livery a day, and no one can depend on at least an approximate time. Postage has been increased, yet not the scale of mail carrier's pay. The entire postoffice department needs reform, and it should begin with adequate pay for the carriers and then down to adequate deliveries. We are in an inflationary period, for what we know not, because the cost of everything is going up, it can only discipline people to buy less, and that sounds like poor economy to me. Interest rates are up and that means that the average veteran returning from Viet Nam cannot buy a house, nor can the average worker, if he depends on only one member of the family working. So like many other Americans postal employees are the victims of this dread word—inflation. You can help your local carrier by writing to President Nixon and asking him to sign HR 13000 and in doing so give a Christmas gift to your letter carrier. He deserves it.

SENATE—*Wednesday, December 17, 1969*

(Legislative day of Tuesday, December 16, 1969)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

"O Grant us light, that we may know
The wisdom Thou alone canst give;
That truth may guide wher-e'er we go,
And virtue bless where'er we live."

—LAWRENCE TUTTIETT, 1864.

Eternal God, who throughout the ages hath imparted wisdom to those who humbly call upon Thee, we beseech Thee to give understanding and clarity of thought to those, who in Thy name and for the Nation's sake are entrusted in this Chamber with power to act for the Republic. Give them, O Lord, a steadfast faith, a sure hope, and the determination and patience to labor for those things for which the people pray.

In the name of Him whose name is above every name. Amen.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the District of Columbia and the Special Subcommittee on Oceanography of the Committee on Commerce be authorized to meet during the session of the Senate today.

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

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, I suggest the absence of a quorum, and it will be a live quorum.

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

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 246 Leg.]

Allen	Gore	Moss
Allott	Gurney	Packwood
Baker	Hansen	Pastore
Bellmon	Hatfield	Ribicoff
Boggs	Holland	Scott
Byrd, W. Va.	Hughes	Spong
Cotton	Javits	Stennis
Curtis	Mathias	Stevens
Dodd	McIntyre	Talmadge
Dole	Metcalf	Young, Ohio
Eagleton	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Goodell	Muskie
Bayh	Gravel	Nelson
Bennett	Griffin	Pearson
Bible	Harris	Pell
Brooke	Hart	Percy
Burdick	Hartke	Prouty
Byrd, Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Case	Jordan, N.C.	Saxbe
Church	Jordan, Idaho	Schweiker
Cook	Long	Smith, Maine
Cranston	Magnuson	Smith, Ill.
Dominick	Mansfield	Sparkman
Eastland	McCarthy	Thurmond
Ellender	McClellan	Tower
Ervin	McGee	Tydings
Fannin	McGovern	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Goldwater	Murphy	Young, N. Dak.

The PRESIDING OFFICER (Mr. CANNON in the chair). A quorum is present.

Mr. STENNIS. Mr. President, I do not remember whether the agreement designated me in charge of the time.

The PRESIDNG OFFICER. The agreement did. How much time does the Senator yield?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Georgia (Mr. TALMADGE).

The PRESIDING OFFICER. The Senator from Georgia is recognized for 15 minutes.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. TALMADGE. Mr. President, in the interest of justice to schools and the strengthening of public education in America, it is imperative that this amendment be adopted by the Senate as it was reported by the Appropriations Committee.

It has come to the Senate after winning approval in the House of Representatives—where it was known as the Whitten amendment—and after careful consideration by the Appropriations Committee.

This measure is needed to restore order and stability to our schools. I submit that it is vital to the continuation of public education. It is designed to prevent schools from being made instruments of coercive social reform.

In recent years, the schools of the South have been assaulted on all sides, by the Federal courts, by the Department of Health, Education, and Welfare, and by a virtual army of Federal agents operating under the direction of HEW and the Office of Education.

We have had forced desegregation by the numbers. That is, officials here in Washington came up with arbitrary ratios. Then they descended upon counties, cities and towns with this command:

"Here is the way we think your schools ought to be racially constituted. Here is the way we think your educational programs ought to be operated. Here is how your faculties should be composed. Here is how you ought to assign children to schools."

This is what they have done in school district after school district.

Thus have they laid down the law—their own contrived law, based on the so-called school "guidelines."

Even if it meant busing children to schools away from their neighborhoods, against the wishes of the pupils themselves and their parents.

Even if it meant assigning faculty to teach in certain schools, against the best interests and desires of the teachers themselves.

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Even if it meant shutting down some perfectly good schools.

This is what they have demanded and done in order to overcome racial imbalance and to achieve what I have referred to as desegregation by the numbers, or integration by arbitrary ratio.

We are all well aware of the fates of school districts which put the education of their children above some Washington bureaucrat's idea of social reform. Millions upon millions of dollars in Federal assistance have been denied them. Because of these cutoffs, educational programs have been disrupted or totally stopped.

In the State of Georgia alone, approximately 10,000 needy schoolchildren are being denied free or reduced-price lunches because of these cutoffs. These are children, black and white, who come from poor families, who cannot afford to buy their lunch at school, and who need noontime nourishment. Thus, it is not difficult to see that these cutoffs are hurting the children the most that the law is supposed to be helping.

This then, as I have outlined, has been the state of affairs in the States of my region. School administrators have expressed a desire to comply with the law. They have demonstrated good faith. Yet, it has sometimes seemed to me that the entire might, resources, and legal and financial power of the Federal bureaucracy have been brought to bear against them.

People are very much aware of the 1954 Supreme Court decision on segregation in the public schools, and of the monumental 1964 Civil Rights Act, just as all of us are here in the Senate. But we have seen the law twisted and turned and distorted to the extent that it is hardly recognizable any more, even by some of its original stanch supporters.

As I say, we have no quarrel at this time with the constitutional prohibition against segregation. But the Government has gone far afield from that. The time for reexamination is long overdue. I, for one, do not believe that the Constitution by barring legal segregation, means that we have to achieve balanced integration by busing students and closing schools.

Yet this is what we have had, in the Southern States, mind you, but not anywhere else.

The Government, and its agents, have dealt with these carefully selected States with a bludgeon.

At the same time, in other parts of the country where segregation is far more pronounced than in the South, the Government has either looked the other way altogether, or gone in with a powderpuff.

What we have is the law according to the guidelines. Then we have bludgeon enforcement compared to the light touch or no touch at all. This to me is a travesty.

Let us look at the record. Considerable desegregation progress has been made in the Southern States. According to HEW, it has virtually doubled in the past year, rising from 20 percent in the past school year to almost 40 percent at the present time.

Now, let us compare that with the situation in the North, the East, and the West. I have figures from HEW that indicate overall there is far more school desegregation in the Southern States than anywhere else in the country.

For example, last year's enrollment figures for Chicago show 8.9 percent desegregation; for Gary, Ind., 10.5 percent; for St. Louis, 6.3 percent; for New York City, 20.8 percent; and for Washington, D.C., 0.9 percent.

The distinguished Senator from Mississippi, in a series of floor speeches, has performed a distinct service by providing the Senate even more recent data on desegregaton—or the lack of it—in parts of the Nation outside the South.

In the State of Illinois, 76.2 percent of the total Negro enrollment are in schools that are 95 to 100 percent black.

In Chicago, 80.6 percent of the Negro enrollment attend schools 99 to 100 percent black.

In Maywood, Ill., a relatively small city, 65.8 percent of its Negro students are situated in two schools that are 99 to 100 percent black—and this is a town where the white and Negro enrollment is fairly evenly divided.

