approval of the Nuclear Nonproliferation Treaty by this country and the Soviet Union, today's declaration by President Nixon represents an initiative which could bring the world closer to the real security of genuine arms control. Such initiatives are critical if we are to break through the mutual distrust and suspicion which otherwise will stalemata the strategic arms limitations talks just begun in Helsinki.

#### PORTLAND, OREG., COURTS EXPEDITE CASE BACKLOG

Mr. HATFIELD. Mr. President, great concern exists in our country regarding court delay. The old adage that "Justice

delayed is justice denied" is so true. We must concern ourselves with this problem and act on court reform measures which will lessen court congestion and delay.

At the State level, I am proud to see that the circuit courts of Multnomah County—the courts of Metropolitan Portland—again are among the leaders in insuring a speedy disposition of lawsuits. My praise also goes to the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), for the court of common pleas in Delaware, Media, Pa., edged out Multnomah County for first place in 1969.

The national average for court delay is 22.1 months, according to the calendar status study of the Institute for Judicial Administration. This figure represents the delay between service of the answer and jury trial. In 1969, the delay in the Delaware, Media Court of Common Pleas was only 4.2 months. The Multnomah County, the delay was only 4.8 months. The courts in third position—the circuit court of Shelby, Memphis County, Tenn., was 9.5 months.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of State trial courts in counties over 500,000 having delays of under 1 year. It is a credit to the judges, the court administrators, the lawyers, and the public in these seven areas. All parties should be proud of this record. I am sure that I speak for my fellow Senators from all these areas when I commend them for working to see that our State court case backlog is lessened and congestion is relieved.

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

COURTS SHOWING DELAYS UNDER 12 MONTHS IN COUNTIES OF OVER 500,000

Court and county	Population (1960)	From service of answer to trial (average in months)	
		1969	1968
Court of common pleas, Delaware (Media) Pa.	553,154	4.2	4.3
Circuit court, Multnomah (Portland) Oreg.	522,813	4.8	4.1
Circuit court, Shelby (Memphis) Tenn.	627,019	9.5	11.9
Circuit court, Dade (Miami) Fla.	935,047	9.7	10.6
Court of common pleas, Cuyahoga (Cleveland) Ohio	1,647,895	10.5	35.4
Circuit court, Jefferson (Louisville) Ky.	610,947	10.8	11.7
District court, Bexar (San Antonio) Tex.	687,151	11.6	10.0

<sup>1</sup> Estimate.

Mr. SCHWEIKER. I would like to commend the senior Senator from Oregon for his comments on the critical problem of court backlogs, and for printing the Institute for Judicial Administration's list of courts with the best records.

I am proud to recognize the common pleas court of Delaware County, Pa., as the 1969 leader, and proud to commend the judges and administrators of this court for their significant achievement.

In addition to what the Senator from Oregon had to say concerning State court problems, the same problems exist on the Federal level. The Senate recently

passed the omnibus judgeship bill to add 70 new district court judges, and it is my hope that this bill will pass the House and be signed into law in the near future.

All of us are concerned with the growing problems of crime and law enforcement, and it is paramount that our court backlog problems be solved so that responsible crime control measures are not rendered inept due to judicial backlogs which prevent speedy resolution of cases.

Equally important are the civil cases. It is lamentable that long delays in suits being considered often make legal redress impossible for many lower and middle class citizens who cannot afford extensive counsel fees, and who cannot wait years for final disposition.

With modernization of judicial administration, increased numbers of judges, and necessary legislation, all court systems can hopefully achieve the record of Delaware County, Pa., common pleas court and Multnomah, Oreg., circuit court.

#### IMPROVING JUDICIAL ADMINISTRATION

Mr. TYDINGS. Mr. President, disrespect for the law and its institutions represents a critical national malaise. A burgeoning crime rate, city streets abandoned after dark, university buildings seized and educational processes disrupted, public officials physically and verbally abused are but some of the reprehensible consequences.

One underlying cause of disrespect for law is the inability of our courts to fairly and expeditiously decide cases which come before them. Unfortunately, the continued use of outmoded judicial techniques in the face of a veritable flood of criminal and civil litigation has resulted in prolonged delays, seriously reducing the effectiveness of our judicial machinery. As the staff report to the National Commission on the Causes and Prevention of Violence recently has stated:

Delays resulting from poor court management thus help to create conditions of disrespect for law and legal institutions, which in turn can increase the chances for violence in our society.

My good friend, the distinguished junior Senator from New Mexico (Mr. MONTROYA) well understands the importance of court improvements to restore and cement respect for law. Senator MONTROYA is himself a lawyer and legislator who has grappled with court congestion and administration problems. In a farsighted speech recently delivered before the National Association for Court Administration, Senator MONTROYA called for new techniques of judicial administration to revitalize our system of justice. His remarks deserve widespread circulation. I ask unanimous consent that his speech be printed in the RECORD.

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

REMARKS BY U.S. SENATOR JOSEPH M. MONTROYA BEFORE THE NATIONAL ASSOCIATION FOR COURT ADMINISTRATION

It is a genuine pleasure for me to participate in this first annual national Association for Court Administration Conference. I want to extend to the association—and par-

ticularly to Ron Porter who has so capably organized this gathering—my sincere gratitude for being invited to be with you today. As a member of the legal profession, I share your concern over the administration of our judicial system. I can assure you that I share your concern over the backlogs that exist in the courts across the nation. It is fundamental to any solution to the crisis facing our judicial system that we critically examine the administrative process of our courts—and this examination must of course focus on the role of the court clerk's office.

Addressing the Harvard Law School two years ago, former Chief Justice Warren surveyed the problems facing our courts at that time:

The former Chief Justice reminded us that our courts today face the heaviest caseloads in our history. "Backlogs continue to mount and the time span between the commencement of action and the termination of the case continues to rise. For the ninth consecutive year—(and this was two years ago)—the number of appeals on the dockets of our courts of appeals in the federal system has increased. Ten percent more cases were filed in these courts in 1967 than in 1966. Since 1960 the number of appeals in these courts has more than doubled. Cases in the Federal District Courts are increasing every year."

Since Chief Justice Warren recited those statistics, our judicial dilemma has continued to deteriorate. During Senator Tyding's Subcommittee hearings last year on improving our judicial machinery, it was brought out that the caseload of the Federal courts reached record proportions during fiscal year 1968. Judge Payne, Judge Bratton, and Gene Greeson will tell you that their workloads are rapidly increasing, and I assure you that our New Mexico Federal Court is a model of effective and efficient justice. Our Federal District Courts across the Nation are simply not going to be able to cope with the increased workload unless and until we recognize the demands that our society is placing upon them. And the judiciary at every Governmental level faces the same crises.

Ours is a nation dedicated to liberty and justice for all. We enact laws to insure the attainment of this goal. The progress we make toward this end depends upon the commitment of the vast majority of our society to obedience of law. As Aristotle once noted, "In all well-attempted governments there is nothing which should be more jealously maintained than the spirit of obedience to law, more especially in small matters; for transgression creeps in unperceived and at last ruins the state, just as constant recurrence of small expenses in time eats up a fortune." Obedience to law can only be forced on a small percentage of society. The society which must compel obedience to law by force or threat of force cannot long endure. Obedience must therefore be the product of respect.

It grieves me to say that respect for the law is at an all time low. Our cities and campuses are tinderboxes which have in the recent past burst into the flames of anarchy and destruction. But contempt and subversion of law are not limited to a small minority of our youth and poor. Their numbers are minuscule in comparison to those who falsify insurance claims, bribe public officials, fix their parking tickets, cheat on their income tax or engage in any of the other so-called white collar crimes that erode the foundation of society.

Those of us who have made the law our profession have no greater responsibility than to restore respect for law. For respect and disrespect for our system of justice results from the way we perform.

Mr. Howard James in his prologue *CRISIS IN THE COURTS* describes this decay of the respect for law graphically:

It (Crisis in the Courts) was conceived in the fall of 1966 when the editors of *The*

*Christian Science Monitor* pondered the weakened foundations and crumbling pillars of American justice.

For 1966 was a year when more and more citizens expressed alarm over soaring crime statistics—apparent evidence of a crime explosion in the United States.

It was a year that brought verbal attacks on the police, even as they battled minority groups in the streets over the effects of social and economic injustice of centuries.

The Supreme Court of the United States remained under fire from those who believed it had gone too far in forcing desegregation, in eliminating prayers from schools, in the reapportionment of State Legislatures, and in protecting the rights of men and women accused of criminal acts.

Others berated the high court for moving too slowly. The logjam in our civil courts made it almost impossible to bring about speedy and fair justice.

New scandals were uncovered in the Nation's lower courts. Philadelphia's magistrates' courts were so bad that it was being proposed that they be abolished. The Justice-of-the-Peace system had already been replaced in Maine and Illinois, and other states were pondering similar changes, and New Mexico has since re-ordered its judiciary.

There was a great deal of talk about the "generation gap"—the breach between adults and children—in 1966. There were more divorces, and the family lost more ground, while state and institutional responsibility increased.

While the things some youngsters did were worse than before, other things that were "childish pranks" before World War II, when this writer was growing up, had become "juvenile delinquency" by 1966 as our society grew more mobile, citified, and impersonal and less tolerant.

In 1966 television was still growing up, and sometimes the more bizarre aspects of our society were brought into our living rooms so often that they began to seem like the Norm.

As in years past, the number of traffic accidents climbed. Safety experts told us this was the result of speeding, drinking and a youthful love for the daring and reckless (sometimes involving immature adults) combined with flaws in automobiles. More and more Americans were—whatever the reason—hailed into court.

The headlong, sometimes violent rush of urban areas continued to be a concern. Yet Wilfred Owen, an authority on urban affairs, predicted that this Nation *could* become "urbanized and civilized, as well as motorized and mechanized!"

It caused Governor Daniel J. Evans of the State of Washington to comment in a citizens' conference called to improve his State's courts:

"Too few people, I am convinced, understand the vital role—the key role—which the courts must play, and which the administration of justice must play, in an urbanized society. The sweep of history that lies behind us—whether of the Nation or of this State—has been largely constructed on the law."

Government derives its power from the laws established by the people; people derive their freedom from the laws, and limit it according to the majority consent of those who are governed.

The courts are bound by the law, and laws in turn are both adjudicated by the courts and administered by them.

Laws govern the formation of cities, the conduct of commerce and industry, the control of traffic, and the relationship of every citizen to every other citizen.

And it is therefore the law and the courts of law which in large measure determine whether or not we can succeed as a civilized people in a complex, integrated, and urbanized society.

American society has indeed become integrated, complex and urbanized. And yet our courts at least until recently, were administering justice with a methodology much the same as had been done in the circuit riding days of Lincoln.

For many years we were concerned about the administration of justice in our courts but considered the just and efficient administration of our courts as too menial for much of our attention, or too professional for consideration by nonlawyers, or both.

The administration of our courts was so antiquated that it was impossible to identify the problems, to say nothing of solving them. It was, in short, a mess. In many places it still is a mess. Courts in this country, and the legal profession as a whole, have been too slow to recognize the need to increase the number of officials who are experts in efficient administration with some knowledge of the law. In the past too often administrative responsibilities have been entrusted to staffs ill-equipped in expertise, personnel and frequently in competence.

But I am telling you things you already know too well. I feel something like the minister who unleashes threats of fire and brimstone on his congregation knowing that those in attendance are already aware of it and that those who need it most are absent.

Those of you in attendance at this conference have demonstrated your awareness of the need to upgrade the American system of justice. Clerical problems plague every office—judicial and otherwise—of our government. The public must be alerted to the critical importance of the court clerk in the adjudication of a particular case. Effective, swift justice requires more than able judges and attorneys, and the formation of this Association this past December represents a significant advancement for our judicial system. I am aware of the preliminary work which has predated the establishment of the Association, I might add, and I assure you that the legal profession is appreciative of those efforts.

Let me say in closing that I certainly appreciate the opportunity to participate in this Conference.

I believe that this meeting marks a new direction and role for the Court Clerk's Office. The Association itself is a product of positive efforts to improve American justice. Let me pledge to you my own continuing efforts to improve our judicial machinery, and let us work together towards that goal.

Thank you very much.

#### THE SILENT MAJORITY OF THE LEWISTON-AUBURN AREA OF MAINE

Mrs. SMITH of Maine. Mr. President, the silent majority of the Lewiston-Auburn area of Maine has spoken out in support of the President's efforts to negotiate a peaceful settlement of the Vietnam war. They have done so in a two-full-page advertisement in the Lewiston Daily Sun signed by 750 citizens of that area.

This is truly a remarkable demonstration of support of the President. It is remarkable not only in the number of signatures but as well in the fact that the signatures were achieved in a very minimum time attesting to the spontaneity of the feeling.

It is bipartisan support—or nonpartisan support—for this remarkable expression comes from what is often called the capital or heartland of the Democratic Party in the State of Maine. Lewiston is overwhelmingly Democratic; Republi-

cans receive only a very small fraction of the total votes.

I presented this "Message From the Silent Majority" to the White House this morning when attending a bipartisan breakfast that the President had for the top members of the armed services and Foreign Relations Committee of Congress with respect to his decision to stop the production and stockpiling of chemical and biological warfare material.

I am keenly disappointed that the President has been too busy for a formal presentation with pictorial evidence to be provided for the 750 signers of the message of support but I am gratified with what the White House staff told me—that the President was receiving so many of these messages of support that it was impossible to make prompt responses to all of them and would require a considerable delay before he could formally accept this message which it was my honor to deliver on behalf of the 750 signers from the Lewiston-Auburn area.

Reluctantly, I concluded that it would be far more meaningful to deliver the message this morning because of the important time element rather than to wait until a distant time when a formal presentation could be made.

I ask unanimous consent to have printed in the RECORD an article reporting on this remarkable message, and published in the Lewiston Daily Sun of November 14, 1969.

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

#### AREA "SILENT MAJORITY" ANSWERS NIXON APPEAL—750 SIGN MESSAGE (By Alyce Bouchard)

President Nixon's plea for support of his administration's Vietnam War policy received an enthusiastic response among Lewiston-Auburn area citizens, and through the efforts of Dr. Cyprien L. Martel Jr. and Dr. Jou S. Tchao, these members of the "Silent majority" had the opportunity to express their support of their government.

Following a thoughtful discussion on the war, Drs. Martel and Tchao went to Mayor John B. Belliveau on Wednesday of last week, asking him to put their thoughts together in a statement to be circulated in the Twin City area in the form of a petition.

This statement, called "Message From the Silent Majority," reads, "We the undersigned, being conscientious Americans, support our constitutional form of government and the Presidency of the United States, in its efforts to negotiate a peaceful settlement of the Vietnam War."

"The reason we did it was because the President asked for our support," said Dr. Martel. "We wanted to make a public statement of this support and involve as many people in it as possible."

#### FANTASTIC RESPONSE

Dr. Martel said the response was "fantastic" and that better than 90 per cent of the people approached were "eager to participate." Within six days, some 750 signatures were gathered, and there easily could have been many more.

The petition and the 750 signatures appear in two full-page adds in this edition of the Sun. The expense was paid by contributions from the signers of the petition.

Newspapers containing the published petition will be sent to Maine's Congressional delegation, to members of the Foreign Relations Committee and key government officials, especially in the State Department.

The signatures represent a true cross-section of the community, Dr. Martel said. "People in all walks of life were involved."

He and Dr. Tchao agreed that "it was an overwhelming experience to see people so eager to support their government and their country. This in itself is rewarding."

#### TRULY SPONTANEOUS

This was not an organization of any sort, Dr. Martel pointed out. "It was a truly spontaneous thing, to show our support for the President, particularly during this difficult time."

Asked what he thought about the Friday and Saturday march on Washington, Dr. Martel said, "I think it is fine if it is peaceful, but most of us think this is an attempt to force the President to do something he doesn't feel he can do at this time. We want to demonstrate to him that he has our support in doing what he feels he must do as President of the United States."

"We learn from this that a vast majority of the people are supporting the President in what he feels he has to do. Peaceful demonstrations are fine," he concluded, "but we must ultimately follow his (the President's) leadership."

#### IN PRAISE ON NIXON'S CBW POLICIES

Mr. HATFIELD. Mr. President, now that nuclear agreements are under serious consideration with the advent of the SALT talks, it is with great pleasure and high regard that I view President Nixon's decision announced this morning to move forward with the limitation of chemical and biological weapons.

Since Richard Nixon assumed the office of the Presidency our Nation has made great strides toward establishing a rational policy for the development and use of CB agents. Although the history of international attempts of CBW controls can be traced back to the Hague Conference in 1899, our Nation did not have a national policy delineating such controls until the first month of Nixon's Presidency. In January shortly after taking office a meeting was convened of high officials representing all Federal agencies. The result of this meeting was an agreement to ban first the germ and gas warfare, with the exception of herbicides and tear gas, and that any combat use of the CB weapons has to first be authorized by the President.

Today President Nixon announced another milestone in the history of CBW controls. He has requested that the Senate move to ratify the Geneva Protocol of 1925; that all biological stockpiles be disbanded; and made official the previous agreement that the United States would never initiate first use of CB weapons.

The beneficial results of this announcement cannot even be estimated. In international scope the ratification of the Geneva Protocol will mean that the United States will at long last join over 60 other nations that have agreed to banning gas and bacteriological methods from warfare. These other parties include all members of NATO except the United States, all the Warsaw Pact members, all the European countries except Albania, and all other nuclear powers including China. The dismantling of the biological stockpiles heralds a great moment in the history of arms control

and limitation. And the ban on first use in military and strategic strategy prevents the use of CBW as an offensive and highly escalatory weapon.

The fact that the stockpiling limitation is geared to only affect biologics—agents which are living and can reproduce as opposed to chemical agents which do not possess reproduction capabilities—is somewhat disappointing, as I have for some time believed that our stockpiling efforts should be greatly reduced in both of these areas. However, I praise this announcement as a giant step in the right direction and will pledge myself to do all that I can to insure the ratification of the Geneva protocol as soon as possible.

President Nixon's announcement followed a very alarming and important report by the United Nations concerning the development and use of chemical and biological agents. The recent U.N. report warned that chemical and biological weapons could result in mass extermination of populations with the result that weather conditions and infected individuals could return the reaction to the perpetrators of such warfare. The effect would be that the entire world population could be decimated by a limited war between two nations. As weapons, chemicals and biologics are very difficult to control in spacial and temporal terms they are dependent on various conditions for maximum effectiveness, and decontamination of areas affected is at times impossible. Given these facts I have opposed chemical and biological weapons as not being feasible, tactical, strategic, or humanitarian and in terms of benefits derived not a valuable addition to our already substantial arsenal of conventional and nuclear weapons. I have never understood how it could be rationalized that militarily we would fight wars with epidemics, starvation, and mass extermination, while at the same time our foreign aid and policy has centered around medical help and agricultural aid in order to prevent those conditions which give rise to the trouble spots in today's modern world.

With the President's announcement this morning I look forward to this as the turning point in what has come for many to be a truly insane arms race.

#### INTERNATIONAL SPACE COOPERATION

Mr. ANDERSON. Mr. President, on October 1, Mr. Arnold W. Frutkin, the Assistant Administrator for International Affairs at the National Aeronautics and Space Administration, at Cloudcroft, N. Mex., addressed a conference of the International Academy of Astronautics. In his address, Mr. Frutkin recounts what has been achieved during the past decade in international space cooperation, discusses the problems and gaps in space cooperation, and suggests an approach to greater cooperation.

A great deal has been achieved by the United States in a wide variety of joint space projects with many other countries around the world. This cooperation runs the gamut from such things as cooperation in the building and manning

of ground tracking stations to our largest international cooperative satellite effort with the Federal Republic of Germany. In this program German and United States joint contributions are in excess of \$100 million, with the Germans putting up by far the major part.

Mr. Frutkin says:

The problems in space cooperation are not so much technical as political, financial and managerial or organizational . . .

He defines two gaps in cooperation: No significant development in the cooperation and use of major hardware for exploration programs, and the gap of political geography as it applies to the Soviet Union and nations in the Soviet bloc. In accounting for these two significant gaps he points out that in the case of Europe where most of our programmatic cooperation in science and applications has taken place, the problem is in the low level of expenditures for space activity in Europe. Mr. Frutkin points out that all of the European countries together spend roughly \$300 million a year on space research; less than one-tenth the expenditures of the United States or the Soviet Union. Mr. Frutkin says this is clearly the product of political decisions in Europe and has prevented Europe from not taking up NASA's proposals to cooperate in major programs or to undertake major programs in their own behalf. Mr. Frutkin sees this as underlying Europe's complaints about its role in Intelsat, stemming from the fact that Europe made too small and too late a start in the development of communications satellites.

As for the gap in political geography between the United States and the Soviet bloc, Mr. Frutkin points out that the Soviets during the first 10 years of space developed only a single cooperative satellite project—with France—and that is presently in a suspended stage. Only recently has the Soviet Union reported flying experiments of some eastern European nations. On the other hand, the United States has offered many times to launch experiments of Soviet, Polish, and Czechoslovakian scientists. He concludes that Soviet policies so far do not require direct and substantive engagement in international cooperation.

As to the charge made by some that NASA has "given up" in trying to cooperate with the Soviets, listen to this statement by Mr. Frutkin:

We are open to any suggestions . . . we mean to leave no stone unturned in making clear the opportunities which exist for Soviet cooperation.

Mr. President, Mr. Frutkin's address is a frank, accurate, and hard-hitting appraisal of the status of international cooperation in space. He concludes by saying that we cannot act alone—that we must have partners and he provides further suggestions on how to achieve this.

All those interested in this important area of international cooperation will want to read what Mr. Frutkin has to say:

Mr. President, I ask unanimous consent that Mr. Frutkin's address be printed in the RECORD.

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

STATUS OF INTERNATIONAL COOPERATION IN SPACE

(By Arnold W. Frutkin, Assistant Administrator for International Affairs, National Aeronautics and Space Administration)

Mr. Chairman, distinguished ladies and gentlemen. It is a very great pleasure to be here with you this evening.

The meeting in Dr. van Allen's home in Maryland in the early '50s, to which the chairman referred, not only introduced the International Geophysical Year, it also led to the space programs in which we are engaged today. It was at a meeting of the International Geophysical Year International Committee in Rome in 1954, that scientists proposed that artificial satellites be introduced as a contribution to the IGY program. Not only did this stimulate both the U.S. and Soviet space programs, but it also introduced those programs in the context of an international cooperative effort. We have been trying to realize the full potential of that beginning ever since.

Today we stand literally at a crossroads in the exploration and use of space. We stand between the first decade and the second decade. We stand between the successful completion of the prime commitment of the first decade, the manned lunar landing, and the need to commit to the major programs of the next decade. This crossroads applies equally well to the international programs which construe a part of the space effort here and abroad. Again there is a past achievement of which we can be very proud, I think—a successful and fruitful international cooperation in space which I will try to describe more fully somewhat later. Yet if we look at what has been done in the past decade with objectivity, then we will find, as Senator Anderson has said in the letter read by the Chairman, that there are significant gaps. There is a serious question, as we proceed into the next decade, whether the next giant step in space will be taken by the space powers alone or by a broader group of nations in partnership.

The kind of discussion that you have been having here in the IAA in the past few days is very important because it suggests what *could* be done together in space. You are helping, through your professional, unofficial meetings, to define the progress which *could* be made in space if official cooperation could be organized to carry out specific programs. In fact, I believe that the difficult issues are not so much in the technical questions as to what might be done in space, but in the more fundamental question as to *how* we can achieve the cooperation which is necessary to do these projects on an international basis. The problems, in other words, are not so much technical as political, financial and managerial or organizational, if you will. The real problems are not in the hardware, but really in the software, very broadly defined. And it is to the non-technical aspects of cooperation that I mean to direct my remarks this evening.

If we are to analyze our future course in space cooperation objectively, we have to ask ourselves four questions: We have to identify the gaps or shortfalls in cooperation that have been left by cooperative efforts in the first decade. We have to account for them so that we can understand just why these gaps exist. We have to consider what would be needed to correct them. And we have to consider what quite new opportunities may exist for us in the future.

If we look first at the gaps in space cooperation, I think they are fairly easy to identify. We have only to consider what elements in the basic programs of space research and exploration have not been covered by cooperation and, in addition, we have to

look at a political geography to see what areas of the world are not fully represented in cooperation. But I don't want to identify the gaps quite yet. I would like first to recount what we have done in the past decade rather generally so as to insure that when we do look at the gaps themselves, we do so with some perspective.

If we start by looking at what has been achieved in space science programs, we see a wide variety of joint satellite projects, supported by NASA in our international programs, and supported as well on an international basis by the European Space Research Organization in that region. So far NASA has launched eleven (now twelve) foreign satellites in cooperative projects in which the foreign participants conceive and design, construct and fund those satellites, and we launch them with our boosters. We, in effect, gain a free satellite, they gain a free launching. And there is no exchange of dollars between us. It has been a remarkable program of true cooperation and it has been very successful. To give you some sense of its dimensions, I can say that the proposed German probe to the sun, the largest such cooperative satellite effort in which NASA is engaged, combines German and U.S. contributions in excess of \$100,000,000. The prospects of continuation of this type of program are excellent. There is a long list of countries continuing to submit proposals under it, the cooperation and the science have always been successful, and the fact that these proposals are negotiated on a basis of mutual program interest ensures that a full contribution is made to space science. The countries involved have been the United Kingdom, Canada, France, Italy, Germany and the ten nations which are members of ESRO. I hope that before very long we will add Spain to that list as well as the Netherlands and Sweden.

Similar cooperative contributions have been made by individual experiments flown on our own U.S. satellites by foreign scientists. Their proposals are invited at the same time that we invite proposals for experiments from American investigators; they are selected on their merits and are, again, carried out without an exchange of funds. A large number have already been flown, and a larger number are in preparation or under consideration. This program has been of considerable value to our NASA satellite observatory effort and has greatly expanded opportunities for foreign scientists to participate in useful research.

Our broadest cooperative effort in flight projects is in the sounding rocket area. Today nearly half of all NASA's scientific sounding rocket launchings are conducted in cooperation with other countries. Almost two dozen countries are involved in this kind of work and, because of the somewhat lesser cost, it is possible for the less-developed countries to participate so that we bring in such nations as India, Brazil, Pakistan, Argentina, and so on. Launching facilities have been developed in all of these regions, plus others, facilities which can be used by scientists for investigations which actually require access to special locations for research into polar, auroral, and equatorial phenomena.

The recent Apollo 11 mission is a rather interesting example of our efforts to provide for the maximum international participation in any of our programs. I think most of you know that among the very first experiments deployed on the surface of the Moon was a Swiss device to investigate the solar wind and its composition. The laser reflector which was deposited on the Moon by the astronauts was advertised as available to all countries to use, and it is indeed being used by other countries today, notably France and, we may safely assume, others as well. I think you know that the first samples of lunar surface materials have now been distributed or are

being distributed not only to American investigators but also to some 36 foreign scientists, whose proposals for analysis of those samples have merited their participation in the program.

There is a whole range of cooperative ground-based observations (distinguished from flight programs) that scientists abroad have been able to carry out in support of orbiting satellite projects, many of them actually necessary to the discharge of those programs. These ground-based efforts include a variety of ionospheric observation programs. Some 40 countries have been involved in this kind of activity and many hundreds of scientists.

Apart from our own US-based cooperation, ESRO, the European Space Research Organization, including 10 European countries, has brought together much scientific cooperation. Today's launching is their fourth satellite in orbit. So it is quite clear that in the sphere of science, there has been very rich and full cooperation and very widespread progress. The projects have been somewhat modest, but they do include such an ambitious effort as the German solar probe. I have no doubt, therefore, that if we do establish an orbiting space laboratory, it will be a comparatively simple matter to insure international scientific participation in the use of that laboratory.

Now if we look at the practical applications of space, I think we see a record in the past ten years which is comparable to that in the scientific aspects. In the first experimental communications satellite work, we involved some 13 countries, nearly all of which built their own ground terminals, at their own expense, as an admission ticket, so to speak, for participation in that first experimentation. Today, that modest beginning has evolved into the Intelsat consortium of 65 countries, which has already greatly expanded our intercontinental telephone communication capacity, provided real-time routine TV coverage of events of great interest around the world, and cut the cost of overseas telephone calls. Also in the communications field, we are providing reimbursable launching facilities for foreign national applications which are in the immediate future. For instance, we will launch Canada's national communication satellite system.

I am most proud to include in this account of cooperation in the applications field the agreement NASA signed only last week with India. Under this agreement, NASA will, in 1972, launch the synchronous ATS-F satellite which will later be made available to India for use in direct broadcasting of TV, the first direct TV broadcasting, into village receivers, making a conventional TV distribution system as we know it unnecessary for India. The programming will go into 5,000 remote Indian villages, bringing instruction for the purpose of population control and the increase of agricultural productivity, and so on. Clearly, this is a tremendous new venture, bringing to a developing country the advantages of advanced technology in a totally constructive form, creating a new opportunity for a people to improve their economic and social situation. I think the world will watch this experiment very closely.

In the weather field today, we have routine operational deployment and use of weather satellites. As you know, some 50 countries have installed simple equipments (the APT stations) which permit them to receive data from our satellites daily and directly.

We are engaged with the French in an experimental meteorological satellite and balloon program, Project Eole, to track the global circulation of the winds. We have a further informal proposal from France for a synchronous meteorological satellite as a contribution to GARP, the Global Atmospheric Research Program, another very ambitious international effort to advance mete-

orological science. In geodesy there are very similar international programs growing out of and supporting our own national geodetic satellite projects. Thirty-seven countries are cooperating in this.

There are additional prospects of cooperation in experiments for air traffic controls by satellite, and we have already developed cooperative programs to prepare for future earth resources surveys by satellite. We are working, for example, with Mexico and Brazil in developing their basic earth survey capability through the use of aircraft in this field. Here, I should note the President's statement made in the United Nations a few days ago, dedicating this country to internationalizing the benefits of earth resources surveys as the program develops and as it realizes its promise. So, again, in space applications, too, a rather interesting international record has been established.

The same thing is true in operational activities in space. You know that our tracking stations, spread about the world, are operated with active support and often direct staffing by nationals of the host countries. In fact, in several locations the costs of operating the stations are borne by the host countries. We have close relationships with the ESRO and French tracking nets as well. Many of you do not know, perhaps, of the very extensive operational arrangements made with the literally dozens of countries in Africa, Asia and South America for the staging and overflight of US aircraft in conjunction with contingency rescue operations for the Apollo program. There is also an extensive, unprecedented, and sophisticated information exchange arrangement with the European Space Research Organization, and I think the extent of publication of information pertaining to NASA programs is probably also unprecedented. Thus, in operations, too, we have had very substantial cooperation in the past decade.

Now let us turn to the gaps in cooperation. I think they can be seen very clearly in the space program elements which I have not covered. There has been no significant cooperation in the development and use of the major hardware for exploration programs, the Apollo and Saturn hardware. There has been participation in scientific aspects, but not in the planning of the big hardware programs, not in their study, not in their design, nor in their development, or use. And I might say that this gap is related to another gap which is in the area of major cost-sharing for the human exploration of space. These are expensive programs, but they have not had international cooperation.

Another major gap I want to point out is in the political geography. It is quite clear that I have not mentioned the Soviet Union in a significant way in my account of cooperation in the first decade. It is very much to our regret and, I am sure, to the regret of our Soviet colleagues represented here tonight, that we have not been able to develop significant cooperation in this wide range of space programs. In view of the very substantial capability of the Soviet Union in space, there is much we could do together.

Now, let us attempt briefly to account for these two significant gaps. We have not very far to look. If we think of the programmatic gap, the lack of cooperation in the big hardware program, we can look first to Europe where most of our programmatic cooperation in science and applications has taken place. Why has this cooperation not been greater? The answer is quite clearly in the level of expenditure of space activity in Europe. All of the European countries together spend roughly \$300,000,000 a year on space research. This is an order of magnitude less than space expenditure by the United States, and presumably the same order of magnitude less than the space expenditure of the Soviet Union. That level of expenditure ob-

viously is the product of political decisions or judgments in Europe, based upon assumptions of the value of space activity to Europe at this stage. These value judgments are implicit in the decision of the European Space Research Organization not to tackle the proposed large astronomical satellite a couple of years ago—which would have been a \$200,000,000 project. I think it implicit also in the decision of Europe not to take up a NASA proposal some four years ago to cooperate in a major program such as a large deep space probe project. Europe's complaints about its role in Intelsat, I believe, stem inevitably from the fact that Europe made too small and late a start in the development of communications satellite capability.

One must say that Europe has set its sights at a very much lower level of activity in space than either the US or the Soviet Union and that this does not permit major participation in programs like Apollo, the planetary grand tour, a Mars lander, a space laboratory, or timely applications programs. Perhaps this reflects only an early judgment of the potential value of space activity. Perhaps it reflects too modest a view of early European capabilities. Perhaps it reflects only a wait-and-see attitude. In any case, with the ending of the first decade of space activity, I would hope Europe will review these judgments. Whether Europe engages in future technology or continues to engage in past technology hangs in the balance here.

Now, as we look at the gap in political geography, it is clear that the Soviet Union does not figure significantly in any map of space cooperation partners. We have achieved some token but not substantial cooperation with the Soviet Union. We have throughout the years made many overtures, but we have unfortunately very little to show for them. Soviet officials have often explained their unwillingness to respond in terms of prior conditions, like total disarmament or withdrawal from Vietnam. Personally, I question these explanations.

I don't believe the Soviet Union has a special problem toward cooperation with the United States. My reason is that the Soviet Union did not, in the first decade, develop significant international cooperation in space research and exploration with other countries not involved in Vietnam. In the first ten years of space, the Soviet Union developed only a single cooperative satellite project—with France—and that is presently in a suspended stage. (Only since this paper was given has the Soviet Union reported flying experiments of other nations and those only eastern European nations.) We, on the other hand, have long since offered to our Polish and Czechoslovakian colleagues opportunities to fly experiments on U.S. satellites and more recently these opportunities were opened to Soviet scientists. But we don't hear of Soviet programs like our direct broadcast program with India or our earth resources programs with Mexico and Brazil. One can conclude only that Soviet policies so far do not require direct and substantive engagement in international cooperation. Now, changes are, of course, possible; changes could be taking place right now, and we hope very much that this is the case. Later is better than never.

Now, what can we do about these gaps? As a general approach to this question, let me read to you a brief section from NASA's report to the President's Space Task Group which has recommended to the President the desirable course of space activities in the next two decades. The report states that:

"The challenge we now face with our collaborators overseas is to develop significantly greater international participation in the next decade of space, which will require more advanced technology and increased investment in space activities in Europe and the

other advanced countries. This raising of sights is fundamental to increasing international participation in future space progress. To accomplish this several actions must be taken:

We must fully inform prospective collaborators of the future direction and scope of United States programs.

These collaborators must become involved in the detailed definition of space objectives and in the conceptual and design studies required to achieve them.

We must approach future decision points for United States and other nation commitments to new space programs within a framework of common knowledge, experience, and close association so that every nation's space interests may find focus in the development of new capabilities for space exploration and utilization.

Domestic policies and procedures in the United States and other participating nations will have to be reviewed to facilitate cooperative activities.

New international mechanisms for developing and managing major multinational space ventures must be brought into being.

"Many specific projects have been identified and are available for joint consideration if basic decisions are made in Europe or other countries to explore increased international participation in space."

Now let me illustrate one attempt, a very recent attempt, to involve our collaborators in a basic program and to bring them onto common ground with us as we approach decision points for future programs. In the last few weeks, we have sent abroad NASA's conceptual studies for a space shuttle, or reusable booster, distributing these studies to seven or eight European firms and government laboratories through the space agencies with which we deal. We have invited these firms to critique the studies and to visit here in mid-October to participate in a NASA meeting with possible contractors, looking toward the definition of design studies which will take us one step further toward a space shuttle. Thus, the words we use on the subject of cooperation are meant quite seriously and in each case there are concrete actions which we have taken to follow up on the points we make.

Now let us be still more specific. If we take the space funding level in Europe, how is that level to be escalated? Well, we know that the gross national product of Europe is comparable to that of the Soviet Union; in fact, it considerably exceeds that of the Soviet Union, so it is at least theoretically possible for Europe to have as large a program as the Soviet Union does, and one not too different from our own. On the other hand, current space funding in Europe may be shrinking today rather than increasing. So, there is a major task and there is a need for the best thinking in Europe on its future role in space and the implications of its policies and decisions on this point.

The problem covers not only the question of funding but also the question of organization. A central European organization such as Europe is even now considering, a European NASA, could be an important mechanism for optimizing the funding which can in fact be brought to bear on space programs. Clearly, a single regional organization could in fact move forward more effectively than funds-starved national organizations. It is, however, for Europe to determine the relationship and compatibility of national programs with a pooled regional effort. And it is for Europe to consider how far it will go to accept central management institutions supported by in-house capabilities which are so important for space systems development and integration. And it is for Europe to decide whether it wants to take a short-term view or long-term view of the problem of national sharing in the contracts given for a central space program. So long as the GNP

is roughly comparable to ours and the Soviets, everything else is possible.

Let us look now at the second gap, in political geography, and ask how the Soviet Union can be made a partner in the space efforts of the future. Again, let me refer to the report of the Space Task Group:

"Progress would only be possible if the Soviets were to accept the principle of cooperation in space despite the presence of abiding political issues in other areas. They would have to be convinced at the highest level of government that substantive cooperation in space is a desirable path to detente and the establishment of broader mutual confidence. A series of graduated steps to this end could easily be formulated. The lowest level could consist simply of full and frank exchanges of detailed space project results. The next level might involve prearranged complementary activities, for example, mutual support of tracking requirements or coordinated satellite missions for specific tasks in space. A third level would reach fully integrated projects in which subsystems provided by each side would contribute to an agreed, coherent space mission. Such a graduated approach need not be a precondition to cooperation, but might contribute to a growing base of confidence and an increasing level of future cooperative ventures."

This is simply one possible approach to the problem. There are others. We are open to any suggestions. Until these can be explored in depth on a bilateral basis, we mean to leave no stone unturned in making clear the opportunities which exist for Soviet cooperation. I might say that it has been made clear to our Soviet colleagues at the highest level, that proposals by their scientists for experiments to fly in our satellites would be welcomed. They have been given detailed information to permit them to use the laser corner reflector left on the moon by our astronauts. They have been invited to participate in the analysis of the lunar samples. They have been invited to participate in early discussions of the scientific experiments to be flown on our Viking-Mars 1973 mission; and while our invitation in that case was rather late, we have offered to hold a special meeting for this purpose and, in addition, to consider Soviet proposals for experiments and to discuss coordination of our planetary programs.

And so, we here will do all we can to remedy the major gap in the political geography of international cooperation in space. President Nixon in his recent UN speech left no doubt that this nation wishes to increase very substantially the level of international participation in space programs. His remarks should be read together with the record of concrete cooperation which we have established in the past decade. If they are taken all together—his policy statements and our tangible performance—if should be clear that this is a real, not rhetorical issue that we are addressing. Cooperation by definition must engage two or more actors. We cannot act alone, we must have partners. We, together with our partners and potential partners, must work out new ways to arrive at increased cooperation and more significant projects and programs in a common future.

#### PRESIDENT NIXON TAKES HISTORIC STEP FOR MANKIND

Mr. GOODELL. Mr. President, President Nixon has taken an historic step toward peaceful relations among nations with his decision to send to the Senate for ratification the Geneva Protocol outlawing the use in war of poisonous gas and germ weapons.

The President's decision to reactivate the protocol after it has laid dormant for

43 years is welcome from the standpoints of morality, sound policy judgment, and military commonsense.

Today the United States moved to join the international community in banning the use of lethal gas, incapacitating chemicals, and disease-producing germs in war. This is a great decision for the future of mankind.

In Senate floor action on the omnibus-antichemical biological warfare amendment this summer, I stated that anything so infamous as germ warfare should be deterred ultimately by eliminating germ weapons from the arms arsenals of nations. I urged then that we fight germs with medicine; not with germ weapons. With the President's statement today, this conviction is moved to reality.

In view of the growing concern to control chemical and germ weapons, I wish to share with Members of Congress my views on these weapons as "targets for further disarmament." I ask unanimous consent that the article entitled "Targets for Further Disarmament: CBW" be printed in the RECORD.

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

#### TARGETS FOR FURTHER DISARMAMENT: CBW

(By Senator CHARLES E. GOODELL)

(Policy Paper published by the Center for International Studies, New York University, Summer 1969.)

"Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world . . . the high Contracting Parties . . . agree to extend their prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration."

#### GENEVA PROTOCOL, June 17, 1925.

Since World War II, discussion on disarmament measures and security matters has focused on nuclear weapons. Significant achievements in regulating nuclear weapons while building international confidence have included: the "hot-line" agreement; the Limited Nuclear Test Ban Treaty; the Treaty on Outer Space; the UN Security Council Resolution regarding non-nuclear nations; and the Non-Proliferation Treaty.

Although international attention has concentrated on nuclear armaments, there should be no misunderstanding as to the underlying aim of these arms control talks. The aim has not been merely nuclear regulation. The aim has been toward general disarmament. Evidence of this is seen in Article VI of the Non-Proliferation Treaty providing that each party to the Treaty "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

The plain fact is that regulation of one weapon system is not going to accomplish much in abating the eerie sense of doomsday capability, in stemming the tide carrying us toward world extinction, if on the other hand, nations of the world are engaged in a competitive build-up in another weapon system also potentially capable of world annihilation.

A U.S. policy, then, which charts a course for nuclear arms control agreement must necessarily be weakened when paralleled with an expanding military program of re-

search, development, testing and production of chemical and biological weapons (CBW).

In this light, chemical and biological weapons as well as the consequences of actual or potential use become a necessary subject for present-day disarmament concern. A re-examination of U.S. policy toward these weapons becomes imperative given the tactical use of chemical agents in Vietnam operations.

#### I. CHEMICAL AND BIOLOGICAL WEAPONS

Rational discussion of chemical and biological weaponry requires some knowledge of its component parts. Traditionally, scientists have claimed that the technical jargon of weaponry "befoozles" the ordinary man. And traditionally, military men have declared that weapons decisions are matters for the weapons expert. Nevertheless, some attempt must be made by the non-expert to know these weapons if we are to respond to CBW with sustained understanding rather than to react sporadically on impulse and ignorance.

Briefly, the CBW system consists of an agent, dissemination device, and method of delivery. Among chemical agents are nerve gases (GB and VX); incapacitating agents (BZ); riot control gases (CN and CS); harassing agents (DM and HD also known as mustard gas); incendiary agents (napalm and WP); and defoliants and herbicides—although chemical in nature, these agents have also been considered related to biological warfare since they are plant killers. Biological agents have been chosen from at least four kinds of microorganisms: bacterial diseases (plague, anthrax, and tularemia); rickettsial diseases (Q fever and Rocky Mountain spotted fever); viral diseases (yellow fever and encephalomyelitis: VEE, EEE); and anticrop fungal diseases (rice blast and potato blight).

Some chemical and biological agents are categorized as "lethal," that is, they are designed for killing man. Lethal chemical agents include nerve gases: GB and VX. Lethal biological agents include the bacterial diseases: plague, anthrax, and tularemia.

Other CBW agents are categorized as "non-lethal," that is, they are designed to control a combat situation—to flush an enemy from hiding or remove his ability or morale to fight. While designed to control rather than to kill, non-lethal agents in concentrated doses can be "lethal" in effect.

Still other CBW agents are designed to attack man indirectly by destroying food sources, crops and livestock.

Dissemination and delivery of agents—be agents solids, liquids, or gases—to targets can be accomplished in a variety of ways. Research has demonstrated that aerosol sprays are especially effective to disseminate germs. Delivery of agents can be by aircraft and even missile warheads.

The fact is that any country possessing chemical factories has some potential for chemical warfare; and biological warfare is within the grasp of any country which can produce vaccines. Another point regarding chemical and biological weapons is that they are comparatively cheap to produce. It is estimated that countries with a viable industrial and scientific infrastructure can acquire significant chemical and biological warfare capability with annual expenditures in the millions rather than billions of dollars.

Beyond CBW production, however, is the problem of accurate delivery of the agent to targeted areas with sufficient destructive capability to warrant its use over another weapon system. This problem has been a significant factor in restraining nations with a chemical and biological weapons arsenal from actually using agents extensively in combat.

#### II. MILITARY AND NON-MILITARY CONSEQUENCES OF CBW

It is acknowledged that possible military consequences of large-scale chemical and bio-

logical warfare range unpredictably from minus-zero—the attacker becomes the victim; to zero—a fiasco; to something close to total world destruction. The key word is this assessment is “unpredictably.” The fact is that we just do not know what the consequences would be from a strategic attack by chemical or biological weapons. We do know that a country prepared to take the risk of initiating such a CBW attack would have to assume non-retaliation by the country attacked or by its allies. If this assumption proved wrong, the initiator would have to be prepared defensively to meet retaliation, be the counter-attack CBW, nuclear, or whatever in nature. In addition, the country initiating CBW would have to be assured that the attacked population lacked civil defense preparedness. Without these contingencies covered, a country would be foolhardy to initiate a strategic attack with CBW.

Regarding tactical use of chemical agents in combat, we know from World War I accounts that the use of gas—tear gas, chlorine, phosgene and mustard—resulted in over a million casualties. We do not yet know with any degree of certainty what military gains have been achieved by the use of defoliants, herbicides and riot control gases (CN and CS) in Vietnam.