In Philadelphia, there are 109 schools with a total enrollment of more than 116,000, that are 90 to 100 percent segregated. In Pittsburgh, 54 percent of total Negro enrollment are in schools 90 to 100 percent segregated.

In Ohio, there are 197 schools that are 80 to 100 percent Negro with 105 of these 98 to 100 percent segregated. Sixty-five of the 105 schools are in Cleveland alone.

In Newark, N.J., there are 38 schools 95.9 to 100 percent minority segregated, 23 of which are segregated 99 to 100 percent.

In Gary, Ind., about 80 percent of the total Negro enrollment are segregated in 21 schools which are 99 to 100 percent segregated.

In Indianapolis, 57.6 percent of the total Negro enrollment of that city are segregated in 24 schools that are 97 to 100 percent black.

In Los Angeles, there are 96 schools with a minority enrollment of 98 to 100 percent of the total enrollment, including in these schools 68 percent of the city's total Negro enrollment.

One could go on and on reciting similar statistical data on the status of segregation outside the South.

What we have are situations that ordinarily bring down the wrath of the Federal Government—if they occur in the South and not somewhere else.

If schools in the South are in violation of the arbitrary guidelines and ratios laid down by HEW, and if they are contrary to edicts handed down by the courts, then schools throughout all the rest of the country are in violation many times over.

As I have noted, the States of the South are far ahead of most of the rest of the country in achieving desegregation.

It is fantastic that this could be going on in other parts of the country with almost total impunity. It is awfully easy for Federal officials, certain civil rights groups, and many reform-minded newspapers to point a finger of scorn at the Southern States on this issue and to do everything short of calling out Federal troops.

What they ought to do, if they are so concerned with desegregation, is to look in their own backyards.

Schools in one particular region only have been turned into administrative nightmares and public education greatly undermined because of this issue. Schools in other parts of the country in similar or even worse racial situations are getting off scot free.

My point is, if we are going to have a law and have it interpreted by the Government and the courts as meaning a certain thing, then that law and that meaning ought to be carried into every single State of this Nation and not to just a selected few.

We have no desire to destroy public education anywhere in the United States. To the contrary, we want to strengthen it. We want to continue the so-called neighborhood school principle under which education in this country has flourished.

To repeat, we do not want to see schools anywhere made instruments of social reform, to the extent that students and teachers are bused all over the place, that valuable school buildings are forced to close down, or that any student, white or black, is made to attend any school against his choice or that of his parents.

To this end I fully support the amendment as reported by the Committee on Appropriations, and I hope that the Senate will do likewise.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield to me for the purpose of making a unanimous-consent request?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that throughout the remainder of the day, the members of staffs be required to keep their seats in the Chamber or leave the Chamber, and I ask the Chair to instruct the Sergeant at Arms to enforce such order throughout the day.

The PRESIDING OFFICER. Without objection, it is so ordered. The Sergeant at Arms is directed to carry out the order of the Senate.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on the Outer Continental Shelf of the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of

Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi. I think 20 minutes will be sufficient.

The committee amendments to the Labor-HEW appropriation bill embrace the principles of the Whitten amendments, and, therefore, I strongly support them. The pending amendment by the Republican leader, the distinguished senior Senator from Pennsylvania (Mr. SCOTT)—supported, I believe, by the assistant Republican leader, the junior Senator from Michigan (Mr. GRIFFIN)—seeks to add, at the beginning of sections 408 and 409, the following language:

Except as required by the Constitution.

With that Republican sponsorship, I do not know whether or not this is a part of the Republican Party's southern strategy. If it is, then I think I should say that this strategy will not sell, at least not in the South. Possibly, now that the chips are down, it was not devised to sell in the South, but rather to make friends and influence people in sections other than the South.

If I had served in the U.S. Senate in 1968, when the language of the Whitten amendments was qualified, nullified, and emasculated by the addition in the Senate of the words "in order to overcome racial imbalance," I could very easily now say, "Let us go; here is where I came in."

To add the words "except as required by the Constitution" serves no purpose at all except to give HEW another peg on which to hang its discriminatory desegregation policies. Mr. Finch has already made it clear that the language of the 1968 appropriation for Labor and HEW prevents HEW from using HEW funds to force—in the North—busing, abandonment of schools, and requiring a student to go to a school against the wishes of his parent or parents.

A different rule is applied by HEW in the South, and there these evil weapons can be used against southern schools and schoolchildren against the express instructions of Congress.

As I see it, the purpose of the Scott amendment is to allow HEW to continue its dual policies and standards regarding desegregation, by forcing desegregation in the South but allowing segregation to continue in the North.

The phrase sought to be added by the Scott amendment is unnecessary if the provisions of sections 408 and 409 are constitutional; and it is not necessary and is surprising if the sections are unconstitutional.

How could a statute replace a constitutional mandate anyhow? The necessity of a statute being constitutional is necessarily implied.

The will of Congress was thwarted in 1968 by adding a qualifying phrase to the language of the limitations. Let us not allow that to happen again by adding still another qualifying phrase.

Mr. President, we have said time and again here that there is one standard, or one system, that HEW applies in the North with regard to desegregation of schools by allowing continued segregation of schools, and another standard or rule that is applied in the South. We do not make that statement idly. We do not make that statement without the documentary proof to back up the statement that that is the official policy of HEW.

It is the official policy of HEW, as expressed by the Secretary himself in a letter to me which I had printed in the RECORD on September 29, 1969, and from which I shall quote at this time.

I had sent Mr. Finch a telegram protesting the HEW plan for the city of Mobile, which required massive busing of more than 5,000 colored students from various sections, closing their neighborhood schools and busing them many miles to white schools.

In reply to my telegram inquiring as to why such a policy was instituted and implemented in the South, and why no such policy was implemented in the North, Secretary Finch wrote to me, in part, as follows:

Your telegram correctly notes that HEW is prohibited from requiring transportation in order to overcome racial imbalance. HEW operations financed under our regular Appropriation Act are governed by Sections 409 and 410 of Public Law 90–557—

Those sections would be sections 408 and 409 in the present bill.

As stated, these provisions prohibit the requirement of busing "in order to overcome racial imbalance."

There that qualifying phrase appears, and that is the qualifying phrase on which the policy of HEW was instituted. It is a parallel phrase to the phrase that the distinguished Senator from Pennsylvania, the Republican leader, is now seeking to add to the language of sections 408 and 409 of the pending bill. It would give the Secretary and the Department of Health, Education, and Welfare an additional peg on which to continue to handle and to implement their discriminatory policies.

The letter continues:

The legislative history of these provisions—

Parallel provisions to sections 408 and 409 which we have before us now—

makes it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence.

In other words, the limitation, according to the Secretary, of the present sections 408 and 409, which then were numbered 409 and 410, are effective in the North. There, in other words, he is prevented from following these practices of forcing busing, forcing closing of schools, and forcing a student to go to a school other than the school chosen by his parent or parents.

He cannot apply those methods and those punitive provisions in the North, he says.

I continue to read:

Where, however, racial segregation of students in a schol system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws. For this reason I believe that the statutes to which you refer are inapplicable to the situation in Mobile.