According to a March 1969 statement to Congress by General Hebbeler, Director of Chemical and Biological Research for the Pentagon, defoliants aimed at destroying jungles have proved “useful” in Vietnam as part of the anti-ambush program; and riot control gases have been “valuable” to Vietnam commanders in clearing the enemy from their tunnel hideouts. General Hebbeler also mentioned that herbicides are being used against enemy crops in an anti-food program. He made no comment on military effectiveness, but did say that herbicides are “harmless” to life or to the soil, with “no residual effect” on the soil since they are “effective no longer than one growing season.”

In contrast to this military assessment and nonassessment of United States use of chemical agents in Vietnam, are the evaluations and opinions of the nonmilitary experts.

Roger Hillsman, Professor at Columbia, in observing results of defoliation in Vietnam, cast doubt on the effectiveness of the anti-ambush technique. He has observed that it is not so much the leaves and trunks that guerrillas use for cover, but the curves in the road and the hills and valleys.

Ecologists and nutritionists take a grim view of the defoliation and herbicide techniques in Vietnam. A 1968 report on ecological consequences of defoliation by the United States Department of Agriculture concludes that it is impossible to know how far-reaching and how lasting will be the changes in ecology brought by the wide-spread chemical spraying in Vietnam, but the report warns that forest recovery may take at least 20 years. Others contend that there may be serious damage to soil and agriculture. Nutritionists including Dr. Jean Mayer, Professor of Nutrition at Harvard, say that the victims of food shortages in war are children, women and the elderly. In assessing the anti-crop techniques in Vietnam, the point made by Dr. Mayer is that only the innocent bystanders can be hurt.

### III. MOMENTUM FOR CBW DISARMAMENT TALK

In addition to these negative-effect assessments of chemical warfare in Vietnam, there are the political repercussions. The question is: Have possible military gains outweighed the adverse consequences of United States initiated chemical warfare in Vietnam? In my view, the answer is that they have not.

Political repercussions to United States use of chemical warfare in Vietnam have been both international and national.

Internationally, the United States has provoked mistrust and evoked criticism. Countries of the world have spoken out against United States use of chemical warfare in

Vietnam, declaring that it is immoral, inhuman, in violation of the provisions of the Geneva Protocol of 1925, and contrary to customary international practice which has developed as a result of the Protocol.

Within the United States, there has been an erosion of confidence from people-to-government and within government, from legislative branch-to-executive branch. The American people have protested against the secrecy of United States chemical operations in Vietnam. They have resented the fact that while the United States defoliation program began in 1961 and while appropriations for the Pentagon's chemical and biological program tripled in 1963 to approximately \$300 million, it was not until 1965 that official comment was publicized on United States use of gas in Vietnam operations and its legality.

It was then that Secretary of State Rusk declared that the United States is not engaged in using the kind of chemical agents prohibited by the Geneva Protocol of 1925. The State Department made a distinction between “lethal” and “non-lethal” agents. With this distinction made, the State Department concluded that the Geneva Protocol of 1925 prohibits only lethal agents; hence, the use of non-lethal riot control, defoliant and herbicide gases is not within its prohibition.

Besides the time lag between United States use of gas in Vietnam and official acknowledgement, the public is loath to accept the State Department's interpretation of legality-in-use of non-lethal agents. There is also a growing skepticism as to Presidential-Security Advisor-Pentagon-State collusion: that the Pentagon sets combat requirements, “oversells” them to the President and his Security Advisors and then the State Department proceeds in a game of legal leapfrog to justify such requirements.

Nor has Congress escaped public criticism over United States build-up in its chemical and biological arsenal. It is true that Congress can check the growth of defense programs through authorizations and appropriations. It is equally true, however, that Pentagon proposals protected by the shield of classified information—available to Congress, but not for public disclosure—have in effect bulldozed democratic control of defense program expenditures. The Pentagon's presentation of defense programs follows a familiar pattern. Programs are presented as “an urgent requirement to national security” and “vital necessary to the defense of the country”; programs are justified in terms of perceived international threats, that is, “as long as other nations maintain such programs, we must maintain our defensive and retaliatory capability.”

This state of governmental affairs—military command over Congressional control—is becoming increasingly subject to Congressional attack. There is mounting feeling in the Senate that Pentagon programs are oversold and underprotected. No longer can the Pentagon expect an automatic acceptance-response to its requested program. And the Pentagon can expect the question: do we really need this CBW program?

Among other things, the effects of the above-mentioned international and national repercussions will activate debate on United States policy on biological and chemical warfare and its divergence from the spirit of the Geneva Protocol of 1925 outlawing the use of chemical and biological warfare.

### IV. U.S. POLICY ON CBW: A REVIEW

By the outbreak of World War II, 42 nations had ratified the Geneva Protocol of 1925. Of these, 19, including France, Great Britain and the Soviet Union, reserved the right to use CBW against a non-signatory and a signatory enemy which used them first.

The United States signed the Protocol and the Senate Foreign Relations Committee reported it out favorably on June 26, 1926. The Senate, however, did not ratify the Protocol

and on December 13, 1926 referred it back to Committee, where it remained dormant. In 1947, President Truman withdrew the Protocol from further consideration by the Senate.

Looking back at Senate floor debate on the Protocol, we find the following statement by Senator Wadsworth (R., N.Y.) which might well summarize the general thought of those then opposing ratification. As reported in the *Congressional Record* of December 9, 1926, Senator Wadsworth stated:

“I realize perfectly well that the United States . . . has established a precedent in this matter of attempting to prevent by treaty stipulation chemical warfare. . . . It is true that in 1922, as a result of the deliberations of the Washington conference, the Senate did ratify such a treaty (which did not become effective since France failed to ratify). I opposed the treaty at the time in open session, pointing out what I believed to be its essential fallacies, and it is for very similar reasons that I am opposing this treaty. . . .

“I think it fair to say that in 1922 there was much of hysteria and much of misinformation concerning chemical warfare. I was not at all surprised at the time that the public very generally—not only in this country but in many other countries—believed that something should be done to prohibit the use of gas in warfare. . . . Today we have much more information. . . .

“It may not be a pleasant thought, Mr. President, but I cannot get it out of my mind that we shall never be able to prevent in war the use of a weapon which is militarily effective. When a nation is fighting for its life, like an individual, it will seize any weapon which will save its life. . . . I contend that you cannot prevent it.”

To most of the Senators then, a perceived threat was that gas would probably be used in future conflicts and the United States would have to be prepared to use it in retaliation.

This “military preparedness” theme runs throughout the evolution of United States policy on CBW and has over the years been used to justify a Defense program for research, development, testing and production of chemical and biological weaponry.

The CBW program has consistently been urged by the Army Chemical Corps with varying degrees of support from Secretaries of Defense. Over the year, added support has come from scientists and engineers. In a February 1967 survey of 1,800 scientists and engineers, 89 percent favored continuation of the CBW development program.

Regarding United States policy on use of chemical and biological agents in combat, there has evolved what might be called a CBW policy of alternative choice.

The policy of no-first-use was set by President Roosevelt in 1943 and re-affirmed by President Eisenhower in 1960.

Much has been said, however, of the changes in provisions found in the Army Field Manuals of 1954 and 1956. The 1954 edition, indicating the non-first-use policy, stated:

“Gas warfare and bacteriological warfare are employed by the US against enemy personnel only in retaliation for their use by the enemy.”

The 1956 edition, however, deleted this provision and implied a freedom-of-use policy in a new provision which stated:

“The United States is not a party to any treaty, now in force, that prohibits or restricts the use of warfare in toxic or non-toxic gases, or smoke or incendiary materials or of bacteriological warfare.”

Whether the United States would or would not use chemical and biological agents in combat remained in effect a subject of Presidential discretion. There would be a variety of options open: (1) no-first-use of asphyxiating poisonous or other gases and bacteriological methods as suggested by the

Geneva Protocol; (2) use of toxic gases, non-toxic gases, incendiary materials, bacteriological—all or some or perhaps even a mixture of the toxic and non-toxic gases—as suggested by the Army in view of the no-treaty-restrictions interpretation. A president's choice would also be between first-strike and a retaliatory second-strike.

Presidents Kennedy and Johnson chose the option of first-strike with nontoxic gases for Vietnam operations.

Legality of use was explained to the nation by the State Department in 1965 and to the nations of the world by Ambassador Nabrit before the United Nations General Assembly in 1966. He stated:

"The Geneva Protocol of 1925 prohibits the use in war of asphyxiating and poisonous gas and other similar gases and liquids with equally deadly effects. It was framed to meet the horrors of poison-gas warfare in the first World War and was intended to reduce suffering by prohibiting the use of poisonous gases such as mustard gas and phosgene. It does not apply to all gases. It would be unreasonable to contend that any rule of international law prohibits the use in combat against an enemy, for humanitarian reasons, of agents that governments around the world commonly use to control riots by their own people. Similarly, the Protocol does not apply to herbicides, which involve the same chemicals and have the same effects as those used domestically in the United States, the Soviet Union and many other countries to control weeds and unwanted vegetation."

This is the present United States position on the use of CBW in combat. Interestingly enough, however, Ambassador Nabrit voted for the UN General Assembly Resolution of December 5, 1966 which called for strict observance of the "principles and objectives" of the Geneva Protocol and which urged all non-signatories to accede to the Protocol. In voting for the Resolution, nevertheless, the United States Representative again retreated by qualifying that although the United States supported the Protocol's "principles and objectives," it was for each State to decide whether to adhere to the Protocol "in the light of constitutional and other considerations." To date the United States has not acceded to the Protocol.

#### V. UNITED POLICY ON CBW: AN APPRAISAL

In examining United States rejection of the Geneva Protocol, let us consider whether the points raised against its acceptance withstand argument.

Let us assume that the Senate had ratified the Geneva Protocol in 1925. Would this have prohibited second-strike capability? The fact is that it would not. There is nothing in the Protocol which impairs the right of self-defense. Indeed, that right is inherent in every nation and is implicit in international agreements. Although express recognition of the principle seems unnecessary, 19 ratifying nations declared the right to use CBW against non-signatories and an enemy which used them first. There can be no question in view of accepted international practice or declared right that violation of the Protocol through resort to CBW by one party would automatically release the other parties from their obligations to the Protocol-breaking State.

Moreover, would the Protocol have prevented the United States from building up its chemical and biological weapons arsenal? The fact is that it would not. The Protocol does not call for a limitation or reduction of CBW. What it calls for is a prohibition of use of CBW in war. Indeed, it was acknowledged in the 1920's that qualitative and quantitative disarmament in CBW was difficult, if not impossible to enforce. United States delegates to the Geneva conference of 1925 suggested the control of CBW by prohibiting international trade in poisonous gases designed for use in war. The suggestion was dropped when confronted with the fact

that it would be impossible to establish a qualitative distinction between chemicals for war and those for industrial and pharmaceutical purposes.

Whether United States ratification of the Protocol would have prevented the development of a CBW policy of alternatives choice allowing for the use of non-lethal chemical warfare is difficult to say. Perhaps it would not. Ratification of the Protocol by Italy and Egypt did not prevent them from using gas in war.

The United States, then, had nothing to lose militarily in ratifying the Protocol. But what could be gained in political terms and in humane term was lost.

The United States could have agreed with other signatories that CBW—even if not all agents, then at least lethal agents—would not be used in future wars. Such agreement would mean restraint or escalated use of chemical and biological weaponry. Such agreement would have built yet another barrier to the leap forward among nations in the direction of catastrophic world destruction.

The United States could have contributed to a reduction of the dangers confronting our own people and all mankind. Dangers of CBW range from accidental injury and death due to CBW laboratory and field testing to the risks involved in obsolete agent disposal; to calculated casualty and death from use of CBW in war. Also included is the danger of miscalculated destruction conceivable in a CBW first-strike and retaliatory second-strike exchange. It is conceivable in terms of a "surprise" CBW attack by x country on y, that y, unable to identify the attacking country, could counter-attack z through miscalculation.

We know that war is one of the oldest institutions known to mankind. Throughout centuries, abhorrence of arms has not averted the use of arms. War continues to be an inefficient way to settle disputes, but still it continues. Enemies continue to become friends, and friends then enemies. So too, does the cycle repeat itself where the victor pays for destruction of his enemy; then for reconstruction of his friend. Meanwhile, armaments have reached a point of destruction capability unheard-of in human history.

What we have failed to grasp is that war of the past and war of the present, however cruel, destructive and inefficient, can be viewed and must be viewed as significantly different from war in the future. It is this fundamental difference, however, with which we seem unable to come to grips. Yet if we fail to do so, it is at the peril of world survival.

But the United States has chosen to forfeit the political gains and the gains for humanity which ratification of the Geneva Protocol offers. Along with this, we have failed to take steps to ensure against a future chemical and biological war.

Indeed, the United States has taken a major step to weaken the prohibition of chemical and biological warfare by means of the State Department's interpretation of 1965. The Protocol prohibits the use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices." In my judgment this would include non-lethal gases. The State Department in making its case for use of non-lethal gas in Vietnam, however, has preferred the French translation of the provision: "gaz asphyxiants, toxiques ou similaires, ainsi que de tous liquides, matieres ou procedes analogues."

Still the question remains: is our CBW policy of use of non-lethal chemical agents in war in the best interest of the country? In my judgment it is not. At best, it has contributed marginal short-term advantage in war. At worst—in view of the fact that in war, targets may be singled out for multiple attacks over time; hence, creating the possibility that non-lethal gas in multiple doses

may become lethal in effect—the use of non-lethal gas is just a dose or two away from the use of lethal gas.

Meanwhile, present CBW policy and weapon development programs merely create a wedge between our often stated general disarmament aim and an action program to achieve it. What is so disturbing about this wedge is not so much its present size, but its driving force which could in effect split meaningful action from general disarmament. This driving force is the competitive race among nations to build up a viable CBW arsenal. We have already witnessed CBW escalation since World War I.

There has been escalation in the potency of CBW agents. In gases: chlorine replaced tear gas, phosgene replaced chlorine and the arsenal expanded with the addition of mustard gas and the nerve gases, GB and VX. Then microbiological replaced biologicals. It was in the mid-1950's that military scientists determined that germ particles ranging in size from 1 to 5 microns could evade natural body defenses and hence, be more effective in germ warfare.

There has been escalation in delivery systems. Chemical warheads for the Sergeant brought CBW to the missile age; and now there are biological warheads for the Sergeant. We have come some way since 1944 and the Army's ill-fated scheme to use bats to deliver incendiary bombs.

There has been escalation in target potential and in the number of countries resorting to chemical agents in combat. The size of the budget for CBW program development has also been built up. In the last ten years, our expenditures for a CBW program have increased seven-fold to over \$350 million estimated for fiscal year 1970.

This momentum has merely taken us up the steps of the "balance of terror" ladder bringing us yet another weapon system with potential capability for world destruction.

From this vantage point, then, is general disarmament made meaningless and an action program toward this end unrealistic? Are we fated for development and use of CBW in war as predicted in 1926? Such an inference could be made and appear sound. In my view, however, such an inference is not only a conception with dire consequences but a dangerous delusion. I am reminded here of the warning given us by the philosophers. It was Karl Jaspers who wrote in *The Origin and Goal of History*:

"Anyone who regards an impending war as certain is helping in its occurrence, precisely through his certainty. Anyone who regards peace as certain grows carefree and unintentionally impels us into war. Only he who sees the peril, and does not for one instant forget it, is able to behave in a rational fashion and to do what is possible to exorcise it."

The peril of further escalation in development and use of chemical and biological weaponry in combat is the progression to possible world destruction. The point to be realized is that general disarmament is not a nicety, or luxury, but a necessity. Its best argument is humanity and its survival.

In 1966 and 1968, the United States reaffirmed its acceptance of the "principles and objectives" of the Geneva Protocol. To date, this acceptance has been mere rhetoric.

If United States support of the Protocol is more than rhetoric and if our aim for general disarmament is not to be withered in weaponry, the following series of steps must be taken:

1. Immediate action by the President to present the Geneva Protocol to the Senate for "advice and consent" on ratification.

2. Pursue negotiations in the Eighteen-Nation Committee on Disarmament (ENDC) outlawing the use of microbiological methods in war. The British draft of August 1968 prohibiting "the use of microbiological methods of warfare of any kind and in any circumstances" should be supported.

3. Abandon the use of defoliants and herbicides in Vietnam. The possible negative side-effects of their use both in anti-ambush programs and anti-crop programs not only justify this step, but require it in view of post-war Vietnam economic recovery and reconstruction needs.

4. Initiate talks, both bilaterally and multilaterally, with the aim of achieving a microbiological test ban treaty. The necessary tools are already being developed for policing such a ban. Alarm systems include: (1) monitoring of air at CBW testing fields on the assumption that if biological testing has occurred the air will be marked with a sharp increase in number of 1- to 5-micron sized particles; (2) collecting and staining particles from the air to distinguish living from non-living material.

5. Ban unilaterally chemical and biological weapons testing at all testing stations until and unless the study being prepared by the Office of Science and Technology in connection with the UN study of the effects of CBW can report no harmful effect to environment and no hazard to population within a range of 400 miles of the testing station.

We have made attempts to face nuclear regulation. We now need to negotiate controls on CBW. It must be recognized, however, that arms control agreements are doomed to failure if they are not coordinated and incorporated in an acceptable scheme of security among nations.

Security of this nation, both at home and among nations, is and must continue to be our first and foremost priority in decision-making. It will not be achieved by the military scientists. It will not be achieved in stages of false security derived from an ABM system. If we fail to regulate CBW now, security will not be gained by defense requests for an antimicrobiological monitoring system.

The insatiable race for over-kill, with its risk of war and its inherent threat of world destruction, has reached the point of diminishing returns.

Time still remains to take the risks of peace; in economic competition, in social development, in binding arms control agreements and in international cooperation. Time still remains to pool the tremendous resources of scientific talent, both at home and throughout the world, to convert knowledge-to-kill to knowledge-to-preserve; to redirect creativity from war-like purposes to peaceful purposes; and to free the energies of man from a threatened world to a more liveable world.

We can and must use this time now to see if these peaceful avenues to security and survival will not be more successful than the other.

#### MERCHANT MARINE LEGISLATION: WHERE IS IT?

Mr. TYDINGS. Mr. President, the shocking decline in our merchant marine is widely known and well documented. Nearly everyone concerned with maritime matters, in the industry and in government, is familiar with the dismal statistics.

Three-fourths of the U.S.-flag fleet is over 20 years of age. Our merchant fleet carries less than 7 percent of American cargo. U.S. shipyards are simply not turning out the 30 new ships per year we require. Our fleet is faced with block obsolescence, for by 1982 our merchant marine will number only 202 ships, assuming no new construction after 1970, instead of the present 650 vessels.

Without doubt, the disintegration of a strong merchant marine threatens the economic prosperity and national security of the United States.

The administration, to its credit, has recognized the importance of restoring our merchant fleet to its once preeminent position. We in Congress have heard time and time again that major maritime legislation will be sent up for our review and approval. Yet for 9 months we heard only promises, and then, in late October, when a maritime message at long last appeared, no legislative proposal was in tow.

A Presidential message is not a piece of legislation. It is interesting and important, and this one was both, but it is not a specific bill upon which the Merchant Marine Subcommittee can act. Unfortunately, the public tends to equate a Presidential message with legislation. And usually, such a message is accompanied by a bill.

But this did not occur when the Congress received the maritime message on October 23. That was a month ago, and we still have no legislation. The long-awaited maritime legislation has still not arrived.

I point this out to Senators and urge the administration to send us the proposed legislation now. Further delay will mean an increased time lag before the ships we desperately require are ready to go.

I realize the complexity of the problem and recognize the difficulty in preparing specific legislation, but the fact of the matter is that if it cannot be done in a year, it probably cannot be done at all.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

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

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I have a bit of morning business.

#### TAX REFORM ACT OF 1969

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does that end the morning hour officially?

The PRESIDING OFFICER. Morning business is concluded.

The question is on agreeing to the amendment of the Senator from Virginia.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I have a piece

of morning hour business that will take approximately 5 minutes. I hope that I may be accommodated.

Mr. BYRD of West Virginia. I yield to the Senator at this time.

Mr. JAVITS. I am not quite ready at this time.

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

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

#### PRESIDENT NIXON'S NEW PEACE INITIATIVES

Mr. GRIFFIN. Mr. President, at the White House this morning, President Nixon demonstrated once again his unceasing search for peace.

In a statement of far-reaching importance, the President made it clear that the United States has renounced the use of lethal biological weapons and all other methods of biological warfare.

He also said that the United States will confine its biological research in the future to defensive measures, such as immunization and safety measures, and that recommendations will be considered concerning the disposal of existing stocks of bacteriological weapons.

In addition, the President reaffirmed the oft-repeated renunciation by the United States of the first use of chemical weapons, and he announced that the United States is extending this renunciation to the first use of incapacitating chemicals.

In keeping with this purpose, the President said he will submit to the Senate for its advice and consent the Geneva Protocol of 1925.

I applaud and welcome the President's announcement this morning as still a further initiative by this administration in the direction of peace and better understanding in the world.

I ask unanimous consent that the statement of the President be printed at this point in the RECORD.

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

STATEMENT BY THE PRESIDENT, NOVEMBER 25, 1969

Soon after taking office I directed a comprehensive study of our chemical and biological defense policies and programs. There had been no such review in over fifteen years. As a result, objectives and policies in this field were unclear and programs lacked definition and direction.

Under the auspices of the National Security Council, the Department of State and Defense, the Arms Control and Disarmament Agency, the Office of Science and Technology, the Intelligence Community and other agencies worked closely together on this study for over six months. These government efforts were aided by contributions from the scientific community through the President's Scientific Advisory Committee.

This study has now been completed and its findings carefully considered by the National Security Council. I am not reporting the decisions taken on the basis of this review.

## CHEMICAL WARFARE PROGRAM

As to our chemical warfare program, the United States:

Reaffirms its oft-repeated renunciation of the first use of lethal chemical weapons.

Extends this renunciation to the first use of incapacitating chemicals.

Consonant with these decisions, the Administration will submit to the Senate, for its advice and consent to ratification. The Geneva Protocol of 1925 which prohibits the first use in war of "asphyxiating, poisonous or other Gases and of Bacteriological Methods of Warfare." The United States has long supported the principles and objectives of this Protocol. We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons.

## BIOLOGICAL RESEARCH PROGRAM

Biological weapons have massive, unpredictable and potentially uncontrollable consequences. They may produce global epidemics and impair the health of future generations. I have therefore decided that:

The U.S. shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare.

The U.S. will confine its biological research to defensive measures such as immunization and safety measures.

The DOD has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons.

In the spirit of these decisions, the United States associates itself with the principles and objectives of the United Kingdom Draft Convention which would ban the use of Biological methods of warfare. We will seek, however, to clarify specific provisions of the draft to assure that necessary safeguards are included.

Neither our association with the Convention nor the limiting of our program to research will leave us vulnerable to surprise by an enemy who does not observe these rational restraints. Our intelligence community will continue to watch carefully the nature and extent of the biological programs of others.

These important decisions, which have been announced today, have been taken as an initiative toward peace. Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men.

## ORDER OF BUSINESS

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

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

## THE SPEECHES OF VICE PRESIDENT AGNEW

Mr. JAVITS. Mr. President, the speeches which have been made recently by Vice President AGNEW have aroused considerable interest.

Last night I did a videotape interview on the David Frost television show for broadcast next week on WNEW-TV in New York and other stations. In response to questions of Mr. Frost, I set forth my view of the controversy which

has arisen concerning the recent speeches of the Vice President. I feel it is only fair to say on the Senate floor what I said on television, and I ask unanimous consent that the portion of the transcript dealing with the Vice President be inserted into the RECORD.

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

TRANSCRIPT OF SENATOR JAVITS' REMARKS REGARDING VICE PRESIDENT AGNEW ON VIDEOTAPING OF THE DAVID FROST SHOW, MONDAY, NOVEMBER 24, 1969

FROST. Those are three things that you'd like the President to do. How about the Vice President? Does he . . .

JAVITS. I'd like the Vice President to take President Nixon's advice that we speak in quiet voices and so forth (applause).

I think he—you know, we've had attacks on the press and in other days, even in Harry Truman's day, and he attacked the press. There was no—there were—the media weren't all that vital, that is, the radio and television. Now, the Vice President has kind of swept them all off together and attacked them all, and he's also, I think, I don't think he's helped the situation very much by trying to lump those who dissent from the Administration's view on the Vietnam as somewhat less patriotic, in terms of the ultimate interests of . . . (applause).

Now, you could say, well, all these are political techniques. Politicians have used them before. They tend to be diversionary. That is, you know, if you can't solve a problem, you raise the devil with the people who are criticizing you about it. So, this is very understandable. The difficulty, I think, comes in the timing which is now, when the debate on Vietnam is hot and which originated from the fact that the Vice President complained that the President's speech of November 3 on Vietnam was criticized. Well, what are the media for, if not for that? And, the overtone, that somehow or other there might be some sanction, to wit, every radio and television station is licensed, and maybe that's going to count when it comes time for renewal. This is very disconcerting. But I would discount it all, on the grounds that it's an old political technique. You attack somebody. The press is most convenient, and it takes people's minds off the policy. You know—is our policy in Vietnam succeeding? Is our policy against inflation succeeding and so on?

What bothers me about this is the uncertainty as to the extent of the President's backing for it. This is left completely up in the air. Who's doing this? Is this the Vice President? Or is this the Administration's policy? Now, I am willing to say that the President didn't know anything about what Agnew was going to say. But he knows now, and he can stop him any morning at 9:00, and I think we're entitled to know what the President thinks about this and what is the Administration's policy (applause).

FROST. Do you—do you know what the President thinks?

JAVITS. I wish I did. You hear all kinds of rumors and discussions about who wrote the speeches and about the calls that went out from the White House, but I've been asked this too long—and I think all of us are too sophisticated—to assume that's the evidence. But I think the time is fast approaching, if this thing burgeons and the Vice President keeps it up, when the country will have a right to know. If this is the Administration's policy, then it's a very frontal struggle in respect of the—the first Amendment, the freedom to express yourself. But if it's just the Vice President's way of breaking into the headlines—well, perhaps it isn't all that ponderous and serious.

FROST. If you were the President and it

didn't have your support, what would you do?

JAVITS. I'd stop it because I think that the—I think it tends to be divisive and to polarize the country at a very critical time. And I think that the President has counseled us all to speak with a quieter voice. And I think the first person you would naturally expect to listen to him would be the Vice President (applause).

Mr. JAVITS. Mr. President, I have some grave disquiet about this matter, and I expressed it. I had no desire or intention to make any set speech about it at this time, because I have been waiting to hear something authoritative from the President of the United States.

The Vice President, of course, is entitled to speak out on any issue he likes—in fact, his views are most eagerly sought as are the views of any high administration official. However, in all of the sound and the fury of recent days over the right of dissent and the exercise of freedom of the press, radio, and television—the sound and fury that have been touched off by the Vice President's words—one very important question still has not been answered. And in terms of administration policy on such vital and sensitive issues, it is the President that counts decisively. But we have not yet heard from the President on any of these statements of the Vice President—are they his or is he speaking for the administration?

There are many Americans, including myself, who think it most appropriate that now that we have heard from the Vice President, from the Postmaster General, from the President's Director of Communications, and from the Attorney General, on the questions of dissent and of the press and media—that we now hear from the President. That will then determine whether there is really a grave issue or whether it is a Vice President being colorful. I have felt, and I think many of us have a right to feel, that it is one thing to be a colorful Vice President. It is another thing to speak the policy of the administration. We have now heard from the Vice President in what he himself admits is a rather abrasive way.

Mr. President, this week's Life magazine carries a guest column by Vice President AGNEW entitled: "Spiro AGNEW Says: 'I Did It On My Own.'" The Vice President writes in the first person and declares again and again that it was his personal reaction to certain events which precipitated his recent speeches concerning the mass media, demonstrators, and related subjects. I ask unanimous consent that the Vice President's column be inserted into the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. The time has now come, it seems to me, to find out whether this is or is not administration policy that the Vice President is speaking.

It is the uncertainty as at the position of the President which has stirred such deep uneasiness. If, in fact, it is the enormous power and prestige of the office of the President of the United States that stands behind the Vice President's recent

speeches—speeches that tend to intimidate those who evoke the traditions and rights guaranteed by the Bill of Rights—then we are in for a grave crisis.

I am troubled, first, by the timing of the Vice President's several statements, the reasons for that timing, the implied threat to freedom of speech which is involved, the diversionary nature of the Vice President's speeches and whether they tend to inhibit future criticism, by the press or media, of the administration's Vietnam or other policies.

Second, I am troubled by the attitude of the administration. Rumor and circumstantial evidence allege that the Vice President is uttering administration policy. We know the President could end it. The President himself has urged that we "lower our voices." And we have a right to know whether it is the Vice President or the administration speaking now.

Frankly, attacks on the press and media have not been unusual in our history. Jack Kennedy barred copies of the New York Herald Tribune from the White House, Harry Truman called the press very harsh names, and F.D.R. said the newspapers were against him, and so forth.

The issues of concentration of ownership in the media, and the editorial objectivity of the media, are, of course, "hardy perennials." The questions of both "equal time" and of the application of the antitrust laws have been the subject of Federal Government inquiry and, on occasion, of litigation, for over a generation. But after the media had some critical words to say about the President's November 3 Vietnam speech, the Vice President's attack on the media inevitably has the implication of some threat to muzzle the press and to refuse licenses to TV or radio critics. In such cases, a disclaimer by the Vice President of any desire for "Government control" is standard operating procedure and reassures no one.

Such implications are particularly distressing at this time because the entire matter can become an unfortunate diversion taking the emphasis off intelligent discussion of the most fundamental issues facing our Nation—Vietnam and inflation. The conversion of that kind of intelligent discussion into a divisive and embittered conflict over personalities and media will inevitably hamper rather than foster a proper sharing of responsibility between the Executive and the Congress and a proper understanding by the public.

I am also concerned that the timing of the Vice President's recent speeches may engender a fear as to whether this administration recognizes the dangers inherent in such an attack upon the media and press and upon those who honestly disagree with administration policy on such major matters as the administration's handling of Vietnam and inflation.

This, I think, is the most important question of all, because I think that to polarize the country any further in some divisive and embittered conflict over personalities and media will inevitably tend to hamper rather than foster a proper sharing of responsibility between the Ex-

ecutive and the Congress and a proper understanding by the public.

The great strength of our society can be found in the fact that we can dissent without dissent being considered unpatriotic, or that it is patriotic only to assent. It is just as patriotic to advise our country against a course which is not in its best interest. The deep and sincere views of men and women—just as patriotic as the Vice President—can be expressed, and it is just as patriotic as it is to close ranks behind a decision that the President made. We do not want that done blindly, but we do not want any sanctions for it either.

It is in that sense I speak today. I also express the hope that the Vice President will not be taken in by what may be a superficial reaction of the polls. This country is fundamentally dedicated to civil liberties and the right to speak out. I believe the polls could be turned around sharply if people thought that the Vice President's words posed an implied threat to freedom to dissent.

Beside that question, which is fundamental, the other question is: Whose policy is this? Is it the policy of the administration or a colorful Vice President? I think that needs to be announced at the earliest possible time and I hope very much that it will be.

#### EXHIBIT 1

SPIRO AGNEW SAYS: "I DID IT ON MY OWN"

The most often asked question of the past weeks has been, "What set the Vice President off?" The most frequently suggested answer is, "The President."

That is the easy answer. It certainly would be an obvious explanation in keeping with the traditional job description. But it is not the answer, and this in itself is characteristic of an Administration which does not value answers because they are easy or obvious.

The reason I spoke out was because, like the great silent majority, I had had enough. I had endured the didactic inadequacies of the garrulous in silence, hoping for the best but witnessing the worst for many months. And because I am an elected official, I felt I owed it to those I serve to speak the truth.

One of the great dangers of the media is the constant temptation of elected officials to use them to their political advantage. It does not take great perception to know that if an elected official advocates certain policies and eschews others, he will not only get news space but editorial plaudits as well. If all an elected official wants is a good press, he has only to recite certain accepted precepts . . . and most of the media will respond with a conditioned accolade to the ringing phrase. Couching it in negative terms, if an elected official wants to avoid a bad press, all he has to do is fuzf the controversial issues or carefully work his way around them.

But what kind of leader is this? More importantly, what kind of human being is this? Someone who values expediency at best and would not be above deceit at worst. I am not speaking now of men who sincerely go down the line with the media majority on all issues, but rather of those who use their ready knowledge of what news and editorial writers like—and many do—to advance their own political careers.

Thus, it was not that I suddenly launched a spiritual crusade nor that I was handed the White House standard, but that I was speaking my thoughts and that those thoughts abraded some revered dogmas of the Fourth Estate.

I did not make my speech at New Orleans to accommodate the President or even the American people. I made it to fulfill my own

conviction that a political leader should lead, should point out problems where problems exist and dangers where dangers exist.

I made the speech because I believe—and believe deeply—that, while the right of lawful dissent is sacred, the purposes behind any civil dissent are subject to question. Moreover, perpetual street and campus demonstrating can erode the fabric of American democracy.

This is not a new idea with me but one I have articulated throughout my political career. My first experience with public protest came when I was the county executive of Baltimore County, Md. There I saw lawful demonstration deteriorate to unlawful civil disobedience.

As governor of Maryland, I saw civil disobedience flame into full-scale insurrection.

Dissent is one of the most popular, yet one of the most widely misunderstood, subjects of the day. Too often the very subtle lines which separate violence, nonviolent civil disobedience, dramatic demonstration and conventional dissent are blurred. There are important distinctions to be registered which cleanly separate these categories.

While most thoughtful individuals condemn violence, many find it easy to justify nonviolent civil disobedience where the cause is to redress a just grievance. Even here, there are important distinctions to be drawn. The nonviolent breaking of a discriminatory law enforcing segregation in a restaurant, later declared unconstitutional, has a retrospective justification. But the nonviolent breaking of a law unrelated to discrimination for which redress is sought, such as lying in the street to block traffic as a protest against the denial of equal employment opportunity, cannot be condoned. The rights of others not involved in the dispute to their freedom of locomotion are thereby disrupted.

The most earnest advocate of nonviolent civil disobedience would have little sympathy for an activity which affected his right to gainful endeavor. I doubt whether the network commentator who feels sympathy for nonviolent demonstration would respond favorably should several militants anchor themselves in front of his cameras and refuse to be moved so that the show could go on.

Coming next to the distinction between lawful demonstration and what used to be conventional dissent, the following points are in order. Peaceful picketing and other dramatic group activities which interfere with no law nor any individual's rights are clearly protected by the Constitution. But this does not necessarily mean that such emotion-provoking tactics are justified to marshal opinion for every dispute. Before the media granted valuable advertisement to the antic arts, people were more inclined to debate their points of disagreement than make spectacles of themselves. Persuasive dialogues, suitably publicized, not only preserve the right of dissent, but offer constructive alternatives so that the parties are allowed to move toward eventual accommodation of each other. Solution of this type is impossible in demonstrations because the communication sought is not with the party triggering the complaint, but with the noninvolved whom the demonstrators hope to enlist in their support.

Now I understand very well that many thoughtful people believe that the knottier social problems of our time could never have been solved without dramatic demonstration to trigger the public conscience. I cannot agree with this concept because the entire history of social and economic change in this country is evidence of a steady improvement since the turn of the century. It is true that the rate of progress has increased in recent years; but, even conceding that demonstration has been somewhat of a factor, frightening forces have been set in motion as the public has become conditioned to precipitate action rather than quiet discussion. The an-

nounced decision of the more extreme anti-war groups to continue and to escalate their disruptive activities proves this.

Is it not time to turn the energy and purpose of the American people toward the construction of solutions to the difficult problems rather than protest against their existence?

Consider the idea of protest purely, removing it from any issue, and still it raises a multitude of questions.

Protest is generally negative in content. It is against some person or thing. It does not offer constructive alternatives and it is not conducive to creating the thoughtful atmosphere where positive answers may be formulated.

Over the last few years we have seen protest become a way of life. In fact, protest has become a policy and program unto itself. This is negativism at its quintessence.

Still, the greatest problem with protest is its open invitation to exploitation. We are fortunate when it is only being used by fledgling politicians to further their careers. We are foolish not to recognize that it can be used by far more malevolent men to foster far more nefarious goals. I need only rest my case upon the short and turbulent life of the Weimar Republic to prove this point.

Moving to the particular type of protest I attacked, the Vietnam Moratorium, it is not only negative in content but brutally counterproductive. It encourages the North Vietnamese government to escalate the fighting and fortifies their recalcitrance at the bargaining table in Paris. It undermines the policies of the President of the United States—the only man who has both the power and the responsibility to make peace.

All of these factors prompted me to speak, and I might add that the response from across the country has been both extensive and gratifying. However, had the only reaction been critical, I would still not regret my words. I spoke because I believe that a leader must lead, and I believe that an elected official must speak honestly to his constituents. Prior to every election, I have divulged my personal holdings for public scrutiny. It would be unthinkable to conceal my convictions.

Finally, I believe that the people of the United States would like to know their Vice President for what he really is and what he really thinks. The game of "ridicule the Vice Presidency," played so enthusiastically over the years, is wearing thin on the people of our country. They know that Vice Presidents are people, not cartoon characters.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is so ordered.

#### TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that beginning at 2 p.m. today the time on the pending amendment offered by the able senior Senator from Virginia (Mr. BYRD) be limited to 1 hour, the time to be equally divided between the mover of the amendment (Mr. BYRD) and the able

chairman of the Committee on Finance (Mr. LONG), with the understanding that the vote not occur after 3 p.m. today.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, and I do not expect to object, this is a vitally important bill, the tax reform and tax relief legislation. The Committee on Finance deliberated at great length on this matter, and at the end of 2 months brought in the pending proposal.

I cooperated fully with the committee and the chairman to the end that this bill could be reported by October 31 and brought to the Senate at the earliest possible time. I personally want to see it enacted by the Senate at the earliest possible time.

I have some hesitancy in agreeing to time limitations on amendments because this bill and each part of the bill affects so many citizens all over our Nation. However, since the time limitation applies only to the amendment which I have offered, and since it is not a matter that needs great debate, because all Senators are familiar with what it would do, I will raise no objection to this time limitation on this amendment. But I wish to state as a matter of policy I am not certain that objection should not be raised in the future to time limitations on vitally important amendments.

Mr. BYRD of West Virginia. Mr. President, I amend my request to provide that time in opposition to the amendment be under the control of the able senior Senator from Delaware (Mr. WILLIAMS).

The PRESIDING OFFICER. Did the Senator state the vote would not occur before 3 p.m. today?

Mr. BYRD of West Virginia. Not after 3 p.m. today. It could occur before 3 p.m. if time were yielded back.

Mr. GORE. Mr. President, reserving the right to object—and I shall not do so—I am intervening for the purpose of making a brief statement.

The amendment which I propose to offer to raise the personal exemption from \$600 to \$1,000 as a substitute to the various rate changes in the bill, is now being drafted by the legislative drafting service. It is necessary to draft it with great care and the draftsmanship could not begin until it was known whether or not the distinguished chairman would be given consent to introduce the committee bill as original text.

The drafting will be completed this afternoon. I shall submit the amendment.

The distinguished Senator from Indiana (Mr. HARTKE) has just indicated a willingness to cosponsor the amendment. I have not sought cosponsors. However, I ask unanimous consent that any Senator who wishes so to do will have until midnight today to add his name as a cosponsor.

The PRESIDING OFFICER. Without objection, is so ordered.

Mr. GORE. Mr. President, further reserving the right to object, it will be my purpose to submit to the Senate my arguments, my justification for the amendment, tomorrow, which may consume most of the day. I will be prepared to vote on the amendment, with the

agreement of the leadership, any time next week.

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I call attention to the fact that Senators may proceed at any time to speak on this amendment, for it or against it, and that the controlled time will only begin at 2 p.m.

The PRESIDING OFFICER. At 2 o'clock p.m. controlled time commences.

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

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

Mr. BYRD of Virginia. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) be listed as a cosponsor of amendment No. 287.

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

Mr. HARTKE. Mr. President, I thank the Senator from Virginia for listing my name as a cosponsor. The Senator knows that this is something which I raised with the Finance Committee. As I indicated yesterday, we were short only two votes, because we were on an amendment and did make a desperate try to reverse the policy concerning utilization of the surtax as a method of doing something to the country—I am not exactly sure what.

I would hope that someone would speak for the surtax but, apparently, no one will speak for it in this whole Chamber. It is a remarkable piece of legislation. It creates an economic credibility gap.

The surtax was originally suggested at 10 percent and was urged by the Johnson administration for a long period of time before it was finally enacted. The surtax was supposed to continue for only 1 year.

Even though President Nixon, during his campaign, had made a definite commitment in the campaign that, if elected, he would have the surtax end on June 30, 1969, yet early in the administration, the economic soothsayers of the 19th century convinced him, or somehow convinced the Council of Economic Advisers, or someone else along the line, that that important commitment to the American people, made in President Nixon's campaign, should be changed.

That change of mind was not necessarily bad if arguments could have been made for it on the basis of the facts which would have justified a change in that position. But the economic credibility gap now presented to the American people is no longer just in the minds of some of us in Congress.

Recently, at a meeting, the President addressed members of the business community. The President said that those betting against inflation were betting they would not continue the austerity and tight money policies pursued by the administration that were pursued by the former administration. Most of the leading business people at the meeting expressed concern about continuation of the surtax as an effective instrument to combat inflation.

Basically, what they have continued to say is that the surtax has been a miserable failure. It has accomplished only one thing; namely, it has taken money out of the pockets of the American people, and has provided for a decrease in their purchasing power. At the same time, so far as fighting inflation is concerned, contrary to every expectation and warning, it has contributed to inflation.

The remarkable attitude which has developed, I suppose, was in a speech made by one of the members of the Council of Economic Advisers this past weekend, Mr. Stein, who was reported in the *New York Times* on Saturday of this past week to have made an honest confession; that is, that the surtax, rather than being an inhibiting factor or a controlling factor in the fight against inflation, really was a contributing factor to inflation. He said that the flowthrough effect of the surtax on the cost-push inflationary spiral had actually caused a consequential increase in the cost of living and an increase in the price structure.

This is really nothing which should have been surprising, but it is astonishing now to see the administration coming to the belated recognition of the fact that the surtax is, indeed, inflationary. This falls in line, as I said yesterday, with the difficulties of interpreting whether we have an overheated economy or whether we have merely an overheated price structure.

Since 1965, there has been a sharp increase in the cost of living. The fact is that the sharp increase really has accelerated since 1965 at a rather rapid pace, especially in the past 2 years.

There are those who contend that one of the reasons is the fact that we have had deficits. This argument is made repeatedly, that is, that big deficits in the Federal budget cause a loss of price stability. I have with me here the information, submitted to me by the Bureau of the Budget and the Labor Department, which deals with this relationship between deficits and surpluses in the Federal budget from the year 1946 through 1969.

This information is rather revealing, in that it demonstrates conclusively that no relationship can be determined from this report between a deficit or a surplus in the budget and the cost of living. To be specific, before the big deficit of 1968, we had a deficit of \$25.2 billion, the largest deficit up to that time. The largest peacetime deficit in the United States occurred in 1958-59—the fiscal year 1959. That deficit was \$12.9 billion, or almost \$13 billion.

Remarkable as it may seem, in the same year of the biggest deficit up to

that time, the cost of living increased at a slower rate than at any time in the entire period of the 1950's, except for the 2 years of depression, 1954 and 1955. The increase in the cost of living was eight-tenths of 1 percent.

To anticipate an argument, which probably will not be presented during the debate, because I do not see any Senator who will really defend the surtax on the basis of economics—an argument frequently made by some economic pundits, that there is a delayed effect—the truth is that the effect can be demonstrated from the cost-of-living increase of one-sixth.

From 1960 through 1965, a period of more than 6 years, the total deficits of the United States exceeded \$20 billion. In each year there was a substantial deficit in the unified budget, amounting to as much as \$7.1 billion in 1962, \$4.8 billion in 1963, and \$5.9 billion in 1964.

Yet again, contrary to every argument made, and repeatedly made, throughout the United States by even some of the best economic minds in the field, the increase in the cost of living in 1962 was only 1.2 percent; in 1963, 1.2 percent; in 1964, 1.3 percent. There could not have been much more stability in the price structure than there was. The fact is that in the period from 1960 through 1965, there was relative price stability.

But, as I said before, the constant increase in the deficit, especially the increase in the deficit of 1968, has not really resulted in a tremendous increase in the change of the pattern, as some would lead us to believe, because in 1968, with a deficit of \$25.2 billion, the increase in the cost of living was 4.2 percent. In the next year it was 4.6 percent.

Basically, the purpose of the surtax is to control inflation and reduce or dampen the demand. The idea is that if money is taken out of the taxpayer's pocket, he will not have as much to spend; if he does not have as much to spend, that will lessen his demand; if his demand is lessened, the seller will thereby have to reduce prices. That sounds good if it is not related to actual amounts. But the difficulty is that the real increase in the cost of living in the past few years has not been in areas where such reductions in the pocketbooks of the American people will actually result in a reduction of demand.

The biggest increase of any item in the United States since 1965 has been in hospital charges. Hospital charges since 1965 have risen 76.5 percent.

To follow the argument made by the pundits and by experts in the field of economics on the value of the surtax, one would have to say that the need to go to the hospital could be reduced by increasing the amount of tax paid. Anyone in his right mind understands that such an argument does not make good sense at all.

Probably the second highest national increase has been in the cost of transportation. What we are seeing, again, is a constantly increasing demand for higher charges for transportation, as witness the increase in transit fares in Washington, the increase in airline fares nationally, the request of the railroads for increases in fares and freight rates,

the request for fare increases by bus-lines. There has been an increase of 30.5 percent in rates in the field of transportation.

If one wants to make the argument that if we can reduce the amount of money in the taxpayer's pocket, he will find it somehow less desirable to go to work the next day and not use transportation facilities, that does not make good sense.

I suppose the real tragedy of the high-interest-rate, tight-money policy is the crisis in homebuilding. This is an utter disaster. The increase in population has caused a demand for about 2½ million of new houses a year. But construction is now down to a little over 1 million new units. I do not think there is any disagreement on the part of economic experts that the building of units in which people can live is now not in a recession, but in a depression. This decline has increased by 25 percent in the cost-of-living index. In substance, it is said that we can cut back on the demand for homes simply by reducing the amount of money that is in one's pocket. But a young married couple, who are trying to build their own nest, cannot find enough money for the downpayment; and even if they can find it, the interest rates for mortgages are around 8½ percent; and the 4 to 7 points additional raise the effective mortgage rate to about 11 percent. This makes it almost impossible for the ordinary young persons who are trying to make their own way to have their own home, and really have a home.

Attempts have been made by the FHA and others to alleviate the difficulty and to stop the deterioration in the homebuilding industry.

Cutting back on the demand by increasing the surtax is not going to have any effect whatsoever in those areas. It is really surprising that we have adopted the so-called austerity or collapsed economy philosophy despite the evidence from Britain, which is following the same program. Britain has tried to adopt the same basic approach to its economy, with continuing economic disaster as a result.

In the United States, the historic solution to the problem of inflation, prior to the time of the tight-money policy experts beginning in 1949, was mainly in measures which offered incentives to increase the productivity of workers.

Yet, I think there is no question that anyone who has looked at what is going to happen in 1970 will take the economic view that there will be wage and price increases. We will see, in 1970, the biggest wage increases by U.S. corporations, in order to avert strikes. It is quite evident that they plan to raise their prices to meet these wage increases. The corporations will blame labor, and labor will blame the corporations. In my opinion, neither will be basically at fault.

There is no question that the economy is slowing down. There is no question that inflation is continuing unabated. We should put at rest any idea that by slowing down the economy, inflation can be slowed down. Probably the national output increase will be the lowest in this year—1969—of any but two of the last 10 years. In other words, the United

States, basically, is coming to a standstill; we are becoming stagnant.

In the last quarter, the increases in personal consumption, expenditures, and fixed investment have all slowed down. At the same time, the labor force is continuing to increase. Profits have suffered even more, and they are continuing to decrease. As I have said already, as a result of the housing slump, the sales of furniture and household appliances are down, and even in the field of automobile sales we see a circumstance in which the automobile manufacturers, in the next 3 months' period, are going to produce more than 417,000 fewer automobiles because of the cutback in sales. Chrysler is faced with such a difficult time that, in three of their assembly plants, they are going to shut down completely for 1 week because of excess inventory.

What we have seen during this period from 1965, with the surtax and the tight-money policies, is an increase in the discount rate by the Federal Reserve Banks. Industrial production in the United States has fallen the third month in a row. I think it is rather remarkable to look at that. The index was 174.6 in July and 173.3 in October. What we have seen is the United States of America holding itself up before the world and pointing out to the world the great failures of the American economy to meet the needs of its people. If we had taken such a position throughout our history, pointing to failures as evidence of success, I think that most people would have thought the American dream was something which should not be copied, or even talked about in public.

In the week ending November 15, this failure has resulted, as I said, in a decrease in automobile production, which is projected to some 417,000 automobiles less. Production has already dropped 6.4 percent. Car loadings are off 1.8 percent. Paperboard production lost 4.8 percent.

Some people have been talking about the fact that tight money and a continuation of the tight-money program, the austerity program, will be successful.

The tight-money program is probably basically in four areas, as I said a moment ago. There is an increase in the discount rate; an increase by the Federal Reserve Board in the reserve requirement on demand deposits; the major thrust by the Federal Reserve Board in its mistaken tight-money policies was the open market operation, which was designed to restrict credit through tightened reserves; and the final blow was when regulation Q ceilings on time deposit rates were set at artificially low, noncompetitive levels. This forced most banks to go to the Euro market, where they were paying 12 percent, or to go to country banks, which stopped lending money to anyone else altogether, because they could loan to city banks at 10 percent.

Anyone who follows these programs can see we have had a combination of circumstances: an increase in the cost of doing business by increasing the interest rates, an increase in the cost of doing business by increasing taxes, a resulting increase in the demand for labor to meet the increase in the cost of living, which

is caused by these factors, the war in Vietnam and its tremendous cost, and a resulting increase in prices by the people in the manufacturing part of our economy.

What is presented to the American people, practically, is no prospect of getting out of this straitjacket. There is open talk, now, of a business recession. But even if we had a business recession, would it reverse the trend? Since no one will defend the surtax, we have to ask the questions and give some of the answers that we read in the publications and hear some the economists give outside the Senate. I think it is remarkable—and I keep pointing this out—that no Senator will come to the floor and defend the surtax itself.

Will a recession actually reduce prices? I think the answer is quite evident, if you look at the facts again. It seems to be out of style, but if you look at the record of the four major recessions since World War II, there was an actual reduction in prices in the period from 1948 to 1949—a net reduction of 2 percent. That was the last time. Since that time, we have had a continuous increase in prices, without regard to the unemployment rate or the economic stability of the country. From 1953 to 1954, during that recession, prices increased 0.2 percent. During the 1957 and 1958 recession, prices increased 2.2 percent. In the 1960 and 1961 recession, prices increased 1 percent.

Those figures are relatively high, when taken into consideration with the overall price increases occurring during that period of time. I think Secretary of the Treasury Kennedy recognized that, because he admitted as much yesterday, when he said he could offer no hope whatsoever of anything resembling a drop in prices.

In other words, what we have is an oversimplification being presented to the American people. And what will the net result be? It has to be an increase in unemployment. That is already becoming evident. One of the leading conservative economic advisers to BARRY GOLDWATER in his 1964 campaign says we already have overkill, and we will have substantial unemployment—probably, in his opinion, as much as 5 percent—by the early part of next year.

If that is true, and if we may assume that it could reach 5½ percent by February or March of next year, an increase in unemployment from a low of 3.3 percent, say, to 5.3 percent, which is a 2-percent increase, represents an increase of more than 1,340,000 unemployed individuals in the marketplace today. That means that those people are beginning to draw unemployment compensation benefits, if they are qualified; and if they are not qualified to draw unemployment compensation benefits, they will be forced to draw increased welfare. The welfare rolls are already overburdened, and President Nixon says he wants to take people off the welfare rolls and put them on the payrolls—a policy to which I subscribe.

But if this prediction proves to be accurate, it means we will have a tremendous number of people going onto the welfare rolls. It means also we will have

increased incentive for social unrest. It means that practically every program we have on a Federal level to increase productivity and to train manpower will come to naught, because there will be no place for the trainees to go. That will apply to the training programs of the Labor Department, the Manpower Acts, and all of those things. The Office of Economic Opportunity will become nothing more than an office for dispensing funds to keep people living.

I would have hoped that we could at least have left well enough alone, and ended this surtax on December 31, as sort of a New Year's resolution to put the United States back again onto a traditional approach to solving its economic problems—that is, mass production, full utilization of our economic strength and our industrial capacity, recognition of the tremendous need, for example, for additional hospital facilities and, on the home level, for additional educational facilities, and a policy of providing for increased revenue rather than decreased revenue due to a shrinking of the actual tax base, by cutting back on profits and on the amount of money that people can earn, and by causing unemployment.

But I would imagine that we will go ahead and follow this policy, and then the next result will be, as we have already been warned, that we will have to go to wage, price, and credit controls. The first red flag has already been put out on credit controls. This red flag was placed in the fashion that it was said there was too much utilization of credit cards, and therefore some type of control might have to be put upon their use.

Control of credit, control of wages, and control of prices were all items utilized during World War II. And if the economic severity of the war is going to continue, I would imagine that there will be justification for following this procedure.

I think, however, that it is all rather sad. It is rather sad to do as I have done, to go out to the rural parts of America where one sees, not an overzealous demand by the people, but the plight of widows of coal miners who are huddled around coal stoves even in early September, half blind, and receiving only one warm meal a day. It is sad to see such a woman with her legs wrapped with ragged quilting to keep warm. It is sad to see the turmoil and tragedy of the inner cities.

It is sad to note that one out of every five children of New York City already benefits from a welfare check and that one out of every eight people in New York City is on welfare.

The country needs to regain its old spirit. It cannot regain its spirit if we are going to repress the economic growth of the Nation.

America is pointing itself out as being the provider of food and the good things of life, medical care, and housing not only for the young who want to have their own homes, but also for the elderly citizens who live in places that are considered unfit for human habitation.

If we are going to establish priorities for America, I believe that the first priority should be that America should put forth greater effort in its economic en-

deavors and not less, and that the first priority should be the recognition of the fact that we cannot have a better state of affairs economically by squeezing those who are already providing for the economic growth of the Nation.

I hope that the Senate will reject the surtax extension. I must admit that my hopes are not accompanied by a great deal of expectation.

Mr. YOUNG of Ohio. Mr. President, I have listened with admiration to the speech of the distinguished senior Senator from Indiana. I am in agreement with all his statements. I realize that his expressed skepticism at the conclusion of his remarks are well founded. I know that the distinguished senior Senator from Virginia in offering his amendment to bring an end to the 10 percent surtax on December 31, the date it is to expire, has offered an excellent amendment. Frankly, however, I do not have high hopes that when the roll is called the amendment will be agreed to.

The Finance Committee has recommended the renewal of this obnoxious, atrocious surtax at a rate of 5 percent, following December 31, 1969. It is very easy for Senators to go along with that decision, when in truth and in fact we should abolish the unfair, regressive surtax altogether.

Mr. President, when the 10 percent surtax—which is a tax on top of a tax—was first proposed by President Johnson, I spoke out against it and voted against it. Earlier this year I spoke out against and voted against the extension of the surtax recommended by President Nixon.

We all know that the average American family bears a heavy tax burden and has borne that burden over the years. We know in particular that if a family consisting of a husband, wife, and 2 youngsters, receives—perhaps as a result of both parents being gainfully employed, and necessarily so—a yearly income ranging from \$4,000 to \$14,000, that family bears an unduly heavy tax burden. I think it is atrocious for the President to ask Congress to continue a surtax on top of the tax burden already borne by such families. Such a tax violates the sound principle of just taxation that taxes should be levied according to ability to pay. It burdens most those who have least.

When the proposal was first advanced and voted upon, Congress went along with President Johnson. President Johnson said at that time that such a tax would help to end inflation. We all seek very much to put an end to inflation. However, since that 10-percent tax was imposed there has been more uncontrolled inflation than ever before. The tax did nothing whatever to stop inflation. Our taxes now are very high. They are oppressive. We should reject the continuation of this abominable tax on a tax.

Mr. President, I consider myself a conservative on fiscal matters, although I read in the newspaper sometimes that I am regarded as a liberal. However, I am truly a conservative on fiscal matters. If one does not believe that statement, he can just ask my wife. I think she will say that I am very tight and cautious when it comes to spending money.

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

Mr. YOUNG of Ohio. I yield.

Mr. HARTKE. Mr. President, I thank the Senator for the statement he has made so far with relation to the surtax. I believe that his statement is exactly correct.

I do not think that any of us would want to pass judgment on what type relationship one has with his wife. However, I can verify the statement of the Senator from Ohio on one score, and that deals with matters having to do with the fiscal and monetary affairs of the Congress of the United States. The Senator from Ohio has a long and distinguished record of being a conservative economic philosopher and he votes in that fashion.

Mr. President, I point out that the Senator from Ohio is not without company. Milton Freeman, the president of the Society of Economists of the United States, was BARRY GOLDWATER'S No. 1 economic adviser in 1964. He does not advocate a continuation of the surtax.

Pierre Rinfret, a noted economist from New York, and—head, Boston company—who was the economic adviser to President Nixon during his campaign in 1968 and who advised him to make the statement that the surtax should die on June 30, finds himself now in the position of his recommendations being ignored. I would not say he has broken with the administration, but he disagrees with the idea that you should follow the doctrine of austerity in the economic expansion of the Nation on this tax on a tax.

I compliment the Senator on his conservative record in fiscal affairs.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Indiana (Mr. HARTKE) for the remarks he has made regarding me and my record as a Senator.

The Senator from Indiana and I both were elected to the Senate for the first time in 1958, when we were reelected on the same day in 1964. We have served together as colleagues and friends. I know that the record of all the Congresses from January 1959 to this good hour shows that both the Senator from Indiana and I have consistently voted against duplication and waste in Government spending. We have taken a position favoring fiscal responsibility in all matters. We are opposed to continuing the surtax for the reasons that it too heavily burdens those already unduly burdened; and, very definitely, it has not stopped uncontrolled inflation, as its sponsors claimed it would.

In 1967, 21 persons in the United States with incomes exceeding \$1 million for that year paid no income taxes whatever. Thirty-five persons with incomes exceeding \$500,000 for that year paid no income taxes whatever. In 1967, 150 persons whose incomes exceeded \$200,000 for that year paid no income taxes whatever. Of course, none of these wealthy individuals paid any surtax whatever.

Mr. President, some years ago, when Congressman-at-Large from Ohio, I was a member of the taxwriting Ways and Means Committee of the House of Representatives. I believe I have had some experience and training in the matter of just taxation. I firmly believe that instead of renewing an atrocious tax on top of a tax, we should first remove

some of the indefensible tax loopholes which permit the ultrarich men and women of our country, ultrawealthy families, and ultrawealthy corporations to evade paying their fair share of taxes, while at the same time the rank and file men and women of this country are too heavily burdened.

At first, 10 percent was added arbitrarily to the tax a small corporation would pay on its income and to the tax that individual families would pay on their incomes. Now it is proposed that, after December 31, 5 percent will be added. If the amendment offered by the Senator from Virginia (Mr. BYRD) is adopted, we will bring an end to this atrocious tax.

I am not going to take the time on this occasion to advert to all the unconscionable tax loopholes. It would take the rest of the day and perhaps until midnight if any Senator were to detail the tax loopholes that individuals and corporations in this country may take advantage of and do take advantage of. We certainly must put an end to some of those loopholes, and we should try to end all of them. Among the most flagrant tax loopholes is the 27½ percent oil depletion allowance favoring huge oil and gas companies. I am hopeful that the Senate will reject the 23-percent figure recommended by the Finance Committee and vote to reduce this allowance to 15 percent. At the very most, this depletion allowance should not exceed the 20-percent approved in the other body.

There is one loophole we should eliminate that has been very lucrative for some rich lawyer friends of mine in Ohio and for wealthy men and women throughout the country. The Internal Revenue Service records show that in 1967, 766,751 individual taxpayers claimed and got away with their claim—that they suffered \$1,194,000,000 as farm losses.

I am told by a high official in the Internal Revenue Service that when the records for the year 1968 are fully disclosed, they will show that approximately 900,000 individual taxpayers claimed—and got away with the claim—that they had suffered more than \$2.5 billion as farm losses in 1968. Many of those taxpayers are wealthy gentlemen farmers, so-called, who would not know the front end of a cow from its rear.

For more than 10 years, it has been the practice of ultrawealthy executives and other men of wealth to buy farms solely for tax purposes. What do they care whether the farm sustains itself or shows a yearly deficit of \$50,000? They have a fancy farm, and they simply take a tax loss. If the farm that a man of wealth owns loses \$50,000 a year, he takes that as a tax loss from his income and from his profits in stock transactions, and so forth. The loss costs him nothing.

Internal Revenue Service officials have a term for this tax loophole. They call these "Gettysburg Farms." This refers to the action of three wealthy friends of the late President Eisenhower who purchased a very expensive farm in Pennsylvania and stocked it with the best equipment in the world, the most expensive bulls and cattle, and so forth. Of course, it was a showplace. There are plenty of them.

Many are even more magnificent than the Gettysburg farm of our late President.

Naturally, the price of farm acreage throughout the country, in every State of the Union, keeps going up and up. Of course, the gentlemen farmers, the owners of those "Gettysburg Farms," will profit eventually when they sell that land or part of the land by reason of the tremendously increased land values. The annual operating losses mean nothing whatever except tax deductions.

This is one of the many loopholes, and there are many others, that should be and will be debated in the Senate. Hopefully, they will be brought to an end.

We should strive with the hope that before Christmas Day of this year the Senate will have passed a new tax reform bill providing meaningful relief for the taxpayers of this country. The great majority of them are too heavily burdened, while a large number of citizens take advantage of present tax loopholes, and evade their just share of the expenses of our Government.

Mr. President, if the amendment of the Senator from Virginia is adopted later today on a rollcall vote—and it will be adopted if each Senator gives it thorough consideration instead of just coming in and standing with the establishment—it will be a tangible step toward levying taxes according to ability to pay, which is, of course, the very sound principle of just taxation.

I yield the floor.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished Senator from Ohio for his able and effective support of this amendment.

I might say I have never understood exactly how one fights inflation by taking money out of the top pockets of the taxpayers so they cannot spend it and giving it to the Government so they can spend it.

So I am not much impressed with the arguments that have been made that this is a way to fight inflation. I am not persuaded by those arguments.

I want to say to the Senator from Ohio that his support on this matter is extremely important and I am grateful for the statement he made.

Mr. YOUNG of Ohio. Mr. President, I thank the senior Senator from Virginia.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. 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. LONG. Mr. President, this proposal to discontinue the surtax at the first of the year would cause this Government to have a big increase in the administrative budget deficit that is expected for next year.

I have before me a table based on information obtained from the Bureau of

the Budget indicating what the expected deficit would be in the event that the surtax is not continued. The chart indicates that there will be a projected governmental deficit in the administrative budget of \$4.2 billion. It is estimated that the outlays would be \$153.4 billion and the receipts \$149.2 billion, leaving a deficit in the administrative budget of \$4.2 billion. If this amendment were agreed to, that would give us a deficit in the budget of \$6.2 billion.

The Senator from Virginia, as well as the Senator from Delaware, and virtually all of our conservative budget thinkers in this body, have insisted that we should look to the administrative budget rather than to a consolidated budget to see how we stand in Government spending, and they contend that we should not rely on the surpluses in the social security fund, the unemployment insurance fund, or the railroad retirement fund to balance our budget.

If one looks at the administrative budget, the complete repeal of the surtax in January, would cause that administrative deficit to be \$6.2 billion. Beyond looking at what the deficit would be in Government spending, one must keep in mind that this administration looks upon this budgetary problem as the one major area in which it is making a fight to try to restrain inflationary pressures. It is contended that just the symbol of a big Government deficit tends to encourage a lot of spending that would not occur otherwise, and it tends to accelerate the spiral of inflationary pressure with the result that people lose in inflation what one could save the public by tax reductions. Therefore, the administration makes the argument, and I think with considerable logic, that if we repeal this surtax as of January, it is going to be inflationary and give us a Government deficit of major size.

It is true that on a consolidated budget basis, when one adds the Government trust funds to the administrative budget for fiscal 1970, we do expect to have a surplus of \$5.9 billion. That is something that may or may not happen, depending on what we do with the social security bill when it gets over here. Many Members of the House of Representatives, and I am sure some Members of the Senate, contend that we should pass a cost-of-living increase in social security before we go home this year.

If we do, that increase could well cause us to reduce the surplus in our so-called consolidated budget by perhaps \$2 billion or \$3 billion, with the result that even on a consolidated budget basis we might face the prospect of a deficit. The House of Representatives, where everyone has to run for office next year, certainly has to think about these things and the House has thought our budgetary situation was so important a problem for this Government that it sent us not one bill but two bills to continue the surtax at 5 percent into the first 6 months of 1970.

The Finance Committee voted on this matter several times. Every time it has voted that the 5 percent surtax should be continued for the first 6 months of next year.

We in the Senate voted on the issue

and voted to continue the 10 percent surtax as a matter of fiscal responsibility to the end of this year. The Senate would have voted at that time to continue the 5 percent surtax over into next year, if some of us who were going along with the Democratic leadership purely as a matter of procedure had voted our convictions on the matter, and had voted with those on the other side of the aisle who felt that the House-passed measure for a continuation of the 5 percent surtax into the first 6 months of next year was needed.

There is some doubt whether the President could sign this bill, whether he would be justified in signing it, if the revenue in the bill, especially for the first 6 months of next year, should be reduced in the fashion indicated.

It is my understanding that this would not only cause us a \$2 billion loss of revenue in the first part of the year, but also a loss of more than \$1 billion in addition in the months to follow which fall into the fiscal year 1971. From a fiscal point of view the Treasury feels, and the majority of us on the committee feel, that the Government cannot stand this revenue loss—that this revenue is needed.

If we pass the tax bill the way the committee has recommended it, compared to existing law, the public will get a 5 percent tax cut in January. Then it will get another tax cut in July of another 5 percent. Then under the bill at the beginning of next year, the public will get a further reduction of 2 percent in tax rates, and after the 12 months that follow, another tax cut is phased in of about 3 percent.

This would mean an overall reduction of about 15 percent in taxpayers' liability over a period of 3 years.

Mr. President, I submit that it would be unwise to do what I have seen done in the past. We passed a huge tax reduction that wound up with the Government in a deficit position for years to come, without waiting to see what the budgets would be when those years transpired, and then found it necessary to place a big tax increase upon the public once more because we had too big a tax cut to begin with. Rather, it would be best, I submit, that we reduce taxes to the extent we can reduce them now. We can look toward further reductions later on, instead of a greater reduction than we can justify at this particular time, which would stimulate inflation and place ourselves in a position later on that we may feel we have to vote another tax increase.

For all these reasons, Mr. President, as much as I share the desire of the Senator from Virginia (Mr. BYRD) to take off the 5-percent surtax, I believe as a matter of responsibility to this Nation both fiscally and monetarily, in order to maintain the purchasing power of our money, that we should reject the proposal to strike from the bill the continuation of the 5-percent surtax.

Mr. MCGOVERN. Mr. President, when this session of Congress began, the American people flooded their representatives with letters and telegrams demanding that something be done immediately about the glaring inequities in our pres-

ent tax system. No other issue in recent memory aroused such a spontaneous outpouring of indignation by citizens throughout the country.

This "taxpayers revolt" earlier in the year moved the Ways and Means Committee of the House of Representatives to hold one of the most comprehensive hearings on tax reform in our history and the House itself to finally pass a bill setting forth an historic program of reform.

The House bill was not a perfect bill. It did not close all the loopholes. But it was a good start.

After the House acted, the American people had a right to think that their revolt had been won. They stopped their letters and their telegrams, feeling that from now on the tax system would treat every citizen with equal fairness.

Unfortunately, where the people as a whole left off, the special interests picked up, lobbying expertly and diligently for the special privileges they have come to prize so highly over the years.

The efforts of these lobbyists were not wasted.

When the administration made its recommendations to the Senate Finance Committee, one thing was clear—the administration wanted to step backwards from the House bill.

When the Finance Committee reported its bill, it was clear that while a majority of the members espoused the principle of reform, they had not taken the concrete actions necessary to make the reform real.

Now the full Senate is about to debate this issue. I think the Senate can restore the provisions necessary to finally close down what one expert calls the "supermarket era of tax shelters" and open up an era of tax equity.

But those of us in the Senate who are going to engage in the fight for tax justice need an aroused and informed public behind us.

Especially, we need the help of those thousands of citizens who earlier in the year openly expressed their indignation over tax system inequities. If these citizens, singly and in groups, will again raise their voices, will again send their letters and telegrams demanding tax reform, then I think this battle can be won.

So let the call go out loud and clear across the land to every one of our citizens. To every citizen, who is fed up with the fact that some millionaires in America pay no taxes while the average family with the average income pays more than its fair share. To every citizen who is tired of picking up the tax tab while the rich get a free ride from capital gains and bonds, depletions, and drilling expenses, hobby farms and charitable deductions.

Mail your letters. Send your telegrams. Even telephone if you can. Once again, make your discontent heard. The Senate will heed your demands if you will make them loudly and clearly.

Now, I make no claim to expertise in tax matters. But it takes no special expertise—not on my part or on the part of any hard-working tax-paying citizen—to know what basically needs to be

done to make the American tax system fair.

First, any tax reform measure must begin to close the most serious loopholes through which wealthy individuals and businesses now avoid carrying their share of the burden.

Second, any tax reform measure must include a "minimum tax" feature so that no individual or corporation can avoid paying a reasonable amount of taxes through any combination of tax preferences or special deductions.

Third, any reform measure must insure that the Nation's poor will no longer be forced to pay taxes and that those who are just above the poverty line or in the middle-income class do not carry an undue share of the tax burden.

Turning to the specific loopholes on which action must be taken, I think that primary attention should be focused on eight of these:

First, the act should write an end to the massive Federal subsidy program for oil and gas producers. The notorious percentage depletion allowance should be reduced immediately to 20 percent for domestic wells and eliminated entirely for foreign operations. Allowances for other minerals should be lessened proportionately. In addition, current-expense deduction of "intangible drilling costs" should be prohibited. Exploration and development costs should be treated as investment in capital assets and subject to gradual depreciation under the same rules that apply to other capital expenditures. Finally, the dollar-for-dollar foreign tax credit which oil companies derive from overseas royalty payments should be terminated, and these payments should be itemized as regular deductions against income.

All of these steps are needed to show the American people that the Congress is serious about tax reform and intent on distributing tax burdens more equitably. Both the House and the Senate Finance Committees have recognized this, but neither has gone far enough. In my opinion, the Finance Committee amendments raising the percentage allowance to 23 percent and restoring depletion deductions for overseas drilling are contrary to the mandate of the taxpayers revolt.

There are no arguments left to justify continued tax preferences for investments in oil and minerals—preferences which cost the Treasury over \$1.5 billion annually in lost revenues. Since 1926, tax subsidies in this sector have allowed producers to recover initial investment many, many times over. Percentage depletion and related mineral loopholes have become the symbols of tax privilege in the public mind. They should not survive our present efforts at tax reform.

I recommend that the Senate take the following steps:

Reduce the oil depletion allowance to 20 percent immediately and reduce the depletion allowance for other minerals proportionately.

Provide for careful study of plans to phase-out all percentage depletion allowances and replace them with normal cost depletion provisions.

Require the capitalization of intangible drilling and development costs for

income producing minerals facilities under the same rules that apply to any other business expenditures.

Terminate percentage depletion for overseas drilling operations and convert foreign tax credits to regular deduction items.

Second, the act must begin reformation of the Internal Revenue Code's provisions dealing with capital gains, or today, gains derived from the sale of capital assets are taxed at one-half the rate at which ordinary income is taxed with a proviso that the rate cannot exceed 25 percent.

In the long run, I believe that this country should drastically alter its capital gains rate structure which is of significant value only to the wealthy, and of virtually no value to low-income Americans who lack stock holdings or other property investments. Perhaps after study, we can replace it with a reduced tax rate for only a small amount of profits derived from the sale of capital assets and with a reasonable income averaging proposal to protect against the bunching of earnings in any particular year.

But for now I think that we will be taking a satisfactory step forward if we enact the following changes in the capital gains rate structure:

An elimination of the 25 percent maximum tax rate which is of advantage only to the wealthy—an elimination which would set a maximum capital gains tax rate of 32.5 percent—or one-half the highest tax rate applicable to ordinary income.

An increase in the required holding period of an asset to qualify it for capital gains treatment. In short, the current holding period should be raised from 6 months to 1 year.

The removal of the capital gains rate privilege from corporations. This special rate provision was originally added to the Internal Revenue Code to aid individuals receiving income from the sale of assets unrelated to normal business activities and to prevent the bunching of income in one year which might lead to an abnormally high tax bill under the progressive rate structure applying to individuals. It should not be used for the benefit of corporations, all of whose operations are linked together in the activity of earning income and whose revenues are taxed at one rate.

The first two of these changes were incorporated in the House bill but deleted by the Finance Committee under urging from the administration. The third change was included in neither bill. Its adoption would lead to a revenue increase for the Federal Government of some \$400 million. More importantly, such a change would constitute a major step forward in reducing the importance of the entire capital gains structure.

If these changes are combined with a commitment by this Congress to alter tax laws during the next session so that appreciated property cannot be transferred at death without the payment of even capital gains taxes, we will have demonstrated that our tax code is no longer to remain a mixture of special provisions under which the wealthy can succeed in

having their income taxed under a special set of rates.

Third, the act should amend those provisions of the Code which provide unintended relief for the "hobby farmers" and "absentee cowboys."

The liberal tax accounting rules which were designed for the benefit of the ordinary farmer are being manipulated by others who engage in farming solely for the purpose of creating losses to offset their nonfarm income.

This practice not only reduces Federal revenues, it produces subsidized competition for the legitimate farmer and rancher.

Congress should act now to put the tax farmer out of business. Amendments should permit farm losses to be offset in full up to \$15,000 for those whose nonfarm income does not exceed that amount. But for those with nonfarm income in excess of \$15,000, the amount against which farm losses may be offset should be reduced dollar for dollar for income over \$15,000.

Such a scheme would close a notorious tax loophole and restore a normal relationship between farm property values and income to be derived from farming.

Fourth, we must adopt a subsidy provision which will persuade, but not force, States and municipalities to stop the future issuance of tax-exempt bonds—a subsidy which will greatly reduce the cost of borrowing to the States. For the problem with tax-exempt bonds is that they provide the wealthy with enormous benefits but do not offer equal value to the governmental bodies which have issued them. In my judgment, an equitable solution to this difficulty is to offer a Federal interest subsidy of sufficient size that local governmental bodies will realize that it is to their best advantage to accept this subsidy in return for the issuance of taxable bonds. The House of Representatives accepted this approach in theory but failed to enact an interest subsidy large enough to be attractive to States and localities. The Senate deleted the provision entirely. In my judgment, if the Congress were to provide for a 50-percent interest subsidy and declare that the Federal Government will offer this subsidy for all bonds without judging their merits, it will have established the necessary preconditions for the gradual and voluntary elimination of the tax-exempt bond problem.

Fifth, the act must reduce the tax benefits available from investment in real estate—especially the spectacular benefits realizable from the ownership of an office building or other commercial property. At the same time, it must build in incentives to make private investment in low- and middle-income housing attractive because that type of housing produces such a limited amount of rental income that it will simply not be built unless the tax advantages offered are sufficient to attract investors.

To accomplish these goals, the act should go beyond the House and Senate Finance Committee bills and tighten up the so-called recapture rules for investment in commercial buildings so that at the time of sale the entire gain will be

taxed as ordinary income to the extent of prior depreciation. This is of course the recapture rule which has been applied to a sale by a business of machinery and equipment. In regard to luxury residential housing, we should follow the House approach and require that at the time of sale, any price differential reflecting a difference between accelerated and straight-line depreciation will be taxed at ordinary rates. In contrast, the bill must provide that where low- or middle-income housing is at issue, the period over which depreciation is permitted will be reduced to 20 years and a private owner who is either selling to a tenant's group or community organization or is willing to invest the sale proceeds in other low- or moderate-income housing can do so without paying any taxes on the sale and without affecting the depreciable basis of his new building.

If the Congress adopts these rules, we may finally see a shifting of priorities in the housing field. Perhaps then, we shall be able to supply the 500,000 low- or moderate-income housing units which have long been set as an annual goal and which we have barely constructed if the last 20 years are added together.

Sixth, we must terminate the extraordinary tax privileges enjoyed by our financial institutions. Although the corporate tax rate is set at 48 percent, the average actual rate paid by commercial banks is only 24 percent. Moreover, the average tax rate declines to 14.5 percent for savings and loan associations and to 5 percent for mutual savings banks. The existence of these absurdly low tax rates for these giant institutions is due in great part to an artificial bad debt reserve provision made available in the Internal Revenue Code.

Neither the House bill nor the Senate Finance Committee bill goes far enough in removing this unjustifiable privilege. There is no reason why bad debt reserves for all banks should not be placed on an actual experience basis. We should no longer tolerate bad debt claims which are simply unrelated to losses experienced by these institutions.

Seventh, we must limit the right of individuals to deduct interest on funds borrowed strictly for personal investment purposes. It is wrong that the wealthy can invest in growth securities which return little income, appreciate rapidly, and will eventually be taxed upon sale at capital gains rates with borrowed funds bearing interest payments which are currently deductible against ordinary income. The bill, passed by the House of Representatives, would limit such deductions to the individual's investment income including capital gains, plus a set dollar figure. In my judgment, this provision is extremely equitable and should not have been dropped from the bill by the Senate Finance Committee. The full Senate should act to return it to the bill.

Eighth, we must bring private foundations under tighter governmental control but we must do so in a fair and reasonable manner. We must never forget that in a broad variety of endeavors, private foundations have been of major value to American society. The funds of private foundations supported the work

of Dr. Salk on the polio vaccine; the development of our public library system; and the research which made possible our entire present space program.

Over the years, however, it is true that serious abuses developed among a minority of private foundations. Some of them have been used as vehicles for the financial accommodation of their creators. Others have been used to perpetuate control of business enterprises. One foundation, for example, has acquired 24 separate business enterprises in recent years, ranging from a cement manufacturing concern and gravel production companies to a window manufacturing establishment and a lumber company. Another foundation now holds a controlling interest in 45 separate business corporations.

These abuses, involving self-dealing and business control, must be curtailed—quickly and effectively. The bill reported by the Finance Committee unfortunately cuts back on the worthwhile changes made by the House of Representatives. The full Senate must therefore reverse directions and tighten the provisions passed by the House rather than accept a weakening of them.

I must repeat, however, that most foundations have not engaged in the abuses which I have mentioned. And once the laws are reformed to prevent abuse by the minority, it makes no sense to impose a general tax upon foundations or to limit the life of foundations to 40 years. The Finance Committee's bill would produce both of those results. To take these steps would have major detrimental effect upon private philanthropy in this Nation and would diminish seriously the flow of funds to scholarship programs, to medical research, and to educational improvements. Both provisions should, therefore, be eliminated from the pending tax reform legislation.

Finally, the Senate should emphatically reverse the Finance Committee action in prohibiting private foundation participation in voter registration drives. While the Internal Revenue Service should continue to forbid the use of foundation funds for partisan political ends, registration programs such as those sponsored regularly by the League of Women Voters and the Southern Regional Council should be encouraged as a wholly legitimate form of citizen education.

Turning now to the question of a minimum tax, I think that such a tax must be adopted to insure that regardless of any tax preferences that are left in the code after the 1969 act is enacted, every wealthy individual—and I stress the word every—will pay at least some taxes to the Federal Government. We can no longer accept a situation in which the Treasury is forced to report that in a recent year at least 155 taxpayers earned over \$200,000, but paid no taxes at all.

It is not enough simply to require that each of these individuals makes some "conscience" payment in taxes to the Federal Government. Rather, we must make certain that the payments which will be made are significant in size. The concept of "minimum" in the term "minimum tax" cannot be applied so that the impact of the tax itself will be destroyed.

In short, we must not structure a minimum tax system under which the wealthy will be permitted to pay less than even this Nation's poorest taxpayers.

In meeting this two-part test for a meaningful minimum tax, I believe that neither the House bill nor the Senate Finance Committee bill nor the proposals of the Nixon administration are completely satisfactory. In regard to the first part of that test which requires the payment of taxes by every wealthy individual, all of these bills include major exceptions. The House bill, for example, does not require a taxpayer who is computing his income for minimum tax purposes to include mineral depletion allowances and intangible drilling costs. The result is that a Texas millionaire whose income is completely derived from oil wells will probably not be affected by the bill—at least not until the amendments which I have just suggested take full effect. The Senate Finance Committee—following suggestions made by the Nixon administration—includes in the minimum tax the preferences for income derived from the production of minerals, but excludes municipal bond interest and the appreciation aspect of charitable contributions.

The acceptance of each and every one of these exceptions to the general principle of a minimum tax is wrong. Whatever the argument for permitting certain tax preferences to remain in the Internal Revenue Code, our touchstone for a minimum tax must be that every individual who is the recipient of one or more of these preferences should still be required to pay some taxes.

The most controversial item in the minimum tax package is municipal bond interest. It has been clear for some time that the Federal tax shelter for bondholders is an inequitable and inefficient way to finance local government. For every \$1 gained by the issuing government, the Federal treasury loses \$2 in tax revenues. Certainly it is good public policy to repair this loophole while at the same time reducing the burden of debt for State and local governments. A revenue plan which subsidizes directly the interest costs of new bonds but which subjects current bond returns to some measure of Federal taxation should be our goal. Properly prepared, such a plan should be acceptable to all State governments, municipalities, and local school districts. In the long run, it should lessen financing charges for these agencies and stabilize a chronically uncertain market.

If we are to meet the second part of my test, minimum tax payments must not be insignificant. Certainly, we should require that every individual pay taxes on at least 50 percent of his actual income prior to preferences and exclusions and, to maintain consistency with our present Internal Revenue Code, he should be required to pay these taxes according to the same progressive rate structure that exists for ordinary income. Under these guidelines, the bill passed by the House of Representatives meets the test of requiring substantial payments. In contrast, the Senate Finance Committee bill calling for a flat 5-percent payment on all tax preferences above \$30,000 simply asks for too little in

the way of taxes from those whose incomes are great. Its lack of progressivity means that the taxpayer who has \$25,000 in tax preferences will pay less to the Federal Government than the ordinary salary earner with \$10,000 in income.

The 1969 act should also provide that the minimum tax concept will not simply be applied to individuals but will also be applied to corporations. There are far too many large banks and manufacturing corporations which pay little or no taxes because of the use of tax preferences. I see no reason why the identical limitations on tax preferences which are applied to individuals should not also be carried over to corporations. The same principle which supports the concept of a minimum tax for individuals is equally applicable. Moreover, the revenue gain for the Federal Government due to an extension of this tax to the corporate arena will be substantial.

Finally, I want to touch on those aspects of both the House and Senate Finance Committee bills which take steps to redistribute the tax burden among our citizens. In both bills, the necessary changes are made in the Internal Revenue Code to end the preposterous situation under which some individuals and families whose incomes fall below the poverty lines are required to pay taxes. Moreover, these bills also include provisions which will scale down the tax payments of those whose incomes fall close to the poverty line and those who qualify as middle-income taxpayers.

While the Nixon administration has supported the concept of ending the taxation of individuals living in poverty, it has also called for a scaling down of the tax relief offered to other low- and middle-income individuals and families. It has done so on grounds that this type of tax relief helps only certain classes of people; that it offers too much assistance to individuals without offering commensurate tax relief to corporations; and that it produces a gap between tax revenues gained and tax revenues lost as a result of the 1969 act.

In my judgment, the position of the administration is without merit. If the administration is concerned about a possible gap between revenues gained and revenues lost, let it support the amendments I have suggested earlier for closing up loopholes. For the effect of these amendments will be to end any imagined revenue gap which would demand a reduction in tax relief for those individuals and families who need it most.

Tax reform is necessary today, not to raise more tax revenues but to make it fairer and easier to raise what we need. In the past, seeing so much that has to be done, we have often been careless in noting how the burdens are falling. It is time to correct that error and to prepare for the future by distributing our tax burdens properly and justly.

#### ANOTHER OIL TAX LOOPHOLE

Mr. PROXMIER. Mr. President, before we vote on tax reform for the oil industry on next Monday I commend for the consideration of the Senate an article by John Lang of the Associated Press detailing a means employed by the oil industry to swell their already swollen tax subsidies.

They employed "ghost foundations" to create artificial tax losses to avoid paying their already minimal tax burden. Fortunately, the Finance Committee tax reform proposal will prevent this from occurring in the future. I trust that provision will not be deleted from the tax reform bill.

I ask unanimous consent that Mr. Lang's article be printed in the RECORD at this point.

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

#### GHOST FOUNDATIONS HELP CUT OIL TAXES (By John S. Lang)

Dozens of shadow foundations are being used as middlemen by banks and oil companies in deals through which mineral producers avoid \$100 million a year in federal income taxes.

The tax-exempt foundations are nonprofit charitable corporations, yet they give little or no money to charity.

Instead, an Associated Press study shows, their main purpose is to serve as conduits in complex, multimillion-dollar transactions that allow mineral producers to:

Stretch the benefits of the present 27½ per cent depletion allowance beyond the 50 per cent net income limitation set by Congress.

Reduce or eliminate federal income tax liability, sometimes by creating self-induced paper losses.

Alarmed by the spreading use of tax avoidance tactics, the Treasury Department asked Congress this year to close the loophole. Provisions to do that are included in the tax-reform bill on which the Senate opens debate today.

The transactions, legal under present law, involve carved-out production payments.

In essence, a production payment is the right to future income from a mineral deposit such as an oil field. An oil company may carve out a certain percentage of that future production and sell it for immediate cash.

The practice of selling production payments dates back to the 1800s. But the use of the transactions to avoid taxes is a relatively recent development, spurred by court decisions and government tax rulings.

Because the courts have held that production payments are "interests in land" and because national banks' land dealings are restricted by law, banks are leary of buying production payments outright.

So instead of banks dealing directly with mineral companies, foundations—known in the trade as "straws"—are set up to buy the production payments. The foundations get the money from the banks through loans, with the production payment serving as collateral.

Government officials said they don't know how many foundations are involved in such deals. But an Associated Press check of foundations in two states—Louisiana and Texas—turned up more than 30 foundations whose only assets were production payments. Most had directors or officers linked to banks or oil company law firms.

These foundations handled \$118,500,000 in production payments last year. They gave to charity \$145,635—or little more than one-tenth of one per cent of the money they handled.

The charitable contributions are small, foundation officers said, because the foundations have little net income. All they earn is the fractional difference between the interest rates charged by the banks on loans to the foundations and the slightly higher interest equivalent paid by the oil companies on the money received from the foundations.

An unpublished Treasury Department study shows production payments deals to-

taled \$750 million in 1967 and \$703 million in 1968, a three-fold increase from 1965's total of \$217.4 million.

Tax analysts say oil companies top the list of mineral producers involved in the transactions, although they could not provide a detailed breakdown.

Treasury officials calculate that one tax dollar is lost for every seven dollars involved in the deals. Thus, they say, the transactions have cost the government more than \$100 million annually in tax revenues in each of the last two years.

Most of the transactions come in the last few days of the year, when mineral company accountants are in a position to know what the firm's tax liabilities would otherwise be.

"In short," a Treasury Department study said, "a corporation sells production payments at the end of the year so as to circumvent the 50 per cent net income limitation on the depletion deduction, to distort the net operating carryback or carryover provisions, to avoid the foreign tax credit limitation, or, in the case of 1967, to avoid the expected corporate surtax in 1968."

One federal official put it more bluntly. "Frequently," he said, "the only purpose is tax avoidance."

Representatives of banks and the mineral industry, who are lobbying against changes in the present tax law, deny that production payments are used primarily to avoid taxes.

However, Harold M. McClure, Independent Petroleum Association president, testified before a House committee that "one of the reasons that a carve-out is used in the oil industry is to maximize depletion." But he said the big reason for selling the payments is to avoid showing the money as loans on a firm's books. "From my standpoint this is the major thing," he said.

Treasury Department officials say that by using the production payments, a company can fatten depletion allowance benefits and inflate its income one year, then take a self-induced loss the next and avoid paying any taxes.

Here is how they say the depletion allowance is intended to work, using a fictitious firm, Strike It Rich, Inc.:

Strike It Rich has gross income from wells totaling \$10 million in one year. The 27½ per cent depletion allowance based on this would represent \$2.75 million in tax-free income.

But the company has expenses totaling \$8 million, leaving a net income of \$2 million. Because the depletion allowance may not exceed half of net income, the company is allowed to deduct only \$1 million for depletion instead of the \$2.75 million figured on the gross.

This leaves \$1 million on which Strike It Rich must pay federal income tax. At the corporate rate of 52.8 per cent, the company pays \$528,000 in taxes.

But by using the production payments deals and complex accounting procedures, officials say, mineral companies can bypass the 50 per cent limitation on the depletion allowance.

Here, according to officials, is how it can be done, again using the fictitious Strike It Rich, Inc.:

Strike It Rich sells a production payment for \$8 million. This is added to the company's original \$10 million gross, boosting total income to \$18 million in the first year. Business expenses remain the same, \$8 million, but now the net taxable income is \$10 million.

The depletion allowance is based on the full gross income—or 27½ per cent of \$18 million. This means the full depletion allowance, \$4,950,000 is tax-free. The company pays taxes on the other \$5,050,000 in income, or a tax of \$2,666,400 at the corporate rate of 52.8 per cent.

This is substantially more taxes than the company would have paid if it had not sold the production payment. But its taxes the next year are less—and it even may be able

to recover all or part of the taxes paid the previous year, like this:

The company has the same amount of production—\$10 million worth—the second year, but \$8 million of this goes to the purchaser of the production payment. This leaves the company with income of \$2 million. But the company also has the same business expenses of \$8 million, which it deducts, leaving it with a paper loss of \$6 million.

This paper loss eliminates any federal income tax liability for that year. In addition, the \$6 million paper loss offsets the \$5,050,000 income the first year, and allows the company to collect a refund from the government of the \$2.66 million paid in taxes that year.

This still leaves an unused loss of \$950,000 which can be carried forward or back to other years.

An example of a bank-foundation-oil company arrangements can be found in New Orleans. There eight foundations list clerks and tellers of Whitney National Bank and member of the bank's law firm as directors.

The foundations carry such names as Thirteen-Hundred Foundation, Eleven-Hundred Foundation, Two-Twenty-Eight Foundation, Six-Twenty-Four Foundation, and Six-Thirty-Five Foundation.

In 1967 and 1968, the Thirteen-Hundred Foundation handled production payments totaling \$2,926,353. Its net income during that period was \$273, and its sole charitable contribution was \$25 to Phillips Memorial Methodist Church.