In other words, the Secretary says that the express provisions of the statute do not apply to the South. They apply in the North, but not in the South. What kind of hocus-pocus is that, Mr. President, to have a Federal statute that the Secretary of Health, Education, and Welfare is required to observe, and he states categorically that that statute applies and is effective in the North, but that the limitations provided by the section are not applicable in the South. They can keep on going as they have been going all along, even though Congress has said they cannot do these things.

Mr. President, the problem to which the principle of the Whitten amendment is addressed is this:

Under authority delegated by Congress in the Civil Rights Act of 1964 the Department of Health, Education, and Welfare is empowered to issue regulations to prevent discrimination in Federal programs administered by the Department. These regulations have the force and effect of law. As related to public schools, the guidelines are designed to accomplish racial balance in public schools, and this object is not authorized by Congress.

Innumerable problems result from the fact that the Department of Health, Education and Welfare has established racial balance as the single overriding criteria in assignment of children to public schools to which all other legal, educational, and humane considerations are subordinated. Thus, in some instances, community schools are closed. They have been closed all over Alabama, and they have closed over $15 million worth of Alabama schools under the implementation of the HEW rules and regulations. The children of these communities are bused to distant schools in entirely different communities under plans imposed by the Department. In addition, the Department orders the conversion of some 12-grade community schools into junior schools, and junior schools into high schools. School attendance districts are arbitrarily gerrymandered and huge capital investments in school plants and facilities in some districts are either abandoned or underutilized, or utilized for purposes other than those originally designed. All of these disruptions and many more are justified by the Department as necessary means to achieve racial balance in the schools.

Mr. President, there are many additional aspects in this situation which are nothing less than tragic. Let me emphasize just two which are cause for deep concern.

Mr. President, I am concerned when an agency of Federal Government can subordinate considerations for the health, safety, and welfare of children to arbitrary requirements such as those imposed by the racial balance requirements of the Department of Health, Education, and Welfare.

I am deeply concerned when an agen-

cy of Federal Government willfully refuses to accept clear-cut limitations imposed by Congress in the delegation of power to that agency. It has been said that "Where law ends, tyranny begins." When agencies of Federal Government willfully refuse to abide by laws of Congress, they usher in tyranny, and this is a matter of tremendous concern.

Mr. President, the principle of the Whitten amendment, which is embodied in the committee amendments, if enacted, will alleviate some of these problems. It cannot reach all of the problems because many public schools in the South are administered by Federal district judges, and the racial balance criteria is implemented by judicial decrees, enforced by injunction and the threat of confiscatory fines and imprisonment of public school officials without benefit of trial by jury. Nevertheless, the Whitten amendment principle can do much to compel the Department of Health, Education, and Welfare to obey the laws of Congress and to get it off the backs of local boards of education.

Mr. President, boards of education in the South are making a sincere and conscientious effort to establish a unitary school system but in a manner to preserve the institution of public education in a form which will permit the schools to continue to educate. That is their function, not to integrate, but to educate. Local boards are faced with the certainty that neither a State legislature nor the educators in separate school districts can provide public schools without public support. It is a matter of commonsense judgment that the taxpaying public in any jurisdiction in the United States will not support public schools which do not educate, and public school policies which deny parents a voice in public school matters.

Mr. President, in asking support of the committee amendments, we ask only for a freedom of choice; relief from massive disruption and expensive busing of children; and freedom from harassment, domination, and control of our public schools by the Department of Health, Education, and Welfare. In doing so, we ask only for the same rights, privileges, and immunities enjoyed by other public school systems throughout the United States.

To better make the case for equal consideration, I believe it is important to outline the specific provisions of law which the Department of Health, Education, and Welfare has violated in its efforts to impose the racial balance doctrine in the South. In addition, I think it is important to examine the official explanation offered by the Department in justification of its lawless actions.

Let me turn first to the 1968 appropriations for the Department of Health, Education, and Welfare. The following limitation was placed upon the Department in the expenditure of funds appropriated by Congress:

> No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent *in order to overcome racial imbalance.*

That last qualifying clause was the means that allowed the Secretary to refuse to give the schools of the South the protection of this language. It is comparable to the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) because that would give the Department another peg on which to hang their discriminatory practices.

Mr. President, despite this limitation, the Department continued to do precisely what it was forbidden to do. The Department continued to use its funds to close schools and to force busing of students against the choice of their parents, all for the specific purpose of overcoming racial imbalance in the schools. The Department simply construed the above limitation on its power into a grant of power to do precisely what the law said it could not do.

Mr. President, let us consider the law set out in title IV of Public Law 88–352, the Civil Rights Act of 1964. The definition of terms in that title defines the power delegated to the Department in regard to desegregation of public schools. The definition provides that:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome *racial imbalance.*

That is in the Civil Rights Act of 1964.

In a further provision, it is said in part as follows:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school to another or from one school district to another in order to achieve such *racial balance* . . .

Once again, the Department of Health, Education, and Welfare construed a limitation of its power into a grant of power to do precisely what the statute said it could not do. The Department has continued to issue orders having the force and effect of law to achieve racial balance in the schools.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator has expired.

Mr. ALLEN. I ask for 3 additional minutes.

Mr. STENNIS. I yield 3 additional minutes to the Senator from Alabama.

Mr. ALLEN. There is yet another law which the Department has violated in almost shocking manner. I have reference to the provisions of title VI of the Civil Rights Act of 1964, and specifically to the provision which limits the power of Federal agencies to terminate, or to refuse to grant, or to continue financial assistanec to schoolchildren under any program of assistance authorized by Congress. The limitations are stated just about as clearly as is possible. In pertinent part, it is provided that such termination "shall be limited" to "the particular political entity, or part thereof, as to whom a finding has been made, and; limited in its effect to the particular program, or part thereof, in which noncompliance has been found."

Here, again, the Department of Health, Education, and Welfare construed a limitation on its power into a grant of power to do precisely what the statute said it could not do. In the administration of this provision of the law, the limitation might just as well have been left out of the law. The Department terminated and refused to continue financial assistance for all programs in all schools in a school system just as though the limitations were not in the law.

The Department simply thumbed its nose at the law and went about the business of cutting off funds, including title I funds used for the purchase of hot breakfasts and free lunches for the children of the poor.

If such callousness shocks Senators, think of the aged and indigent who were denied medicine and access to hospitals and clinics as a means of coercing public and private officials into compliance with HEW regulations. If the weapon of deprivation of necessities of life can be employed with impunity by the Department against innocent and helpless citizens under existing programs of financial assistance, one can imagine the potential for evil that will exist when this agency of Federal Government undertakes to prescribe regulations for 23 million citizens under the proposed guaranteed income program.

Mr. President, I hope that no one will take lightly the lawless actions of the Department in the termination of funds, benefits and services provided by Congress for schoolchildren under various programs.

On February 24, 1969, I requested from the Department information indicating the number of schoolchildren whom it had deprived of funds, services and benefits under orders of termination or refusal to continue originating from the Department. About a month later, I received a reply from the Department, which indicated they did not know either the number of children adversely affected by orders of termination or the monetary value of funds, services, and benefits which had been terminated.

Mr. President, I found this situation incredible. Such an apparent indifference to the welfare of children left me with a definite feeling that these people are neither motivated nor inhibited by a compassionate concern for the welfare of children.

Nothing has happened since then to cause me to alter this conclusion. On the other hand, much has happened to confirm it. For example, there is the official justification which I received from the Department in explanation of its willful violation of the statutes I have previously mentioned.

In response to an inquiry on my part, the Department provided an explanation which, in substance, is as follows:

The Department contends that the above laws imposing clear-cut limitations on the powers of the Department are qualified by remarks made in debates preceding enactment of the laws and by a construction placed on such remarks by a Federal court judge at some time or other. As unbelievable as this explanation may be, it is, in fact, the excuse tendered

by the Department as its justification for disregarding limits placed on its powers.

If we ask in what manner the statutes mentioned were modified, the HEW explanation is that the remarks made in debates and the judicial construction of those remarks served to establish two separate regions in the United States. In one region the limitations on the powers of the Department with respect to racial balance and other matters are given full force and effect. However, in the other region, composed of States in which segregation of schools was formerly imposed by law, the precise same language is taken to be a grant of power to the Department to do precisely what the statutes say the Department could not do.

Mr. President, every Senator in this Chamber recognizes the palpable absurdity of the above explanation. The argument is so ridiculous that I cannot escape the conclusion that it is either facetious or contemptuous of Congress, or both. In any event, I am not going to dignify this absurdity by taking up the time of the Senate to further comment on it.

I think there are compelling reasons to limit the power of the Department of Health, Education, and Welfare in the manner and to the extent set out in the Whitten amendment. The amendment has been approved by the House of Representatives, and overwhelmingly endorsed by the subcommittee of the Senate Appropriations Committee, and by the full committee. It is a step in the right direction. Other steps are indicated.

In the meantime, I urge defeat of the amendment offered by the distinguished Senator from Pennsylvania (Mr. SCOTT).

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

Mr. STENNIS. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, we all know that if this phrase is added to sections 408 and 409, it will make the Department of Health, Education, and Welfare judge and jury of what it means, and we will find them continuing to take the position that these limitations on the power of the Department are applicable in the North but are not applicable in the South. The effect of this will be that we will continue to have these policies pursued by HEW, contrary to the will of Congress expressed time and time again.

If Congress is serious about putting a limitation on the power of HEW to force busing, to force the closing of schools, to force any child to go to a school against the wishes of his parents, we will reject the Scott amendment. If the Senate wants to free them completely to put in any type of policy they want, then add the Scott amendment, because it will be a peg on which to hang their continuation of discriminatory policies aimed at the South and the continuation of the dual system. This is a dual system of a different type. It is a system in the North allowing segregation. It is a system in the South of forcing desegregation by massive busing, by closing schools, and by forced assignment of pupils.

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

Mr. ALLEN. I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia (Mr. BYRD).

May I express the hope, Mr. President, that the opponents of this amendment would use some time after the Senator from Virginia has concluded.

Mr. GRIFFIN. Mr. President, will the Senator from Virginia allow me to use a little time now, just a few minutes?

Mr. BYRD of Virginia. Certainly.

Mr. GRIFFIN. I yield myself 5 minutes.

Mr. President, the distinguished Senator from Alabama referred at the beginning of his remarks to the minority leader, the Senator from Pennsylvania, who is the sponsor of the amendment and also to the assistant minority leader, the junior Senator from Michigan, who strongly supports the pending amendment.

The Senator from Alabama heaped criticism upon the words of the Scott amendment. Those six words are "Except as required by the Constitution." During this debate, I believe we ought to keep repeating those six words—"except as required by the Constitution."

I find it very difficult to understand, frankly, the argument of those who oppose the addition of those words as an amendment to the so-called Whitten amendment.

The Scott amendment does not say: "except as might be permitted under the Constitution." It says: "except as required by the Constitution."

The Scott amendment recognizes that sections 408 and 409, which is the Senate version of the Whitten amendment, are based upon the fallacious premise or proposition that a free choice desegregation plan per se is constitutional in all situations.

I will not argue whether the Supreme Court should have said that a free choice plan in all situations satisfies the requirements of the Constitution. I think reasonable men might differ as to whether the Supreme Court was correct in its interpretation of the Constitution.

Needless to say, I have not always agreed with the decisions of the Supreme Court of the United States.

But the fact is that in the Green decision, the Supreme Court made it clear that free choice desegregation plans do not always satisfy the constitutional requirement. In some situations, then a free choice plan is not satisfactory. And the effect of the Whitten amendment would be to deny funds needed in those situations to meet the requirements of the Constitution.

The purpose of the Scott amendment is to make it clear that HEW would not precluded from performing its function in those situations where the Constitution requires something more than a freedom of choice plan.

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

Mr. GRIFFIN. It seems to me that if HEW is violating some other provision of law, as the complaint has been made, then it would be appropriate to challenge those actions in the courts, and the courts would then determine whether HEW is, or is not, complying with the law.

But Mr. President, I do not see the logic in arguing against addition of six words—"except as required by the Constitution." It seems to me that anyone who votes against that amendment is voting against the Constitution.

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

Mr. ALLEN. Mr. President, the Senator would not insist that the statute could override the Constitution so that it then becomes necessary to put in this clause, would he?

Mr. GRIFFIN. No. I think that the Senator is making my argument. The Whitten amendment, for example, could not override the Constitution or the Supreme Court interpretation of the Constitution.

Mr. ALLEN. Why put in the phrase then?

Mr. GRIFFIN. Then, I could come back with the question, Why would the Senator object to the phrase? If the Senator thinks it has no meaning, there should be no reason for opposing the amendment.

Mr. ALLEN. The reason I object is that the Department of Health, Education, and Welfare will be its own construer of that section, just as it was of the last qualifying phrase that was put in in 1968 and we will have a continuation of the same situation.

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

Mr. GRIFFIN. Mr. President, I yield myself 5 additional minutes, if the Senator has further debate.

Mr. ALLEN. I just answered the Senator's inquiry.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly on that very point?

Mr. GRIFFIN. I yield.

Mr. STENNIS. Mr. President, I wish to make this observation. Our main complaint, as a practical matter, is that HEW is applying one constitution in the South and another constitution outside the South. There is a different interpretation of it, as they contend, on a little clause about racial imbalance. It will not stand up to analysis, in my humble opinion.

So our complaint could be summed up in those words: the different constitution applied in the South from the constitution applied outside the South on this question.

Mr. GRIFFIN. Mr. President, without passing judgment on whether or not HEW is applying a different standard, I would certainly agree with the Senator from Mississippi that there should be no difference in the application of the standard, and it should be the same standard throughout the 50 States of this Nation.

While I can understand the frustration of the Senator from Mississippi, and I know he holds his views most sincerely, I still have difficulty in understanding the opposition to the insertion of six words: "except as required by the Constitution." It seems to me those words only serve to protect and to save the effect of the amendment insofar as it could be in conflict with the Constitution.

Matters such as these are always subject to appropriate court tests. And in

the last analysis, the courts are going to determine whether or not something is or is not required by the Constitution.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I support sections 408 and 409 of the pending appropriation bill.

These sections were approved by a large majority of the Committee on Appropriations.

Virtually identical sections were approved by the House of Representatives.

I will now read section 408:

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

I will now read section 409:

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Mr. President, what is the matter with these two provisions?

Are they not fair?

Are they not reasonable?

What conceivable objection could there be to maintaining these two provisions in this appropriation bill, which provisions have been approved by a large majority of the Committee on Appropriations and approved by the House of Representatives?

Mr. President, during this long debate I have yet to hear any Member of the Senate justify the busing of schoolchildren from one area of a city to another area of a city for the purpose of achieving racial balance.