In 1968 another of the eight foundations, St. Charles, Inc., had a gross income of more than \$4 million but made no charitable contributions because it showed a deficit of \$10,000.

St. Charles' president is Rene A. Gatti, a teller at Whitney National Bank which made the loan. "Don't ask me about it, I really can't tell you much . . . I'm listed as president . . . but in name only," Gatti said.

He referred to a bank vice president, George P. Bywater, as "the one who sets these things up."

Bywater said he handled the foundations' paperwork but added, "The bank doesn't own these foundations or control them. No bank officer is the director or anything."

As for the bank clerks and tellers listed as foundation directors, Bywater said, "These men are just individuals."

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2185) to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324), with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 48) to adjourn from November 26, 1969, until December 1, 1969, with an amendment in which it requested the concurrence of the Senate.

The message further 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 House to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

The message also announced that the

House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction; and

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity, and it was signed by the President pro tempore.

#### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction; to the Committee on the District of Columbia.

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

#### RECESS UNTIL 2 O'CLOCK P.M. TODAY

Mr. LONG. Mr. President, our Republican friends are holding a meeting, which they usually do about once a week, at which they discuss things such as the pending amendment, as well as other problems, and it gives them a chance to get their heads together to see what their attitude should be with regard to certain amendments, and other amendments that will be offered on the bill.

I assume that the meeting will be going on for the next 40 minutes and therefore ask unanimous consent that the Senate stand in recess until 2 o'clock p.m.

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

(At 1 o'clock and 25 minutes p.m., the Senate took a recess until 2 o'clock p.m. today.)

At 2 o'clock p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. PACKWOOD in the chair).

#### TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Under the previous unanimous consent agree-

ment, debate on the pending amendment will be limited to 1 hour, to be divided equally between the Senator from Virginia (Mr. BYRD) and the Senator from Delaware (Mr. WILLIAMS).

Who yields time?

Mr. BYRD of Virginia. I yield myself 5 minutes.

Mr. President, the pending amendment would strike from the tax reform bill the proposal that the surtax be continued beyond December 31 to June 30, 1970.

To put this matter in perspective, the 10-percent surtax, which has been in effect now for almost 2 years, automatically will expire on December 31 of this year. If the proposed legislation is enacted in its present form, a 5-percent surtax will be placed on all income taxpayers, both personal and corporate, for an additional 6 months, to expire June 30, 1970.

The amendment I have proposed would reduce the revenue to the Government by \$2 billion during fiscal 1970. I regret that. During the years I have been in the Senate, I have fought for a responsible policy. I feel that our Government is in a very difficult shape in regard to its fiscal affairs. I think it is important that it set its fiscal house in order.

What we are running up against now in regard to the continuation of this surtax is this: How can we keep faith with the people of our Nation when we take a temporary tax and make it into what is fast becoming a permanent tax?

When the tax was originally enacted, the people were told by Congress and by the executive branch of Government that the tax on incomes would expire automatically on June 30, 1969. But as soon as it expired, or just prior to expiration, Congress immediately continued it for another 6 months. Now the proposal is to continue it again for another 6 months.

I submit, Mr. President, that the people of our Nation have become cynical with Government. They have become cynical because the Government tells them one thing and then proceeds to do something else.

While I regret the loss of revenue to the Government which would be occasioned by the adoption of the amendment I have offered—approximately \$2 billion for this fiscal year—it seems to me that it is more important to take a step toward restoring confidence in Government by terminating this temporary tax before it becomes a permanent tax.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. BYRD of Virginia. I yield myself 3 additional minutes.

When we talk about using this tax to fight inflation, I have never fully understood how we can fight inflation by taking money from the pockets of the taxpayers, so that the taxpayers cannot spend that money, and give it to Government, so that Government can spend the money. It does not impress me as being a very logical way to fight inflation.

At a hearing before the Committee on Finance on July 8 of this year, I put that precise question to the Secretary of the

Treasury, Mr. David Kennedy. Incidentally, he is a very splendid individual, in my opinion.

I asked the Secretary:

How do you help inflation, help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?

This was the Secretary's answer:

Secretary KENNEDY. That is a \$64 question. To the extent they spend it I am sure you have the answer, but what we are trying to do is to have the Government pay its own way in this period, and reduce the ability of the public to have money to spend. We will send you at least an answer, which might not satisfy you, but we will send you one.

Then Secretary Kennedy supplied for the record, under date of July 11, 1969, a more detailed statement, but somewhat along the same line.

I ask unanimous consent that this colloquy between the Senator from Virginia and the Secretary of the Treasury, on pages 128 and 129 of the Finance Committee hearings on H.R. 12290, be printed at this point in the RECORD.

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

Senator BYRD. Maybe you could give me a statement in reply to this question that has been put to me by a great many. How do you help inflation, help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?

Secretary KENNEDY. That is a \$64 question. To the extent they spend it I am sure you have the answer, but what we are trying to do is to have the Government pay its own way in this period, and reduce the ability of the public to have money to spend. We will send you at least an answer, which might not satisfy you, but we will send you one.

Senator BYRD. I have been asked that question a good many times.

Secretary KENNEDY. It is a good one.

(The information referred to follows:)

JULY 11, 1969.

This is in response to the question: "How do you help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?"

The answer is that the Government expenditure is not going to change because of the surcharge. We are faced with a set of laws and general policies that obligate the Government to do certain things like defend South Viet Nam, pay veterans' benefits, and so forth. We are trying to achieve every feasible economy in carrying out these obligations, but we estimate they will involve expenditures of \$192.9 billion in fiscal year 1970, which is \$2.4 billion below the figure in the January Budget. If the surcharge is extended, private expenditures will be reduced and Government expenditures will still be \$192.9 billion, so total outlays will be reduced and there will be less pressure toward inflation.

Mr. MAYO. That is one of the reasons we are asking for the extension of this surtax, Senator Byrd, so that we won't have to borrow quite so much this coming year.

Senator BYRD. But you still spend the money. In other words, instead of the individual spending the money the Government is spending the money.

Secretary KENNEDY. That is right.

Senator BYRD. This is more of a philosophi-

cal view, I guess, but one thing that concerns me about extending the surtax is it was enacted as a temporary tax. The public, I think, gets more and more cynical about Government, when Government makes one statement one year and then repudiates that statement the next year. Of course, I am not speaking of the officials involved now, because they were different officials last year than they are this year, but it is the same Government, and when the Government leads the people to believe that they are having a temporary tax, and then consistently turns a temporary tax into a more permanent tax. I think it leads to cynicism on the part of the public toward Government. I think it also causes uncertainty in the minds of the business community as well as the individual citizen, but that is perhaps more of a philosophical question than one that would meet the needs of the Government at the present time.

Mr. MAYO. We are quite conscious, deeply conscious of this, and that is why both of us have pledged that we want to make sure that this is a temporary tax, as soon as we can get past the reasons that caused it to be enacted in the first place.

Senator BYRD. I think it is very important, it seems to me it is very important that it be eliminated at the earliest possible opportunity, to let the people know that the Government is playing fair with them, and when we say the tax is temporary they are going to try to make it a temporary tax, rather than to continue it indefinitely.

Mr. BYRD of Virginia. Mr. President, this proposal seeks to keep faith with the people. The surtax has been extended once. It is proposed now that it be extended again, and even before that has been done, there has been talk that it might be extended a third time, next June.

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. BYRD of Virginia. I yield myself 1 additional minute.

I feel very strongly that if this surtax is continued beyond the December 31 date, it is very likely that it will become a permanent tax, the same as the so-called temporary excise taxes appear to have become permanent, in that they have been on the books now for almost 20 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. President, I rise reluctantly to take exception to the amendment that is now pending and express the hope that it will be rejected.

No matter how much we may like to have a tax reduction there is only one way in which we can have a bona fide tax reduction; and that is, to first reduce Government spending whereby we will have the money to do it.

To take the surcharge out of the bill would reduce revenues in the calendar year 1970 by \$3.1 billion. In the fiscal year 1970 it would reduce collections by \$2 billion and in the fiscal year 1971 by \$1.1 billion. The effect of this on the budget would be to reduce the surplus which this bill would otherwise bring about from \$3.4 billion down to \$1.4 billion in the fiscal year 1970 and to bring the surplus of the bill from \$3 billion down to \$1.9 billion in the fiscal year 1971.

This is designed as a gradual transition—with a specific termination date—which is badly needed in view of the inflationary pressures which still exist in the economic environment.

Consumer prices and wholesale prices to a lesser extent are still rising albeit more gradually. The worst thing to do when you are beginning to get control over inflation is to take the lid off.

A 1-percentage point rise in the consumer price index has a far worse effect on consumers than retaining this tax at a reduced rate for just a 6-month period. A 1-percentage point rise takes \$5 billion out of the consumer's pocket whereas this reduces their income by \$3.1 billion. Moreover, you could expect more than a 1-percentage point rise if this is removed.

Some say that the surcharge has not been effective. While it may not have snuffed out the inflationary pressures as soon as everyone wanted, the difficulty was that the pressures got too much of a running start. Despite this, there has been real progress in reducing inflationary pressures.

The gross national product increase quarter by quarter in 1969 has been smaller than the corresponding increases in gross national product in the prior year. Increases in real gross national product have been slowing down. The increase in the fourth quarter of 1968 was \$5.7 billion while the increase in the real GNP in the third quarter of 1969 was only \$3.9 billion.

The percentage increase in gross national product in terms of current prices is also slowing down:

	Percent
3d quarter 1968.....	39.5
4th quarter 1968.....	35.4
1st quarter, 1969.....	28.4
2d quarter 1969.....	22.4
3d quarter 1969.....	22.7

The fact that the increase in wholesale prices is beginning to lag behind consumer prices is still more evidence that inflationary pressures are slowing down. The increase from July to October in consumer prices was 5 percent, but in terms of wholesale prices which lead consumer prices the increase was only 2.4 percent.

Those who are interested in holding down interest rates and making more money available for housing certainly ought to oppose taking off the surcharge at this time because to do so takes the lid off price rises again and makes monetary restrictions all the more necessary.

Mr. President, I wish to point out that we are far from having a balanced budget today, even with the extension of the surtax. It is projected on the so-called unified budget that we will have a surplus of \$5.9 billion at the end of this fiscal year. However, as I have already pointed out, that figure was not based on the real administrative budget of the Government. That \$5.9 billion was arrived at only after there was included in the computations \$9.5 billion of accumulations in the various trust funds such as the social security fund, the civil service trust fund, the railroad retirement fund, and others.

When one takes away those accumulations that are in the trust funds—and they should not be included in the budget of the United States because there are strong restrictions against that money being spent to defray the cost of Government—it will be found there is a deficit of \$3.6 billion for this fiscal year. That \$3.6 billion is still based on the premise that we will extend the surcharge at 5 percent for another 6 months, that we will repeal the investment tax credit retroactively to last April, that we will extend the excise taxes another full year, that we enact the proposed postal rate increases and proposed user charges, and that we will keep a tight lid on Government spending. If any one of those things is not done that would add to the deficit.

Mr. President, there are other items which are not taken into consideration. These involve actions taken by one House of Congress which are still pending for action by the other body of Congress.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The time of the Senator has expired.

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

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

Mr. WILLIAMS of Delaware. Mr. President, the following additional amounts of expenditures could be added on for this year. First, there is the pay increase bill, which has been passed by the House, which is pending in the Senate, and for which the annual cost would be \$1.5 billion over and above the budget. There is the food stamp program, which would add \$600 million over and above the budget expenditure figure. There is an additional \$500 million appropriation for HEW. This figure would be beyond the budget figure. There are the GI bill and other veterans' bill, which would cost an extra \$500 million. In addition, there are various and sundry bills which would add close to another \$500 million over the budget. Taken altogether those measures would mean that we are confronted with close to an \$8 billion deficit if we enact those bills and then turn around and do not extend the surcharge at a 5-percent rate for the additional 6-month period and return the other revenue producing measures of the pending bill.

Mr. President, I might say even that estimate is based on the premise that when this bill passes the Senate it will provide no more tax reductions for fiscal 1970 than the additional revenue it produced in that period. These are suppositions which may or may not develop. But even without these additional projects, and these things which may or may not happen, I still point out that we are operating the Government today at a deficit of close to \$500 million a month. That means we have to borrow this amount of money to keep the Government solvent. This is not the time to talk about cutting revenue.

I call attention to daily statements which are issued by the Department of the Treasury. The one I have before me is dated November 12, 1969. The statement shows that as of June 3, 1969, just 5 months ago, the national

debt was \$360,861 million; today the national debt stands at \$368,444 million, or an increase of \$8 billion.

Mr. President, a large part of that amount can be attributed to the fact that revenues that come in during the first 5 months of a fiscal year are lower than they would be for the next half year because December is a heavy revenue month. But even at that we are running far behind the rate of last year. In the first 5 months of the last fiscal year, between July 1, 1968, and November 12, 1968, we find that the deposits of the Federal Government for all types totaled \$64.8 billion, whereas withdrawals, or money spent during that same time, totaled \$75.6 billion, or a deficit of \$10.8 billion. That deficit was accumulated during the first 5 months of the last fiscal year.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I commend the Senator from Delaware for making these facts available to the Senate. Does the Senator believe this statement to be true? As much as we dislike to vote to continue the surtax for one-half of 1970, we are faced with a choice of levying this tax of about \$3 billion or ultimately increasing the national debt by \$3 billion.

Mr. WILLIAMS of Delaware. There is no question about it.

Mr. CURTIS. It is a choice between \$3 billion of tax now or \$3 billion of debt, and the amount of interest on \$3 billion, which is no small item.

Mr. WILLIAMS of Delaware. There is no question about it. To the extent we reduce taxes by \$1 we have to borrow the money, as I have pointed out before. We operate today with a deficit of \$500 million a month.

If the Senator will bear with me, I would like to continue the comparison I was making. In the first 5 months last year, beginning July 1, 1968, going down to November 12, 1968, the expenditures exceeded our deposits and revenues by \$10.8 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

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

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

Mr. WILLIAMS of Delaware. Mr. President, using the same 5 months for this year for purposes of comparison we find our deposits for this year are \$70.4 billion, whereas expenditures for those 5 months amounted to \$85.6 billion, which means we accumulated a deficit of \$15,156 million in the first 5 months of this fiscal year. That means we are running a deficit at the rate of around \$3 to \$5 billion more than we were the year before. This is partly because on some of the so-called reduction features of the administration program we get delayed action, so that they will not become fully implemented until the months to come. Expenditures have to be reduced. Otherwise we will be confronted with no surplus, even on a unified budget, but rather we will have a deficit. As I pointed out before, we are

operating the Government today at the rate of around \$500 million per month more than our income when we figure it on the basis of the calculations we have always used during the preceding 150 years of our Government.

To boast of a surplus on the basis that we can count the accumulation in the trust funds, the civil service retirement fund, the railroad retirement fund, and the social security retirement fund, et cetera, as though it were normal Government revenue has but one purpose; namely, to receive or lull the American people into a false sense of security that our Government is living within its income, when they are not.

It is time that we have a little truth in Government as well as a government preaching about the need for truth in lending and truth in packaging.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Can the Senator tell me what the approximate rate of interest is that the Government is paying now on its indebtedness on new issues?

Mr. WILLIAMS of Delaware. As high as 8 percent—it is running approximately that—which means that if we adopt the amendment and reject the \$3 billion income the Government will be forced to borrow this money and increase further the demand for money at the same time. Annual interest charges on this item alone would be over \$200 million.

The problem today is that there is not enough money in the lending market to finance the various industry demands, the demands of individuals for housing, and then a huge Government deficit. I think we have no choice but for the Federal Government to stop its deficit spending.

I will agree with the Senator from Virginia that a major step in that direction—the No. 1 needed step—is more rigid control over Government spending. I know he has been trying to hold down Government spending; but let us face it, there has not been enough of us yet who can hold down Government spending. Until we do we have no choice except to provide revenue to operate the Government.

Mr. CURTIS. It is sometimes said that if we can raise taxes and make less money available, the people cannot spend it. Does the Senator agree with me that that statement has no validity, because if the lack of income from taxes would prevent spending, we would not have any national debt; is that not true?

Mr. WILLIAMS of Delaware. That is true. It merely means that the Treasury Department, which finances the obligations of the Government, has no choice except to go out into the money market and borrow money at the high prevailing rate of interest, which is around 8 percent. Already it is costing us close to \$1½ billion per month just to pay the interest on the national debt. We have been running deficits in this Government for the past 15 to 20 years. We seem to have forgotten that the Government does have obligations and that we in Congress have obligations to provide the revenue to finance the Government.

I was one of the authors, along with the Senator from Florida, a couple of years ago that put through this surtax on the request of the then President Johnson, and I said then that we had no choice at that time except to pass the surtax bill because we could not afford the alternative in this country, which was wild inflation.

My criticism of the action then was not what we did but the fact that it took Congress and the administration so long to do it, because had we taken the step to raise taxes a year or two sooner I think that we would not have had the wild inflation we now experience. But we did not take action soon enough. Nor did Congress exercise proper control over expenditures. That is why inflation is running wild today.

By all means, now that we have at least some hope we shall be able to control inflation; let us not take this backward step. Let us hold the brakes on until we know that we have inflation under control.

I hope that the amendment will be rejected.

Mr. President, I withhold the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I am going to support the amendment of the distinguished Senator from Virginia not for the same reasons that have been given on this floor today but for the main reason that I think the amendment is being considered at the wrong time in the consideration of the bill.

The Chair will recall that before we recessed last August, I made the statement that we were willing to go only so far as December 31, until we found out what was going to be done about closing some of the loopholes in our tax structure.

From reading the record and listening to the debate on this floor, the same people who are clamoring for fiscal responsibility are the same people who are defending the favoritism in the tax structure.

So far as the Senator from Rhode Island is concerned, I want to make this abundantly clear: That I am not so much against the extension of the tax for another 6 months, but I want to find out first on whose back we will put this load.

We have favoritism upon favoritism in our tax structure. We should decide, first, how we can close the loopholes and then we should decide what we should do about extension of the surtax.

When the proper time comes, I will be no less courageous to stand up and say that we should have an extension of the surtax, but at this moment I want to find out what we are going to do about the oil depletion allowance. What are we going to do about these other favoritisms in the tax structure? Then, I will vote for the surtax, I think the time has come when, before we extend any tax, we should clean up the tax structure by removing all the favoritism in it.

For those reasons, Mr. President, I support the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. WILLIAMS of Delaware. I will be glad to yield such time to the Senator from Rhode Island as he may require.

Mr. President, first I wish to say to the Senator from Rhode Island that I agree that we need to close many of the loopholes. He has been advocating that for years, and so have I. But I am sure that he will agree that this is true not only of the oil depletion allowance but also in other areas. I can assure the Senator from Rhode Island that I will be with him in trying to close these loopholes because it needs to be done. Yesterday we saw the result of a vote to close some of these loopholes, but we lost. We just did not have the votes. They were important loopholes, I thought, that should be closed. We must let the American people know that whatever taxes are laid upon them will be equitably and equally distributed across the board. I want to let the Senator know that while I disagree with his position on the pending amendment I respect his position. I think that we have no choice except to extend the surcharge for another 6 months. A \$3 billion extra loss in revenue at this time cannot be permitted.

I take a back seat to no one, and join the Senator in saying that we should close these loopholes. I hope that before this bill is out of here we can really close some of them.

Mr. PASTORE. The Senator will recall that we had the same colloquy about 4 or 5 months ago, when I said at that time that we should close the loopholes first. This idea saying that we will extend the tax now and take a chance on what will happen on the loopholes, the Senator from Rhode Island is not ready to buy that.

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. PASTORE. You straighten out your tax structure and then I will talk to you about extension.

Mr. WILLIAMS of Delaware. Well, I guess we can find an excuse for anything put in this bill together, so we take it or leave it.

I hope that in the days ahead Senators who are trying to close some of the loopholes—they and our friends who have been attacking the tax reform bill—will be present and helping us.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, will the Senator from Delaware yield me 2 minutes?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana as much time as he may desire.

Mr. LONG. Mr. President, if Senators will look at the summary of H.R. 13270, the blue pamphlet that I have asked to have placed on the desk of every Senator, and turn to page 138, they will see the amount of money proposed to be raised by the bill through so-called loophole-closing measures. They will see how

these amounts phase in and will account for more and more income as the years go by. They will see all the various items and provisions in the bill that will raise additional income.

The biggest item of income would be the last item before the total, the investment tax credit, starting with \$2.5 billion in 1970 and providing \$2,990 million in the following year. Senators will see how much will be raised from changes in the treatment of corporate capital gains, foundations, the unrelated business income of exempt organizations, charitable contributions, farm losses, multiple corporations, accumulation trusts, banks and other financial institutions, percentage depletion, production payments, and regulated utilities. In addition there is a \$650 million item on preference income.

So the bill provides many tax increases, the largest single item being the repeal of the investment tax credit, which would, in full operation, produce \$3.3 billion a year. The bill also imposes large tax increases on people who are in preferred positions and have preferred types of income or deductions.

The only thing the committee declined to do, really, was to tax the interest on State and local bonds. The present difficulties the States and cities are encountering in raising funds and the effect such a tax might have on this already difficult situation persuaded the committee not to take this action.

There are many who have second thoughts about the bill. It is felt by some that the investment tax credit should be repealed. It is felt by others that we should not repeal the investment tax credit.

I would hope, as does the Senator from Rhode Island, that so long as we have included provisions to raise more money, it should be our intention to keep the revenue-raising items in the bill until out. Of course, if the Senate knocked them out, it would be the privilege of any Senator to seek a tax to increase the overall amount.

Mr. PASTORE. That is exactly the point which the Senator from Rhode Island makes. I know there is much in the bill, but merely because it is in the bill does not mean that that is the bill that will pass the Senate.

The Senator from Rhode Island would first like to know what the bill provides for closing loopholes; then let us decide what exceptions will be made. That is the point I make. I want to know what the attitude of the Senate will be about closing tax loopholes. We cannot put this burden on the backs of the people.

Mr. LONG. I cannot accept the responsibility, because any Senator can call up or offer any amendment he wants to, now or later.

Mr. PASTORE. That is correct. The Senator will agree, will he not, that the House reduced the oil depletion allowance to 20 percent, and that the Senate committee "upped" it?

I should like to know a little more about that before I vote on the surtax. I have not heard that question debated yet.

It is said that we need the money. I know we need the money, but the question is, Whence will it come? Will it come, again, from the little people, or will it come equitably from every taxpayer in the country? That is my question. If the Senator will give me the answer to that question, I will make up my mind.

Mr. LONG. I am not the only one who proposed tax reforms or who wants them. The Senate committee reduced the amount to be raised from reform measures by the House by about \$250 million. We would have raised it if we had been allowed to retain the depletion. We cannot all have our way about tax reform. Some items we get, and some we do not.

I proposed that we have a carry-forward basis, so that a person would not get a stepped-up basis when he inherited property, which allows the appreciation of the property prior to death to escape taxation. But I did not have my way about that. Even so, there are still a large number of revenue increases in the bill from tax reforms.

Mr. PASTORE. I realize that; but when we talk about fiscal responsibility, let us not talk out of both sides of our mouth. That is all I say.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I think one thing should be pointed out definitely, because the cost of living is continuing to rise. I think it is most important that someone should explain the opposition to some of the provisions for tax increases in the bill. I hope the distinguished chairman of the Committee on Finance will listen to an argument against the surtax which was made by the administration, outside these Halls, because it deals with inflation. It is a news dispatch from the UPI at 11:44 this morning. It reads:

#### WHOLESALE PRICES

WASHINGTON.—Wholesale prices jumped another four-tenths of 1 per cent in November because of the sharp rise in the cost of farm products, the Labor Department estimated today.

The wholesale price level was 4.5 above the figure a year ago.

Preliminary figures released by the department's Bureau of Labor statistics (BLS) said wholesale prices of farm products rose an estimated 2.3 per cent during this month. Industrial commodities rose 0.2 per cent while processed food and feeds averaged the same as in October.

Such increases at the wholesale level normally signal new retail price hikes in the offing.

The November rise in the wholesale prices matched the October advance, which followed three months of smaller increases that appeared to indicate Nixon administration anti-inflation policies might be taking effect.

The 0.4 per cent rise equaled the percentage increase in consumer prices in October, reported last week. This appeared to offer little hope that consumer price increases would be abating in the coming months.

The November rise pushed the wholesale price index to 114.5, which meant that goods which cost \$10 at wholesale in the 1957-59 base period cost \$11.45 this month.

The wholesale price index advanced sharply during the first six months of 1969, with monthly increases ranging from 0.4 per cent

in February and June up to 0.8 per cent in January and May. But the increases dropped off to 0.1 per cent in July and in August, only to rise to 0.2 per cent in September and to 0.4 per cent in October and November.

So anyone who says that any effort is being made at this time, with this bill, to control inflation, just absolutely cannot substantiate his view by the facts. Not a single Senator has risen to substantiate any of this claim.

But the administration takes the position that I am advocating and that the Senator from Virginia (Mr. BYRD) is advocating today, in a speech delivered at Princeton to the Tax Institute of America Symposium by Herbert Stein, one of the President's Council of Economic Advisers. I read a portion of his speech. After Mr. Stein had described the theory which has been laid before the country, a theory which has been shown to be false and has left people standing aghast as to why the principle of high interest rates and tight money does not work, President Nixon's Economic Adviser said, 2 days ago:

However, subsequent analysis suggested that a temporary tax change would have little effect on private spending, by either businesses or households. This view has apparently been confirmed by experience with the temporary tax surcharge enacted in 1968. The rise of business investment which followed the enactment of the surcharge was so big that one can hardly expect to detect any repressive effect of the surcharge on the corporate profits tax. Microscopic analysis may yet discover some effect of the surcharge on consumption. But in any case we are going to say that the effect was small and late.

Then, this conclusion:

In fact, the final analysis of the 1968 episode—

Which is the surtax we are debating at this moment—

May yet reveal that the net effect of the surcharge was inflationary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. May I have another 2 minutes?

Mr. BYRD of Virginia. I yield the Senator from Indiana 2 additional minutes.

Mr. HARTKE. In other words, these factors indicate more unemployment and higher interest rates. Mr. William Butler, one of the most distinguished economists in America, of Morgan Guaranty, said last week there is only one reason that the prime rate is not being increased—and I predict it will soon be increased—from its 8½-percent rate of today, and that is because they fear the wrath of Congress; but ultimately they will do it, because just this past week, a triple A utility bond sold for the highest rate in the history of the United States, and they said an immediate increase in interest rates across the board would be forthcoming.

There is no question but that this tight money policy and the surtax are stopping the economy of the United States. There is no question about that. But they are not stopping inflation. That is what I am saying: This administration is now faced with an inflation credibility gap, and

someone will have to answer for that one.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 5 minutes.

Mr. President, I thoroughly agree with the distinguished Senator from Delaware, who said that there is only one way to effectively reduce taxes, and that is to control spending. I agree thoroughly with that assertion, and the record of the past 4 years will bear out that my votes have been cast precisely along that line.

I believe, too, that the way to control inflation is to control spending. In the long run, it is controlled spending, and not continued increases in taxes, that will most effectively and lastingly combat inflation.

The assertion has been made on this floor today that the Senate has two choices: One is to continue this surtax, which will bring into the Government \$2 billion during the current fiscal year; or, if that is not done, it will increase the national debt by \$2 billion.

I submit there is a third choice, and that is the choice I think the Senate should take: To eliminate this surtax of \$2 billion, and offset it by a decrease in spending. I submit that that can be done and should be done. I point to just one area as an example: It has been proposed that spending for foreign aid be increased by \$1 billion this year over last year. I submit that that cannot be justified. That \$1 billion increase cannot be justified, and that is only one area where sharp reductions can be made. There are many other such areas.

The able Senator from Delaware brought out another point with which I thoroughly agree. He said there is a time for truth in government. That is really the basis and the number one reason why I have submitted this amendment; because I think that this surtax, which was put on almost 2 years ago, and which automatically expired on June 30, 1969, and was continued as a temporary measure, should come off, or else it will become a permanent tax. Even though this tax was put on as a temporary tax, expiring automatically on June 30, 1969, it has already been extended once, and now it is proposed to extend it again. I submit that that is why people become cynical with government—and the American people have become cynical with this Government, because we, the leaders of the Government, tell the people one thing and then do something else.

When it comes to using this tax to control inflation, I ask this question of the Senate, just as I asked it of the Secretary of the Treasury when he appeared before the Committee on Finance: How do you fight inflation by taking \$2 billion out of the pockets of the wage earners and the taxpayers so they cannot spend the money, and turning it over to the Government, so that the Government can spend the money? I submit that that is not the way to control inflation. The way to control inflation is to get Government spending under control, and not continually make permanent taxes which were first put on as temporary measures.

There is \$2 billion involved in this amendment—\$2 billion for this fiscal year 1970. I dislike to see the Government lose that revenue at this time; but I believe, first, that it can be offset by reductions in spending, and second, that the advantage gained by keeping faith with the people will be more important than maintaining the tax.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I wish I could share the optimism of my friend from Virginia about making good this loss of revenue by a reduction in expenditures. I am afraid, however, that the realities do not substantiate what the Senator has said.

It is very easy to talk about expenditure reduction, but we simply do not have enough votes to achieve that expenditure reduction. We have to face up to the reality of the way appropriations are going in this session. They are going up, and not down.

I should like to make a comment about the failure of the surtax to do anything about inflation. Mr. President, 2 years ago, before the Joint Economic Committee, we had testimony from many of the leading economists in this country. To a man, they indicated the desirability of a blend of an increase in taxes and a reduction in expenditures. Upon interrogation, they agreed that the increase in taxes would have only a delayed impact on inflation, and the reason, of course, is quite obvious: People who have a higher tax bill, who want to make purchases, will go into their savings accounts and make those purchases, and it will not be until some months or possibly even a year or two later that the impact of that tax increase will be felt, as far as inflation is concerned.

On the other hand, they testified unambiguously that a reduction in Federal spending would have an almost immediate impact. It is tragic that inflation has continued. I do not think anyone in this country, any economist, expected to have the results of the \$25 billion deficit continue as long as they have. It was the first time in our country's history that we had a comparable economic situation.

I think it may not satisfy people to say that if we had not had a surtax, inflation would have been worse, but economists will tell you it would have been worse.

For the sake of coming out with a reasonable balance between expenditures and revenue, I think it would be tragic to subtract from the income of the Treasury \$2 to \$3 billion in revenue by adopting the Byrd amendment. I share the Senator's concern about spending, and I have done my share of voting to reduce appropriations. But the fact is that we do not have the votes to do it, and in that climate, I think we have to recognize that we simply must insure the revenue to the Treasury, if we do not want to have more inflation and higher interest rates.

Mr. BYRD of Virginia. Mr. President, I admit that if the surtax is eliminated, it will make the budgetary choices ahead

of us more difficult. However, I feel that we must undergo necessary discipline. We must control spending.

In the long run, controlled spending and not repeated extensions of tax increases will best combat inflation. The surtax is put on as a temporary tax. And it is fast becoming a permanent tax.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of Virginia. Mr. President, I feel it is important that Congress keep faith with the people. This tax was put on as a temporary tax. It automatically expired last fall. It has been extended once. It is now proposed that it be extended again.

We have heard overtures that it may be necessary in the views of some people to extend it beyond next June 30.

I think it is important to eliminate it now, if we are to keep faith with the people who have become cynical about Government, because we tell them one thing and subsequently do something else.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, earlier this year I took the position that I would oppose extension of the surtax, particularly if the extension were not accompanied by meaningful tax reform.

This was my reasoning.

First, there is no indication that the surtax has been effective in slowing the climb in prices.

And second, a 10- or 5-percent increase on top of an inequitable tax system would increase existing inequities.

For example, the October 20 edition of U.S. News & World Report carried the report that in 1967, 399 individuals whose incomes totaled \$185 million paid no Federal income taxes. Five percent of nothing is still nothing.

Today we vote on ending the surtax this year. I will vote to end the surtax for the same reasons I opposed its extension this spring. It still has not been proven that the surtax is an effective anti-inflationary tool.

And we have yet to enact tax reform.

If after we have completed work on tax reform and tax relief provisions of this bill there is a considerable loss of Federal revenues, I might then reconsider my vote on the surtax. However, such reconsideration will be based on the degree of tax reform and the nature of tax relief. Certainly, the major portion of tax relief should flow to those who can least afford to carry the present tax burden.

And finally, any reconsideration of the surtax will also depend on whether a case can be made that the surtax is vital to the effort to stem rising prices.

RELIEF FOR THE AVERAGE AMERICAN TAXPAYER

Mr. DODD. Mr. President, I support the amendment offered by the Senator from Virginia, and I do so without hesitation.

We have heard a great deal of talk about the need for the extension of the surcharge to combat inflation. I am very aware of this spiraling inflation which

has plagued our economy for such a long time. I feel, however, that there are other ways to handle inflation without imposing a surcharge across the board.

We all know what is wrong with our tax system, and it is up to this Congress to correct the flagrant abuses and inequities which have existed for so long.

We all know that the very poor do not really have a tax problem, and the very rich can, as we well know, take care of themselves.

But what about the average man, the one who works for his living, the one who has been the chief source of our tax revenues for years?

This is the man I am worried about, middle American or whatever you want to call him. I am worried about him, but more than that, I think we owe him something.

Therefore, Mr. President, I cast my vote in favor of repealing this 5-percent surtax.

The average American has long been carrying a disproportionate share of the burden, and it is high time that Congress showed an interest in giving him some relief.

I shall continue to vote on this tax bill in support of all measures which will provide this essential relief for the average American taxpayer.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment by the Senator from Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUE (after having voted in the negative). On this vote I have a live pair with the distinguished Senator from Texas (Mr. YARBOROUGH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. COOK (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Kentucky (Mr. COOPER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN),

and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH), are absent on official business.

I further announced that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

On this vote, the Senator from Wisconsin (Mr. NELSON) is paired with the Senator from North Carolina (Mr. ERVIN). If present and voting, the Senator from Wisconsin would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Idaho (Mr. CHURCH) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from Idaho would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. GOODELL), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Kentucky (Mr. COOPER) have been previously announced.

The result was announced—yeas 28, nays 49, as follows:

[No. 159 Leg.]

YEAS—28

Allen	Hartke	Moss
Bible	Hatfield	Pastore
Burdick	Hollings	Proxmire
Byrd, Va.	Hughes	Russell
Cannon	Jordan, N.C.	Spong
Dodd	Magnuson	Talmadge
Eastland	McCarthy	Williams, N.J.
Fong	McGovern	Young, Ohio
Gore	Metcalf	
Hart	Montoya	

NAYS—49

Aiken	Gurney	Pell
Allott	Hansen	Percy
Anderson	Harris	Prouty
Bellmon	Holland	Randolph
Bennett	Hruska	Schweiker
Boggs	Javits	Smith, Maine
Case	Jordan, Idaho	Smith, Ill.
Cotton	Long	Sparkman
Cranston	Mathias	Stennis
Curtis	McGee	Symington
Dole	McIntyre	Thurmond
Dominick	Miller	Tower
Eagleton	Mondale	Tydings
Fannin	Murphy	Williams, Del.
Fulbright	Muskie	Young, N. Dak.
Gravel	Packwood	
Griffin	Pearson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Byrd of West Virginia, for.  
Cook, for.  
Inouye, against.  
Saxbe, for.

NOT VOTING—19

Baker	Goldwater	Nelson
Bayh	Goodell	Ribicoff
Brooke	Jackson	Scott
Church	Kennedy	Stevens
Cooper	Mansfield	Yarborough
Ellender	McClellan	
Ervin	Mundt	

So the amendment (No. 287) of Mr. BYRD of Virginia was rejected.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair instruct the Sergeant at Arms to clear the floor of all staff personnel not immediately needed by their respective Senators or the committee handling the bill.

The PRESIDING OFFICER. The Chair instructs the Sergeant at Arms to clear the floor of all personnel not immediately needed on the floor.

The Senator from Texas is recognized.

Mr. YOUNG of Ohio. Mr. President, a point of order. There are sundry persons here who have no business to be here. They are standing around. I ask that the order of the Chair be enforced.

The PRESIDING OFFICER. The Sergeant at Arms will clear the floor of all personnel not immediately needed in the Chamber.

Mr. YOUNG of Ohio. I thank the Chair.

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

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

TAX REFORM

Mr. TOWER. Mr. President, the legislation now before us is so ponderous and complex that it is difficult to avoid becoming bogged down in technicalities, percentages and legal jargon. But we must remember that each line of every one of the 585 pages of this bill has a direct and vital effect on a segment of the American economy. We must remember that very few of the tax provisions in this bill will act in a vacuum, just as very few of the sections of the present tax code act alone. Our tax structure must be viewed as a delicate multi-faceted machine designed, however, imperfectly, to collect the revenues necessary to support our Federal Government. This highly complex machine has many levers, pulleys, and gears, each of which serves to encourage or discourage a specific response from one or more segments of the economy. It is rare that one part of this machine can be adjusted without a reaction in another part. It is equally rare that a change in the tax treatment accorded one industry or group of our economy can be made without affecting another.

Therefore, I must caution all of my

colleagues against over-reaction. In our zeal to adjust the tax machine so that it no longer elicits economic responses which allow 154 men and women to increase their worth by more than \$200,000 a year without paying any Federal tax, we must be careful not to throw the machine so out of balance that it adversely affects the remaining millions of men and women who pay full taxes. Vengeance, however justified, is no substitute for reason where the American economy is concerned.

I would hate to think that all the manpower, thought, and time which has been put into this tax "reform" effort was directed at the infamous 154 which we have heard to much about. I would prefer to think that our purpose here in the Senate is to analyze the existing tax structure and approve changes designed to more equitably distribute the tax burden in accordance with overall economic needs. The emphasis must be placed on equity and the needs of the economy.

It is important that we resist the temptation to confuse equality with equity. The economy of this Nation never has been and, in my opinion, never should be based on the notion that all should share equally in the fruits of the system. Instead, this country has been blessed with an essentially free enterprise system which has made use of a free market system to distribute the goods and services available to each man according to his ingenuity, talent, and effort. I do not think that we would have the most powerful economy in the world today if the goal of our tax laws had been to bring about equality of wealth.

Consequently, I must view with concern the statements of those who claim that the sole purpose of this tax bill must be to close so-called "loopholes" in the tax law. Such statements are attractive at first glance. We must remember, however, that a tax law viewed by one man as a loophole represents for another man a reasonable tax incentive. What appears to be an accident of the tax laws which exists solely to allow a few individuals to unjustly enrich themselves may well be a carefully designed attempt to provide incentive to elicit a specific economic response essential to our national well-being.

Many of the so-called loopholes were not accidents, not clandestine creations of a few legislators who were controlled by so-called "fat cats," but attempts to use the tax laws to stimulate an essential segment of the American economy. None of these incentives ever became law without approval of at least a majority of the Members of Congress. All of them were considered to be in the best interests of the United States.

Mr. President, I will gladly join with my colleagues in an effort to eliminate tax incentives which are no longer needed and to close loopholes which have been so abused as to pervert their original purpose. But where a tax incentive is still needed to bring about a desirable response from a segment of our economy, I will not attack it merely because it is popular to do so or because a few

individuals are benefiting inordinately from it.

In examining a tax incentive, or "loophole" if you will, the test for retaining it must not be whether we can exercise vengeance on individuals who are increasing their wealth under the law. Instead the test should be twofold: first, is the economic response encouraged by the tax advantage a desirable one? If it is, then we must determine whether granting the tax advantage in question is the best way to bring about the response. If it is the best way—that is, if the net gain to the economy exceeds the tax revenue lost as the result of granting the tax advantage by a great enough margin, then it should not be abolished merely because a few individuals profit greatly from it.

That is the test, Mr. President, that I shall apply to all of the tax incentives which are under review in this bill. Since I do not believe that this test was applied correctly to many of the provisions of the tax law dealt with in this bill, I shall have several amendments to remedy that. I will endeavor to submit my amendments for printing well in advance of the time when I shall bring them up so that all of my colleagues will have the opportunity to give detailed attention to the intent and practical effects of my changes.

Mr. President, I am appreciative of the great strain which the Finance Committee was forced to work under. In my opinion, the bill reported out by the committee is a significant improvement over the one which was approved by the other body. But I cannot support the bill as it is now written. Unless we are able to achieve substantial equity for the treatment of some vital segments of our economy which need to be stimulated, I greatly fear that I shall be unable to recommend final passage.

#### AMENDMENTS NOS. 297 THROUGH 300

Mr. President, I have a number of amendments that I should like to submit at this time to be printed. I shall have appropriate remarks to make on them as they are called up. I send these amendments to the desk to be printed.

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

Mr. BYRD of West Virginia. Mr. President, will the Senator from Texas yield?

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President will the Senator from Texas yield without losing his right to the floor?

Mr. TOWER. I yield.

Mr. BYRD of West Virginia. Mr. President, let me say, first, that we may expect two or three more votes today, hopefully.

It is my understanding that the senior Senator from Indiana (Mr. HARTKE) plans to submit two or three amendments and that he wants votes on them today.

Thus, Senators should be placed on notice that there may be two or three rollcall votes yet today.

However, it is expected that there will be no rollcall votes tomorrow.

#### THANKSGIVING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 48.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution from the Senate (S. Con. Res. 48) to adjourn from November 26, 1969, until December 1, 1969, which was in line 4, strike out the period, and insert a semicolon and "and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o'clock noon Monday, December 1, 1969.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

#### TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. MURPHY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. MURPHY. I agree with a great deal that has been said by my distinguished colleague from Texas. I think there is much misdirection in the pending bill. In some areas the stated purpose of the bill has been turned away. There have been some deviations from start to finish.

May I ask my distinguished colleague from Texas how many amendments he sent to the desk just now? I understand the Senator sent more than one to the desk.

Mr. TOWER. Six.

Mr. MURPHY. Six. I thank the Senator. In consideration of the six amendments, would the Senator think that he would agree to a limited time or that the time would be unlimited.

Mr. TOWER. At the moment, I prefer not to agree to a limited time situation because I think when we are dealing with a highly complex issue such as tax reform, Senators should have adequate time to consider it.

Many of our brethren were not aware that we would plunge hastily into voting on amendments, debating on amendments, and agreeing to or rejecting amendments on Monday or Tuesday of this week; but, apparently, it has been determined that we will get right into it. A number of Senators are absent. They are absent because they felt there would not be any major action on this tax reform bill in the early part of this week. Therefore, I think it would be not in the best interests of good legislative procedure to agree to a controlled time situation.

Mr. MURPHY. I agree with my distinguished colleague from Texas that there is a great deal about this bill that should be examined closely. Many Senators have been busy in other committees. In my case, not being a member of the Finance Committee or responsible for the bill, we do have a report which I re-

ceived in my office late on Friday. It is a most complex document as it stands now. The bill is over 500 pages in length. I should like to urge my colleague from Texas that we take the proper time, that since this matter of tax reform has been kept waiting for 12 years, we not rush in now and do a job that we may not be pleased with or proud of when we finish.

Mr. TOWER. I concur with the Senator from California. How many of the 100 Senators have had the opportunity to read the bill, to ponder it in great detail, and digest it? I would suggest that there are not many. I think we need tax reform. We need a complete recodification of what is an antiquated tax structure. But I certainly do not believe that we should act hastily on this measure which might have been devised merely in response to popular whim or a particular economic fiscal monetary situation which happens to exist at this moment.

When we pass tax reform, we will be passing tax legislation that will affect the whole economy of the United States of America for years and years to come. There are some things in the bill that need to be remedied, such as the efforts to make it possible for a few people in this country to go without paying any taxes. I have no sympathy for them. I am the son of a clergyman by way of background. I have never earned a great deal of money, yet I have always felt that I have paid an inordinate tax bill and, therefore, I would not like to see a few people getting off scot free. I think we are running the grave risk of throwing out the baby with the water. We are running the grave risk of destroying the incentives which have made us the greatest industrial power on the face of the earth.

Mr. MURPHY. I have received more mail, more visits, more telephone calls, more telegrams from more people with regard to the tax bill than anything since I came to the Senate.

Coming here as a sort of surprise entry, as it were, from a background of acting on the stage, I received an inordinate amount of mail at the beginning. The mail has been varied. It occurs as a result of the many facets and complexities that go to make up the State which I have the honor in part to represent.

Mr. President, one-tenth of the population of the United States resides in the State of California. I find it hard to find one industry or one group in the United States that is not heavily represented in the State of California.

As I have gone through the bill with people who represent their communities, good, honest people, productive people, leaders in charity activities, people who have taken the lead in building hospitals, museums, and private colleges, they are all concerned and worried. They are frightened, really, as to the result of some of the things that are in this bill, or were in it.

I must say that the members of the committee on this side of the aisle have done a magnificent job, but there is still so much of it. As one of our distinguished colleagues said to me facetiously, "I not

only did not read it; I could not even pick it up."

The tax reform that the Senate enacts at this time will affect the future of this country for many, many years to come. I therefore commend my distinguished colleague from Texas for suggesting that we be not hasty, when we are told that there will be a vote at a time certain, regardless of whether, in the consideration of the majority of this body, it is the proper, the effective, or the safe way to progress.

I think that we should stop and think a little bit. The deliberations of this body are the safeguards for the country. We are supposed to take the time, the trouble, to discuss the issues and to be helpful in debate, and make as certain as we humanly can that the decisions we make will be in the best interests of all the people of this country.

As my distinguished colleague has said, in order to stop some, we may be doing great damage to others who do not deserve any damage, who have been complying with the law completely.