Arguments have been made against this provision but none of the Senators has directed his remarks to approving the busing of children to achieve racial balance. Yet that is being done in many areas of the country, contrary, in my judgment, to the constitutional rights of those children. The majority of the Senate stands idly by and permits this to continue.

Mr. President, New York State has passed legislation which prevents the busing of children for the purpose of achieving racial balance. New York is a Northern State and is not considered prejudiced on the racial issue. Why should only the Southern States be persecuted?

These provisions of the act, sections 408 and 409, these provisions which have been approved by the Committee on Appropriations and approved by the House of Representatives seek to take away some of the dictatorial powers which have been exercised by the Department of Health, Education, and Welfare.

The amendment introduced by the Senator from Pennsylvania seeks to completely scuttle, to completely gut these two provisions.

The amendment is cleverly worded; it sounds good. It is somewhat difficult to argue against, but every Member of the Senate knows that if the proposal offered by the Senator from Pennsylvania (Mr. SCOTT) is agreed to by the Senate, then it would completely scuttle the purposes of sections 408 and 409.

Mr. President, what the Scott amendment would do would be to continue to permit the Department of Health, Education, and Welfare to exercise the dictatorial rights which that department has assumed over the public school systems of certain areas of our Nation.

It seems to me that HEW has gone to extremes in trying to force integration of the public schools. In going to those extremes we are in danger of destroying public education in many areas of our Nation.

I submit nothing is more important in a democracy than public education.

It is vitally important, and to indicate just how prejudiced and biased the Department of Health, Education, and Welfare is in the handling of these laws, all of the attention is directed entirely to the public school systems in the southern part of our Nation and little or no attention is given to those in the other areas of our Nation.

Now, Mr. President, several weeks ago, the distinguished Senator from Mississippi (Mr. STENNIS) brought out on the floor of the Senate that in the State of New Jersey there was de facto segregation in 99 school districts.

I hold in my hand a newspaper article entitled "New Jersey, Stung by Stennis Charges, Vows Segregation End."

The Department of Health, Education, and Welfare has 600,000 employees, yet none has been assigned to focus attention on the conditions existing in the State of New Jersey. It was the Senator from Mississippi (Mr. STENNIS) here on the floor of the Senate, who brought out the fact that 99 districts in New Jersey practice de facto segregation.

Let me read the first paragraph of the article.

TRENTON, N.J.—Reacting sharply to a southern Senator's criticism that many New Jersey school districts are more segregated than Dixie's, the State has ordered 99 districts to end de facto segregation within two months, it was disclosed here.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

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

NEW JERSEY, STUNG BY STENNIS CHARGES, VOWS SEGREGATION END

TRENTON, N.J.—Reacting sharply to a Southern senator's criticisms that many New Jersey school districts are more segregated than Dixie's, the state has ordered 99 districts to end de facto segregation within two months, it was disclosed here.

Dr. Nida Thomas, director of a state education office concerned with equal educational opportunity, said that by Feb. 4 the 99 districts must submit plans to not only end racial imbalances but to provide education of equal quality for students in both affluent suburban and depressed urban neighborhoods.

The controversy broke out when Sen. John Stennis, D-Miss., said on the Senate floor that New Jersey's schools were in many instances behind Southern districts in speeding desegregation.

State Education Commissioner Carl L. Marburger quickly replied that Stennis was correct but that the state was working to erase the imbalances.

Mr. BYRD of Virginia. Mr. President, today the Senate has the opportunity, by sustaining the two provisions, sections 408 and 409, inserted by the Appropriations Committee, and previously approved by the House of Representatives, to say to the Department of Health, Education, and Welfare, "You must act in accordance with the Constitution. You must treat all sections of this Nation fairly. You cannot use your great powers to withhold funds from those school districts merely because they are not willing to bus their children all the way across cities for the purpose of achieving racial balance."

Mr. President, the amendment offered by the Senator from Pennsylvania would completely scuttle the purposes of the proposal, and I hope that the amendment will be rejected.

In raising my voice against forced busing of students to achieve racial balance and in speaking out in behalf of the right of each parent to send his children to the school of his choice, I realize the condemnation I will receive in certain quarters. But I shall continue to fight for the rights of the children and parents who are being made political pawns.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia.

Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, I wish to make this observation. The opponents of the Scott amendment have used up over half their time.

I submit, as a matter of fairness on the part of the other side, that I hope they will use some of their time now.

I want to observe, too, that this debate is attended this morning by only three or four Senators at a time.

I do not want the reporter to strike this from the RECORD. I want it in the public record of our proceedings, to show the lack of attendance by Senators this morning.

It is true that many Senators are very, very busy in important conferences.

My point is not directed to their personal absence at all. My point is that we are having to conduct this debate without the opportunity to get to the minds of those who are going to have to vote.

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

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. I therefore ask unanimous consent——

Mr. PASTORE. Mr. President, does the Senator from Mississippi wish me to speak now? I concur with what the Senator has said. This is a very important matter. It is also a very sensitive matter. It is extremely sensitive in certain parts

of the country and for sincere reasons. Whether I agree with them or not is not the point. There was quite a bit of controversy over the language in committee. Earnest speeches were made here last night and more were made here this morning. I have comments to make which will take 5 minutes, I believe, but certainly I dislike the idea of doing it to an empty Chamber as well.

This is more or less an old story, but we all understand the facts. We all have strong convictions one way or the other, and I would like to say a word or two as to how I feel about it.

I do not mind a quorum call but I hope it would not be made live. The time for the quorum call should be taken out of the time of the proponents of the amendment, it would seem to me. That would be satisfactory to me, provided it is not live.

The point is we can have a live quorum, but that does not guarantee an audience. Once a Senator comes in and registers he walks out again. It is an old saying—you can take a horse to water but you cannot make him drink. We can bring a Senator into the Chamber, but we cannot make him stay here.

Mr. STENNIS. I was going to suggest a quorum call and not make it live, with the time not to be charged to either side.

Mr. PASTORE. It should be charged to our side because we are not going to use all the time anyway. Either way would be all right with me. I shall not make any fuss over that.

Mr. GRIFFIN. We can yield back the time we do not use.

Mr. CASE. If the Senator will yield, I should like to ask, in order that it may help us make our plans, what does the Senator from Mississippi expect to use in the way of the time allotted to his side?

Mr. STENNIS. All the time will be used.

Mr. PASTORE. We will give the Senator some of ours.

Mr. CASE. So there will not be a vote until about 12?

Mr. STENNIS. I would not predict when we would vote.

Mr. President, I would hope that the time taken to discuss this procedure would not be taken out of either side.

The PRESIDING OFFICER. Does the Senator from Mississippi ask unanimous consent for that purpose?

Mr. STENNIS. Yes. I ask unanimous consent.

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

Mr. CASE. I, too, would love to have all Senators here all the time, but they have heard this 10 times before and I am sure they will not be here.

Mr. PASTORE. But they have not heard me 10 times before. I would love to have them here.

Mr. CASE. Senators have heard the Senator from Rhode Island 10,000 times before. [Laughter.]

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a quorum call preceding the remarks of the Senator from Rhode Island. Is the Senator from Rhode Island going to speak next?

Mr. PASTORE. Yes. I wish to speak next.

Mr. STENNIS. Mr. President, with the time not to be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. 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.

Mr. GRIFFIN. Mr. President, how much time does the Senator from Rhode Island want?

Mr. PASTORE. It will not be more than 10 minutes.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Rhode Island such time as he may require.

Mr. PASTORE. Mr. President, and my colleagues, as I said a few moments ago, we are dealing here with a very, very sensitive issue. This is not the first time it has come to my attention. In several phases, whether it was under the poverty program or under the integration or desegregation programs, this matter has been discussed by a number of committees upon which I have the honor to serve.

I want to say at the outset that, in trying to understand the difficulties involved in this situation, I do not believe there is any Member of the Senate who has been more tolerant than the senior Senator from Rhode Island. I think my colleagues from the South who are members of the Appropriations Committee realize that.

There are many hardships involved, no matter how you do this. If you do it fast, you obligate the municipalities or school districts to involve themselves in expenditures of money sometimes not easy to obtain. On the other hand, you have this very, very significant constitutional, dignified right of the individual to say to his peers, "Why should I wait? Why should I be delayed in receiving what belongs to me constitutionally?" That is the serious question.

I realize that for 100 years we had segregated schools and that the Brown against Board of Education case was decided in 1954. That is almost 16 years ago. The clear intent and the clear objective to Brown against Board of Education has not been brought to fruition.

I was somewhat amazed to hear my Southern colleagues, whom I admire and for whom I have tremendous affection, use the Brown against Board of Education as a predicate for their opposition to this. Indeed they have been so critical of it that they labeled the Court the "Warren court."

Speaking of the Warren court, I have voiced criticism of that Court as well. But only a short time ago we instituted what is known now as the "Burger court." When Justice Burger came before the committee and his name came on this floor, he received the plaudits of all the Members of the Senate and I think his nomination was confirmed unanimously.

What did the Burger court do, Mr. President? The Burger court, I think in October of this year—to be specific, on October 29, 1969—in the case of Alexander versus Holmes County Board of Education, held that school districts are obligated to terminate the dual school system "at once."

That is what the Burger court said.

Now, what is the purpose of the language as reported by the committee? Is the purpose of the language as reported by the committee to sustain the Burger court, or to modify the opinion of the Burger court? That is the question here, and that is the serious issue. It causes me grave concern, Mr. President, if we are today to contemplate passing an appropriation bill which in any way is going to undercut a decision of the Burger court made on October 29. This decision even went so far as to repudiate the philosophy of this administration as enunciated by the President—and I am not being critical—the President said we ought to slow it down a little bit in this matter, and the Burger court said, "You cannot slow it down," then Mr. Nixon rightfully responded, "I shall abide, as the President of the United States, with the ruling of the Burger court as enunciated on October 29, 1969." That was only a month and a half ago.

That is what we are up against here today. Why do you think this language was put in the bill? Let us be fair and practical about it. It was put in the bill because some people feel that the process should be slowed down. That is what President Nixon wanted originally. The Burger court said, "You cannot do it, Mr. President, because you violate the constitutional rights of the people concerned."

What we are trying to do now is revert to the Nixon doctrine, although the President himself in a sense has repudiated it by saying, "If the court has said so, I shall abide by the court."

That is the question here, gentlemen, pure and simple.

I know that the Burger ruling is going to cause the South and the North a lot of trouble—plenty of trouble. It is going to mean money. It might mean a lot of things. It might mean a lot of things to the discomfiture of many sections of our country.

I was very much impressed with the eloquent speech made by the distinguished junior Senator from Florida. I realize their problems. I cannot close by eyes to them. I would insult my own intelligence here this morning if I rose on this floor and said, "This is all clear sailing, there is nothing to it." There is a great deal to it.

But, on the other hand, gentlemen, if I have a right of trial by jury, a constitutional right of trial by jury, can any man say to me, "Well, it is going to be expensive to give it to you; it is going to be inconvenient to give it to you; why don't you wait?"

I cannot be told to wait. If I have a constitutional right, I have it at this moment, and if I do not have it at this

moment I do not have it at all. That is the question here.

What surprises me is that sometimes I have to be the devil's advocate as here I am, defending a Republican administration. But that is apart from the point. What is right is right and what is wrong is wrong.

How about all this talk about this letter sent out by Mr. Finch. This is the letter that he sent out. I do not know if it has been put in the RECORD, so I am going to read the letter. It is not too long. It reads:

DEAR SENATOR: I would like to express my deep concern that the Labor-HEW Appropriations Subcommittee has approved provisions that would seriously undermine this Department's responsibilities to public education.

Who said that? Did a Democrat say that, or did a Republican say that? Mr. Finch said that. I think he is a fine public servant.

I refer specifically to the Subcommittee's approval of the anti-civil rights provisions which would retain the essence of the House-passed Whitten Amendments, and to other punitive amendments dealing with student unrest.

That is another section that will come up later, section 407. We are talking now about sections 408 and 409.

The amendments dealing with school desegregation, as passed by the House of Representatives and as reported to the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court.

That is what I am saying to all of my Republican colleagues. Why do you not listen to your own appointed? That is what he said. He said:

The amendments dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education.

I am telling you frankly, the subcommittee cannot be right in its language and Mr. Finch be right also. One or the other is wrong. I leave it up to the Senate to decide which is right and which is wrong.

He goes on to say:

The only districts which HEW deals with under Title VI of the Civil Rights Act are those operating illegally segregated school systems.

That is all he is interested in: Those school systems that are illegally segregated school systems.

HEW's role is to assist these districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.

How can any Republican stand up and vote against this man Finch?

Mr. HOLLAND rose.

Mr. PASTORE. You are a Democrat. I am talking to the Republicans now.

How can he do it, unless he stands up and says that Mr. Finch does not know what he is talking about?

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

Mr. PASTORE. Yes; I will yield any time to a Democrat.

Mr. HOLLAND. I thank the Senator for yielding. I am glad the Senator recognizes that Democrats are also Members of the Senate.

Mr. PASTORE. That is absolutely right; I am not casting any aspersions at all, but I am making a speech for the benefit of some of the Republicans who may be inclined to look rather loosely on some of this wording.

Mr. HOLLAND. I am wondering, since the Senator has just read from the letter and also a similar wire from the Secretary of Health, Education, and Welfare, how he explains the fact that the Secretary has shown no interest at all in the statute of the State of New York which reads:

Provided, That nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardians.

That gives complete freedom of choice to parents and guardians in New York as to where their children shall go to school, and has resulted in there being schools in New York which are 100-percent segregated. How does the Senator figure that this distinguished Secretary of Health, Education, and Welfare shows such deep concern with our problems in the South, and no concern at all about the statute in New York which has resulted, and is resulting today, while we are talking here, in complete segregation of certain schools in the State of New York?

Mr. PASTORE. Mr. President, may I ask a question in answer to the Senator's question? Has that case in New York been taken to the Supreme Court?

Mr. HOLLAND. That is not the point.

Mr. PASTORE. That is the point I am talking about: The Supreme Court of the United States of America. I am not talking about the State of New York. I do not know what happened in the State of New York. But if the State of New York, through any statute, violated the Constitution, the Supreme Court will declare it unconstitutional. I am not defending the law. I am not even criticizing the law in New York. I am just talking about the language in this bill, and what the Supreme Court of the United States said, what the Secretary of Health, Education, and Welfare said, and what our responsibility is.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. PASTORE. I appreciate what the State of New York did, but the State of New York, I hope, is not the barometer of the United States of America. At least the Senator from Florida never thought so.

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

The State of New York is a part of the United States of America, is it not?