These are among the reasons that have concerned the Senator from California.

I am glad that my colleague from the great State of Texas has spoken out on the matter at this particular time. I hope that as we progress, we will not be rushed, we will not be pushed, we will not be hurried; that we will have time to examine all of these matters carefully; to make certain that they do what we intend, and not that we will come up with some surprises. I think we would do well to take our time and not be rushed in these matters, because this measure is of great importance, and we must not, under any circumstances, disappoint the American people who put their trust in us, in our wisdom and experience, by sending us here as their representatives.

I thank the Senator.

Mr. TOWER. I thank the Senator for his remarks, and wish to associate myself with them. We are supposed to be the world's greatest deliberative body. William S. White, in his book "The Citadel," said the primary function of the Senate is to protect the minority from the precipitate and the emotional tyrannies of the majority. I think that is what we should be engaged in right now.

I think, too, we have for too long thought in terms of a popular myth, that there are two groups in this country, one group called the consumers and another group called the producers. Indeed, every American is both a consumer and a producer, and if we destroy the jobs of a lot of producers by destroying the incentives that make them producers, then we will certainly destroy a lot of consumers in this country. I hope we bear that in mind.

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

Mr. TOWER. I yield.

Mr. HRUSKA. I have listened with interest to the discussion of the Senator from Texas, and find myself in sympathy with the proposition he has stated concerning limitations on debate. When we are faced with a stack of volumes which we see in front of us, when we look at the

printed hearings, when we look at a very complex bill and consider the fact that it made its first appearance on the floor yesterday, it certainly does not seem to be in very good order to limit debate on amendments that are taken up at the present time.

Perhaps they are not particularly complicated in and of themselves, but they fit into a larger pattern, and we do not know yet what that larger pattern is. A Senator has no way of finding out in the discussion what that pattern is.

I would be constrained to consider very deliberately any further requests for unanimous-consent requests to limit debate until we have had time to study the bill, the report, and the hearings, so we know where we are going.

We have not ground out much legislation this year and I know the leadership on both sides of the aisle is a little restive, but that reasoning is small logic for rushing deliberation of legislation that is as important and massive in its impact on the economic and sociological structure of this Nation as the bill we are presently considering.

Mr. TOWER. I agree with the Senator. I certainly, for one, am not one who will agree to controlled time until such time as we have had an opportunity to study the bill. Then perhaps controlled time would be in order, but not until that time.

#### CLEAN AIR ACT—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of November 24, 1969, p. 35526, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. MUSKIE. Mr. President, on July 8 the Senate unanimously agreed to a 1-year extension of the broadened research and demonstration section of the Clean Air Act. Without this legislation the Appropriations Committee would be unable to fund the fuels combustion research efforts which are so vitally needed to achieve control of fossil-fueled powerplants and automobile engines. The House of Representatives passed the National Air Pollution Control Administration budget without funds for this section due to the lack of an authorization.

The conference committee agreed on

an amount 50 percent less than that which was passed by the Senate and which represents a \$26.3 million increase over the House figure. The House committee argued that there was no need to authorize an amount in excess of the administration's budget request. The Senate conferees disagreed and indicated a strong belief that the purpose of an authorizing committee was to indicate program need, not program expenditure. Also, the Senate conferees did not think that the administration's budget request would provide an adequate research investment this year.

Mr. President, across the Nation people have spoken out for air pollution control. The manifestations of public opinion which have occurred in public hearing after public hearing in numerous air quality regions have indicated a growing demand for clean air.

I will speak on this subject in the near future when I discuss implementation of the Air Quality Act. However, suffice it to say that air quality standards are being set. In many regions, plans for implementation will soon have to be developed. Those plans for implementation will depend on the availability of technology, alternative fuels, and other methods of reducing air pollution. Control technology for oxides of sulfur, one of the two pollutants for which standards are being set, other than alternative fuels and low sulfur fuels is not available. It was primarily for this purpose that this section was enacted in 1967.

There is a limited supply of low sulfur coal which will be available in most communities to meet standards now. But a major technological breakthrough will be required to assure compliance with the standards which have been proposed and which meet the Nation's energy demands at the same time.

Mr. President, I understand that those who sell and those who use high sulfur coal are arguing against early implementation of proposed standards for sulfur oxides and are opposing use of low sulfur coal because of costs. They are content to wait until control technology is developed pursuant to this section of the Clean Air Act.

I find this unconscionable and unacceptable. If air pollution control officials in any part of the Nation are in fact not going to require alternative fuels as a means of control and wait for technology to be developed, I would personally urge elimination of this section of the law. Section 104 must not be used as an excuse to delay effective control. Low sulfur coal and alternative fuels must be used during the entire period of technology development.

Another area where more research is needed is in developing alternatives to the internal combustion engine and a more effective means of controlling the existing engine. Too little has been done in this area. The administration has been weak in its response to the need to develop this technology. The automobile industry has been guilty of delay.

I would hope that, with this compromise amount of \$45 million, the President, the Director of the Bureau of the

Budget, and the Secretary of Health, Education, and Welfare would take cognizance of the congressional concern for this program and recognize that \$45 million is not merely a compromise figure, but is a rejection of an inadequate budget request and an insistence on the part of the Congress that additional funds be provided for this program.

Mr. President, today I have sent a letter signed by Senator RANDOLPH and other members of the Subcommittee on Air and Water Pollution requesting the Appropriations Committee to increase the funds for this program this year in order that oxides of sulfur research and motor vehicle pollution control research can proceed at an accelerated pace.

I hope that my colleagues will support me in this request.

I ask unanimous consent that the letter to the Senator from Washington (Mr. MAGNUSON) be printed in the RECORD at this point.

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

COMMITTEE ON PUBLIC WORKS,  
Washington, D.C., November 25, 1969.  
HON. WARREN G. MAGNUSON,  
Chairman, Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, and Related Agencies, U.S. Senate, Washington, D.C.

DEAR WARREN: As you know, the Air Quality Act of 1967 is a far-reaching and critically important measure authorizing major Federal support for a national program of air quality enhancement. Substantial progress is being made toward the implementation of this program. However, our capacity to pollute exceeds our capacity to control pollution. For example, in the absence of control, sulfur oxide air pollution levels will continue to increase for the next ten years.

This situation need not continue. The Air Quality Act of 1967 provided adequate authority to develop necessary technology. However, appropriation and budget requests for that program have been inadequate. In 1969 the Administration requested \$31.3 million for Section 104. Only \$18.7 million were appropriated. For FY 1970 the Administration only requested \$18.7 million for Section 104.

The effect of these reduced appropriations will be continued delay in the development of sulfur oxide and motor vehicle emissions control technology. Standards are now being set by the States under the Air Quality Act for particulates and sulfur oxides, but effective long-term implementation of the sulfur oxide standards may be delayed in the absence of technically feasible control systems.

Senate and House conferees have agreed to authorize \$45 million to carry out Section 104 in FY 1970 but, as mentioned above, the Administration requested only \$18.7 million. The House did not appropriate any funds for this section in the absence of an authorization.

As you know, research and demonstration efforts to control emissions from motor vehicles and to develop alternatives to the internal combustion engine are carried out with Section 104 funds. This effort only received approximately \$4 million in 1969 for new propulsion systems as well as control methods applicable to existing systems. This is obviously inadequate.

During recent hearings before your Subcommittee, Mr. C. C. Johnson agreed with Senator Case on the current status of sulfur oxide control technology: "In other words, we are at a very primitive state of the art here." Air pollution control technologies

must keep pace with the standards setting procedure by the states and the Federal program must be strengthened in this area.

Yet, at this crucial time, the Administration reduced the fiscal 1970 budget of the Consumer Protection and Environmental Health Service by 13 percent, or \$30 million. Environmental quality must become a more important priority. If the Administration does not recognize this need, then the Congress must make up the slack.

Your efforts to strengthen this program by providing adequate funding for research relating to the development of new and improved methods to control fuel combustion by-products will assist in indicating Congressional concern.

We urge you to consider an increase in the Section 104 appropriation to the authorized level of \$45 million, with a directive to emphasize development of sulfur oxide and motor vehicle emission controls technology.

If we can be of further assistance in this matter, please let me know.

Sincerely,

EDMUND S. MUSKIE.  
HOWARD H. BAKER, JR.  
BIRCH BAYH.  
THOMAS F. EAGLETON.  
JOSEPH M. MONTTOYA.  
JENNINGS RANDOLPH.  
WILLIAM B. SPONG, JR.

FUELS RESEARCH IS VITALLY ESSENTIAL IN POLLUTION PROGRAMS

Mr. RANDOLPH. Mr. President, on Thursday, November 20, following the agreement of the House and Senate conferees on S. 2276, I reported the results of that conference to the Senate. The \$45 million which this bill authorizes for research on controlling air pollution from fuels combustion and automobile emissions is needed to fund this fiscal year's appropriation. I reiterate that the amount of the authorization falls short of the actual needs for research funds in this field.

The authorization in this bill should not be considered as a precedent for future action. Next year the Committee on Public Works, through its Subcommittee on Air and Water Pollution, will review fuels combustion research needs and attempts to establish authorizations which realistically reflect them.

I hope that when the subcommittee conducts its hearings in this area next year that the Department of Health, Education, and Welfare will be able to provide a clear statement of its program and schedule for fuels combustion research and for the development of alternatives to the gasoline internal combustion engine as propulsion for the automobile.

All of the projections for the energy needs of the United States in the next two to three decades, and all the projections for automobile production in the near future indicate that the quality of air of the urban centers of the United States will continue to be degraded unless these critical problems of eliminating the pollutants from the combustion of fossil fuels and from automobile emissions are solved. There is no higher priority for research and development in the field of air pollution abatement than this challenge. It is my hope that the executive branch will assume greater initiative in this area. The Congress must act affirmatively.

Mr. MUSKIE. I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARTKE. Mr. President, the expected results of the vote on the surtax amendment of the Senator from Virginia did occur; so now, by virtue of that, we are practically certain we will have a 5 percent surtax continue until at least June 30 of next year, although there is some indication that that will probably not be the end, and I do not anticipate that it will be. If present monetary and fiscal policies continue it will not be the end. Some time about the middle of March, I would imagine, we will find out that the necessity for continuing the surtax beyond June 30 will still be with us.

For that reason, I think it is important that we begin somehow to alleviate some of the financial difficulties in which the States throughout the Nation are now finding themselves.

Thanksgiving is coming this week. I suppose America has a lot to be thankful for. We certainly do. But there are some schoolchildren who are not going to be very thankful, because in many schools throughout the United States the Thanksgiving weekend will be the beginning of a vacation which will continue through Christmas and until January 31 of next year. That is due to the fact that many school districts find themselves without sufficient funds to continue to provide an education for their children.

Probably the State worst affected by this problem is my neighboring State of Ohio. The State of Ohio finds itself in very serious difficulty. The Youngstown schools were closed down last year for a short period, but this year, beginning with the Thanksgiving vacation, many schools will close until after the end of the year.

Frequently, we find it difficult to find a way to make sure that some of the money we collect at the Federal level is provided for use at the local level in the fashion in which we would like to

see it used. President Nixon has repeatedly endorsed a proposal which many of us, including the Senator from New York (Mr. JAVITS) and I, introduced a few years ago, for a tax-sharing plan. Since the primary reason we are continuing the surtax is to fight inflation, and since the money will be collected anyway, I think it would be appropriate that it be used in what would surely be the best fashion possible: to provide a continuing education for these young people, who are not looking forward to the prospect of a prolonged Thanksgiving holiday.

The amendment I propose at this time would provide as follows:

There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated for each of the fiscal years ending June 30, 1970, and June 30, 1971, to each State, to be used by such State for elementary and secondary educational purposes only, an amount equal to the Federal tax collected in such year from taxpayers in such State as a result of the tax surcharge extension under this section.

I send the amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HARTKE's amendment to the committee amendment is as follows:

On page 410, between lines 12 and 13, insert the following:

"(d) (1) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated for each of the fiscal years ending June 30, 1970, and June 30, 1971, to each State, to be used by such State for elementary and secondary educational purposes only, an amount equal to the Federal tax collected in such year from taxpayers in such State as a result of the tax surcharge extension under this section.

"(2) The Secretary of the Treasury shall, on or before October 1, 1971, and October 1, 1972, pay to each State the amount authorized to be appropriated to such State pursuant to paragraph (1) of this subsection for the preceding fiscal year.

"(3) For the purposes of this subsection the term 'State' includes the District of Columbia."

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, there is no need to refer to the second part. It is a very simple proposition. There is no question but that the educational resources of this Nation are severely strained. The foundations of our public school system are crumbling right and left, principally because interest rates are going out of sight, and will go still higher. As my distinguished friend from Ohio (Mr. SAXBE), whom I see in the Chamber, well knows, there will be a long Thanksgiving holiday in the State of Ohio, and there is no way under the law, at the present time, that they can find any economic way of getting themselves out of this financial bind.

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

Mr. HARTKE. I am happy to yield.

Mr. HANSEN. Do I understand the intent of the Senator's amendment to be that there shall be appropriated, on a 2-year basis, for the fiscal years ending in 1970 and 1971, an amount equal to the surtax collections from January 1 to June 30, 1970, assuming that this extension is authorized and does become law, and that this amount of money could go back to the States in the proportion that the individual income taxes of citizens of that State reflect a proportion of the total?

Mr. HARTKE. That is right.

Mr. HANSEN. As I further understand the Senator, then, what his amendment would do would be to use up all of the money that would be raised through the 5-percent surtax extension the first half of next year, assuming that it does become law, to go back to the States for the support of elementary and secondary education?

Mr. HARTKE. It provides that the funds collected as a result of the extension of the surtax shall be returned to the States on a tax-sharing basis in accordance with the principle endorsed by the President, which he preached during his campaign, and with which I am fully in accord, that it would be returned to the States on a tax-sharing basis. This would be an approach which would take only the moneys collected as a result of the surtax extension—nothing collected prior to December 31 of this year.

Mr. HANSEN. Is it the Senator's opinion that in all of the 50 States this is the most urgent and pressing need that the States have for tax funds?

Mr. HARTKE. It is not my opinion alone. The educational costs of most States are so oppressive that local communities are finding it very difficult to keep their schools open. In my own State of Indiana, the property tax is skyrocketing to the extent that in many communities it is being doubled, solely because of the increased cost of education.

The educational costs in many communities are now equal to or exceed all other governmental expenses combined.

Mr. HANSEN. Is it the Senator's opinion that if this money were appropriated back in the fashion he prescribes, there would be a corresponding reduction in the levying of school taxes?

Mr. HARTKE. I would hope that those areas which are, at the present time, finding themselves in such a financial bind, would, as a result of this allocation of Federal funds to State and local communities, find it possible not to increase their local taxes in the fashion in which they are being increased at the present time.

Let me make it perfectly clear, this is in accord with the basic approach the President has suggested, with a no-strings-attached basis, and it would not require that type of action. As a matter of fact, I would anticipate that in the State of Ohio, for example, what they would do is keep their schools open instead of closing them down, as they are going to be doing Wednesday afternoon of this week. Instead of reducing taxes,

they would probably have the children going back to school; and I can think of nothing we could utilize this surtax fund for which would be a better expenditure of the money.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. MURPHY. I am very much interested in the Senator's suggestion. I share an idea with the Governor of my State along the lines of which the Senator speaks. There is, however, one difference. The Senator would provide for the funds to be taken to the Federal Treasury, and returned to the States. I wonder if my distinguished colleague has considered the possibility of a fraction—let us say 1 percent—not being taken, but remaining in the State, and thereby saving the brokerage fee, which I understand is nearly 40 cents on the dollar, to send the money to Washington and get it back again. Has my distinguished colleague considered that as a possible adjunct to his suggestion?

Mr. HARTKE. I think the Senator from California is exactly right in his percentage. We looked it up about 4 years ago, when the Senator from New York (Mr. JAVITS) and I offered a measure exactly paralleling the idea the Senator from California is presently expressing.

However, we are faced with a different situation today. That has not been suggested from any source that has been able to propel it through Congress. I think the initiative should come from Congress, and I am doing the best I can to provide the beginning of a tax sharing program. I think it would be well worthwhile, and the funds would come from an area in which there is a regressive form of taxation on the people themselves. That is, the 5-percent surtax, by any standard, is a regressive form of taxation. Therefore, all I am saying is that since it is on the books, and since the Senate has decided to continue it at least through June 30, this would be a worthwhile forward step, and certainly would help provide alleviation for the type of financial stress that many school districts find themselves in today.

Mr. MURPHY. I thank my distinguished colleague.

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

Mr. HARTKE. I yield to the Senator from Colorado.

Mr. DOMINICK. I shared the reluctance of many Senators, I think, in voting against the amendment of the Senator from Virginia not to extend the surtax. I finally voted against it, upon the basis of the fiscal problems we have. I know that the Senator from Indiana supported the Byrd amendment.

The problem with the Senator's amendment, as I see it, is that what he is doing is the same thing that he has done before, namely, keeping the surtax money in the State, except that under his system, the brokerage fee would be taken out for collecting it and returning it; is that not a fact?

Mr. HARTKE. Mr. President, it depends upon what the Senator means. If the Senator has any other proposal to

keep these school systems open which is available—other than for this Thanksgiving Day weekend—I would be in agreement.

I would like to keep the children in school in November and December until Santa Claus comes. And I would like to see this done now.

I do not believe that the Senator from Colorado can present any plan which has any hope of success whatever in view of the tremendous financial peril which the local communities are experiencing at the moment.

One of the reasons that the Finance Committee changed the position of the House in the pending bill, as the Senator well knows, on the question of the taxation of municipal bonds is the fact that school bonds were not selling anyway at any price. They were being rejected out of hand in practically every referendum that had been submitted to the people throughout the Nation.

As far as this provision is concerned, talking about brokerage fees, I want the Senator to know that the parents of the children in our elementary and secondary schools would rather pay a little brokerage fee than to have them out of school.

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

Mr. HARTKE. Mr. President, I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the Senator and I are cosponsors of an amendment which will be offered on tomorrow. The intention of the amendment is to benefit higher education. I am a member of the Education Committee. I supported the request that additional money be appropriated.

I do not think that I am behind the Senator from Indiana, not very far behind, anyway, in my support of the schools. My questions were designed to be of help and not harm.

I gather what we are saying here—and I am trying to find out what the net effect of it is—is that we are to collect the money from the States and give it back to them after deducting the costs of collection and redistribution.

Mr. HARTKE. Mr. President, the fact is that there is no way to give it back. We must find some other way. If the Senator can find any other way to do this, I will be glad to modify my amendment.

The Senator from Colorado has been a leader in the field of education, and he cannot be criticized in this respect. However, quite obviously we are not taking the money from a State or States and giving it back to the same ones. The money will come from the corporate individual taxpayer. He will pay it to the Government. The Government will allocate it to the States for the use of elementary and secondary school purposes.

Mr. DOMINICK. The only problem I find with this concept, which I think would ordinarily be rather reasonable, is the fact that it does not take account of the respective loss to the States and the need of the States for these funds. I find this problem troublesome.

Mr. HARTKE. Mr. President, I find

the same difficulty. There is no question that we must have some relief from the tremendous overburden with respect to the financial circumstances that the individual school communities find themselves in.

This is one way to provide that kind of relief in an effective manner.

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

Mr. HARTKE. I yield.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator if this provision which is the authorizing provision for the support of education, has come out of a Senate committee that has jurisdiction.

Mr. HARTKE. It has not come from any committee whatever. It has not been considered in any committee that I know of. I am not a member of the Education Committee. I am a member of the Finance Committee. It was not considered in the Finance Committee.

The Senator from Virginia and I did what we could. I offered an amendment to do away with the surtax entirely. It was defeated. The same amendment was defeated on the floor by a vote of about 49 to 31.

Failing in that effort, if we are to have a surtax, I think this is one method to approach a very significant deficiency in our elementary and secondary schools.

Mr. HOLLAND. Mr. President, I regret that there is a problem in the State the Senator mentions and perhaps in other States with reference to the support of education. However, I happen to know that problem does not exist everywhere.

I think that the effort of the distinguished Senator would attempt to deal with this problem as if it were general and existed in every State.

Mr. HARTKE. Mr. President, I think that the facts will show—and I do not think there is any reason that this can be disputed—there is not any question about it. If the Senator from Florida means that the schools are not going to close over the holidays in every State, I would agree.

If the Senator means to say, however, that elementary and secondary education has not had the sharpest increases in cost in local communities, I would disagree. They have not only had the sharpest increases, but have also had the largest increases percentagewise in the last few years, more so than in any other part of local government.

Mr. HOLLAND. Mr. President, I think the Senator is correct in that general conclusion. However, I think that the authorizing bill reported by the appropriate committee adequately takes care of that.

The Senator will recall that there was a distinct difference of opinion in the Senate as to whether it had surpassed the means of the average school and had gone very much beyond the appropriation needed for the local schools.

Mr. HARTKE. Mr. President, I remember that we had a bill. However, I do not feel that we are doing all that needs to be done for the education of the children of this country. Quite the contrary. I know that my wife taught school in 1943 in a building which was sup-

posed to be condemned. That building is still in use.

This is not an exception. There are some mighty fine institutions. However, talking about the physical condition of buildings and equipment being used in the major cities, especially in the core part of the cities, it is not only disgraceful for such a condition to exist with the wealth that our Nation reportedly has, but it also makes a big contribution to the difficulty existing in the ghettos and the slums. It is contributing to the reasons why we have so much social unrest and crime in these areas.

Mr. HOLLAND. Mr. President, I am like the Senator from Colorado in that I am one of those who voted reluctantly against the amendment offered by my distinguished friend, the Senator from Virginia. I voted against my own interest, as did other Senators, by a sizable majority, because we will all have to pay the surtax. However, I did so because I wanted to bring about a fiscally responsible situation in the Nation, as I see it, for the approaching year and for the critical time lying ahead.

It seems to me that the distinguished Senator would want to put us in a position, having voted for that laudable objective, of turning around and voting today to take money out of Uncle Sam's pockets and put it in various States proportionately, some of which States undoubtedly need it and many of which undoubtedly do not need it.

I am sorry, but I cannot support the Senator's amendment because it seems to me that it would undo exactly what we were trying to do in voting down the very appealing amendment offered by my distinguished friend, the Senator from Virginia, and supported ardently by my friend, the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I point out to my distinguished friend, the Senator from Florida—and the chairman of the Finance Committee is here and he will agree—that the basis of fiscal responsibility was seldom mentioned by any Government official who testified before the Finance Committee. I asked them at length. I was there and listened to them. The sole basis advanced for the surtax extension was that it would fight inflation.

That was all they said. Herbert Stein, Governor of the Council of Economic Advisers, considering the whole matter of the effect of the surtax, said that it might be inflationary.

This is a remarkable statement to come from a member of the administration. It seems to me that he said he did not clear it with the President. The people who have been making the argument that it is not fiscally responsible as it concerns the budget have been members inside the committee, but the statements have been conceived by the administration. The administration says the sole need of the surtax is to fight inflation. They say they expect that by June 30 of next year the inflationary spiral will be calmed down and it will not be needed for this purpose. Since that is true, and they will have the inflation under control, I say let us use it for a purpose which is

worthwhile—that is, to provide for continued education for young people.

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

Mr. HARTKE. I yield.

Mr. SAXBE. The Senator from Indiana has mentioned several times the fact that in Ohio, schools are closing that would be affected by this, and it is true that there are nine schools that will close after the Thanksgiving holidays, and probably will not reopen until they get money for the next year. But I am afraid that the effort made here would not necessarily help them, because the problem is this: The school foundation in Ohio requires a certain millage to be levied at the local level, and these are not passing their operating levies and thereby do not qualify for the State distribution.

There are several problems that cannot be solved this easily. One of them is that valuations differ on real estate from county to county. Another problem is that there is no uniform rate of taxation. Here is one school district paying 20 mills on the valuation on an operating levy and having good schools and getting the State support, doing all right, and paying its teachers. Another one over here is only willing to vote itself 10 mills and is barely getting by; and here is another one not voting anything and not qualifying for State aid.

I admit that a State must do something at this level. They should have uniform statewide tax levy and uniform valuation. But to channel this money at the present time, we have the confused situation at the State level, and that would not solve it. It would have to be done at the other end, whereby we have the States complying with the uniform valuation and the uniform levy, and then the Federal Government could come in, knowing that all the political subdivisions are paying the same on schools, and help the needy school districts and not just across the board.

Mr. WILLIAMS of Delaware. Mr. President, I shall just take a moment.

I point out that the adoption of this amendment, in addition to creating confusion in the educational programs as approved by Congress by providing for just a short time an extra \$3 billion, would create a further deficit of the Federal Government by three and a quarter billion dollars. Certainly we do not have the money to pay for it.

As I pointed out earlier, whether we like it or not we are confronted with the necessity of presenting a balanced package and at least trying to restore some degree of fiscal sanity to this Government. That cannot be done as long as we perpetuate the policy of operating at a deficit of approximately \$500 million a month, and if this amendment is adopted it will add another quarter of a billion dollars a month to the deficit spending. This amendment should be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from North Carolina (Mr. ERVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Minnesota (Mr. McCARTHY) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE) and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The result was announced—yeas 8, nays 74, as follows:

[No. 160 Leg.]

YEAS—8

Allen	Hartke	Mondale
Cannon	Hughes	Young, Ohio
Gravel	McGovern	

NAYS—74

Aiken	Gore	Packwood
Anderson	Griffin	Pastore
Baker	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Harris	Percy
Bible	Hart	Prouty
Boggs	Hatfield	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hollings	Russell
Byrd, W. Va.	Hruska	Saxbe
Case	Inouye	Schweiker
Cook	Javits	Smith, Maine
Cotton	Jordan, N.C.	Smith, Ill.
Cranston	Jordan, Idaho	Sparkman
Curtis	Long	Spong
Dodd	Magnuson	Stennis
Dole	Mathias	Symington
Dominick	McGee	Talmadge
Eagleton	McIntyre	Thurmond
Eastland	Metcalf	Tower
Ellender	Miller	Tydings
Fannin	Montoya	Williams, N.J.
Fong	Moss	Williams, Del.
Fulbright	Murphy	Young, N. Dak.
Goodell	Muskie	

NOT VOTING—18

Allott	Goldwater	Mundt
Bayh	Jackson	Nelson
Brooke	Kennedy	Ribicoff
Church	Mansfield	Scott
Cooper	McCarthy	Stevens
Ervin	McClellan	Yarborough

So Mr. HARTKE's amendment was rejected.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, it had been hoped earlier that we would be able to have another vote this afternoon, but I am now informed that several Senators have appointments at the White House within the next 30 or

40 minutes. Therefore, there will be no more rollcall votes today.

We expect there will be laid before the Senate an amendment by the able senior Senator from Louisiana (Mr. ELLENDER), which will be made the pending business. There may be discussion on the pending amendment today, and tomorrow there will be a further discussion of it. Also, there will be discussion on the amendment to be proposed by the able senior Senator from Tennessee (Mr. GORE). Therefore, there will be no further rollcall votes today. There will be no rollcall votes tomorrow. There may be voice votes tomorrow.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I think that Senators should be advised of that. There may be some amendments agreeable to the committee, the ranking minority member, the chairman, and members of the committee. Tomorrow is a good day to dispose of them.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. Thus, Senators should be apprised and given notice that action may take place tomorrow although we do not expect any rollcall votes. I feel that to protect all our colleagues who may wish a rollcall vote, that we should give them notice.

Mr. BYRD of West Virginia. Yes, I am glad the Senator from New York has emphasized the fact that we may have action on amendments tomorrow by voice votes but if any Member insists on a rollcall vote, then a rollcall vote will be put off until Monday next.

#### AMENDMENT NO. 290

Mr. ELLENDER. Mr. President, I call up my amendment No. 290 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 335, line 10, strike out "23 percent" and insert "27½ percent".

Mr. ELLENDER. Mr. President, the purpose of the amendment is to retain the present 27.5-percent oil depletion allowance. I know that the leadership has just announced that there will be no vote on this amendment until next Monday.

I hope to discuss it tomorrow.

Mr. GRIFFIN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. GRIFFIN. So that Senators will know that there will be a rollcall vote on the Senator's amendment on Monday next, I ask for the yeas and nays on the amendment at this time.

The yeas and nays were ordered.

#### AMENDMENTS NOS. 305 THROUGH 309

Mr. JAVITS. Mr. President, I send to the desk a series of amendments for printing under the rule and ask unanimous consent that the text of each amendment, together with a brief explanation, may be made a part of my remarks.

The PRESIDING OFFICER. Without objection, the amendments will be received and printed, and will be on the table.

Mr. JAVITS. Mr. President, the first amendment relates to an annual report to be called for from the Secretary of the Treasury which will give us an idea, which we seemingly lack, of what will be the revenue loss of the various provisions of the income tax code relating to exclusions, deferrals, and other types of special treatment usually found in our income tax laws.

The amendment reads as follows:

The following new section is to be added at the end of the bill:

#### "SEC. —. INFORMATION TO BE INCLUDED IN SECRETARY'S ANNUAL REPORT.

"(a) REVENUE LOSSES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the losses in revenues for the fiscal year for which such report is submitted which result under the provisions of subtitle A of the Internal Revenue Code of 1954 and other laws of the United States from—

"(1) the exclusion of items of income for purposes of the taxes imposed by such subtitle,

"(2) the deductions allowed under such subtitle,

"(3) the deferral of the imposition of the taxes imposed by such subtitle, and

"(4) such other special tax provisions in such subtitle or in other laws of the United States as the Secretary considers appropriate to carry out the purposes of this subsection.

The Secretary shall include in such report only those revenue losses which in his judgment are significant and can be ascertained with reasonable accuracy.

"(b) TAX EXPENDITURES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the indirect expenditures made and to be made by the Government through the application and operation of the Federal income tax laws for the fiscal year for which such report is submitted and for the succeeding two fiscal years. Such indirect expenditures shall be related, insofar as possible, to budget outlays as set forth in the Budget of the United States Government for the same fiscal year for which such report is submitted. Such indirect expenditures shall be based on the revenue losses described in subsection (a), but, for purposes of this subsection, such losses may be qualified in such manner as the Secretary considers appropriate to carry out the purposes of this subsection."

Mr. JAVITS. Mr. President, my second amendment allows an additional \$600 exemption to the disabled to compensate for their need for extra expenses for transportation to and from work.

This is an amendment I have proposed before. It provides similar treatment for other handicapped as we presently provide for the blind.

From the body of information and according to the support which has now developed, I hope very much that the amendment—the idea whose time has finally arrived—will be adopted. This is not a great money item but a humanitarian one.

(The amendment reads as follows:)

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

#### "SEC. —. COMMUTING EXPENSES OF DISABLED TAXPAYERS; ADDITIONAL PERSONAL EXEMPTION.

"(a) COMMUTING EXPENSES.—

"(1) ALLOWANCE OF DEDUCTION.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

#### "SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK.

"(a) GENERAL RULE.—In the case of a disabled individual, there shall be allowed as a deduction expenses paid during the taxable year for transportation to and from work to the extent that such expenses do not exceed \$600.

"(b) DISABLED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "disabled individual" means an individual who is blind (as defined in section 151 (d) (3)) or who has lost or lost the use of one or more of his extremities to such an extent that he is unable during the entire taxable year to use, without undue hardship or danger, a streetcar, bus, subway, train, or similar form of public transportation, as a means of traveling to and from work. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

"(1) if the taxpayer is a veteran with a service-connected disability, a certification from the Veterans' Administration that his disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that he is a disabled individual for purposes of this section; and

"(2) in any other case, a certification from the United States Public Health Service or any local office thereof that the taxpayer's disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that he is a disabled individual for purposes of this section."

"(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out

"Sec. 218. Cross references."

and by inserting in lieu thereof the following:

"Sec. 218. Transportation of disabled individual to and from work.

"Sec. 219. Cross references."

"(b) ADDITIONAL EXEMPTION.—

"(1) IN GENERAL.—Section 151 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) ADDITIONAL EXEMPTIONS FOR DISABILITY.—

"(1) FOR TAXPAYER.—An additional exemption of \$600 for the taxpayer if he is a disabled individual.

"(2) FOR SPOUSE.—An additional exemption of \$600 for the spouse of the taxpayer if the spouse is a disabled individual and if the taxpayer is entitled to an exemption under subsection (b) for such spouse.

"(3) DISABLED INDIVIDUAL DEFINED.—The term "disabled individual" means an individual who during the entire taxable year of the taxpayer has a loss or loss of use of one or more of the extremities. A taxpayer claiming a deduction under this subsection shall submit such proof that he (or his spouse) is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

"(A) if such individual is a veteran with a service-connected disability, a certification from the Veterans' Administration that the disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof

that such individual is a disabled individual for purposes of this section; and

"(B) in any other case, a certification from the United States Public Health Service or any local office thereof that such individual's disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section."

"(2) CONFORMING AMENDMENTS.—

"(A) Paragraph (1) of section 3402(f) (relating to withholding exemptions) is amended by adding at the end thereof the following new subparagraph:

"(G) one additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f) (1) (relating to the disabled) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit."

"(B) Subparagraph (D) of such paragraph (1) is amended by striking out '(C), or (F),' and inserting in lieu thereof '(C), (F), or (G)'."

"(C) Subparagraph (E) of such paragraph (1) is amended by striking out 'and' at the end thereof."

"(D) Subparagraph (F) of such paragraph (1) is amended by striking out the period at the end and inserting in lieu thereof '; and'."

"(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) (1) shall apply only to taxable years ending after the date of the enactment of this Act. The amendments made by subsection (b) (2) shall apply only with respect to payments of wages made after the date of the enactment of this Act."

Mr. JAVITS. Mr. President, I hope very much that the committee will consider very seriously the acceptance of my amendment.

The bill itself gives certain special consideration to housing erected under special Federal programs for low- and moderate-income families, through a no tax on sale incentive to the sale of such projects to participating tenants or non-profit entities.

The amendment I offer would extend the same treatment to housing projects constructed under State and local laws similar to the Federal programs. We have such a program in New York, financed by State bond issues, combined with local tax abatement. There are similar programs in Massachusetts, Connecticut, New Jersey, Michigan, and Illinois. The criteria of the amendment are sharp enough so that the incentive would not be available in projects other than those contemplated by the provisions which the committee has already made part of the bill.

(The amendment reads as follows:)

On page 536, line 12, delete line 12 through and including page 537, line 8, and insert in lieu thereof the following:

"(1) Qualified housing project—the term 'qualified housing project' means a project to provide rental or cooperative housing for lower income families—

"(A) with respect to which a mortgage is insured under sections 221(d) (3) and 236 of the National Housing Act or is financed under similar provisions of State and local laws, and

"(B) with respect to which the owner is, under such sections, provisions or regulations issued thereunder—

"(i) limited as to rate of return on his investment in the project, and

"(ii) limited as to rental or occupancy charges for units in the project."

"Provided, That with the respect to housing projects financed and constructed under similar provisions of State and local laws and Secretary of Housing and Urban Development shall certify that such projects are 'qualified' under the terms of the definition contained in this subsection.

"(2) Approved disposition—the term 'approved disposition' means a sale or other disposition of a qualified housing project to the tenants or occupants of units in such project, or to a cooperative or other nonprofit organization formed solely for the benefit of such tenants or occupants, which sale or disposition is approved by the Secretary of Housing and Urban Development under sections 211(d) (3) and 236 of the National Housing Act or regulations issued under such sections or is approved by appropriate State or local public agencies under similar provisions of State and local laws or regulations issued under such law."

Mr. JAVITS. Mr. President, I am hopeful that the Treasury will look with favor on the foregoing amendment.

The second amendment which I offer deals with the question of cooperative housing projects. The advantage of a cooperative is that the tenant can deduct from his income tax return his share of the interest and the taxes. In order for individual tenant-shareholders in cooperatives to qualify for this tax deduction, there is an 80-percent test—that is, 80 percent of the cooperative income must be attributable to these individual tenant-shareholders. In many cooperatives, we have a situation where some of the income is attributable to public housing agencies which purchase shares in order to sublet apartments in the building to low-income families.

The purpose of my amendment would be to allow this kind of ownership in a cooperative, while still permitting individuals to take their deductions—even if the cooperative does not meet the 80-percent test as a result of this public activity. The Treasury Department expresses a favorable attitude on this amendment, and I hope very much that the committee may find it possible to accept the amendment.

(The amendment reads as follows:)

On page 546, line 12, at the end of section 914 add a new section 915 to read as follows:

"Sec. 915. Section 216(b) (2) is amended to read as follows:

"(2) TENANT-STOCKHOLDER.—The term 'tenant-stockholder' means—

"(A) An individual,

"(B) The United States, its possessions and territories, a state or any political subdivision thereof, or any agency or instrumentality of the foregoing empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities, or

"(C) A church or convention or association of churches, an educational organization referred to in section 503(b) (2), or a hospital referred to in section 503(b) (5), empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities,

who is a stockholder in a cooperative housing corporation, and whose stock is fully paid-up in an amount not less than an amount

shown to the satisfaction of the Secretary or his delegate as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such person is entitled to occupy."

Mr. JAVITS. Mr. President, finally, I submit an amendment which relates to section 331 of the Internal Revenue Code, the main question involved is the retroactivity of the Senate Finance Committee amendment which relates to tax free redemption of stock by corporations in exchange for appreciated property. The committee has made the operative date October 9, 1969, but because of the failure of the committee press release to indicate that this applied to corporations generally prevented most everyone from knowing that this applied to them until the bill was explained in the committee summary on November 18.

I am hopeful that the committee may find it appropriate to set the date at the date the bill was presented—when the public was generally informed of it—that is on November 18, 1969.

(The amendment reads as follows:)

On page 524, line 11, delete: the date "October 9, 1969," and insert in lieu thereof the following: "November 18, 1969."

Mr. JAVITS. Mr. President, there is one other amendment on the foundation question, which I believe is extremely important. I have been closely identified with this area as this bill has been under consideration, but I will present and explain that tomorrow.

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

The PRESIDING OFFICER. The Chair informs the Senator from Tennessee that there is a pending amendment now at the desk.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. GORE. Is the amendment to be voted on today?

The PRESIDING OFFICER. No. The yeas and nays have been ordered on the amendment and it will not be voted on today or tomorrow.

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

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

#### BIOLOGICAL WEAPONS AND GENEVA PROTOCOL

Mr. PELL. Mr. President, President Nixon today has taken a major step toward relieving the world of the fiendish horrors of biological warfare.

I wholeheartedly commend the President for his decision to eliminate our stockpile of biological weapons and to submit the Geneva protocol to the Senate

for ratification, two actions which I have urged in the past.

#### HIGH COST OF FUNERALS

Mr. PELL. Mr. President, I have long been disturbed at the tremendous expenses families incur at times of death.

I realize that most funeral directors are kind, conscientious men and believe that in Rhode Island we have a particularly responsible and thoughtful group.

I was, nevertheless, struck by the articles written by Mr. Michael Madden, which appeared in the Providence Journal of November 2 and 3, pointing out that even in my own State, it is a pretty expensive business when one dies.

In this connection, I ask unanimous consent that the two articles, entitled "Cost of Dying in Rhode Island Spirals Upward," and "Cemeteries Boost Cost of Dying," may be inserted in the RECORD at this point.

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

[From the Providence (R.I.) Journal, Nov. 2, 1969]

#### COST OF DYING IN RHODE ISLAND SPIRALS UPWARD

(By Michael Madden)

The funeral director tapped his fingers lightly on the side of the gray metallic coffin on display in the well-lit and thickly-carpeted "selection room" of his Pawtucket funeral home and said, "Don't buy this."

"It's nothing but a tin can," he remarked. "You wouldn't want to be walking up the steps of the church and have the bottom drop out of it. You'd be better off by getting something sturdier," he advised as he moved on to a more expensive casket.

Lying conveniently by the side of the more expensive casket was a hand-size plastic card with sliding panels that detailed the better construction and attractive features of the more expensive brand.

The funeral director picked it up, slid the panels back and forth and said, "It's like buying an automobile. You can get extras but you only get what you pay for."

The "extras" on the more expensive casket were such things as sturdy innerspring, more ornate fabric on the interior, a thick-gauge coated steel exterior and a device that hermetically seals the casket.

There were no prices on any of the approximately dozen caskets on display in the "selection room." Asked how much the "tin can" cost, the undertaker consulted a piece of paper in his hand and quoted a price of \$225. The sealed casket's price was \$1,095.

About 9,000 times a year, friends and relatives of dead Rhode Islanders enter the "selection rooms" of funeral homes to pick out a casket. More often than not, they pay prices substantially higher than those of the Pawtucket funeral home.

Although there are no statistics on Rhode Island funeral costs, indications are that Rhode Islanders pay somewhat more than \$1,000 for the average casket and services of a funeral home.

And this is only a portion of the total cost to prepare and bury the dead. Added to this are expenses for such items as church services, the cemetery plot, "opening and closing" the grave, a grave liner or vault, a monument or marker, flowers and numerous incidentals.

Indeed, a survey of the Providence area in recent weeks has disclosed that an average funeral, with an average grave and an average-size headstone for a person of average income costs in the vicinity of \$2,500.

For many persons, the cost of caring for a dead relative represents the third largest expenditure in their lifetime behind houses and automobiles.

Many times, relatives incur a substantial debt in dealing with funeral homes, cemeteries, monument markers and florists. Months, and even years, are spent paying off these bills.

For others, benefits of insurance policies, intended in most cases to ease the financial burden of the living, are spent to pay for disposal of the dead.

Yet, despite these expenditures of thousands of dollars, most families do not question the prices quoted to them by those in the business of caring for the dead, as they would question the price of any other similarly-priced item or services. Also a person who normally shops for lower prices in day-to-day dealings with other business establishments, is considered "odd" or an eccentric if he does so with funeral items.

A reporter, posing as one in need of funeral and cemetery service, visited more than a dozen funeral homes, cemeteries and monument dealers in recent weeks in the Providence area and found out that:

1. The average price for a funeral, grave, monument and incidentals is about \$2,500. The lowest figure for which these services and items can be obtained, excluding public funerals, is about \$1,000. At the upper end of the scale, anything goes. Some persons in the Providence area have spent up to \$40,000 for an elaborate casket, funeral, grave and a large, ornate monument.

2. Contrary to some areas of the country, there is no public advertising in Rhode Island of the costs of caskets, funeral, cemetery lots or monuments. Indeed, even in the inner recesses of some funeral homes visited, there is no visible price for a casket or funeral. The price for a funeral in these cases is verbally quoted by the funeral director.

3. In some instances, when a price was verbally quoted, or listed on top of the casket, the funeral director did not point out that the price did not include such things as the cost of the church service, cemetery charges, extra automobiles, professional pallbearers, burial garments and other items.

4. Funeral directors did not use sales pressure on the reporter to purchase a certain casket or funeral, but subtle pressures, such as placement and appearance of caskets, were used. In some instances, funeral directors played on the person's grief, by saying such things as, "This is the last chance you have to do what you've always wanted to do" for the dead person.

5. Although cemetery costs were included in a price list, hidden cemetery regulations tend to increase grave prices. For instance, in most cemeteries, a certain number of plots, usually two or three, must be purchased if a person wants to erect a standing monument.

6. Other substantial cemetery costs were not mentioned until the reporter asked about them. For instance, the price of "opening and closing" a grave, which is additional to the price quoted for the grave, was never mentioned by cemetery representatives until they were asked about them. Nor was the necessity to purchase a liner or vault for the grave mentioned until the cemetery representative was asked.

7. Some funeral directors and cemetery representatives quoted the law inaccurately. The reporter was told several times that embalming is required by state law and that a grave liner or vault is required by state law. State law requires neither.

#### ABOUT 150 IN STATE

There are approximately 150 funeral directors in Rhode Island. In 1968, 9,706 people died in the state at the rate of 10.6 deaths per 1,000 population, according to Mrs. Lera O'Hara, state registrar of vital statistics.

The number of deaths in the state has remained constant in recent years. In 1966, 9,489 people died and 9,378 died in 1967. There are no statistics kept on how many of these people are buried in Rhode Island cemeteries or through Rhode Island funeral homes.

But, if a figure of 9,000 burials in the state is used, this averages out to 60 funerals per year for each funeral director.

However, the funerals are not parceled out proportionately among the funeral directors. Many funeral homes handle fewer than 50 funerals a year. Only a few handle more than 150 a year. The Prata Funeral Home, with three homes in Providence, and other homes in Pawtucket, West Warwick and Woonsocket, apparently handles the most funerals in the state.

John B. Prata Jr., general manager, said that his firm handles more than 800 funerals a year "or more than three times our closest competitor."

Among the funeral homes visited by a reporter, the lowest price for any funeral was \$530. This included a cloth-covered wooden casket, preparations of the body and the use and services of the funeral home.

#### MINIMUM VARIES

In other establishments, the minimum was higher. At an East Providence funeral home, the lowest listed price for a funeral was \$790. The funeral director said that a lower-priced funeral could be obtained, but only if the family asked for it.

Generally, the reporter's survey found, average prices for funerals alone, not including cemetery and other costs, ranged from \$990 to about \$1,500. The highest price for a funeral was in a Providence funeral home that has branches in several other Rhode Island cities. It quoted prices for solid bronze and copper deposit caskets that ranged from nearly \$4,000 to \$6,000.

Mr. Prata said that he has found that his average non-Italian funeral price ranges from \$1,100 to \$1,500 and for Italian funerals, from \$1,500 to \$1,800. Asked why Italians tended to spend more on funerals, he explained that elaborate funerals are traditional among Italians.