Mr. PASTORE. That is right. It is only a small part.

Mr. HOLLAND. And the State of New York has, by this statute—and I have read only a part of it; there is another part of it which prevents busing to bring about racial balance—stopping busing, and the busing that was stopped in New York City to effect racial balance is the result of that statute.

How does the Senator evaluate the fact that the Secretary of Health, Education, and Welfare looks only southward when he looks at the law and the decisions of the Supreme Court, and does not look to the State of New York, which is flagrantly continuing completely segregated schools by the dozens, some of which are 100 percent black insofar as the student body is concerned?

Mr. PASTORE. Mr. President, I will join the Senator from Florida in writing a letter to the Secretary of Health, Education, and Welfare telling him that he should look into New York the way that he looks into Florida, the way that he looks into Rhode Island, and the way that he looks into Alabama.

Mr. President, two wrongs do not make a right. I am not here to defend the State of New York in what they are doing. And I am not here to defend Secretary Finch.

I am only here to explain what is just. And as I said before, there are enough Republicans here to stand up and defend their own Secretary of Health, Education, and Welfare. I do not have to do it. But if I think he is right, I will say so. I think he is right. And I think in this particular case he has a point.

Mr. HOLLAND. Mr. President, if the Senator will yield once more, I will say as one Senator who has fought for his country and whose sons have fought for their country and who has fought for decency in the Senate for 24 years, including this troublesome question of race relationships, that I do not approve the action of the Secretary of Health, Education, and Welfare who looks only southward to enforce the law and is destroying our public school system in many respects and is fomenting the growth of private schools in many areas that are taking the cream of the children into the private schools.

The public schools ought to have a full mixture of children from all homes.

I think this is terribly serious and is a terribly false approach to make to the problem.

I could never approve it. And the Senator knows perfectly well that I have not been an extremist in this forum. And I am not now. The Senator supported me in getting an antipoll tax constitutional amendment referred to the States. That was ratified and is now a part of our Federal Constitution.

The Senator knows that I think something of my record as a school official in Florida, which has always been an impartial record. And I do not believe the Senator can for a moment support or defend an administrative policy, not the policy of the President of the United States, but the policy of this man Finch, which looks only southward to enforce Federal law and does so in such a way as to be now destroying the public school system of many areas of the South.

I thank the Senator for yielding.

Mr. PASTORE. Mr. President, I thank the Senator, too. I hope he does not make this a personal conflict between him and me.

Mr. HOLLAND. I would never have a

personal conflict with the distinguished Senator.

Mr. PASTORE. Mr. President, and I reciprocate. I know the Senator has a distinguished war record and a distinguished peace record. I have had the honor and privilege of meeting members of his family. He comes from a splendid family. I would be proud to call his family my family.

I am not getting into that at all. As I said before the Senator came in, this is a very sensitive area. I said that no man in the Senate has been more tolerant in trying to understand the problems involved than the Senator from Rhode Island.

If the Senator is telling me that Secretary Finch is only looking southward and not eastward or westward or northward, I say that he should look in all the directions of the compass. To that end I agree with the Senator. However, it is my understanding, and it is the understanding of Mr. Finch—and I hope I can make that point—that insofar as the language of the bill is concerned—and that is the issue—it is in contravention of the opinion of the Supreme Court because the effect of this would be to slow down the process of integration.

And the Supreme Court has said we cannot do that because it violates the constitutional rights of individuals.

I know the problem in Florida. I just got through saying that I heard the very eloquent address of the junior Senator from Florida (Mr. GURNEY) yesterday afternoon. It was very impressive and very sincere.

I realize the burden on the school districts. I realize the burden on the school boards and the cities and States. However, as I said before, we are dealing with the rights of individuals which are paramount.

The Senator might say that it is going to take a little more time and it will cost us a lot of money. However, on the other hand, if that Negro mother feels that her son belongs in an integrated school, she has a constitutional right to feel that way. And that little black boy has a constitutional right to go to that integrated school. That is what integration is all about.

I know there are difficulties and that we have some mechanisms that make compliance burdensome. However, I am not here to tell the Senator that his problems in the South or in Florida do not exist. I would not say that.

I said in committee that I do not pretend for one moment to tell the Senator from Mississippi what the situation is in Mississippi. I have not been there. I do not know their problems at first hand. What I do know is the Constitution. What I do know are the human rights of people. What I do know is that if I do not have belief in the integrity of the Constitution and if I do not have confidence in the United States of America, where else will I go to find confidence, integrity equity?

The point I made is that at the time of the 1954 decision in Brown against the School District. The Court was labeled and characterized as a Warren court. Here we are. We appointed Justice Burger. We heard testimony before the committee of which the distinguished Senator from Mississippi (Mr. EASTLAND) is the chairman. And in no time flat the committee reported back the nomination. Everyone patted the nominee on the back and said what a great fellow he was, what a great jurist and what a fine man he was. His nomination was considered. We all applauded him, paid him praise and confirmed him unanimously.

What did he do? On October 29, the Burger court—the Nixon court, the most recent court—said in the case of Alexander against Holmes County Board of Education that all school districts are obligated to terminate the dual school system at once.

Mr. ELLENDER. How?

Mr. PASTORE. Let me say what I have to say, and then I will be glad to answer any questions. You know PASTORE does not mind arguing or debating with anyone. However, the Senators are saying the same things they said last night. Today is my turn.

I do not want to quarrel with anyone. I want to make my case and then cast my vote. Let the Senate work its will. If one side wins, it wins. If it loses, it loses.

All I have to do here is to defend my own conscience.

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

Mr. PASTORE. I do not want to get into a struggle with the Senator from Florida.

There are no two men in the Senate that I regard more highly than the Senator from Florida and the Senator from Louisiana. And they both know it. As a matter of fact, they have me ringed every day, and I enjoy it and treasure it.

Mr. HOLLAND. Mr. President, it is a pleasure for me to have as a seatmate every day in the Senate the distinguished Senator from Rhode Island. And I think he knows how cordially I feel toward him, because I think I have given him abundant evidence of that fact.

My feeling is very close for him. However, I wanted to rise to agree with the Senator on one thing he said in his very eloquent statement.

The Senator said that he thought the Negro mother who wanted her child to go to a certain school should have that right. I agree 100 percent. That is freedom of choice. That is exactly what we want to have in my State and in my town, and what I want her to have and white mothers to have also.

However, if she wants her child to go to a school that is largely black—and many of them do—I want her to have that right also.

Apparently the distinguished Senator from Rhode Island does not know that in many cases that is exactly what they want.

I want them to have freedom of choice. And I want to have freedom of choice as to where my grandchildren go.

I rather value that right. And apparently it is valued in New York.

I want to say again that I approve completely that part of the Senator's statement in which he said that he thought the Negro mothers that wanted their children to go to integrated schools should have that right. I agree completely with that statement. That is what freedom of choice means.

Mr. PASTORE. By the same token, we can stretch the words "freedom of choice." If we had a classroom consisting of 50 blacks and 50 whites, and all the white mothers decided to send their children to a school outside of the neighborhood, we would end up with a black school. And that would be in contravention of the Supreme Court decision.

We should not be talking about subterfuges. I am not talking about subterfuges or the inherent right of a parent over a child.

All I am discussing here today is that the very tone and the very objective and the very purpose of the language in this committee report, the Whitten amendment, all was designed for this reason. We cannot hide that fact.