A quoted funeral price includes the casket and preparation and care of the body. As explained on a piece of literature that A. T. Costigan & Sons, 220 Cottage St., Pawtucket, hands out to grieving families, the total price includes "our professional services, care and preparation, arrangement and direction of the funeral service, preparation and filing of necessary authorizations, our personnel; use of funeral facilities and equipment, acknowledgment cards, local removal hearse, one limousine and flower service car to a local cemetery, local newspaper notices and casket as selected."

What the price does not include are charges for church service and clergy, professional pallbearers, cemetery charges, monument or marker, additional automobiles, burial clothes and flowers.

An additional automobile costs \$25, clergy cost up to \$50, pallbearers cost \$42 (\$7 a man), burial clothes, if necessary, cost from \$18 to \$39 and the monument, flowers and cemetery costs vary according to individual desires.

#### A \$108 MARKUP

John Rebello Jr. of East Providence, president of the Rhode Island Funeral Directors Association, quoted statistics that showed the average markup over wholesale cost for a casket in New England is \$108.

He also said the average cost for the services provided by the funeral director is \$776. "Studies have shown," he said, "that an average of 90 man-hours of work are necessary for each funeral."

The state Department of Social Welfare compiles statistics on its cost for providing funerals for the indigent. James Reilly, administrator of public assistance, said that in

the fiscal year ending June, 1968, the state paid for the funerals and burial for 236 persons.

Total costs for these funerals was \$34,837.40 and the average cost per funeral was \$147.61, Mr. Reilly said. Mr. Reilly said the maximum allowable state payment for funerals and burials is \$285.

However, Mr. Rebello said private funerals could not be provided at a similar cost. "When a funeral director handles one of these cases, it's costing him \$300 or \$400, considering the services he provides," Mr. Rebello said.

#### FIRST FUNERAL ALWAYS HARROWING

"It was the first time I had ever been involved in planning a funeral, so maybe the way it happened was partly my fault," a Cumberland man said recently, "But it was unfortunate all the way around."

The man explained that his mother died recently in a hospital at about 1 a.m. "There was nothing we could do at that time of night so we all went to our homes and tried to sleep," he related.

"The next morning at about 10 a.m. I called a funeral home that I thought my mother had liked and told them that my mother had died and that I wanted to discuss details about the funeral."

The funeral director set up an appointment at the funeral home about three hours later and the man and his brothers and sisters kept it, the man said.

"For the first hour or so the funeral director asked questions about my mother, where she was born, about our relatives, what church we wanted, what were the calling hours, did she work, her social security number and other things," the man said. "Then he took us to the casket factory so we could pick out what we wanted."

#### PRICES CALLED TOO MUCH

"He quoted us prices on the caskets, and after we talked it over, we felt they were too much for what we were getting. So we told him we were going to go somewhere else. But he said we couldn't do that because he had sent a man to get the body and they were probably working on it."

The man said he became indignant and told the funeral director that he had never told him to pick up the body at the hospital and that no papers had been signed for him to do so. It finally developed that a lawyer would have to be hired to get the body back, the man said, and the family decided to let the matter stand.

Although such incidents apparently happen rarely, the possibility of their recurring is present because most funeral directors assume a family has chosen them to provide the funeral service once the family has called them.

John Rebello Jr., president of the Rhode Island Funeral Directors Association, confirmed that most of his colleagues assume this once a dead person's family makes the first telephone call to the funeral home or walks in its front door.

In most cases, the body is in possession of the funeral home hours before a discussion of the funeral price has taken place or even before a family is aware of the facilities and services offered by a particular funeral home.

#### BODY SOUGHT QUICKLY

A reporter who visited funeral homes in the Providence area found that one of the first questions the funeral directors asked was, "Where are the remains." It apparently was assumed there was no question that this particular funeral home had been chosen to handle the funeral.

At the William W. Tripp Funeral Home, 1008 Newport Ave., Pawtucket, and the A. T. Costigan & Sons Funeral Home, 220 Cottage St., Pawtucket, the question about the

location of the body was asked immediately after the question of "What's her name?"

Arthur T. Costigan even offered to send out an ambulance "immediately" to pick up the body. Told that it was unknown whether the body was at home or at the hospital, Mr. Costigan replied, "That's okay. I'll have someone call the hospital and check."

In arranging the funeral, the procedure followed by funeral directors was the same. An "arrangement conference" was the first order of business.

During this conference, usually held in the office of the funeral home, the funeral director asks questions about the dead person, such as name, address, relatives, community organizations and other items to be included in the death notice in the newspapers.

After the "arrangements conference," the relatives are then taken to the "selection room," which is either in the funeral home or in a casket factory. All the funeral homes visited by the reporter had a selection of caskets on the premises.

#### FIRST LEARN COSTS

It is here that the relatives learn for the first time how much the funeral is going to cost them. Some funeral homes, such as the Prata Funeral Home, 1488 Westminster St., Providence, and the Rebello Funeral Home, 901 Broadway, East Providence, have prices for a complete funeral listed on top of the casket.

Others, like the T. F. Monahan & Son Funeral Home, 230 Waterman St., Providence, also have prices on top of the caskets. However, in this case, the price is only for the casket and does not include the costs for embalming, use of the funeral home and other services. It was only after questioning that the reporter was told that price of the casket is not complete and that another \$325 has to be added for services.

And, finally, others have no prices listed at all, such as the Costigan Funeral Home. In this situation, a person has to ask for the price of the casket that he wants. The funeral director quotes a price from his head or from a piece of paper in his hand.

Although no direct pressure was used by any funeral director, subtle pressures were introduced. The caskets are not arranged in any descending or ascending order of price, but are scattered throughout the room.

For instance, a metal casket costing \$990 is placed next to a solid bronze deposit casket, costing \$6,000. With this arrangement, it's difficult to compare one casket with the next expensive casket. However, it is easy to note that an \$895 casket is less attractive than its next-door neighbor, a \$6,000 solid bronze casket.

#### MORE ATTRACTIVE DISPLAYS

Furthermore, the reporter found that in some funeral homes, the higher priced caskets were more attractively displayed. In two locations, an inexpensive cloth-covered wooden casket was placed underneath a higher-priced casket, near the floor, so one had to bend down to look at it. In addition, the casket lid was closed, while the lids of the more expensive caskets, with their more ornate fabrics, were open.

The more expensive caskets also were generally the first caskets on hand after entering the "selection room." In one funeral home, three caskets were displayed in the foyer of the selection room. These three, one solid mahogany, one solid maple and one metal, cost \$1,455, \$1,050 and \$1,225 respectively.

It was only after traveling down some steps and into another room that a person would notice that the least expensive casket in the funeral home, a cloth-covered casket costing \$665, and other caskets between \$750 and \$1,000, were available.

Other factors that also could influence a

decision are evident. The more expensive caskets are usually placed on attractive wooden or velvet covered biers, while the least expensive ones are either hung from a support on the wall, or are placed on plain wooden supports.

Funeral directors also sometimes refer to some of the less expensive caskets in derogatory terms. Some of the less expensive metal caskets are referred to as "tin cans" or "stovepipes," and one funeral director referred to a cloth covered wooden casket as "this box."

[From the Providence (R.I.) Journal, Nov. 3, 1969]

#### MORE THAN PRICE OF PLOT INVOLVED: CEMETERIES HELP BOOST COST OF DYING

(By Michael Madden)

The \$1,100 to \$1,500 that is spent on the average funeral brings a dead Rhode Islander only to the edge of the grave, not into it.

Additional money must be spent for a plot in which a grave can be dug. Usually this money has to be paid to the cemetery before the body can be placed in the ground.

The costs of a casket and services provided by the funeral director were outlined in yesterday's Providence Sunday Journal. A survey by a reporter, who posed as a person in need of funeral and cemetery service, found that the total cost for a casket, funeral, cemetery plot, monument and incidentals in the Providence area was approximately \$2,500. From \$1,100 to \$1,500 of this was spent on the casket and funeral alone, the survey showed.

Burial plots in private cemeteries range in price from \$125 for a single plot to more than \$24,000 in Swan Point Cemetery for a large plot that can accommodate as many as 144 bodies.

Two-grave plots usually cost between \$325 and \$550 in the Providence area while three-grave plots range from about \$475 to \$825. The prices increase according to the number of graves desired. For instance, a six-grave plot at Swan Point costs \$1,000 to \$1,600.

Restrictions at many cemeteries also set minimum size limits on plots if a person wants a standing monument on the grave. Many cemeteries won't allow monuments on one or two-grave plots.

For instance, at two of the larger Catholic cemeteries in the Providence area, Gate of Heaven in East Providence and St. Ann's in Cranston, at least three single plots, at a cost of \$500 to \$550, must be bought before the cemetery will allow the erection of a standing monument.

It makes no difference if the grave is intended for only one person. Three single plots must be bought if a monument is to be erected. Three single plots, costing from \$500 to \$550, must also be bought at St. Francis Cemetery in Pawtucket.

A similar situation exists at Swan Point. If a standing monument is desired, at least two plots must be bought in a monument section. The cost of the two plots ranges from \$375 to \$550.

At Highland Memorial Park in Johnston, "Rhode Island's Most Modern Burial Estate," no standing monuments are allowed. Only slab markers, flush with the ground, can mark the grave. John E. Pearson, a cemetery representative, explained the regulation like this: "Look how beautiful it looks; you don't have people competing with each other to see who can put up the most expensive monument."

Two single plots in the least expensive section of Highland Memorial Park cost \$330. These plots are in the recently opened "Garden of Memory," which is located near a dirt road and a section of scrub brush that is filled with rocks. Asked if he had a more esthetic section, Mr. Pearson replied, "Don't worry. That area (of the scrub brush) is go-

ing to be developed eventually and it will look beautiful."

Paying the \$440 or \$500 for the grave site still will not get the body into it. There is another charge.

In the euphemisms of the funeral industry, the charge is levied for "opening and closing" the grave. At both the Catholic and non-sectarian cemeteries, this charge for digging the grave (a 15-minute job with modern construction equipment) is about \$100.

But this is not all. There is a further charge for providing a cement liner or vault that will enclose the casket in the ground. These cement liners, which one funeral director said cost about \$5 to make, cost \$40 at Swan Point, \$48 at the Catholic cemeteries and \$55 and \$60 at Highland Memorial Park.

#### NO EXTRA PROTECTION

These liners provide virtually no extra protection for the body, but are required by the cemeteries so the ground will not sag when the casket disintegrates.

The cost for the grave, and for the "opening and closing" and for the liner must be paid for in cash before a person can be buried at most cemeteries in this area.

Buying a plot in one cemetery may mean something extremely different from buying one at another cemetery. For instance, if a person buys a three-grave plot at Swan Point, he is assured that only three persons will be buried in it.

However, if a person buys a three-grave plot at Gate of Heaven or St. Ann's, he is told that six persons will be buried in it. "We dig the first one extra deep," a caretaker at Gate of Heaven explained, "about seven feet deep. Then the second casket is placed on top of the first one. Furthermore, an additional fee of \$10 is charged for digging the deep grave."

Asked if this procedure of two burials in one grave was practiced at Highland Memorial Park, Mr. Pearson replied, "No, we would never think of doing that. We don't piggy-back here."

#### MONUMENT COMES NEXT

After the person is buried, the next charge is for a monument, if one is desired. The price for a Rock of Ages granite monument about four feet wide and three feet high is about \$600, according to Frank M. Graham, a monument dealer in Pawtucket. A Rock of Ages granite monument, about 3½ feet wide, costs nearly \$400.

Mr. Graham also sells "enduring Gorham bronze memorials." These are bronze plates that have raised lettering and are placed flush on the ground.

Swan Point Cemetery also sells these "enduring Gorham bronze memorials." However, if you want to place one of these on a plot in Swan Point Cemetery, the memorial must be purchased through Swan Point.

Mr. Graham sells his 14-by-36-inch bronze memorials for \$185. Swan Point Cemetery sells the identical 14-by-36-inch bronze memorial for \$333.

"They get it from Gorham, just like I do," Mr. Graham said.

Arnold T. Booth, "cemetery counselor" at Swan Point, said the cemetery has an income of about \$600,000 a year for a fund to care for the grounds of the cemetery. The fund, called the "perpetual care fund," has about \$5,000,000 available for caring for the cemetery, Mr. Booth said.

Mr. Booth said the cemetery is obligated to spend all the money that it collects for perpetual care. The cost of the plot includes money that will be spent for its care "perpetually," Mr. Booth said. There are no additional charges for the care of the grave.

About two-thirds of the plots at Swan Point are bought "before the time of stress," Mr. Booth pointed out. About 300 plots are

sold annually at the "time of stress" at Swan Point, he said.

Swan Point also has facilities for cremation. Use of the cemetery's crematory costs \$70.

However, as Swan Point's cremation brochure mentions, "The charge does not include the funeral director's services or the casket." The charges for a casket and preparing a body for cremation often equal the charge for preparing the body for burial, despite the fact that the casket will also be cremated.

Bronze urns are available from Swan Point in which the cremated remains can be stored. The urns range in price from \$35 to \$293. Storage of the urns, "with perpetual care," in a Columbarium niche at Swan Point costs an additional \$85 to \$1,306. "Some of the niches are closed with plate glass and others with solid bronze on which inscriptions may be engraved," the Swan Point brochure states.

If burial of the cremated remains is intended, Swan Point also has special burial plots that cost from \$60 to \$150. Cremated elements may be left at Swan Point Crematory in "fireproof storage" without charge. After that, rental fee of \$12 a year is made.

At the Catholic Gate of Heaven and Swan Point cemeteries, an additional charge is made for a service that is normally expected at cemeteries. Regulations at the cemeteries require that interment prayers be said in the cemetery chapels.

If one should want the casket to be brought to site of the grave, as has been traditionally done, he is told that the prayers have to be said in the chapel. Then the casket can be brought to the grave site.

The cost? \$25.

#### THE FUNERAL BUSINESS—TWO POINTS OF VIEW

"If there is ever a case of a consumer meeting the seller on uneven ground, it's in the funeral business. Most of the people go to a funeral director when they're in an emotional, grief-stricken state. Who wants to be accused of being cheap when burying your mother?" asked Robert F. DiPippo last week.

"The amount of service that goes into a funeral is a lot more than people think. The funeral directing business is not as profitable as people would lead you to believe. When you sit down with your accountant at the end of the year, you see how tight the profit is," said John Rebello Jr. last week.

The views of Mr. DiPippo, a Providence attorney and an organizer of a new consumer protection group, and Mr. Rebello, president of the Rhode Island Funeral Directors Association, sum up the controversy that has waxed hot and cold in the United States in recent years about the cost of burying the dead.

The controversy reached its peak after the publication in 1963 of a book by Jessica Mitford called "The American Way of Death." The book was a scathing attack not only on the high cost of dying but also of the elaborate manner in which many American funerals were conducted.

Mr. DiPippo, who said his group has received several complaints about the methods of some local funeral directors, was especially critical of the manner in which funerals are arranged and caskets selected.

"You get in there and you're emotional and this is the first time you've dealt with a funeral director," Mr. DiPippo said. "Then they ask you questions about social security insurance, and they ask what union the deceased belonged to. But they know by heart how much this person can get from social security, how much the union pension will be or the veteran's benefit. They know all about this built-in readily available money and then, according to law, they have the first crack at the estate for burial costs."

"And when you pick out the casket, they

have this all cleverly set up. They use the process of elimination technique. They show you the lower-priced one after the higher-priced one with the implication being you would never bury your mother in this."

"Most of the funeral directors are not dishonest," Mr. DiPippo said. "They're caught in this syndrome where they're forced to prey on the people's predicament."

As for economics, Mr. DiPippo said there has been a proliferation of funeral homes "with the death rate going down." Because of this proliferation, Mr. DiPippo said, "you have a funeral director who has only 15 or 20 funerals a year. So when somebody walks in, he has to make a kill to stay in business."

Mr. Rebello confirmed that most of the 150 funeral homes in Rhode Island handle fewer than 100 funerals a year and that many handle only 20 or 25 funerals a year. "I'd say about nine out of 10 funeral homes in Rhode Island handle less than 50 a year."

#### Differential doubted

However, he said he did not believe that smaller homes charged more when they did handle a funeral. "After all, in many of these smaller homes, the funeral director will live upstairs with his family, so the funeral home also serves as his own home," Mr. Rebello said.

"Indications are that the bigger funeral homes in Rhode Island are getting bigger. The smaller firm just can't compete. It's just like everything else; the small grocery store is disappearing and so is the small funeral home," Mr. Rebello said.

Asked if he felt that the funeral directing business was profitable, Mr. Rebello said it wasn't as profitable as people thought. "The net margin on an average funeral is \$75. You can see how a \$75 profit relates to the small firm that handles about 25 or 30 funerals a year."

He conceded that the funeral business, like any other, has its unscrupulous characters. Mr. Rebello said, however, he did not think people are generally forced to buy something they do not want.

"In this business you have to depend on people coming back," he said. "If funeral homes pressured people to buy something they didn't want, nobody would come back the next time and he would be out of business eventually."

"In 90 percent of the cases when a family comes in, the funeral director lets the family pick the funeral it wants," he said. Mr. Rebello said in his funeral home the family goes into the "selection rooms" by themselves. If they have a question about a particular casket, he will answer it, he said. "But the family chooses what it wants."

#### Averages cited

Mr. Rebello quoted statistics published by the National Funeral Directors Association. These figures claim the average cost for a funeral nationally in 1968 was \$865; in New England, it was \$884. This compares with an average cost of \$779 in 1965 and \$615 in 1960, according to the statistics.

Mr. Rebello said that of the \$884 spent for the average New England funeral, statistics show \$776 went for services and \$108 for the casket.

However, the statistics are apparently incomplete, Mr. Rebello noted that only 62 of the funeral directors in New England who handle fewer than 100 funerals a year are included in the tabulations. In Rhode Island alone, Mr. Rebello estimated, about 90 percent of the approximately 150 funeral homes handle fewer than 100 funerals a year.

It is these small funeral homes, critics contend, that charge the highest prices because of a need to make up for their small volume.

In addition, independent studies have shown that the figures on average funeral costs released by the National Funeral Di-

rectors Association have been consistently underestimated. For instance, in 1960 when the NFDA quoted a nationwide average of \$615 a funeral, a study by the International Ladies Garment Workers Union showed that the nationwide average for funerals of its members was \$890.

In 1965, the NFDA average for an adult funeral was \$779, but the ILGWU average was \$990.

#### Lawyer plan studied

Mr. DiPippo said his organization, called the Association for Consumer Protection, is so concerned about the high cost of dying that it is considering a plan under which lawyers would be available to accompany families to the funeral home.

Spokesmen for other consumer groups say they have had virtually no complaints about funeral directors in Rhode Island. Edwin P. Palumbo, executive director of the Rhode Island Consumers Council, said his organization has never received a complaint about a funeral director.

The Consumers Council has available a booklet by Sidney Margolius entitled "Funeral Costs and Death Benefits." The booklet notes that it is "wise" and "certainly proper" for persons to inquire at more than one funeral home in order to get the lowest price.

The booklet notes that costlier caskets and costlier funerals "result from seemingly minor differences in decoration and detail." It adds, "No matter what kind of casket is used, the body will deteriorate and it will deteriorate even faster in an expensive hermetically sealed casket."

A. Michael Marino, vice president and general manager of the Providence office of the Better Business Bureau, noted that his organization also has not received complaints about funeral directors. Mr. Marino advises that persons call their clergyman when the need of a funeral arises and ask him to advise them on the funeral home to go to and the funeral to choose.

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

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

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

Mr. HRUSKA. Mr. President, this past Friday the Senate added another chapter to the history of the Senate. In my opinion, it will not be a bright chapter to which we can point with pride. The rejection of Judge Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court ranks with the rejection of Judge John J. Parker as an error that did injustice to the man and deprived the Court and the Nation of the services of an outstanding jurist.

The consideration of Judge Haynsworth's nomination and his rejection took a little over 3 months. The nomination was announced on August 18, sent to the Senate on September 3, reported on November 12, and rejected on November 21.

The review of Judge Haynsworth, his court decisions, and his financial back-

ground was exhaustive. At the opening of the Judiciary Committee hearings in September the Senator from Indiana (Mr. BAYH) stated that the examination of this nominee should be a part of the routine process of establishing qualifications of any nominee in the future. If that is true, then the procedures will be rigorous indeed.

While President Nixon is making the selection of the nominee to the Supreme Court he will recommend, it is important that we keep in mind how difficult a selection that is. It is difficult in normal times, and it will be particularly difficult following the rejection of Judge Haynsworth.

I am sure many of my colleagues in the Congress have nominees in mind whom they feel would be superb. The selection of the nominee, of course, is the prerogative of the President. While I am sure he will listen earnestly to the suggestions, the decision will be his.

In making his decision, however, I urge President Nixon to move deliberately. A hastily made decision rushed to the Senate would arrive while the smoke has not yet cleared from the battlefield. It would serve to politicize the Supreme Court even more. Certainly what the Nation needs now is not further political controversy with the Court in the middle.

I would point out, additionally, that the legislative calendar for the remainder of 1969 is badly clogged. We are in the middle of the tax reform legislation. Six appropriation bills remain to be considered including Defense, Labor-HEW, foreign operations, and District of Columbia. Two bills are still in conference. The majority leader has indicated that the Senate should act upon major crime legislation, narcotics legislation, a pornography bill, and elementary and secondary education yet this session.

Mr. President, there is one other facet of the Supreme Court vacancy on which I wish to comment. Many new and vague criteria were applied to Judge Haynsworth during Senate debate. And now another criterion has achieved currency: "Is the nominee a contemporary man, a man of his times?" If there was ever a vague and meaningless standard it is the "contemporary man" standard.

Certainly, one who would be concerned with the situation in the big cities, with civil rights, and with sociological considerations would think in terms of one standard of what is contemporary. Another man, who had been concerned with the crime picture, and with the recent tendency to expand and liberalize the rules of evidence regarding persons accused of crime, would have another standard with reference to what is contemporary. That is only one example of many that could be cited.

I warn my colleagues that this newly announced standard may be the first shot in the renewed battle to prevent President Nixon from restoring balance to the Supreme Court. This is true, not because President Nixon's nominee will not be a man of his times, but because those raising the new standard are in the main those who favor the existing direction of the Court. Contemporary to them means "liberal."

Any efforts to prevent a more moderate Court with a better balance are doomed to failure. I am confident that President Nixon will stand by his commitment to place on the Court a man who believes in judicial restraint, one whose presence on the Court will tend to restore such balance.

I am confident also that the American public agrees with President Nixon's goal. They want to see a balanced Court. As a final arbiter of the meaning of the Constitution and constitutional rights, people want to see more than one political philosophy represented. I commend President Nixon for his efforts in this direction.

Mr. DOLE. Mr. President, a sad moment for the administration was the rejection last Friday by the Senate of President Nixon's nomination of Judge Clement Haynsworth to be Associate Justice of the highest court in our land.

The Senate's decision was more than just a defeat for Judge Haynsworth; it was also a defeat for the voices of reason speaking out against the sectional bigotry, politics, and pressures of labor and other groups.

Make no mistake about it. Judge Haynsworth's defeat was political.

It has been suggested the votes of the would-be candidates for President against confirmation offer some clues about the politics of the defeat. It has been suggested that the vote of the Democrat national chairman offers a clue. It has been suggested that the votes of the defenders of Judge Morrissey, the defenders of Justice Fortas, and the defenders of Justice Douglas might offer clues. These suggestions I can neither confirm nor deny, but one need look only at the avowed and admitted pressures brought by labor and by the groups identifying themselves as civil rights groups to understand that great pressure was brought to bear.

Mr. President, there has been much talk about "pressure" from the White House. However, there is every indication that for each bit of reason applied by the White House, organized labor and its allies applied twice as much pressure. It can be said that those who complain the White House did not do enough and those who say it went too far should realize that some enjoy the pressure if it results in subsequent publicity.

Mr. President, as stated earlier, Judge Haynsworth's defeat was a sad event, sad for many reasons. In some cases, false charges were brought against the judge and published and republished.

In other cases, minor incidents, perfectly legal, were enlarged and distorted all out of proportion.

Finally, Judge Haynsworth was judged by a new code that I doubt could be met by most sitting Justices of the Supreme Court or by Members of this body. It may become known as the Haynsworth code.

Mr. President, in eagerness to make political hay, and eagerness of some to demonstrate if they could oppose a Democrat President's appointee they could also oppose a Republican President's appointee, I trust that a good man has not been destroyed.

Judge Haynsworth is a good man and

an honorable man. I encourage him to rise above this political defeat as others have done; to rise above the smears, partisanship, and sectionalism.

I urge him to remain in his present position where he can continue to render great service to our Nation.

The Nation and its courts need men of his caliber.

Mr. President, I am proud to have supported Judge Haynsworth as a nominee to the Supreme Court and to support him on the floor of the Senate today.

He is a credit to his country and his profession.

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

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

### TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

#### AMENDMENT NO. 304

Mr. GORE. Mr. President, I send to the desk an amendment, and ask that it be printed and lie on the table. I ask unanimous consent that it be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

(The amendment reads as follows:)

#### AMENDMENT No. 304

Page 454, beginning with line 5, strike out all through page 497, and in lieu thereof insert the following:

#### "SEC 801. PERSONAL EXEMPTIONS.

"(a) INCREASE TO \$700 FOR 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '\$600' wherever appearing therein and inserting in lieu thereof '\$700'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '\$600' wherever appearing therein and inserting in lieu thereof '\$700', and by striking out '\$1,200' wherever appearing therein and inserting in lieu thereof '\$1,400'.

"(b) INCREASE TO \$800 FOR 1971.—Effective with respect to taxable years beginning after December 31, 1970, and before January 1, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '\$700' wherever appearing therein and inserting in lieu thereof '\$800'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '\$700' wherever appearing therein and inserting in lieu thereof '\$800', and by striking out '\$1,400' wherever appearing therein and inserting in lieu thereof '\$1,600'.

"(c) INCREASE TO \$900 FOR 1972.—Effective with respect to taxable years beginning after December 31, 1971, and before January 1, 1973—

"(1) section 151 (relating to allowance of

personal exemptions) is amended by striking out '\$800' wherever appearing therein and inserting in lieu thereof '\$900'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '\$800' wherever appearing therein and inserting in lieu thereof '\$900', and by striking out '\$1,600' wherever appearing therein and inserting in lieu thereof '\$1,800'.

"(d) INCREASE TO \$1,000 FOR 1973 AND SUBSEQUENT YEARS.—Effective with respect to taxable years beginning after December 31, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '\$900' wherever appearing therein and inserting in lieu thereof '\$1,000'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '\$900' wherever appearing therein and inserting in lieu thereof '\$1,000', and by striking out '\$1,800' wherever appearing therein and inserting in lieu thereof '\$2,000'.

#### SEC. 802. STANDARD DEDUCTION.

"(a) MINIMUM STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING IN 1970, 1971 AND 1972.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1973, section 141(c) (relating to the minimum standard deduction) is amended to read as follows:

"(c) MINIMUM STANDARD DEDUCTION.—The minimum standard deduction is an amount equal to \$1,000 (\$500, in the case of a separate return by a married individual), reduced, in the case of a taxable year beginning in 1970, 1971, or 1972, by an amount equal to one-fourth of the amount by which—

"(1) the adjusted gross income for the taxable year, exceeds

"(2) the sum of—

"(A) \$1,000 (\$500, in the case of a separate return by a married individual, plus

"(B) the amount of each personal exemption provided by section 151 for the taxable year, multiplied by the number of such exemptions for the taxable year."

"(b) STANDARD DEDUCTION FOR TAXABLE YEARS BEGINNING AFTER 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 141 (relating to the standard deduction) is amended to read as follows:

#### "SEC. 141. STANDARD DEDUCTION.

"The standard deduction referred to in this title is \$1,000 (\$500, in the case of a separate return by a married individual)."

"(c) DETERMINATION OF MARITAL STATUS.—Section 143 (relating to determination of marital status) is amended—

"(1) by striking out 'For purposes of this part—' and inserting in lieu thereof '(a) General Rule.—For purposes of this part—'; and

"(2) by adding at the end thereof the following new subsection:

"(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, if—

"(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

"(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

"(3) during the entire taxable year such individual's spouse is not a member of such household, such individual shall not be considered as married."

#### "(d) TECHNICAL AND CONFORMING AMENDMENTS.—

"(1) Section 4(a) (relating to number of exemptions) is amended to read as follows:—

"(a) NUMBER OF EXEMPTIONS.—For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term "number of exemptions" means the number of exemptions allowed under section 151 as deductions in computing taxable income."

"(2) Section 4(c) (relating to married individuals filing separate returns) is amended to read as follows:

"(c) HUSBAND OR WIFE FILING SEPARATE RETURN.—

"(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return for a taxable year beginning before January 1, 1973, the tax imposed by section 3 shall be the lesser of the tax shown in—

"(A) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the 10-percent standard deduction, or

"(B) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the minimum standard deduction.

"(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"(4) For purposes of this subsection, determination of marital status shall be made under section 143."

"(3) Paragraph (4) of section 4(f) is amended to read as follows:

"(4) For computation of tax by Secretary or his delegate, see section 6014."

"(4) Section 1304(c)(5) (relating to special rules for income averaging) is amended by striking out 'section 143' and inserting in lieu thereof 'section 143(a)'.

"(e) EFFECTIVE DATE.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 1969.

#### "SEC. 803. TAX RATES FOR SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLD; OPTIONAL TAX.

"(a) HEADS OF HOUSEHOLD.—Section 1(b)(1) (relating to rates of tax on heads of household) is amended to read as follows:

"(1) RATES OF TAX.—There is hereby imposed on the taxable income of every individual who is a head of a household a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over \$1,000	14% of the taxable income.
Over \$1,000 but not over \$2,000	\$140, plus 16% of excess over \$1,000.
Over \$2,000 but not over \$4,000	\$300, plus 18% of excess over \$2,000.
Over \$4,000 but not over \$6,000	\$660, plus 19% of excess over \$4,000.

"If the taxable income is:	The tax is:	
Over \$6,000 but not over \$8,000	\$1,040, plus of excess \$6,000.	22% over
Over \$8,000 but not over \$10,000	\$1,480, plus of excess \$8,000.	23% over
Over \$10,000 but not over \$12,000	\$1,940, plus of excess \$10,000.	25% over
Over \$12,000 but not over \$14,000	\$2,440, plus of excess \$12,000.	27% over
Over \$14,000 but not over \$16,000	\$2,980, plus of excess \$14,000.	28% over
Over \$16,000 but not over \$18,000	\$3,540 plus of excess \$16,000.	31% over
Over \$18,000 but not over \$20,000	\$4,160, plus of excess \$18,000.	32% over
Over \$20,000 but not over \$22,000	\$4,800, plus of excess \$20,000.	35% over
Over \$22,000 but not over \$24,000	\$5,500, plus of excess \$22,000.	36% over
Over \$24,000 but not over \$26,000	\$6,220, plus of excess \$24,000.	38% over
Over \$26,000 but not over \$28,000	\$6,980, plus of excess \$26,000.	41% over
Over \$28,000 but not over \$32,000	\$7,800, plus of excess \$28,000.	42% over
Over \$32,000 but not over \$36,000	\$9,480, plus of excess \$32,000.	45% over
Over \$36,000 but not over \$38,000	\$11,800, plus of excess \$36,000.	48% over
Over \$38,000 but not over \$40,000	\$12,240, plus of excess \$38,000.	51% over
Over \$40,000 but not over \$44,000	\$13,260, plus of excess \$40,000.	52% over
Over \$44,000 but not over \$50,000	\$15,340, plus of excess \$44,000.	55% over
Over \$50,000 but not over \$52,000	\$18,640, plus of excess \$50,000.	56% over
Over \$52,000 but not over \$64,000	\$19,760, plus of excess \$52,000.	58% over
Over \$64,000 but not over \$70,000	\$26,720, plus of excess \$64,000.	59% over
Over \$70,000 but not over \$76,000	\$30,260, plus of excess \$70,000.	61% over
Over \$76,000 but not over \$80,000	\$33,920, plus of excess \$76,000.	62% over
Over \$80,000 but not over \$88,000	\$36,400, plus of excess \$80,000.	63% over
Over \$88,000 but not over \$100,000	\$41,440, plus of excess \$88,000.	64% over
Over \$100,000 but not over \$120,000	\$49,120, plus of excess \$100,000.	66% over
Over \$120,000 but not over \$140,000	\$62,320, plus of excess \$120,000.	67% over
Over \$140,000 but not over \$160,000	\$75,720, plus of excess \$140,000.	68% over
Over \$160,000 but not over \$180,000	\$89,320, plus of excess \$160,000.	69% over
Over \$180,000	\$103,120, plus of excess \$180,000."	70% over

"(b) SINGLE INDIVIDUALS.—

"(1) IN GENERAL.—Section 1 (relating to tax on individuals) is amended by redesignating subsection (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) UNMARRIED INDIVIDUALS.—There is hereby imposed on the taxable income of every individual (other than a surviving spouse or a head of a household) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$500----	14% of the taxable income.
Over \$500 but not over \$1,000	\$70, plus 15% of excess over \$500.
Over \$1,000 but not over \$1,500	\$145, plus 16% of excess over \$1,000.
Over \$1,500 but not over \$2,000	\$225, plus 17% of excess over \$1,500.
Over \$2,000 but not over \$4,000	\$310, plus 19% of excess over \$2,000.
Over \$4,000 but not over \$6,000	\$690, plus 21% of excess over \$4,000.
Over \$6,000 but not over \$8,000	\$1,110, plus 24% of excess over \$6,000.
Over \$8,000 but not over \$10,000	\$1,590, plus 25% of excess over \$8,000.
Over \$10,000 but not over \$12,000	\$2,090, plus 27% of excess over \$10,000.
Over \$12,000 but not over \$14,000	\$2,630, plus 29% of excess over \$12,000.
Over \$14,000 but not over \$16,000	\$3,210, plus 31% of excess over \$14,000.
Over \$16,000 but not over \$18,000	\$3,830, plus 34% of excess over \$16,000.
Over \$18,000 but not over \$20,000	\$4,510, plus 36% of excess over \$18,000.
Over \$20,000 but not over \$22,000	\$5,230, plus 38% of excess over \$20,000.
Over \$22,000 but not over \$26,000	\$5,990, plus 40% of excess over \$22,000.
Over \$26,000 but not over \$32,000	\$7,590, plus 45% of excess over \$26,000.
Over \$32,000 but not over \$38,000	\$10,290, plus 50% of excess over \$32,000.
Over \$38,000 but not over \$44,000	\$13,290, plus 55% of excess over \$38,000.
Over \$44,000 but not over \$50,000	\$16,590, plus 60% of excess over \$44,000.
Over \$50,000 but not over \$60,000	\$20,190, plus 62% of excess over \$50,000.
Over \$60,000 but not over \$70,000	\$26,390, plus 64% of excess over \$60,000.
Over \$70,000 but not over \$80,000	\$32,790, plus 66% of excess over \$70,000.
Over \$80,000 but not over \$90,000	\$39,390, plus 68% of excess over \$80,000.
Over \$90,000 but not over \$100,000	\$46,190, plus 69% of excess over \$90,000.
Over \$100,000----	\$53,090, plus 70% of excess over \$100,000."

"(2) CONFORMING AMENDMENT.—Section 1 (a) (relating to rates of tax on individuals)

is amended by striking out so much of such section as precedes the table in paragraph (2) and inserting in lieu thereof the following:

"(a) GENERAL RULES.—There is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies and an unmarried individual to whom subsection (c) applies) a tax determined in accordance with the following table:

"(c) OPTIONAL TAX TABLES FOR INDIVIDUALS.—Section 3 (relating to optional tax if adjusted gross income is less than \$5,000) is amended to read as follows:

"SEC. 3. OPTIONAL TAX TABLES FOR INDIVIDUALS

"In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than \$7,500 (or such higher amount, less than \$10,000, as may be prescribed by the Secretary or his delegate by regulations) and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1."

"(d) CONFORMING AMENDMENTS.—

"(1) Section 6014 (a) (relating to election by taxpayer) is amended—

"(A) by striking out '\$5,000' in the first sentence and inserting in lieu thereof '\$7,500', and

"(B) by striking out the last two sentences.

"(2) Section 1304(b)(1) (relating to special rules) is amended by striking out 'if adjusted gross income is less than \$5,000.'

"(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

"(d) CHANGES MADE BY TAX REFORM ACT OF 1969 IN CASE OF INDIVIDUALS.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV of subchapter B for purposes of the determination of taxable income shall be treated as a change in a rate of tax."

"(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to taxable years beginning after December 31, 1970. The amendments made by subsections (c) and (d) of this section shall apply to taxable years beginning after December 31, 1969.

"SEC. 804. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Section 3402(a) (relating to requirement of withholding) is amended to read as follows:

"(a) REQUIREMENT OF WITHHOLDING.—In the case of wages paid after December 31, 1969, or the 15th day after the date of the enactment of the Tax Reform Act of 1969 (whichever is later), every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with tables prescribed by the Secretary or his delegate. Such tables shall correspond in form to the tables in effect under this subsection on December 31, 1969. For purposes of applying such tables, the term 'amount of wages' means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1)."

"(b) PERCENTAGE METHOD OF WITHHOLDING.—

"(1) WAGES PAID IN 1970.—Effective with respect to wages paid during 1970, the table contained in section 3402(b) (1) is amended to read as follows:

"Percentage Method Withholding Table	
Payroll period:	Amount of one withholding exemption:
Weekly .....	\$13.50
Biweekly .....	\$27.00
Semimonthly .....	\$29.00
Monthly .....	\$58.00
Quarterly .....	\$175.00
Semiannual .....	\$350.00
Annual .....	\$700.00
Daily or miscellaneous (per day of such period) .....	\$1.80.

"(2) WAGES PAID IN 1971.—Effective with respect to wages paid during 1971, the table contained in section 3402(b) (1) is amended to read as follows:

"Percentage Method Withholding Table	
Payroll period:	Amount of one withholding exemption:
Weekly .....	\$15.00
Biweekly .....	\$30.00
Semimonthly .....	\$33.50
Monthly .....	\$67.00
Quarterly .....	\$200.00
Semiannual .....	\$400.00
Annual .....	\$800.00
Daily or miscellaneous (per day of such period) .....	\$2.10.

"(3) WAGES PAID IN 1972.—Effective with respect to wages paid during 1972, the table contained in section 3402 (b) (1) is amended to read as follows:

"Percentage Method Withholding Table	
Payroll period	Amount of one withholding exemption
Weekly .....	\$17.00
Biweekly .....	\$34.00
Semimonthly .....	\$37.50
Monthly .....	\$75.00
Quarterly .....	\$225.00
Semiannual .....	\$450.00
Annual .....	\$900.00
Daily or miscellaneous (per day of such period) .....	\$2.40.

"(4) WAGES PAID AFTER 1972.—Effective with respect to wages paid after December 31, 1972, the table contained in section 3402(b) (1) is amended to read as follows:

"Percentage Method Withholding Table	
Payroll period	Amount of one withholding exemption
Weekly .....	\$19.00
Biweekly .....	\$38.00
Semimonthly .....	\$42.00
Monthly .....	\$84.00
Quarterly .....	\$250.00
Semiannual .....	\$500.00
Annual .....	\$1,000.00
Daily or miscellaneous (per day of such period) .....	\$2.70."

Page 549, line 17, strike out "\$600" and insert "\$700".

Page 550, lines 1, 9, and 11, strike out "\$2,300" and insert "\$2,400".

Page 550, line 12, strike out "\$600" and insert "\$700".

Page 550, lines 21 and 22, strike out "this section" and insert "subsections (a) and (b)".

Page 550, after line 23 insert the following:

"(d) TAXABLE YEARS AFTER 1970.—

"(1) TAXABLE YEARS BEGINNING IN 1971.—Effective with respect to taxable years beginning in 1971, section 6012(a) (1) is amended—

"(A) by striking out '\$700' each place it appears therein and inserting in lieu thereof '\$800';

"(B) by striking out '\$1,700' each place it appears and inserting in lieu thereof '\$1,800'; and

"(C) by striking out '\$2,400' each place it appears and inserting in lieu thereof '\$2,600'.

"(2) TAXABLE YEARS BEGINNING IN 1972.—Effective with respect to taxable years beginning in 1972, section 6012 (a) (1) is amended—

"(A) by striking out '\$800' each place it appears therein and inserting in lieu thereof '\$900';

"(B) by striking out '\$1,800' each place it appears and inserting in lieu thereof '\$1,900'; and

"(C) by striking out '\$2,600' each place it appears and inserting in lieu thereof '\$2,800'.

"(3) TAXABLE YEARS BEGINNING AFTER 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 6012(a) (1) is amended—

"(A) by striking out '\$900' each place it appears therein and inserting in lieu thereof '\$1,000';

"(B) by striking out '\$1,900' each place it appears and inserting in lieu thereof '\$2,000'; and

"(C) by striking out '\$2,800' each place it appears and inserting in lieu thereof '\$3,000'."

Mr. GORE, Mr. President, I have received today letters from three distinguished Members of the House of Representatives.

Those distinguished Members have circulated petitions or letters asking the Senate to pass an amendment increasing the personal exemption for each taxpayer and dependent from \$600 to \$1,000 a year. I wish now to read a letter from Representative PETER W. RODINO, JR. His letter reads as follows:

DEAR SENATOR GORE: Since our last correspondence regarding your good effort to increase the personal income tax exemption, I have circulated my colleagues eliciting their support for your cause. I have also joined with my good friend Congressman Charles Vanik in securing support for the increased tax exemption. The attached list of the members of the House is in addition to those members that have signed Congressman Vanik's letter. We feel confident that the majority of the members of the House of Representatives will support a provision to increase the personal income tax exemption.

I note that you now propose to increase the exemption from \$600 to \$1,000 with four yearly increases of \$100. The members joined with me are all primarily interested in the principle of increasing a wholly inadequate \$600 exemption. Thus, I feel confident they will support any feasible means that accomplishes this important and meaningful task.

Sincerely,

PETER W. RODINO, JR.

I ask unanimous consent that this letter, together with the list of Members of the House of Representatives attached thereto, be printed in the RECORD at this point.

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

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, D.C., November 25, 1969.

HON. ALBERT GORE,

U.S. Senate,

Washington, D.C.

DEAR SENATOR GORE: Since our last correspondence regarding your good effort to increase the personal income tax exemption, I have circulated my colleagues eliciting their support for your cause. I have also joined with my good friend Congressman

Charles Vanik in securing support for the increased tax exemption. The attached list of the members of the House is in addition to those members that have signed Congressman Vanik's letter. We feel confident that the majority of the members of the House of Representatives will support a provision to increase the personal income tax exemption.

I note that you now propose to increase the exemption from \$600 to \$1,000 with four yearly increases of \$100. The members joined with me are all primarily interested in the principle of increasing a wholly inadequate \$600 exemption. Thus, I feel confident they will support any feasible means that accomplishes this important and meaningful task.

Sincerely,

PETER W. RODINO, JR.,  
Member of Congress

AN ATTACHED LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Rodino, Peter W.; Adams, Brock; Anderson, Glenn; Annunzio, Frank; Baring, Walter; Blackburn, Benjamin; Blatnik, John A.; Brown, George; Burke, J. Herbert; Burton, Phillip; and Button, Daniel E.

Carey, Hugh L.; Conyers, John; Dent, John; Dulski, Thaddeus J.; Eckhardt, Bob; Flynt, John J.; Friedel, Samuel N.; Gaydos, Joseph M.; Hanley, James M.; Helstoski, Henry; Howard, James; Johnson, Harold; and Koch, Edward I.

Lukens, Donald E.; McCulloch, William M.; Matsunaga, Spark M.; Mikva, Abner J.; Miller, George; Pepper, Claude; Pickle, Jake; Poydell, Bertram; Reid, Ogden; Rooney, Fred; St Germain, Fernand J.; Sandman, Charles; Stokes, Louis; Stratton, Sam; Tiernan, Robert; Vigorito, Joseph; and Yatron, Gus.

Mr. GORE, Mr. President, I read at this point a letter from Representative CHARLES A. VANIK:

DEAR SENATOR GORE: We, the undersigned Members of the United States House of Representatives, urge your support of an amendment to provide for an increase in the dependency exemptions from \$600 to at least \$1000.

We support an increase in dependency exemptions to take effect immediately or in several stages depending upon revenue effect to the Treasury. A meaningful increase in dependency exemptions is long overdue.

Sincerely yours,

The letter is signed by Representative VANIK and 173 Members of the House of Representatives. I ask unanimous consent that the letter and the names, together with Representative VANIK's statement, be printed in the RECORD.

There being no objection, the letter, list of names, and statement were ordered to be printed in the RECORD, as follows:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK, OF OHIO, 173 MEMBERS OF THE HOUSE OF REPRESENTATIVES SIGN LETTER TO SENATOR GORE SUPPORTING INCREASE OF DEPENDENCY EXEMPTION TO \$1,000

The following letter was sent to Senator Albert Gore, a member of the Senate Finance Committee, in support of his efforts to increase dependency exemptions from the present \$600-per-person rate to \$1,000.

Senator Gore plans to offer an amendment to this effect on the Senate Floor. The Members of Congress who signed the enclosed letter felt that it was essential that the Senate be informed of the strong support on behalf of increasing dependency exemptions since no vote on this issue was allowed on the House Floor, during consideration of tax reform legislation, which was brought to the Floor under a closed rule.

Congressmen Peter Rodino of New Jersey and John Saylor of Pennsylvania have gathered additional signatures on this important matter and are forwarding them to Senators Gore and Williams of Delaware. In combination the total number of House Members signing any of these three letters of support equals a clear majority of the Membership of the House of Representatives.

It is clearly the feeling of the Members who have signed this letter that the present \$600 dependency exemption is totally unrealistic and is not related in any fashion to the actual costs of dependency support. Increasing this tax allowance to \$1,000 will reflect more accurately the burden of support which presently exists.

Congressman Charles Vanik attempted to force this issue to a head when the House of Representatives was considering tax reform and relief legislation by asking that the House Rules Committee allow for a vote on this matter. His request was denied. He testified in a similar manner before the Senate Finance Committee. However, the Committee chose to ignore including an exemption increase to \$1000 in the bill which they reported out.

When Senator Gore indicated that he would take the fight for the increase to the Senate Floor, Congressman Vanik circulated the text of the following letter to his colleagues in the House of Representatives, and obtained the signatures of 154 Members. The text of the letter is as follows:

"Hon. ALBERT GORE,  
"U.S. Senate,  
"Washington, D.C.

"DEAR SENATOR GORE: We, the undersigned Members of the United States House of Representatives, urge your support of an amendment to provide for an increase in the dependency exemption from \$600 to at least \$1000.

"We support an increase in dependency exemptions to take effect immediately or in several stages depending upon revenue effect to the Treasury. A meaningful increase in dependency exemptions is long overdue.

"Sincerely yours,

"Signed by 173 Members of Congress."

AN ATTACHED LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Abernethy, Adams, Addabbo, Glenn Anderson, William Anderson, George Andrews, Annunzio, Ashley, Aspinall, Blackburn, Baring, and Barrett.

Bennett, Bevell, Biaggi, Bingham, Boland, Brinkley, Brademas, Brasco, Brooks, George Brown, James Burke, and Phillip Burton.

James Byrne, J. Herbert Burke, Caffery, Carey, Casey, Celler, Chisholm, Clark, Clay, Conyers, Culver, and Dent.

Daddario, Daniel, Daniels, Delaney, Diggs, Dingell, Dent, Donohue, Dorn, Dowdy, Downing, and Dulski.

Eckhardt, Edmondson, Don Edwards, Ellberg, Fallon, Farbstein, Fascell, Feighan, Flood, Flowers, Flynt, and Friedel.

William G. Ford, Fountain, Fraser, Richard Fulton, Galifianakis, Gallagher, Garmatz, Gaydos, Gialmo, Gilbert, and Gonzalez.

Gray, Edith Green, William Green, Hagan, Hanley, Hamilton, Hanna, Hansen, Harrington, Hathaway, and Hawkins.

Hays, Hébert, Hechler of West Virginia, Helstoski, Hicks, Hollifield, Hull, Howard, Hungate, Jacobs, and Harold Johnson.

Walter Jones, Karth, Kastenmeier, Kazan, Kee, Kluczynski, Koch, Kyros, Robert Leggett, and Speedy Long.

Lowenstein, Lukens, Macdonald, Madden, Matsunaga, Meeds, Mikva, George Miller, Minish, Mink, Mollohan, Morgan, William Murphy, and McCulloch.

Nedzi, Nichols, Nix, Obey, O'Hara, O'Neill, Olsen, Ottinger, Patten, and Pepper.

Perkins, Podell, Powell, Melvin Price, Pu-

cincki, Pickle, Randall, Rarick, Rees, Roberts, Byron Rogers, and Paul Rogers.

Rosenthal, Roybal, Ryan, Fred Rooney, Scheuer, Shipley, Slack, Neal Smith, Staggers, Steed, Stokes, and St Germain.

Taylor, Frank Thompson, Tiernan, Vanik, Vigorito, Van Deerlin, Waggonner, Waldie, White, and Charles Wilson.

Wolf, Wright, Yatron, Zablocki, Blatnik, Button, Pollock, Ogden Reid, Sandman, Stratton, and Rodino.

Mr. GORE. Mr. President, I have received a letter from Representative JOHN P. SAYLOR, of the 22d District of Pennsylvania, dated November 21, 1969, which reads as follows:

DEAR SENATOR GORE: It has come to my attention that Members of your Party are circulating a letter in the House of Representatives urging support for an increase in the personal exemption amount from \$600 to \$1000.

In a spirit of bi-partisanship I have enclosed for your perusal a copy of an attachment to my press release of July 24, 1969, wherein I listed all House Members by State who supported my bill H.R. 12861 and/or similar bills to accomplish this much needed tax reform.

I am sure it will not escape your attention that 24 of the 27 Members of the Pennsylvania delegation supported the legislation and 6 of the 9 Members of the Tennessee delegation were found in support. You will also note that I listed Members of both Parties who were in favor of granting this widely sought-after tax reform and tax relief measure.

In spite of the fact that the wishes of the majority (233 Members) of the House were not successful in obtaining an amendment to the House-passed tax reform bill, I wish you and your colleagues of both Parties every success in efforts to incorporate such a section in the Senate version of the tax reform proposal.

Based on the attached list, I believe that an increase in the personal exemption amount would stand a good chance of final passage should the Senate act to include the reform in its bill.

Sincerely yours,

JOHN P. SAYLOR.

Mr. President, I ask unanimous consent that the letter which I have read and the list of 233 Members of the House of Representatives be printed at this point in the RECORD.

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

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., November 21, 1969.

HON. ALBERT GORE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR GORE: It has come to my attention that Members of your Party are circulating a letter in the House of Representatives urging support for an increase in the personal exemption amount from \$600 to \$1000.

In a spirit of bi-partisanship I have enclosed for your perusal a copy of an attachment to my press release of July 24, 1969, wherein I listed all House Members by State who supported my bill H.R. 12861 and/or similar bills to accomplish this much needed tax reform.

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Parties who were in favor of granting this widely sought-after tax reform and tax relief measure.

In spite of the fact that the wishes of the majority (233 Members) of the House were not successful in obtaining an amendment to the House-passed tax reform bill, I wish you and your colleagues of both Parties every success in efforts to incorporate such a section in the Senate version of the tax reform proposal.

Based on the attached list, I believe that an increase in the personal exemption amount would stand a good chance of final passage should the Senate act to include the reform in its bill.

Sincerely yours,

JOHN P. SAYLOR.

ATTACHMENT LIST OF 233 CONGRESSIONAL SUPPORTERS OF BILLS TO RAISE THE PERSONAL EXEMPTION AMOUNT—BY STATE

Alabama: Bevell, Buchanan, Edwards, Flowers, and Nichols.

Alaska: Pollock.

Arizona: Udall.

California: Anderson, Brown, Burton, Edwards, Hanna, Hawkins, Hollifield, Johnson, Leggett, McFall, Miller, Pettis, Roybal, Smith, Tunney, Waldie, and Wilson, C.

Colorado: Brotzman, and Rogers.

Connecticut: Daddario, Gialmo, Meskill, St. Onge, and Weicker.

Florida: Burke, Frey, Gibbons, Haley, and Rogers.

Georgia: Blackburn, Brinkley, Hagan, and Stuckey.

Hawaii: Matsunaga, and Mink.

Illinois: Annunzio, Gray, Kluczynski, Mikva, Murphy, Price, Pucinski, Railsback, and Shipley.

Indiana: Jacobs, Madden, and Zion.

Iowa: Miller and Schwengel.

Kansas: Sebelius, Shriver, Skubitz, and Winn.

Kentucky: Carter, Cowger, Perkins, and Snyder.

Louisiana: Edwards, Long, Passman, Rarick, and Waggonner.

Maine: Kyros.

Maryland: Fallon, Friedel, Garmatz, Hogan, and Long.

Massachusetts: Boland, Burke, Conte, Donohue, Macdonald, O'Neill, and Philbin.

Michigan: Broomfield, Chamberlain, Conyers, Diggs, Dingell, Wm. Ford, McDonald, O'Hara, Riegler, and Ruppe.

Minnesota: Blatnik, Fraser, Karth, and Zwach.

Mississippi: Griffin, and Whitten.

Missouri: Clay, Hull, Hungate, and Randall.

Montana: Olsen.

Nebraska: Cunningham and Martin.

Nevada: Baring.

New Hampshire: Wyman.

New Jersey: Daniels, Gallagher, Helstoski, Howard, Hunt, Joelson, Minish, Rodino, Sandman, and Thompson.

New Mexico: Foreman and Lujan.

New York: Addabbo, Biaggi, Bingham, Brasco, Button, Chisholm, Delaney, Dulski, Farbstein, Gilbert, Halpern, Hanley, Hastings, Horton, King, Koch, Lowenstein, McCarthy, McKneally, Murphy, Ottinger, Podell, Ryan, Rosenthal, Scheuer, Wolf, and Wydler.

North Carolina: Fountain, Galifianakis, Henderson, Jones, and Taylor.

Ohio: Ashbrook, Ashley, Clancy, Feighan, Harsha, Latta, Lukens, McCulloch, Minshall, Mosher, and Stokes.

Oklahoma: Camp, Edmondson, and Steed.

Oregon: Green.

Pennsylvania: Barrett, Byrne, Clark, Coughlin, Dent, Ellberg, Eshleman, Flood, Fulton, Gaydos, Goodling, Green, Johnson, McDade, Moorhead, Morgan, Nix, Rooney, Saylor, Vigorito, Williams, Whalley, Watkins, and Yatron.

Rhode Island: St Germain and Tiernan.

South Carolina: Gettys.  
 South Dakota: Berry.  
 Tennessee: Blanton, Duncan, Evins, Fulton, Jones, and Quillen.  
 Texas: Brooks, de la Garza, Eckhardt, Gonzalez, Kazen, Patman, Pickle, Poage, Price, Purcell, White, and Wright.  
 Utah: Burton.  
 Virginia: Abbitt, Scott, Wampler, and Whitehurst.  
 Washington: Adams, Hansen, Hicks, and Pelly.  
 West Virginia: Hechler, Kee, Mollohan, Slack, and Staggers.  
 Wisconsin: Kastenmeier, Obey, Reuss, Steiger, Schadeberg, Thomson, and Zablocki.  
 Arkansas: None.  
 Delaware: None.  
 Idaho: None.  
 North Dakota: None.  
 Vermont: None.  
 Wyoming: None.

Mr. GORE. Mr. President, it comes as a great encouragement to the senior Senator from Tennessee that what appears on quick examination to be considerably more than one-half of the membership of the House of Representatives have petitioned the Senate to enact this important and much needed reform, a reform that would give a tax reduction to those who need it the most, those with the largest number of dependents.

The amendment which I have submitted will be called up at an appropriate time. I will undertake to speak upon the amendment at that time. No vote, however, is expected until next week.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.  
 The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

#### SCHOOL SEGREGATION IN THE STATE OF INDIANA

Mr. STENNIS. Mr. President, as I have heretofore announced, I think it will be helpful, in considering possible amendments that may come up in connection with appropriations bills, particularly the HEW appropriation bill, to have the facts before Senators regarding the school integration picture not just in the South but throughout the United States as well.

In keeping with my purpose to bring these facts to the Members of the Senate and to the people of the Nation, I have compiled certain data taken from the official records of HEW files. Samples of these records have been brought to the special attention of Mr. Finch in an open hearing before the Appropriations Committee, and he agreed, in response to my questions, that they were correct or substantially correct and were believed by him to be substantially correct. They were obtained by lawful means, of course through regular channels, by a staff member of the Appropriations Commit-

tee and from the files of the Secretary of Health, Education, and Welfare.

Today I have completed and assembled the figures that reflect the picture with reference to the public schools in the State of Indiana. My remarks will not be at great length, but they will give a summary of the picture in that State as of the date of these figures.

In the 1968-69 school year, there were a total of 1,081,214 elementary and secondary students attending public schools in Indiana. Of this total, 88.8 percent, or 961,182, were white; 9.8 percent, or 105,772, were Negroes, and the remaining 1.4 percent was made up of other minority groups as classified by the HEW as American Indian, Oriental, and Spanish-American students.

However, HEW's computer data reflects that there are 10 cities in Indiana which have one or more schools where Negro students make up 80 to 100 percent of the total school enrollment, and in these 10 school districts are enrolled 87.9 percent of all the Negro students in Indiana—92,953.

There are 57 schools where the Negro enrollment exceeds 80 percent of total enrollment, and of these 57, there are 49 schools where the Negro enrollment is 90 percent to 100 percent of the total enrollment, and 40 schools within these 57 where the enrollment is 99 and 100 percent Negro.

These HEW figures are very significant in the issue of segregation and integration, and help show there is a totally different set of rules applied in school districts outside the South than is applied in school districts in the South.

Let us look at the school district of Indianapolis, the capital of the State. The total 1968-69 public school enrollment is reflected as 108,587 students in 122 schools in this fine city; 72,010, or 66.3 percent, are white students; 36,577, or 33.7 percent, are Negro students—in other words, two-thirds white and one-third Negro students. There are no other minority group students enrolled in these schools. Let us now look at the distribution in these schools in the city.

There are 13,765 Negro students in 17 schools that are from 99.2 to 100 percent black. There are only 37 students listed as white in these 17 schools.

There are another seven schools with a total enrollment of 7,564 students, of which 7,336 are Negro and 228 are white. That would be 3 percent white and 97 percent Negro. The figures show 21,064 of the 36,577 Negro students in Indianapolis segregated in 24 schools that are 97 to 100 percent Negro. In all, there are 34 of the 122 Indianapolis schools which have a majority Negro enrollment. In these 34 schools there are 28,372 Negro students and 3,212 white, or, 4.4 percent of the total white student enrollment of 108,587 are attending these Negro majority schools.

Now let us look at the majority white schools. There are 36 schools with a total enrollment of 31,221 students which are 99 to 100 percent white—18 schools are 100 percent white. There are but 76 Negro

students listed as attending these 36 schools. There are another 28 schools with enrollments aggregating 19,928 that are 90.9 to 98.8 white. There are 869 Negroes attending these 28 schools, or about 4 percent of the enrollment.

Accordingly, 51,159 white students, or 71 percent of the total white student enrollment, are isolated in 64 schools that are 96 to 100 percent white. There are nine schools with a total enrollment of 926 which are 89.1 to 80.3 percent white—8,587 white students; 1,339, approximately 13 percent, Negroes. There are another 15 schools with a total enrollment of 15,847 which are 77.9 to 51.7 percent white—10,007 white; 5,921, approximately 37 percent, Negro. This group of schools includes one technical high school which has 5,190 students—2,717 white and 2,473, or 47.6 percent, Negro.

Overall, there are 68,798, or 95.6 percent, of the 72,010 white students attending Indianapolis public schools that are in majority white schools. Only 3,212, or 4.4 percent, of the white students are attending schools having a majority Negro student enrollment. The 8,305 Negro students attending majority white schools constitute only 10½ percent of the total enrollment of the 88 majority white schools.

If that situation prevailed in a southern school district there would already have been mandates from the Supreme Court or from HEW, on down that the district must be completely integrated forthwith and that necessary Negroes should be bused to predominantly white schools and white students bused to majority Negro schools—regardless of the consequences.

Mr. President, I could go into the facts and figures as to a great number of those schools and the way it is actually being done, but I suppose that is not necessary here. The same thing could be done in Indianapolis, or anywhere in Indiana, by the same processes and illuminate this picture I have painted, which is thought to be so evil by some and unlawful by all courts. However, virtually nothing has been done, insofar as I know from the record, by HEW in the State of Indiana in an administrative way. As far as I know, no Governor, since the decision in 1954 in the case of Brown against Board of Education has moved and tried to do something about the situation; there has been no enactment of any law by the legislature of that great State—and I am not reflecting on that great State.

Mr. President, my point is that nothing has been done about it and there is no prospect that I know of anything of any appreciable substance being done about it soon; whereas in the area where I live, in the South, schools literally are being torn to pieces—and I mean that; they are going to be left in shambles within a few months.

White students in the area where I live are being taken from their home communities and bused away to another end of the county and placed in schools that

are now predominantly colored; and colored students are taken out of schools in the community where they live and they are being bused to another area of the county and placed in vacant spots created there.

I do not think that should be done in the South; I do not think it should be done anywhere. However, if there is a principle involved it should be a uniform principle that applies to all people in all the Nation; and it should be carried out by any President or anyone who is the Secretary of Health, Education, and Welfare, or by the Attorney General.

Mr. President, I point out further that nobody is claiming that the Supreme Court decision of 1954 is not the law of the land. No one is fighting on that basis. But they are not stopping with integration. They literally are leaving a lot of our area of the country in shambles so far as public schools are concerned because of this percentage-wise, or almost percentage-wise, integration that I say is unfair and unreasonable in any instance from an educational standpoint.

If we are going to have it in one area of the country the only way to bring it to the attention and let it be felt by other areas of the country is to enforce it uniformly throughout the Nation. Then, and only then, can we get a national policy that is based on reason and common-sense and which is really wanted by the people.

I think the parents of the children of this country can get very nearly what they want out of their State legislatures, out of this Congress, and out of anybody who is elected to the White House; but as long as this unbearable burden is being placed on one part of the country that is deemed to be evil to begin with, and a presumption of guilt attached to it, we are not going to have any national policy. We are going to have a policy applied in a section of the country.

I point out also that a great many States outside the South had segregation laws of one kind or another well over into this century, and several of them up until a few years before the 1954 decision by the Supreme Court, but nothing has been done to those States, virtually nothing, if they are outside the South. But they have literally turned us upside down and they have shaken the living life out of our public schools.

Another point I wish to raise is that all segregation, by law or otherwise, was legal by Federal court standards in every State until 1954. It had the sanction and express approval of the Supreme Court, so it was not unlawful anywhere. That was the national policy. We moved then from that 1954 decision that outlawed all segregation statutes wherever they were, and the policies and the statutes that permitted it by choice under any circumstances. So before 1954, it was legal; and after 1954 segregation was declared illegal and void. It was said you could not discriminate against any child in the placement in schools because of color. From that point, we have moved to one policy after another being added

to that basic principle by various court decisions. But there has been no nationwide maintaining of this principle that was announced in 1954.

It is my purpose and my sole purpose here and now to get the facts before all the people, before all the Senators, all Members of the House of Representatives, and before officials in the executive branch.

These things have not been known until recently. This is a product of the computer system. I think it should be brought out and then we can make a judgment. I am not here accusing anyone of bad faith, and I am not here just finding fault.

Yesterday in the hearings I posed this question: "When you have these cases in court demanding total integration now, and you mix students up, haul them around and balance them off; when you get all the court decisions you want and assuming they are all carried out by trustees and the people, then, what are you going to do?"

In effect the answer was that that would be the end of the matter and they would dismiss the case and withdraw from the administration of it in any State.

I said, "All right. Then, if the people go back and by natural selection re-segregate themselves again, and come back like they were or to a situation which is similar to what they were, what are you going to do then?"

He said, "Well we would have to intervene again."

So, Mr. President, here is a situation in perpetuity where the people are going to be closed in by a system of bureaucracy, or whatever you may call it, from now on.

From now on, we will have to be policed by this theory, this policy of government that they apply, so far, only on a sectional basis. Their reasons are largely fictitious. They are a sham. When we get right down to the heart of the thing, where the people live, that is what is happening.

Now if Congress or the courts should see fit to move into other areas of the country, I think we will hear from a lot of mothers and fathers. I also think that Senators will hear from them, as well as Members of the House, and the President, whoever he may be. This will become a nationwide issue. I believe we will get a more moderate policy out of it.

I do not advocate going back to the old rules prior to 1954. I know that that will not be coming. But so that the schools may live, so that they may live as educational institutions rather than as instruments of social change, so that we may have public education where the poor children, all children, can go if they wish to, rather than to have to go to school under police state methods, so that we may have our children educated in a more natural way, that is what I am pleading for.

I am pleading for the community school, the neighborhood school, the school where children live, where their parents are, and where they have their

interests. I believe that that can be well brought about. The only way it can be brought about, I believe, is through the exposure of these facts.

I do not know how long it will take, but I believe it will result in the formulation of a nationwide policy to live and let live which will be to the benefit of everyone in this country and will take care of the educational needs of all our children and give them the opportunity to be trained and become qualified according to their own talents.

But as long as we go along with a sectional policy that applies only to one section of the country, I believe it is not only downright wrong but will destroy the public school system of the area where it is applied.

Thus, I plead with my colleagues to look at the facts, to formulate a national policy that will get to the bottom of the problem and then let us move forward from there.

Mr. President, I mention Indianapolis today, particularly because one of the rare Federal actions filed against a northern school district was filed against the Indianapolis school district on May 31, 1968. That is the one case that, according to my records, has already been filed, almost 18 months ago. But, to date, that action apparently has concerned itself only with teacher assignments, and the only notation concerning it, as reported by the Department of Justice on September 30, 1969, is that it was, "waiting for a trial date." Further, it is my understanding that it is still awaiting a trial date.

Mr. President, let me say on that, that I want any school district to have a reasonable time to make adjustments. I am not advocating any rash action here or to demand the "death penalty" so to speak. That is what they are doing to us in the South, demanding a "death penalty." That is what is being imposed upon us because we have not done this thing. I do not advocate that for any other school district in the country.

My point is that nothing substantial has been done. It has been ignored. The Federal Government has been acting as if these facts did not exist.

Mr. President, let me give one or two more illustrations.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG. Do I correctly understand the Senator's position to be that if the cities and States up North will undertake to abide by some sort of Federal program which they find they can live with, the probabilities are that those of us in the South can come more nearly to living under that program than we can by something which is simply handed down without any concurrence at all or any acceptance at all, to apply only in the Southern States. In other words, that what is to be imposed in the Northern, Eastern, and Western States would, presumably, at least be something the people could live with in some fashion—

Mr. STENNIS. That is right.  
 Mr. LONG. That such a program would be something that we in the South could more or less live with, than what they are trying to do to us now?

Mr. STENNIS. The Senator from Louisiana is correct. If they apply a real pattern—I am not advocating tearing up the schools, under any conditions—but we are at the point now that it has got to be determined whether there will be anything applied outside the South.

I have no doubt that if they put the pressure on in, say, Ohio, or Indiana, in the large voting States, there will be such a reaction that it will bring a modified policy in the Court, the Congress, HEW, the Department of Justice, and everywhere else. There will be a policy that all the people will benefit by and can live with.

As I have said, I do not know how long it will take to bring that about, but I know as a fact, because I have dealt with them, that the HEW feels it has a "mission." I am not referring to Secretary Finch, although he has got his hand into this problem and he has learned a lot about it. I am not attacking him. He has come out with some very helpful statements. But there has been a group of zealots down there in HEW who have been running wild carrying out what they feel to be their "mission" in life, as they look at it.

We have been promised time and time again that there would be a program set up to go into other States and see what the response was and that perhaps we would get a national policy out of it; but substantially nothing has been done about it.

One suit has been filed outside the Southern States, and one administrative action has been filed, but carried out by HEW on one school.

I illustrated here before that 2 or 3 years ago someone in HEW notified Chicago that it was going to have to get in line. Just like a cannon going off, there came back a response—I do not know from where—perhaps Mayor Daley came down here or just sent a telegram—but, anyway, the White House took the response under advisement. That was about the end of it. Nothing was done about it.

Last spring, between March and June, I believe, HEW gave notice to the Chicago schools that they would have to integrate their facilities.

Immediately there was objection raised by the faculties. They filed a terrific protest. This was all published in the press. The teachers were offered a bonus to go into the schools in question. The last time I heard of it they had still refused to go. That is what the press reported. They demanded that if it was

going to have to be carried out, the Federal Government would have to put up the money, which was \$48 million, I believe it was.

I talked to one of the Senators from Illinois about that, so those facts are substantially correct.

There has been nothing carried out and no substantial efforts made. Now they say, "Well, the South had de jure segregation but de jure segregation did not exist elsewhere." Well, if that is a valid distinction, they should not go into the North at all. They should not bother, because they did not have any segregation laws in 1954. So they admit to themselves that they have jurisdiction of this matter and that they should proceed. Some of them do. But as a practical matter they do not get down to the facts of life and make any requirements.

Mr. President, Gary, Ind., which is a very fine city, has 50 public schools with a total enrollment of 48,431, of which 29,826, or 61.6 percent are Negro students, 14,063, or 29 percent are white, and the remaining 9.1 percent are classified as Spanish Americans.

Of the total Negro enrollment, 23,265—or about 80 percent—are segregated in 21 schools which are 99 and 100 percent Negro.

Talk about lack of integration. How could there be a more glaring illustration than that?

Down home, the ultimatum of the court is, "No more Negro schools as such. Close them up. Abolish them. Put the children somewhere else." Nothing has been done, as I say, up here.

There are but 20 white students listed as attending these 21 schools—less than one white child to the school.

There are 26,517 Negro students in 24 schools that are 91.3 to 100 percent segregated; 28,910, or 96.5 percent, of the Negro students are in majority Negro schools, with 3,800 Spanish Americans, 2,965 whites, and 77 minority group students.

The term "Spanish Americans" is the term in the computer. That is not my term, but for some reason they classify these people on that basis.

On the white side of the school system, there are five schools—this is Gary, Ind.—with a total enrollment of 4,941 white students, which are from 95.1 to 98.8 percent white. There are only 46 Negro students in these five schools. There are another two schools with 1,048 white students, with 90.2 and 94.4 percent white enrollment, where only 43 Negro students attend. There are also three schools with white student enrollments totaling 3,065, which are from 82.8 to 86.9 percent white. There are another six schools with 2,053 white students which are 64.5 to 78.4 percent ma-

ority white. In all, there are only 916 Negro students out of the total Negro enrollment of 29,826, attending majority white schools.

As I understand the case of Brown against Board of Education, decided in 1954, the Court went to great length in its reasoning that Negro students were entitled to the association, the environment, and a list of other opportunities that are supposed to have gone with the white schools. That was the principle of the case, as I understand. If that is right, the children I have been calling attention to are being denied the principle that the Supreme Court laid down as something they were entitled to. There is no effort on the part of the State to correct that condition; only the very slightest effort on the part of the Department of Justice—one suit—and only the slightest kind of effort on the part of HEW to correct that situation.

On the contrary, in other parts of the country, the demand is so total and demanding and exact, contrary to the wishes of a great majority of the colored parents and the white parents, that it is leaving our schools in a shambles, particularly the abrupt application of the principle. In many of them, there has been a more moderate, a more modest, progressive integration, where the proportions were not so pronounced, and things have moved along in such a way as to be able to preserve the public schools.

I think the city of Washington is the outstanding illustration to the whole world of what happens over a period of years when total, immediate integration is applied. I am collecting some facts to show just what the situation is and what has happened in this great city.

In 1963, there was a Federal court case brought against the school district of Gary, Ind., by Negro parents alleging, among other things, compulsory segregation and infringement of civil rights: *Bell v. The School City of Gary, Indiana*, 213 Fed. Supp. 819, Affirmed, 7th Circuit, 1963, 324 F. 2d 209, cert. den., 377 U.S. 924, 1965. Here the court laid down rules and policies exactly opposite the rules now applied to the South. The decision was affirmed by the appellate court and certiorari denied by the Supreme Court. Neither HEW nor Justice Department was a party to the suit. Mr. President, I ask unanimous consent that the full HEW records for schools of Indiana be put in the RECORD.

The records to which I refer are the records about which I have been speaking, and are authenticated as being official records, as I have already described.

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

INDIANA STATE TOTAL

[Number of districts: 232. Representing: 327. Number of schools: 1,878. Representing: 2,189]

	American Indian	Negro	Oriental	Spanish-American	Minority total	Others	Total
Students.....	525	105,772	854	12,881	120,032	961,182	1,081,214
Representing.....	544	105,178	884	13,622	121,226	1,089,301	1,210,523
Teachers.....	7	2,619	32	91	2,749	39,816	42,561
Representing.....	8	2,520	33	96	2,757	45,046	47,805

INDIANA STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

DISTRICT: HAMMOND SCHOOL CITY. NUMBER OF SCHOOLS: 28. REPRESENTING: 28. CITY: HAMMOND. COUNTY: 45 LAKE. ASSURANCE: 441

	Students—							Weight: 1.0— grade	Teachers—						
	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number.....	51	1,637	54	873	2,615	20,918	23,533		1	48	5	5	59	941	1,000
Percent.....	0.2	7.0	0.2	3.7	11.1	88.9	100.0		0.1	4.8	0.5	0.5	5.9	94.1	100.0
Maywood (15).....	0	530	0	42	572	112	684	011111100000000 (83.6)	0	6	0	0	6	22	28
Lew Wallace (26).....	0	210	0	10	220	198	418	011111110000000 (52.6)	0	2	0	0	2	13	15
A. L. Spohn (24).....	1	283	1	108	393	840	1,233	000000011100000 (31.9)	0	5	1	1	7	51	68
Lafayette (13).....	10	103	5	92	210	984	1,154	011111111100000 (17.6)	0	7	2	0	9	38	47
Hammond High School (8).....	0	156	3	40	199	1,002	1,201	000000000011110 (16.6)	0	3	0	0	3	55	58
Technical Vocational High School (25).....	7	186	2	105	300	1,525	1,825	(16.4)	0	2	0	0	2	93	95
Riverside (23).....	0	15	2	33	50	255	305	011111100000000 (16.4)	0	1	0	0	1	11	12
Columbia (4).....	1	4	1	50	56	310	366	011111100000000 (15.3)	0	0	0	0	0	14	14
Irving (10).....	1	0	0	103	104	594	693	011111100000000 (14.9)	0	1	0	0	1	21	22
Abraham Lincoln (14).....	7	3	0	52	62	563	625	011111100000000 (9.9)	1	0	1	0	2	19	21
Washington (27).....	1	12	9	27	49	565	614	011111111100000 (8.0)	0	1	0	0	1	30	31
Woodrow Wilson (28).....	2	47	6	29	84	1,006	1,090	011111110000000 (7.7)	0	2	0	0	2	37	39
Thomas A. Edison (5).....	0	61	6	13	80	1,107	1,187	011111111000000 (6.7)	0	1	0	1	2	49	51
Kenwood (12).....	7	0	1	11	19	443	462	011111110000000 (4.1)	0	0	0	0	0	16	16
Roland B. Miller (16).....	0	0	3	23	26	745	771	011111110000000 (3.4)	0	1	1	0	2	25	27
Morton Elementary (17).....	1	0	0	10	11	385	396	011111110000000 (2.8)	0	0	0	0	0	14	14
Gene Stratton Porter (21).....	0	0	4	6	10	385	395	011111110000000 (2.5)	0	0	0	0	0	17	17
Orchard Drive (20).....	0	1	0	12	13	501	514	011111110000000 (2.5)	0	0	0	0	0	17	17
Lee L. Caldwell (1).....	0	0	0	13	13	600	613	011111110000000 (2.1)	0	1	0	0	1	21	22
Harding (9).....	0	1	0	20	21	979	1,000	011111100000000 (2.1)	0	4	0	0	4	32	36
Donald E. Gavit Jr.-Sr. High School. (7).....	3	23	3	19	48	2,240	2,288	000000001111110 (2.1)	0	6	0	1	7	93	100
Morton Sr. High School (19).....	8	0	3	20	31	1676	1707	000000000111110 (1.8)	0	3	0	0	3	70	73
George Rogers Clark Elementary (2).....	0	0	1	3	4	266	270	011111110000000 (1.5)	0	0	0	0	0	9	9
Franklin (6).....	0	0	0	3	3	205	208	011111110000000 (1.4)	0	0	0	0	0	7	7
James Whitcombe Riley (22).....	0	0	1	7	8	660	668	011111110000000 (1.2)	0	0	0	0	0	23	23
Morton Middle School (18).....	0	0	0	13	13	1089	1102	000000011100000 (1.2)	0	1	0	1	2	56	58
Thomas Jefferson (11).....	0	2	2	1	5	500	505	011111110000000 (1.0)	0	1	0	0	1	17	18
George Rogers Clark (3).....	2	0	1	8	11	1183	1194	000000001111110 (0.9)	0	0	0	1	1	61	62

DISTRICT: GARY COMMUNITY SCHOOL CORPORATION. NUMBER OF SCHOOLS: 50. REPRESENTING: 50. CITY: GARY. COUNTY: 45 LAKE.

	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grade	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number.....	80	29,526	60	4,402	34,368	14,063	48,431		0	1,133	7	24	1,164	782	1,946
Percent.....	0.2	61.6	0.1	9.1	71.0	29.0	100.0		0	58.2	0.4	1.2	59.8	40.2	100.0
Charles R. Drew Ele- mentary School (12).....	0	946	4	0	950	0	950	011111110000000 (100.0)	0	35	1	0	36	4	37
James Henry Garnett Elementary (20).....	0	851	0	1	852	0	852	011111110000000 (100.0)	0	28	0	0	28	2	30
Teenettes (48).....	0	7	0	0	7	0	7	000000000000001 (100.0)	0	0	0	0	0	1	1
Daniel Hale Williams Elementary (44).....	0	973	0	0	973	0	973	011111110000000 (100.0)	0	30	0	0	30	5	35
Dunbar Elementary (13).....	0	793	0	5	798	0	798	011111110000001 (100.0)	0	29	0	0	29	0	31
George Washington Carver Elementary (9).....	0	899	0	0	899	0	899	011111110000001 (100.0)	0	34	0	0	34	0	34
Benjamin Banneker Elementary (4).....	0	750	0	0	750	0	750	011111110000000 (100.0)	0	27	0	0	27	0	27
Horace S. Norton Elementary (32).....	5	1,387	0	28	1,420	0	1,420	011111110000001 (100.0)	0	55	0	0	55	5	60

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
David O. Duncan Elementary (14).....	0	972	0	0	972	0	972	(100.0) 011111110000000	0	34	0	1	35	2	37
Frederick Douglass Elementary (11).....	0	753	0	0	753	0	753	(100.0) 000000001110001	0	30	0	0	30	1	31
Pulaski Junior High (34).....	0	1,321	0	0	1,321	0	1,321	(100.0) 000000000011110	0	47	1	1	49	5	54
Theodore Roosevelt Senior High (37).....	0	2,603	0	0	2,603	1	2,604	(100.0) 000000011111111	0	95	0	1	96	9	105
Froebel High School (19).....	0	1,832	0	28	1,660	1	1,661	(99.9) 011111110000000	0	64	0	2	66	11	77
Alain L. Locke Elementary (25).....	0	1,286	0	0	1,286	1	1,287	(99.9) 011111110000001	0	44	0	0	44	0	44
Ernie Pyle Elementary (35).....	0	882	0	0	882	1	883	(99.9) 000000001110001	0	29	0	0	29	4	33
Alfred L. Beckman Junior High (5).....	0	1,587	0	0	1,587	2	1,589	(99.9) 011111110000000	0	51	0	1	52	14	66
Lincoln Elementary (25).....	0	1,152	0	0	1,152	2	1,154	(99.8) 011111110000000	0	38	0	0	38	2	40
Beveridge Elementary (7).....	0	1,084	0	40	1,124	2	1,126	(99.8) 000000001111110	0	37	0	0	37	3	40
Tolleston High (38).....	0	2,115	0	49	2,164	5	2,169	(99.8) 011111110000001	0	71	0	5	76	27	103
Mary McLeCo Bethune Elementary (6).....	0	792	0	0	792	2	794	(99.7) 011111110000000	0	30	0	0	30	0	30
William Merritt Chase Elementary (10).....	0	480	0	24	504	3	507	(99.4) 011111110000001	0	10	0	0	10	3	18
George Washington Elementary (41).....	0	845	0	27	872	19	891	(97.9) 011111110000001	0	24	0	1	25	5	30
Ivanhoe Elementary (22).....	0	801	0	257	1,058	73	1,121	(93.5) 011111000000001	0	24	0	0	24	17	41
Brunswick Elementary (8).....	0	436	0	501	937	89	1,026	(91.3) 000000000000001	0	27	0	0	27	13	40
Fifth and Lincoln (50).....	0	67	0	21	88	11	99	(88.9) 000000000111110	0	7	0	0	7	0	7
West Side Senior High (43).....	1	968	3	241	1,213	175	1,388	(87.4) 000000111110000	0	45	0	1	46	18	64
Edison (15).....	5	575	6	505	1,191	173	1,364	(87.3) 000000001111110	0	30	0	1	31	21	51
Emerson High (17).....	20	821	2	321	1,164	335	1,499	(77.7) 000000000000001	0	12	1	2	15	51	66
Duneand (47).....	0	49	0	5	54	21	75	(72.0) 011111000000000	0	2	0	0	2	3	5
Jefferson Elementary (23).....	0	75	0	430	505	259	764	(66.1) 011111110000001	0	17	0	0	17	9	26
Emerson Elementary (16).....	0	255	1	376	632	457	1,089	(58.0) 011111110000000	0	11	1	1	13	24	37
John H. Vohr Elemen- tary (39).....	0	158	3	352	513	390	903	(56.8) 000000000000001	0	9	1	0	10	24	34
Norton Park (46).....	0	20	0	6	26	20	46	(56.5) 000000001111110	0	4	0	0	4	4	8
Mann High (27).....	37	475	14	568	1,094	914	2,008	(54.5) 011111110000000	0	14	0	1	15	70	85
Ambridge Elementary (2).....	0	18	0	103	121	220	341	(35.5) 000000000000001	0	2	0	0	2	10	12
Fifty-Third and Harri- son (49).....	0	12	0	1	13	26	39	(33.3) 011110000000000	0	4	0	0	4	7	11
Miller Elementary (30).....	0	62	1	8	71	171	242	(29.2) 000000001100001	0	2	0	0	2	7	9
Bailly Junior High (3).....	6	234	0	48	288	907	1,195	(24.1) 011111110000000	0	7	0	0	7	47	54
Daniel Webster Ele- mentary (42).....	0	74	0	37	111	387	498	(22.3) 011111110000001	0	4	0	0	4	18	22
Kuny Elementary (24).....	0	80	6	8	94	342	436	(21.6) 000000000011110	0	5	1	0	6	13	19
Lew Wallace Senior High (40).....	2	206	0	173	381	1,840	2,221	(17.2) 011111110000001	0	5	0	2	7	87	94
Franklin Elementary (18).....	1	71	2	45	119	650	769	(15.5) 011111110000000	0	13	0	0	13	23	36
Arthur P. Melton Elementary (29).....	0	70	2	15	87	575	662	(13.1) 011111110000000	0	3	0	0	3	21	24
Marquette Elementary (28).....	0	43	0	43	86	794	880	(9.8) 011111110000000	0	8	0	0	8	19	27
Glen Park Elementary (21).....	0	0	0	15	15	254	269	(5.6) 011111110000000	0	1	0	0	1	8	9

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Aetna Elementary (1)...	0	0	8	45	53	1,038	1,091	(4.9)	0	5	1	0	6	31	37
Nobel Elementary (31)...	0	13	3	15	31	733	764	(4.1)	0	7	0	1	8	21	29
Riley Elementary (36)...	3	1	0	20	24	573	597	(4.0)	0	5	0	1	6	18	24
William A. Wirt High (45).....	0	31	3	38	72	2,101	2,173	(3.3)	0	15	0	2	17	75	92
Pittman Square Ele- mentary (33).....	0	1	2	3	6	496	502	(1.2)	0	3	0	0	3	16	19

DISTRICT: SCHOOL CITY OF EAST CHICAGO. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: EAST CHICAGO. COUNTY: 45 LAKE COUNTY Y

Number.....	0	4,167	0	2,887	7,054	3,359	10,413	.....	0	124	1	13	138	272	410
Percent.....	0.0	40.0	0.0	27.7	67.7	32.3	100.0	.....	0.0	30.2	0.2	3.2	33.7	66.3	100.0
Columbus Elementary School (11).....	0	271	0	4	275	7	282	(97.5)	0	7	0	0	7	4	11
Carrie Gosch Ele- mentary School (9)...	0	762	0	76	838	85	923	(90.8)	0	21	0	0	21	12	33
Lincoln elementary School (14).....	0	83	0	433	516	56	572	(90.2)	0	10	0	1	11	9	20
Eugene Field Ele- mentary School (4)...	0	434	0	158	592	89	581	(80.9)	0	15	0	0	15	9	24
Joseph L. Block Junior High School (1).....	0	495	0	440	935	165	1,100	(85.0)	0	12	0	2	14	29	43
Benjamin Franklin Ele- mentary School (12)...	0	411	0	384	795	226	1,021	(77.9)	0	12	0	1	13	25	38
Riley Elementary School (13).....	0	189	0	398	587	246	823	(70.5)	0	13	0	1	14	16	30
Washington High School (6).....	0	578	0	448	1,026	457	1,483	(69.2)	0	9	0	4	13	63	76
Washington Elementary School (10).....	0	235	0	157	392	227	619	(53.3)	0	8	0	0	8	13	21
Roosevelt High School (3).....	0	569	0	105	774	836	1,610	(48.1)	0	11	1	3	15	55	70
Harrison Elementary School (2).....	0	34	0	164	198	333	531	(37.3)	0	1	0	1	2	17	19
McKinley Elementary School (5).....	0	6	0	120	126	528	654	(19.3)	0	4	0	0	4	17	21
Mark Elementary School (8).....	0	0	0	0	0	40	40	(0.0)	0	1	0	0	1	1	2
Roxana Elementary School (7).....	0	0	0	0	0	64	64	(0.0)	0	0	0	0	0	2	2

DISTRICT: FORT WAYNE COMMUNITY SCHOOLS. NUMBER OF SCHOOLS: 56. REPRESENTING: 56. CITY: FORT WAYNE. COUNTY: 2 ALLEN COUNTY

Number.....	20	5,750	58	380	6,218	35,377	41,595	.....	0	66	0	0	66	1,560	1,626
Percent.....	0.0	12.5	0.1	0.9	14.9	85.1	100.0	.....	0.0	4.1	0.0	0.0	4.1	95.9	100.0
Harmar (29).....	3	839	0	16	858	42	900	(95.2)	0	12	0	0	12	23	35
Hanna (28).....	0	489	0	20	509	25	534	(95.3)	0	9	0	0	9	12	21
McCulloch (37).....	0	528	0	5	533	38	571	(93.3)	0	11	0	0	11	11	22
Memorial Park Junior High School (14)....	0	543	0	5	548	131	679	(80.7)	0	5	0	0	5	33	38
Smart (47).....	0	892	1	13	906	224	1,130	(80.2)	0	5	0	0	5	38	43
Central High School (1).....	1	511	1	30	543	384	927	(58.6)	0	1	0	0	1	44	45
Weisser Park Junior High School (17)....	0	406	0	6	412	387	799	(51.6)	0	1	0	0	1	40	41
Ward (53).....	0	211	0	5	216	288	504	(42.9)	0	0	0	0	0	18	18
Fairfield Junior High School (6).....	0	170	1	23	194	355	549	(35.3)	0	3	0	0	3	26	29
Adams School (19)....	0	197	2	27	226	434	660	(34.2)	0	1	0	0	1	23	24
Special Education Center (51).....	0	13	0	1	14	35	49	(28.6)	0	0	0	0	0	6	6
Study (52).....	0	131	1	6	138	437	575	(24.0)	0	3	0	0	3	17	20
Allen County Children's Home (20).....	0	6	0	3	9	33	42	(21.4)	0	0	0	0	0	3	3

## INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Southern Heights (50)...	2	77	0	4	83	387	470	01111111000000 (17.7)	0	0	0	0	0	16	16
Hoauland (33).....	0	62	1	32	95	457	552	01111111000000 (17.2)	0	1	0	0	1	25	26
South Side High School (5).....	9	259	1	25	294	1,833	2,127	01111111000000 (13.8)	0	1	0	0	1	85	86
Irwin (36).....	0	37	4	6	47	520	567	01111111000000 (8.3)	0	1	0	0	1	18	19
Nebraska (39).....	0	21	0	15	36	430	466	01111111000000 (7.7)	0	0	0	0	0	16	16
Geyer Junior High School (8).....	0	45	2	7	54	669	723	000000001110001 (7.5)	0	0	0	0	0	33	33
Portage Junior High School (18).....	0	38	0	14	52	702	754	01111111000000 (6.9)	0	1	0	0	1	32	33
Northcrest (40).....	2	29	10	4	45	608	653	01111111000000 (6.9)	0	0	0	0	0	21	21
Riverside (43).....	0	25	0	0	25	349	374	01111111000000 (6.7)	0	0	0	0	0	15	15
Indian Village (35).....	0	27	0	7	34	498	532	01111111000000 (6.4)	0	0	0	0	0	19	19
Hillcrest (32).....	0	9	0	10	19	282	301	01111111000000 (6.3)	0	0	0	0	0	12	12
South Calhoun (48).....	0	20	0	3	23	487	510	01111111000000 (4.5)	0	0	0	0	0	18	18
Bloomington (22).....	2	26	0	5	33	714	747	01111111000000 (4.4)	0	2	0	0	2	24	26
Merle J. Abbett (18).....	0	20	0	4	24	566	590	01111111000000 (4.1)	0	1	0	0	1	19	20
Washington (54).....	0	1	2	21	24	597	621	01111111000000 (3.9)	0	1	0	0	1	22	23
Holland (34).....	0	20	7	0	27	672	699	01111111000000 (3.9)	0	0	0	0	0	20	20
Brentwood (29).....	0	14	2	0	16	477	493	01111111000000 (3.2)	0	0	0	0	0	20	20
Maplewood (38).....	0	14	1	5	20	871	891	01111111000000 (2.2)	0	0	0	0	0	31	31
Slocum (46).....	0	10	0	0	10	446	456	01111111000000 (2.2)	0	0	0	0	0	18	18
South Wayne (49).....	0	0	0	17	17	890	907	01111111000000 (1.9)	0	0	0	0	0	28	28
Northwood Junior High School (15).....	0	9	2	3	14	781	795	000000001110001 (1.8)	0	0	0	0	0	35	35
Forest Park (25).....	0	14	1	1	16	999	1,015	01111111000000 (1.6)	0	0	0	0	0	36	36
Anthony Wayne (21).....	0	0	0	9	9	602	611	01111111000000 (1.5)	0	0	0	0	0	22	22
Franklin Junior High School (7).....	0	0	0	11	11	895	906	000000001110001 (1.2)	0	0	0	0	0	39	39
Glenwood Park (27).....	0	4	5	0	9	765	774	01111111000000 (1.2)	0	1	0	0	1	27	28
Elmhurst High School (2).....	0	9	0	4	13	1,473	1,486	000000001110000 (.9)	0	0	0	0	0	61	61
Harrison Hill Elemen- tary (31).....	0	5	2	0	7	870	877	01111111000000 (.8)	0	0	0	0	0	26	26
Franke Park (26).....	0	0	1	4	5	629	634	01111111000000 (.8)	0	0	0	0	0	22	22
Waynedale (56).....	0	0	0	3	3	427	430	01111111000000 (.7)	0	0	0	0	0	13	13
Washington Center (55).....	1	3	0	3	7	1,002	1,009	00000000001110 (.7)	0	0	0	0	0	35	35
Snider High School (4).....	0	7	2	1	10	1,754	1,764	01111111000000 (.6)	0	0	0	0	0	78	78
Shambaugh (45).....	0	4	0	0	4	740	744	01111111000000 (.5)	0	0	0	0	0	24	24
Price (42).....	0	0	4	0	4	756	760	000000001110000 (.5)	0	0	0	0	0	24	24
Lakeside Junior High School (12).....	0	3	0	0	3	756	759	000000001110000 (.4)	0	1	0	0	1	33	34
Lane Junior High School (13).....	0	3	0	0	3	800	803	01111111000000 (.4)	0	1	0	0	1	35	36
Harris (30).....	0	2	0	0	2	534	536	000000001110000 (.4)	0	1	0	0	1	17	18
Jefferson Junior High School (10).....	0	1	2	0	3	900	903	00000000001110 (.3)	0	0	0	0	0	39	39
North Side High School (3).....	0	4	1	0	5	1,833	1,838	000000001110000 (.3)	0	1	0	0	1	77	78
Kekionga Junior High School (11).....	0	0	0	2	2	916	918	01111111000000 (.2)	0	0	0	0	0	39	39
Croninger (24).....	0	0	2	0	2	994	996	000000001110000 (.2)	0	2	0	0	2	29	31
Harrison Hill Junior High School (9).....	0	1	0	0	1	598	599	01111111000000 (.2)	0	0	0	0	0	27	27
St. Joseph Central (44).....	0	1	0	0	1	832	833	01111111000000 (.1)	0	0	0	0	0	28	28
Pleasant Center (41).....	0	0	0	0	0	253	253	01111111000000 (.0)	0	0	0	0	0	8	8

INDIANA STATE TOTAL—Continued

DISTRICT: MUNCIE COMMUNITY SCHOOLS. NUMBER OF SCHOOLS: 31. REPRESENTING: 31. CITY: MUNCIE. COUNTY: 18 DELAWARE COUNTY

	Students—						Weight: 1.0— grades	Teachers—							
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Number.....	0	2,077	10	9	2,096	16,402	18,498		0	19	1	0	20	705	725
Percent.....	0.0	11.2	0.1	0.0	11.3	88.7	100.0		0.0	2.6	0.1	0.0	2.8	97.2	100.0
								111111110000000							
West Longfellow Ele- mentary (21).....	0	157	0	0	157	10	167	(94.0)	0	2	0	0	2	4	6
East Longfellow Ele- mentary (20).....	0	336	0	0	336	88	424	(79.2)	0	2	1	0	3	10	13
Garfield Elementary School (16).....	0	358	0	0	358	516	874	(41.0)	0	2	0	0	2	27	29
Blaine Elementary School (11).....	0	292	0	0	292	436	728	(40.1)	0	2	0	0	2	23	25
Kurner Junior High School (6).....	0	185	0	0	185	324	509	(36.3)	0	2	0	0	2	23	25
Washington Elementary (30).....	0	73	0	0	73	254	327	(22.3)	0	1	0	0	1	10	11
Franklin Junior High School (5).....	0	117	0	0	117	531	648	(18.1)	0	2	0	0	2	29	31
Southside High School (4).....	0	180	0	0	180	1,263	1,443	(12.5)	0	2	0	0	2	66	68
Muncie Central Senior High School (2).....	0	169	2	3	174	1,579	1,753	(9.9)	0	3	0	0	3	65	68
Wilson Junior High School (9).....	0	117	0	1	118	1,079	1,197	(9.9)	0	1	0	0	1	53	54
Morrison Mock School (24).....	0	27	0	0	27	311	338	(8.0)	0	0	0	0	0	16	16
Harrison Elementary (17).....	0	19	0	0	19	368	387	(4.9)	0	0	0	0	0	13	13
McKinley Junior High School (7).....	0	27	0	2	29	834	863	(3.4)	0	0	0	0	0	41	41
Mitchell Elementary School (23).....	0	4	1	0	5	440	445	(1.1)	0	0	0	0	0	14	14
Burriss School (1).....	0	7	1	0	8	719	727	(1.1)	0	0	0	0	0	43	43
Roosevelt School (27).....	0	0	0	3	3	454	457	(0.7)	0	0	0	0	0	14	14
Emerson (13).....	0	0	2	0	2	358	360	(0.6)	0	0	0	0	0	10	10
Anthony Elementary School (10).....	0	3	0	0	3	573	576	(0.5)	0	0	0	0	0	20	20
West View Elementary School (31).....	0	2	0	0	2	529	531	(0.4)	0	0	0	0	0	20	20
Sturer Junior High School (8).....	0	2	1	0	3	809	812	(0.4)	0	0	0	0	0	34	34
Jefferson Elementary School (18).....	0	0	1	0	1	274	275	(0.4)	0	0	0	0	0	10	10
Forest Park (15).....	0	1	0	0	1	453	454	(0.2)	0	0	0	0	0	14	14
Sutton Elementary School (29).....	0	0	1	0	1	469	470	(0.2)	0	0	0	0	0	14	14
Claypool Elementary School (12).....	0	1	0	0	1	569	570	(0.2)	0	0	0	0	0	20	20
Lincoln Elementary School (19).....	0	0	1	0	1	618	619	(0.2)	0	0	0	0	0	24	24
Riley Elementary School (26).....	0	0	0	0	0	658	658	(0.0)	0	0	0	0	0	19	19
Stevenson Elementary School (28).....	0	0	0	0	0	500	500	(0.0)	0	0	0	0	0	15	15
North View Elementary (25).....	0	0	0	0	0	436	436	(0.0)	0	0	0	0	0	14	14
McKinley Elementary (22).....	0	0	0	0	0	396	396	(0.0)	0	0	0	0	0	13	13
Muncie Trade School (3).....	0	0	0	0	0	0	0	(0.0)	0	0	0	0	0	8	8
Eugene Field Elementary (14).....	0	0	0	0	0	554	554	(0.0)	0	0	0	0	0	19	19

INDIANA STATE TOTAL—Continued

DISTRICT: MICHIGAN CITY AREA SCHOOLS. NUMBER OF SCHOOLS: 21. REPRESENTING: 21. CITY: MICHIGAN CITY. COUNTY: 46 LA PORTE COUNTY

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Number.....	4	1,919	8	38	1,969	11,088	13,057		0	17	2	2	21	473	494
Percent.....	0.0	14.7	0.1	0.3	15.1	84.9	100.0		0.0	3.4	0.4	0.4	4.3	95.7	100.0
	011111110000000														
Benjamin Harrison Elementary School (11).....	0	199	0	0	199	35	234	(85.0)	0	1	0	0	1	7	8
Central Elementary School (6).....	0	391	0	6	397	101	498	(79.7)	0	3	1	0	4	14	18
Niemann Elementary School (17).....	0	204	0	0	204	303	507	(40.2)	0	3	0	0	3	14	17
Eastport Elementary School (6).....	0	156	0	0	156	306	462	(33.8)	0	1	0	0	1	14	15
Park Elementary School (18).....	0	139	0	3	142	281	423	(33.6)	0	1	0	0	1	15	16
Riley Elementary School (20).....	0	104	0	5	109	354	463	(23.5)	0	1	0	1	2	11	13
Isaac C Elston Junior High School (3).....	0	183	0	2	185	752	937	(19.7)	0	1	0	1	2	38	40
Martin T Krueger Junior High School (4).....	0	184	0	0	184	781	965	(19.1)	2	0	0	0	2	44	46
Garfield Elementary School (10).....	0	27	0	4	31	253	284	(10.9)	0	0	0	0	0	9	9
Isaac C Elston Senior High School (1).....	0	243	0	3	246	2,505	2,751	(8.9)	0	2	0	0	2	116	118
Jefferson Elementary School (12).....	0	9	4	0	13	255	268	(4.9)	0	0	0	0	0	9	9
Baker Junior High School (2).....	0	44	0	2	46	966	1,012	(4.5)	0	1	0	0	1	46	47
Cool Springs Elemen- tary School (7).....	0	7	4	0	11	519	530	(2.1)	0	0	0	0	0	19	19
Springfield Elementary School (21).....	0	12	0	1	13	631	644	(2.0)	0	0	1	0	1	18	19
Pine Elementary School (19).....	0	2	0	5	7	376	383	(1.8)	0	0	0	0	0	14	14
Beverly Shores Elementary School (5).....	0	3	0	0	3	170	173	(1.7)	0	0	0	0	0	5	5
Joy Elementary School (13).....	4	0	0	2	6	505	511	(1.2)	0	0	0	0	0	17	17
Edgewood Elementary School (9).....	0	7	0	0	7	633	640	(1.1)	0	0	0	0	0	20	20
Knapp Elementary School (14).....	0	2	0	3	5	554	559	(0.9)	0	1	0	0	1	17	18
Marsh Elementary School (16).....	0	3	0	0	3	402	405	(0.7)	0	0	0	0	0	11	11
Long Beach Elementary School (15).....	0	0	0	2	2	406	408	(0.5)	0	0	0	0	0	15	15

DISTRICT: EVANSVILLE VANDERBURGH SCHOOL CORP. NUMBER OF SCHOOLS: 41. REPRESENTING: 41. CITY: EVANSVILLE. COUNTY: 82 VANDERBURGH CO.

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Number.....	10	2,848	17	24	2,899	31,137	34,036		0	65	0	0	65	1,280	1,345
Percent.....	0.0	3.4	0.0	0.1	8.5	91.5	100.0		0.0	4.8	0.0	0.0	4.8	95.2	100.0
Lincoln School (20)....	0	671	0	0	671	2	673	(99.7)	0	22	0	0	22	8	30
Wheeler School (40)....	0	296	4	0	300	90	390	(76.9)	0	4	0	0	4	14	18
Stanley Hall School (33).....	0	359	0	0	359	376	735	(48.8)	0	2	0	0	2	29	31
Howard Rucsa School (25).....	0	196	0	9	205	411	616	(33.3)	0	1	0	0	1	27	28
Glenwood School (19)...	0	223	0	0	223	731	954	(23.4)	0	1	0	0	1	41	42
Central High School (2)...	7	330	1	2	340	1,373	1,713	(19.8)	0	5	0	0	5	66	71
Cedar Hall School (9)...	0	90	0	0	90	437	527	(17.1)	0	1	0	0	1	21	22
Benjamin Basse High School (1).....	0	297	0	0	297	1,533	1,830	(16.2)	0	2	0	0	2	73	75
Union School (36).....	0	8	0	0	8	43	51	(15.7)	0	0	0	0	0	2	2
Culver School (11).....	0	83	0	0	83	668	751	(11.1)	0	1	0	0	1	31	32

INDIANA STATE TOTAL—Continued

	Students—						Total	Weight: 1.0— grades	Teachers—						Total
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other			American Indians	Negro	Oriental	Spanish- American	Minority total	Other	
Delaware School (14)...	0	69	0	0	65	579	648	01111111100001 (10.6)	0	3	0	0	3	27	30
White School (41).....	0	13	0	0	13	186	199	01111111000001 (6.5)	0	0	0	0	0	8	8
Dodge School (27).....	0	20	1	0	21	415	436	01111111000000 (4.8)	0	0	0	0	0	17	17
Baker School (7).....	0	27	0	0	27	572	599	01111111100001 (4.5)	0	1	0	0	1	26	27
Fulton School (18).....	0	14	0	0	14	380	394	01111111100001 (3.6)	0	1	0	0	1	19	20
Harper School (20).....	0	20	0	0	20	582	602	01111111100000 (3.3)	0	1	0	0	1	23	24
Harwood School (21)...	1	15	0	0	16	711	727	01111111100000 (2.2)	0	0	0	0	0	28	28
Helfrich Park School (23)	2	16	0	0	18	867	885	01111111100001 (2.0)	0	2	0	0	2	30	32
North High School (4)...	0	36	0	0	36	2,133	2,169	00000000011110 (1.7)	0	2	0	0	2	91	93
Washington School (38).....	0	7	1	3	11	921	932	01111111100001 (1.2)	0	0	0	0	0	34	34
Francis Joseph Reitz High School (5).....	0	25	0	0	25	2,228	2,253	00000000011110 (1.1)	0	1	0	0	1	87	88
Cynthia Heights School (12).....	0	8	0	0	8	806	814	01111111100001 (1.0)	0	0	0	0	0	31	31
Vogel School (37).....	0	6	1	0	7	758	765	01111111100001 (0.9)	0	0	0	0	0	30	30
Hebron School (22)....	0	7	0	0	7	763	770	01111111100001 (0.9)	0	0	0	0	0	31	31
Columbia School (10)...	0	4	0	0	4	648	652	01111111100000 (0.6)	0	1	0	0	1	26	27
Tekoppel School (35)...	0	4	0	0	4	735	739	01111111100000 (0.5)	0	1	0	0	1	28	29
West Terrace School (39).....	0	1	2	0	3	673	676	01111111100000 (0.4)	0	1	0	0	1	23	24
Highland School (24)...	0	0	0	4	4	1,012	1,016	01111111100000 (0.4)	0	0	0	0	0	36	36
Dexter School (15).....	0	0	3	0	3	795	798	01111111100000 (0.4)	0	1	0	0	1	28	29
Stringtown School (34)...	0	0	3	0	3	855	858	01111111100000 (0.3)	0	0	0	0	0	30	30
McGary School (28)....	0	1	0	0	1	372	373	01111111000000 (0.3)	0	1	0	0	1	12	13
Fairlawn School (17)...	0	0	0	2	2	852	854	01111111100000 (0.2)	0	1	0	0	1	31	32
Plaza Park School (31)...	0	0	0	2	2	933	935	01111111100000 (0.2)	0	2	0	0	2	30	32
William Henry HARRI- son High School (3)...	0	2	1	2	5	2,476	2,481	00000000011110 (0.2)	0	3	0	0	3	95	98
Evans School (16).....	0	0	0	0	0	936	936	01111111100000 (0.0)	0	1	0	0	1	30	31
Armstrong School (6)...	0	0	0	0	0	110	110	00111111100000 (0.0)	0	0	0	0	0	3	3
Perry Heights School (30).....	0	0	0	0	0	325	325	01111111000000 (0.0)	0	1	0	0	1	9	10
Daniel Wertz School (13).....	0	0	0	0	0	351	351	01111111100000 (0.0)	0	1	0	0	1	16	17
Caze School (8).....	0	0	0	0	0	841	841	01111111100000 (0.0)	0	0	0	0	0	31	31
Scott School (32).....	0	0	0	0	0	683	683	01111111100000 (0.0)	0	0	0	0	0	26	26
Oak Hill School (29)...	0	0	0	0	0	975	975	01111111100000 (0.0)	0	1	0	0	1	32	33

DISTRICT: SOUTH BEND COMMUNITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 49. REPRESENTING: 49. CITY: SOUTH BEND. COUNTY: 71

Number.....	28	5,937	67	216	6,248	31,062	37,310	.....	0	91	1	2	94	1,348	1,442
Percent.....	0.1	15.9	0.2	0.6	16.7	83.3	100.0	.....	0.0	6.3	0.1	0.1	6.5	93.5	100.0
Linden Elementary School (29).....	0	481	0	0	481		488	01111111000000 (98.6)	0	11	0	0	11	10	21
Perley (44).....	0	463	0	2	465	35	500	01111111000001 (93.0)	0	3	0	0	3	20	23
Benjamin Franklin (19).....	0	239	4	2	245	60	305	01111111100000 (80.3)	0	3	0	0	3	11	14
Benjamin Harrison (25).....	0	645	1	24	670	274	944	01111111100000 (71.0)	0	12	0	0	12	31	43
Schuyler S. Colfax (14).....	0	229	0	0	229	126	355	01111111100000 (64.5)	0	4	0	0	4	10	14
Henry Studebaker School (45).....	1	718	2	2	723	426	1,149	01111111100000 (62.9)	0	9	0	1	10	36	46
Oliver School (43).....	0	555	0	43	598	408	1,006	01111111100000 (59.4)	0	12	0	0	12	30	42
Rally School (26).....	0	216	0	0	216	185	401	01111111000000 (53.9)	0	5	0	0	5	10	15
Central Junior Senior High School (2).....	7	609	0	4	520	543	1,163	00000001000011 (53.3)	0	3	0	0	3	53	56

## INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Lulu V. Cline (13).....	0	17	0	2	19	52	71	00000000000001 (26.8)	0	0	0	0	0	6	4
Ardmore School (9)....	0	94	0	0	94	272	366	011111110000000 (25.7)	0	1	0	0	1	13	16
McKinley School (31)...	0	77	6	0	83	329	412	011111110000000 (20.1)	0	0	0	0	0	14	14
Thomas Jefferson School (25).....	0	193	5	0	198	816	1,914	011111111000000 (19.5)	0	3	0	0	3	34	37
Woodrow Wilson School (49).....	0	34	0	6	40	173	213	111111110000000 (18.8)	0	2	0	0	2	6	8
Marquette School (34)...	0	136	2	0	138	679	817	011111110000000 (16.9)	0	2	0	0	2	24	26
Washington High School (8).....		263	0	26	289	1,537	1,826	000000000011110 (15.8)	0	2	1	0	3	71	74
E. M. Morris School (37).....	0	7	0	2	9	49	58	001111111000001 (15.5)	0	0	0	0	0	5	5
James Whitcomb Riley High School (6).....	0	217	2	7	226	1,381	1,607	000000000011111 (14.1)	0	0	0	0	0	73	73
Muessel School (38)...	0	120	1	2	123	921	1,044	011111111000000 (11.8)	0	2	0	0	2	37	39
John Adams High School (1).....	0	226	4	0	230	1,845	2,075	000000000011110 (11.1)	0	2	0	0	2	80	82
James Madison School (32).....	0	68	1	1	70	571	641	011111111000000 (10.9)	0	0	0	0	0	24	24
Lasalle High School (5)...	0	204	0	0	204	1,725	1,929	000000000011110 (10.6)	0	1	0	0	1	67	68
Green Township School (21).....	0	0	0	48	48	521	569	011111110000000 (8.4)	0	0	0	0	0	24	24
Lydick School (30)....	0	19	0	2	21	345	366	011100000000000 (5.7)	0	0	0	0	0	12	12
Warren School (48)....	0	18	1	5	24	502	526	000001111100000 (4.6)	0	0	0	0	0	22	22
Alexis Coquillard School (15).....	0	19	3	2	24	779	803	011111111000000 (3.0)	0	1	0	0	1	31	32
Booth Tarkington Elementary School (47).....	0	9	8	0	17	562	579	011111110000000 (2.9)	0	0	0	0	0	20	20
John P. Nuner (41)....	0	14	5	4	23	914	937	011111111000000 (2.5)	0	2	0	0	2	37	39
Pierre Navarre Ele- mentary School (39)...	0	18	0	3	21	939	906	011111111000000 (2.2)	0	2	0	0	2	32	34
Darden Elementary School (16).....	16	0	1	2	19	873	892	011111110000000 (2.1)	0	1	0	0	1	30	31
Lafayette Elementary School (27).....	0	7	0	0	7	329	336	011111110000000 (2.1)	0	1	0	0	1	11	12
John J. O'Brien (42)...	0	3	3	0	6	311	317	011111111000000 (1.9)	0	0	0	0	0	13	13
Thomas A. Edison (17)...	0	10	3	5	18	1,184	1,202	011111111000000 (1.5)	0	1	0	0	1	41	42
James Monroe School (36).....	0	0	3	5	8	738	746	011111111000000 (1.1)	0	0	0	0	0	33	33
Clay Junior High School (12).....	4	1	0	2	7	724	731	000000001100000 (1.0)	0	1	0	1	2	24	26
Forest G. Hay (24)....	0	0	3	1	4	442	446	010000010000000 (0.9)	0	0	0	0	0	16	16
Edythe J. Brown Ele- mentary School (10)...	0	0	2	0	2	222	224	011111100000000 (0.9)	0	0	0	0	0	8	8
Maple Lane School (33)...	0	0	0	3	3	438	441	011111100000000 (0.7)	0	0	0	0	0	15	15
North Liberty High School (1).....	0	0	0	2	2	391	393	00000000011110 (0.5)	0	0	0	0	0	19	19
Andrew Jackson High School (3).....	0	1	0	6	7	1,399	1,406	00000000011110 (0.5)	0	1	0	0	1	50	51
Edward Eggleston Elementary School (18).....	0	0	3	0	3	634	637	011111111000001 (0.5)	0	0	0	0	0	20	20
Lincoln School (28)....	0	2	1	1	4	854	858	011111110000000 (0.5)	0	1	0	0	1	33	34
Clay High School (4)...	0	2	1	2	5	1,353	1,358	000000001111000 (0.4)	0	3	0	0	3	49	52
John Marshall School (35).....	0	0	2	0	2	830	832	011111111000000 (0.2)	0	0	0	0	0	31	31
Swanson Highlands Elementary School (46).....	0	2	0	0	2	1,000	1,002	011111111000000 (0.2)	0	0	0	0	0	30	30
Alexander Hamilton Elementary School (22).....	0	1	0	0	1	895	896	010000010000000 (0.1)	0	0	0	0	0	31	31
Centre School (11)....	0	0	0	0	0	269	269	011111111000000 (0.0)	0	0	0	0	0	10	10
North Liberty Ele- mentary School (40)...	0	0	0	0	0	687	687	011111111000000 (0.0)	0	0	0	0	0	24	24
German School (20)....	0	0	0	0	0	513	513	011111110000000 (0.0)	0	0	0	0	0	17	17

INDIANA STATE TOTAL—Continued

DISTRICT: INDIANAPOLIS PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 122. REPRESENTING: 122. CITY: INDIANAPOLIS. COUNTY: 49 MARION.

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Number.....	0	36,577	0	0	36,577	72,010	108,587		0	913	0	0	913	3,151	4,084
Percent.....	0.0	33.7	0.0	0.0	33.7	66.3	100.0		0.0	22.5	0.0	0.0	22.5	77.5	100.0
								01111111100001							
Francis W. Parker School (53).....	0	1,011	0	0	1,011	0	1,011	(100.0)	0	23	0	0	23	8	31
George Washington Carver School (84)...	0	587	0	0	587	0	587	(100.0)	0	15	0	0	15	6	21
Wendell Phillips School (60).....	0	517	0	0	517	0	517	(100.0)	0	10	0	0	10	6	16
Elder W. Diggs School (40).....	0	942	0	0	942	0	942	(100.0)	0	26	0	0	26	6	32
Robert Gould Shaw School (38).....	0	165	0	0	165	0	165	(100.0)	0	2	0	0	2	1	3
Benjamin Franklin School (34).....	0	723	0	0	723	0	723	(100.0)	0	19	0	0	19	4	23
George W. Sloan School (39).....	0	1,612	0	0	1,612	1	1,613	(99.9)	0	41	0	0	41	9	50
Crispus Attucks High School (111).....	0	2,231	0	0	2,231	4	2,235	(99.8)	0	84	0	0	84	36	120
John Hope School (24)...	0	1,060	0	0	1,060	2	1,062	(99.8)	0	31	0	0	31	1	42
William D. McCoy School (23).....	0	341	0	0	341	1	342	(99.7)	0	5	0	0	5	4	9
Charles Sumner School (22).....	0	333	0	0	333	1	334	(99.7)	0	8	0	0	8	4	12
Mary E. Cable School (4).....	0	703	0	0	703	3	706	(99.6)	0	16	0	0	16	13	29
Booker T. Washington School (16).....	0	198	0	0	198	1	199	(99.5)	0	10	0	0	10	3	31
Harriet Beecher Stowe School (61).....	0	765	0	0	765	4	769	(99.5)	0	14	0	0	14	10	24
Oliver Perry Morton School (27).....	0	668	0	0	668	5	673	(99.3)	0	13	0	0	13	6	19
Hazel Hart Hendricks School (35).....	0	884	0	0	884	7	891	(99.2)	0	20	0	0	20	11	31
James Whitcomb Riley School (41).....	0	988	0	0	988	8	996	(99.2)	0	26	0	0	26	7	33
Riverside School (42)...	0	1,293	0	0	1,293	22	1,315	(98.3)	0	32	0	0	32	12	44
Joyce Kilmer School (66).....	0	1,054	0	0	1,054	19	1,073	(98.2)	0	19	0	0	19	14	33
Paul C. Stetson School (73).....	0	662	0	0	662	12	674	(98.2)	0	16	0	0	16	4	20
Julian Coleman School (106).....	0	1,182	0	0	1,182	23	1,205	(98.1)	0	27	0	0	27	15	42
William A. Bell School (57).....	0	1,428	0	0	1,428	28	1,456	(98.1)	0	27	0	0	27	19	46
William Watson Woolen School (43)...	0	1,258	0	0	1,258	88	1,346	(93.5)	0	27	0	0	27	11	38
Wallace Foster School (30).....	0	459	0	0	459	36	495	(92.7)	0	12	0	0	12	5	17
Audubon School (36)...	0	764	0	0	764	135	899	(85.0)	0	12	0	0	12	18	68
Charity Dye School (25).....	0	1,044	0	0	1,044	243	1,287	(81.1)	0	20	0	0	20	26	46
Shortridge High School (117).....	0	1,716	0	0	1,716	619	2,335	(73.5)	0	25	0	0	25	86	111
George Rogers Clark School (1).....	0	560	0	0	560	212	772	(72.5)	0	4	0	0	4	18	22
Henry P. Coburn School (63).....	0	720	0	0	720	353	1,073	(67.1)	0	11	0	0	11	19	30
Daniel T. Weir School (68).....	0	789	0	0	789	389	1,178	(67.0)	0	9	0	0	9	30	39
Woodrow Wilson School (72).....	0	470	0	0	470	242	712	(66.0)	0	9	0	0	9	14	23
James Russell Lowell School (48).....	0	700	0	0	700	399	1,099	(63.7)	0	9	0	0	9	27	36
Emmanuel Haugh School (49).....	0	534	0	0	534	347	881	(60.6)	0	9	0	0	9	18	27
General Hospital (120)...	0	11	0	0	11	8	19	(57.9)	0	1	0	0	1	1	2

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Dewitt S. Morgan School (83).....	0	278	0	0	278	298	576	01111111100000 (48.3)	0	5	0	0	5	13	18
Arsenal Technical High School (122).....	0	2,473	0	0	2,473	2,717	5,190	00000000011110 (47.6)	0	18	0	0	18	259	277
Robert Browning School (70).....	0	504	0	0	504	576	1,080	01111111100000 (46.7)	0	4	0	0	4	29	33
Austin H. Brown School (6).....	0	57	0	0	57	66	123	00001111111110 (46.3)	0	2	0	0	2	3	5
Juvenile Center (119)...	0	29	0	0	29	34	63	00000000000001 (46.0)	0	2	0	0	2	3	5
Thomas Jefferson School (7).....	0	39	0	0	39	55	94	00000000000001 (41.5)	0	1	0	0	1	5	6
Oscar C. McCulloch School (5).....	0	36	0	0	36	52	88	00000001100000 (40.9)	0	1	0	0	1	5	6
H. L. Harshman School (98).....	0	464	0	0	464	850	1,314	00000000011110 (35.3)	0	10	0	0	10	45	55
George Washington High School (113)...	0	697	0	0	697	1,489	2,186	01111111000000 (31.9)	0	8	0	0	8	104	112
Robert Dale Owen School (11).....	0	99	0	0	99	213	312	00000000111111 (31.7)	0	3	0	0	3	11	14
Harry E. Wood High School (114).....	0	620	0	0	620	1,605	2,225	01111111000000 (27.9)	0	23	0	0	23	105	128
Theodore Potter School (71).....	0	120	0	0	120	345	465	01111111100001 (25.8)	0	2	0	0	2	19	21
Clemens Vonnegut School (9).....	0	122	0	0	122	381	503	01111111100000 (24.3)	0	5	0	0	5	13	18
Benjamin Harrison School (2).....	0	135	0	0	135	452	587	01111111100000 (23.0)	0	4	0	0	4	14	18
J. K. Lilly, Sr., School (50).....	0	248	0	0	248	874	1,122	01111111111111 (22.1)	0	2	0	0	2	36	38
James E. Roberts School (94).....	0	35	0	0	35	143	178	00000000111110 (19.7)	0	1	0	0	1	17	18
Broad Ripple High School (110).....	0	330	0	0	330	1,483	1,813	01111111100000 (18.2)	0	3	0	0	3	87	90
Edgar H. Evans School (10).....	0	56	0	0	56	348	404	01111111100000 (13.9)	0	2	0	0	2	11	13
Otis E. Brown School (19).....	0	142	0	0	142	884	1,026	01111111000000 (13.8)	0	2	0	0	2	31	33
Margaret McFarland School (108).....	0	49	0	0	49	310	359	01111111000000 (13.6)	0	2	0	0	2	11	13
Nebraska Cropsey School (21).....	0	72	0	0	72	478	550	00000000011110 (13.1)	0	4	0	0	4	14	18
Emmerich Manual High School (112)...	0	292	0	0	292	2,037	2,329	01111111000001 (12.5)	0	6	0	0	6	111	117
George B. Loomis School (82).....	0	62	0	0	62	437	499	00000000011110 (12.4)	0	3	0	0	3	12	15
Arlington High School (109).....	0	301	0	0	301	2,467	2,768	01111111100001 (10.9)	0	6	0	0	6	126	132
Oscar S. Deitch School (15).....	0	25	0	0	25	249	274	01111111100001 (9.1)	0	2	0	0	2	7	9
Daniel Webster School (44).....	0	57	0	0	57	609	666	01111111100001 (8.6)	0	2	0	0	2	20	22
Rousseau McClennan School (88).....	0	66	0	0	66	806	872	01111111100000 (7.6)	0	2	0	0	2	27	29
Mary E. Nicholson School (67).....	0	68	0	0	68	871	939	01111111100000 (7.2)	0	2	0	0	2	25	27
Emma Donnan School (69).....	0	76	0	0	76	996	1,072	00000000011110 (7.1)	0	2	0	0	2	32	34
Northwest High School (116).....	0	168	0	0	168	2,329	2,497	01111111000000 (6.7)	0	14	0	0	14	102	116
Whittier School (31)...	0	48	0	0	48	672	720	01111111100000 (6.7)	0	3	0	0	3	18	21
William Penn School (46).....	0	38	0	0	38	730	768	01111111100001 (4.9)	0	1	0	0	1	24	25
Florence Fay School (20).....	0	48	0	0	48	999	1,047	01111111100001 (4.6)	0	3	0	0	3	31	34
Floro Torrence School (80).....	0	21	0	0	21	502	523	01111111100000 (4.0)	0	2	0	0	2	21	23
Stephen Collins Foster School (64).....	0	38	0	0	38	915	953	(4.0)	0	1	0	0	1	34	35

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Riley Hospital (121)....	0	3	0	0	3	73	76	001111111111110 (3.9)	0	0	0	0	0	2	2
Frederick Douglass School (18).....	0	15	0	0	15	395	410	011111110000000 (3.7)	0	2	0	0	2	9	11
William McKinley School (37).....	0	30	0	0	30	858	888	011111111100001 (3.4)	0	1	0	0	1	31	32
Calvin Fletcher School (8).....	0	9	0	0	9	278	287	011111110000000 (3.1)	0	3	0	0	3	4	7
Washington Irving School (13).....	0	21	0	0	21	663	684	011111111000000 (3.1)	0	2	0	0	2	16	18
Joseph J. Bingham School (81).....	0	17	0	0	17	610	627	011111111000001 (2.7)	0	2	0	0	2	18	20
Eliza A. Blaker School (52).....	0	11	0	0	11	416	427	011111111000001 (2.6)	0	1	0	0	1	14	15
Merle Sidener School (56).....	0	12	0	0	12	520	532	011111111000000 (2.3)	0	2	0	0	2	19	21
Parkview School (78)...	0	13	0	0	13	582	595	011111111000000 (2.2)	0	3	0	0	3	18	21
Calvin N. Kendall School (59).....	0	14	0	0	14	671	685	011111110000001 (2.0)	0	2	0	0	2	16	18
Flackville School (97)...	0	12	0	0	12	595	607	011111111000000 (2.0)	0	2	0	0	2	18	20
Abraham Lincoln School (17).....	0	16	0	0	16	819	835	011111111000000 (1.9)	0	2	0	0	2	26	28
George W. Julian School (54).....	0	14	0	0	14	720	734	011111110000000 (1.9)	0	3	0	0	3	20	23
John McCormick School (28).....	0	5	0	0	5	344	349	011111110000000 (1.4)	0	3	0	0	3	8	11
Henry Wadsworth Longfellow School (26).....	0	13	0	0	13	960	973	011111111000000 (1.3)	0	2	0	0	2	36	38
Anna Pearl Hamilton School (74).....	0	5	0	0	5	386	391	011111111000000 (1.3)	0	2	0	0	2	11	13
Frances Willard School (77).....	0	6	0	0	6	491	497	000000000111110 (1.2)	0	2	0	0	2	14	16
Thomas Carr Howe High School (118)....	0	25	0	0	25	2,370	2,395	011111111000000 (1.0)	0	5	0	0	5	113	118
Albert Walsman School (107).....	0	6	0	0	6	747	753	011111110000000 (0.8)	0	1	0	0	1	25	26
Frances Bellamy School (99).....	0	4	0	0	4	569	573	000000001100000 (0.7)	0	2	0	0	2	16	18
Willard J. Gambold School (104).....	0	5	0	0	5	819	824	011111111000000 (0.6)	0	2	0	0	2	32	34
Clarence R. Farrington School (58).....	0	6	0	0	6	1,390	1,396	011111111000000 (0.4)	0	3	0	0	3	42	45
Francis Scott Key School (100).....	0	5	0	0	5	1,209	1,214	011111111000000 (0.4)	0	3	0	0	3	36	39
Ernie Pyle School (87)...	0	3	0	0	3	729	732	011111111000001 (0.4)	0	4	0	0	4	21	25
Kenneth Walker School (86).....	0	3	0	0	3	768	771	000000000111110 (0.4)	0	3	0	0	3	20	23
John Marshall High School (115).....	0	5	0	0	5	1,429	1,434	011111110000000 (0.3)	0	3	0	0	3	66	69
Horace Mann School (12).....	0	1	0	0	1	309	310	011111111000000 (0.3)	0	3	0	0	3	7	10
Eleanor S. Skillen School (32).....	0	3	0	0	3	1,014	1,017	011111110000000 (0.3)	0	2	0	0	2	31	33
Charles W. Fairbanks School (101).....	0	3	0	0	3	1,024	1,027	011111110000000 (0.3)	0	3	0	0	3	27	30
Brookside School (51)...	0	2	0	0	2	1,125	1,127	011111110000000 (0.2)	0	3	0	0	3	27	30
Jonathan Jennings School (105).....	0	1	0	0	1	588	589	011111111000000 (0.2)	0	5	0	0	5	13	18
George H. Fisher School (90).....	0	1	0	0	1	656	657	011111110000000 (0.2)	0	2	0	0	2	19	21
Meredith Nicholson School (93).....	0	1	0	0	1	748	749	011111110000000 (0.1)	0	3	0	0	3	21	24
Lew Wallace School (103).....	0	1	0	0	1	779	780	011111110000000 (0.1)	0	2	0	0	2	22	24

INDIANA STATE TOTAL—Continued

	Students—						Weight: 1.0— grades	Teachers—						Total	
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other		Total	American Indians	Negro	Oriental	Spanish- American	Minority total		Other
Ralph Waldo Emerson School (55).....	0	1	0	0	1	905	906	01111111100000 (0.1)	0	3	0	0	3	26	29
George Buck School (91).....	0	0	0	0	0	869	869	01111111100000 (0.0)	0	3	0	0	3	25	26
T. C. Steele School (95).....	0	0	0	0	0	1,104	1,104	01111111100000 (0.0)	0	2	0	0	2	33	35
Robert Lee Frost School (102).....	0	0	0	0	0	605	605	01111111100000 (0.0)	0	3	0	0	3	18	21
Thomas Edison School (45).....	0	0	0	0	0	711	711	01111111000000 (0.0)	0	2	0	0	2	20	22
Arlington Woods School (96).....	0	0	0	0	0	395	395	01111111000000 (0.0)	0	3	0	0	3	9	12
William H. Evans School (92).....	0	0	0	0	0	265	265	01111111100000 (0.0)	0	2	0	0	2	7	9
James A. Garfield School (33).....	0	0	0	0	0	517	517	01111111100000 (0.0)	0	2	0	0	2	16	18
Christian Park School (79).....	0	0	0	0	0	989	989	01111111100000 (0.0)	0	2	0	0	2	31	33
Booth Tarkington School (89).....	0	0	0	0	0	1,113	1,113	01111111000000 (0.0)	0	2	0	0	2	35	37
Lillian M. Reifell School (29).....	0	0	0	0	0	366	366	01111111100001 (0.0)	0	1	0	0	1	11	12
Nathaniel Hawthorne School (47).....	0	0	0	0	0	854	854	01111111000000 (0.0)	0	2	0	0	2	26	28
Thomas D. Gregg School (14).....	0	0	0	0	0	880	880	01111111000001 (0.0)	0	2	0	0	2	24	26
Carl Wilde School (76).....	0	0	0	0	0	1,321	1,321	01111111100000 (0.0)	0	4	0	0	4	38	42
Anna Brochhausen School (85).....	0	0	0	0	0	736	736	01111111100000 (0.0)	0	2	0	0	2	21	23
Raymond F. Brandes School (62).....	0	0	0	0	0	767	767	01111111100000 (0.0)	0	2	0	0	2	22	24
Minnie Hartman School (75).....	0	0	0	0	0	1,034	1,034	01111111100000 (0.0)	0	4	0	0	4	25	29
Lucretia Mott School (3).....	0	0	0	0	0	611	611	01111111100000 (0.0)	0	2	0	0	2	16	18
Susan Roll Leach School (65).....	0	0	0	0	0	830	830	(0.0)	0	2	0	0	2	23	25

DISTRICT: ANDERSON SCHOOL CITY. NUMBER OF SCHOOLS: 29. REPRESENTING: 29. CITY: ANDERSON. COUNTY: 48 MADISON.

Number.....	8	2,205	4	11	2,228	14,980	17,208	.....	0	10	0	0	10	671	681
Percent.....	0.0	12.8	0.0	0.1	12.9	87.1	100.0	.....	0.0	1.5	0.0	0.0	1.5	98.5	100.0
Shadeland (4).....	0	490	0	0	490	79	569	01111111000000 (86.1)	0	2	0	0	2	16	18
Hazelwood School (8).....	0	404	0	1	405	77	482	01111111000000 (84.0)	0	1	0	0	1	14	15
Westvale (11).....	0	393	0	4	397	198	595	01111111000000 (66.7)	0	0	0	0	0	21	21
Central Junior High (2).....	1	264	0	0	265	745	1,010	00000011100000 (26.2)	0	2	0	0	2	40	42
South Side Jr. High School (6).....	0	195	0	1	196	808	1,004	00000001110000 (19.5)	0	2	0	0	2	48	50
Central Avenue School (28).....	0	10	0	0	10	52	62	00000000001110 (16.1)	0	0	0	0	0	8	8
Anderson Senior High School (5).....	7	290	1	1	299	1,837	2,136	01111111000000 (14.0)	0	1	0	0	1	110	111
Brentwood Elementary (29).....	0	53	0	0	53	402	455	(11.6)	0	0	0	0	0	14	14
Columbia School (27).....	0	20	0	0	20	256	276	01110000000000 (7.2)	0	0	0	0	0	10	10
Madison Heights High School (9).....	0	46	1	1	48	1,290	1,338	01001111000000 (3.6)	0	0	0	0	0	65	65
Riley (19).....	0	11	0	0	11	405	416	01111111000000 (2.6)	0	0	0	0	0	12	12
29th Street Elementary (13).....	0	6	0	0	6	475	481	(1.2)	0	0	0	0	0	16	16
Longfellow School (3).....	0	2	0	2	4	379	388	01111111000000 (1.0)	0	1	0	0	1	11	12

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish- American	Minority total	Other	Total
Park Place School (7)...	0	2	2	0	4	450	454	011111110000000 (0.9) 00000001110000	0	1	0	0	1	13	14
Madison Heights Junior High School (1).....	0	6	0	0	6	732	738	(0.8) 011111110000000	0	0	0	0	0	37	37
Washington (12).....	0	3	0	1	4	668	672	(0.6) 011111110000000	0	0	0	0	0	23	23
Forest Hills School (25)...	0	4	0	0	4	690	694	(0.6) 011111110000000	0	0	0	0	0	21	21
Lindbergh Elementary School (22).....	0	2	0	0	2	449	451	(0.4) 011111110000000	0	0	0	0	0	14	14
7th Street (17).....	0	1	0	0	1	318	319	(0.3) 011111110000000	0	0	0	0	0	10	10
Meadowbrook School (21).....	0	1	0	0	1	370	371	(0.3) 011111110000000	0	0	0	0	0	13	13
25th Street (14).....	0	1	0	0	1	459	460	(0.2) 00000001110000	0	0	0	0	0	14	14
North Side Junior High School (10)....	0	1	0	0	1	1,098	1,099	(0.1) 001111110000000	0	0	0	0	0	51	51
10th Street School (15)...	0	0	0	0	0	416	416	(0.0) 001111110000000	0	0	0	0	0	14	14
Edgewood (26).....	0	0	0	0	0	300	300	(0.0) 011100000000000	0	0	0	0	0	10	10
Hiawatha School (23)...	0	0	0	0	0	192	192	(0.0) 011111110000001	0	0	0	0	0	6	6
Roosevelt Elementary School (18).....	0	0	0	0	0	366	366	(0.0) 011111110000000	0	0	0	0	0	14	14
North Anderson Elementary (20)....	0	0	0	0	0	515	515	(0.0) 011111110000001	0	0	0	0	0	18	18
Southview School (16)...	0	0	0	0	0	434	434	(0.0) 011111110000000	0	0	0	0	0	14	14
Franklin Elementary School (24).....	0	0	0	0	0	520	520	(0.0)	0	0	0	0	0	14	14

ADJOURNMENT UNTIL 10 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of yesterday, November 24, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 26, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate November 25, 1969:

IN THE NAVY

The following named officers for permanent promotion to the grade of captain in the Navy in accordance with Article II, section 2, clause 2 of the Constitution:  
Comdr. Charles Conrad, Jr., U.S. Navy.  
Comdr. Richard F. Gordon, Jr., U.S. Navy.  
Comdr. Alan L. Bean, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1969:

U.S. ATTORNEY

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years.

U.S. MARSHALS

Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years.

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years.

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years.

COMMISSION ON CIVIL RIGHTS

Maurice B. Mitchell, of Colorado, to be a member of the Commission on Civil Rights.

Stephen Horn, of California, to be a member of the Commission on Civil Rights.

Howard A. Glickstein, of New York, to be Staff Director for the Commission on Civil Rights.

EXTENSIONS OF REMARKS

THE VICE PRESIDENT—VALID CRITICISM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES  
Tuesday, November 25, 1969

Mr. FANNIN. Mr. President, Vice President AGNEW has hit a responsive chord in the hearts of most Americans. Most of the people I have talked to about his speeches are not only in agreement, but they say he does not go far enough.

Last week the Arizona Republic published an excellent series of editorials written by Edwin McDowell, who is no stranger to the preparation of material

for national media. This is one of the most careful and reasoned series that I have seen on this subject. I ask unanimous consent that the entire series of three articles be printed in the Extensions of Remarks.

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

[From the Arizona Republic, Nov. 16, 1969]

WERE SPIRO AGNEW'S CRITICISMS VALID?

COLUMNIST SAYS YES, AND TELLS WHY

(By Edwin McDowell)

Vice President Spiro Agnew will not win an Emmy for his recent speech in Des Moines, charging that the TV networks are abusing their unprecedented concentration of power over American public opinion.

Already commentators are joining the network executives who widely condemned the

speech as an attempt to intimidate and interfere with press freedom.

But the public opinion polls will no doubt show, as the early returns have already shown, that the large majority of Americans agree with the vice president.

I also want to go on record in support of Mr. Agnew's criticisms.

Frankly, I am uneasy that the criticism was lodged by a high-ranking government official.

I see no reason to doubt the vice president's opposition to any government censorship, nevertheless my reaction is to recoil whenever a government official says anything that smacks of media censorship.

But Mr. Agnew was right to ask whether a form of censorship already exists. And the answer, in my opinion, is that it does.

It is not as pernicious as government-imposed censorship, yet it is still widespread, it is blatant, and it is a repudiation of the