I know the problems involved. I know how sensitive the question is. I know the sincerity of the many fine men who come from any part of our country.

I would not stand here for 1 minute and question their motive or sincerity or purpose.

This is what they believe. "It is our way of life," they say. The Supreme Court of the United States in 1954 said it is the wrong way of life, and the Supreme Court of the United States is supreme. That is why we call it supreme. It is the court of last resort. They say that after the Supreme Court speaks, only God can change it.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief observation?

Mr. PASTORE. I yield.

Mr. GRIFFIN. Earlier, the Senator had a little fun needling the Republicans.

Mr. PASTORE. I did not needle.

Mr. GRIFFIN. And pointing his finger at this side of the aisle.

Mr. PASTORE. I did not needle.

Mr. GRIFFIN. The distinguished Senator from Rhode Island is very logical, very eloquent, and very persuasive, especially when he can point his attacks at the Republican side of the aisle. But on an issue such as this, I think it is obvious that there are differences of opinion on both sides of the aisle. I think that was illustrated almost before the Senator got those words out of his mouth, because he has found that most of the argument—at least a good deal of it—has come from his side of the aisle. We do have differences on both sides. There is no question that the leader of the Republicans in the Senate is not only supporting Secretary Finch, but he has proposed the pending amendment as well.

Mr. PASTORE. If the Senator will allow me to interrupt—in other words, Finch is not a monster.

Mr. GRIFFIN. That is correct.

Mr. PASTORE. That is what I am trying to show. The idea that some of the Senator's group are getting up and saying he is going to run away with himself and do this—I am going to develop that. Give me a chance to develop it.

Mr. GRIFFIN. If the Senator can make his arguments more effective by directing them at the Republicans, so be it. The Senator is very eloquent and very

effective, and I agree with almost everything he is saying.

Mr. PASTORE. I thank the Senator. I might want to embarrass some reluctant Republicans to the point of seeing it Finch's way, if I can. I am being intellectually and practically honest, because he is their man. If they cannot trust Finch, whom will they trust? The accusation has been made that the Secretary was out to twist arms.

Do you mean to tell me that Bob Finch is going to go out and twist the arm of Senator GURNEY? Do you think he is going to go out and twist the arm of Senator COTTON? I do not think he is going to twist my arm. I think the Secretary wrote a rather decent letter, explaining his position. The only mistake he made is one that was made once before, in the steel price case. He began delivering 14-page telegrams at 4 o'clock in the morning. Anybody who has been around, as Bob Finch has, should have known better than that. You do not wake up a Senator in the middle of his sleep to give him a 14-page telegram. [Laughter.]

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

Mr. PASTORE. I was lucky. I happened to be in my home in Rhode Island, so they left it under my door in Kensington. I got it the next day, anyway.

Mr. COTTON. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. COTTON. I do not want to interrupt the Senator. However, he mentioned my name and said, "Do you think Bob Finch is going to twist the arm of Senator GURNEY? Do you think he is going to twist the arm of Senator COTTON?"

Mr. PASTORE. He could not do it if he tried.

Mr. COTTON. I just want to say that he has—to this extent. He does not approve of the amendment I have in this bill. Did he call me up and say so? No. He called junior Republicans on the Health, Education, and Welfare Subcommittee.

So far as I am concerned, the highly complimentary, nonpartisan, kind remarks that my good friend the Senator from Rhode Island is making about Secretary Finch are falling on completely deaf ears.

Mr. PASTORE. Meaning as far as the Senator from New Hampshire is concerned.

Mr. COTTON. I like and am very fond of many Democrats. Some I do not like quite so much. I like and am very fond of many Republicans. Some I do not like quite so much. I have nothing to say about Secretary Finch. [Laughter.]

Mr. PASTORE. I repeat: You are making me the devil's advocate.

Let me read this a little further:

> Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.
>
> Accordingly, the Administration urges the Senate Appropriations Committee to delete the amendments.

He does not say "I"; he says "the administration."

> In the event the Committee chooses not to do so, the Administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law. In this context, the Committee at the very least should consider including appropriate language in the Subcommittee provisions, such as the following:

That is substantially what we are doing here now.

The point I make is this: We have a new ball game. In the past there have been mistakes. We have a new Secretary of Health, Education, and Welfare. Yes, perhaps he has strong feelings on this subject, and he has a perfect right to have them.

If you cannot trust him, how can we trust him? I do not blame the Senator from Florida for being suspicious. He might have every reason to be suspicious. I do not blame any other Senator on the Democratic side for being suspicious. By the same token, if you cannot trust the Secretary to do this reasonably and to do it equitably and to do it according to the Constitution, whom are you going to trust? He speaks here not for himself; he speaks for the administration.

What I am saying—and I am trying to say it as calmly as I can—is that this is a sensitive issue. But, to my way of thinking, unless this language is written in there, it could be construed as a repudiation of the decision of the Burger court of October 29. Mr. Finch has construed it in such a way that this will impede him in carrying out his responsibility as he should, and it will work as a discouragement to those who have already complied, and it will work as a delay on the part of those who have not complied as yet. As the chairman of the committee brought out the other day, most of the school districts have complied. Only a handful have not.

As I understand Mr. Finch, what he expects to do is to sit down and visit with these people and talk with them rationally and sensibly I would hope that he would not do anything to summarily close down a school to the disadvantage of public education. I hope he would not do things that would destroy public education.

If you cannot trust your own man, whom are you going to trust? I say frankly that it is not the law that is going to bring this thing about. It is going to be the will in the hearts of the people who will stand together and communicate with one another. That is the answer here. But this Whitten amendment is a vindictive amendment. Truly, it is a vindictive amendment. There is no question about it. In the first place, it should not have been brought in here at all. They should have picked up the telephone and called Secretary Finch and said, "Look, how are you going to do this thing to live up to the Supreme Court edict?" and at the same time not to overburden these communities and not to destroy public education.

If you cannot talk reasonably with the Secretary of Health, Education, and Welfare, with whom are you going to talk reasonably?

The arguments I heard last night and the arguments I heard today have the same ring they had years ago, on the civil rights bill, and that saddens me, because I did not think that was the issue. If the Senator from Washington (Mr. MAGNUSON) thought for 1 minute that that was the issue, I do not think he would have felt the way he did in the committee about this bill, because no man stood up and fought for civil rights more than WARREN MAGNUSON, the Senator from Washington. He stood up, as did the Senator from New Hampshire (Mr. COTTON), and I know their record.

But the fact still remains that we are changing here an edict as recent as October 29, and I say that we are dealing with something that is very sensitive and we should beware. When you tamper with the Constitution of the United States, when you stand up and say to the Supreme Court of the United States, "You do not know what you are talking about; what you have decided is absolutely wrong; and we are going to the legislative body and change it for you," I say that you are shaking and whittling and chiseling at the keystone of the foundation of this society. I say that is dangerous. Please do not do it. For that reason, I am going to vote for this amendment.

Mr. STENNIS. Mr. President, if this is a convenient point, will the Senator yield to me for a question?

Mr. PASTORE. I yield.

Mr. STENNIS. Mr. President, the Senator makes the argument that this amendment tampers with the Supreme Court decision. I respectfully submit that is totally erroneous. I wish to point out that this amendment was passed by the House of Representatives in July of this year. The decision to which the Senator referred was rendered, I think, in October.

Mr. PASTORE. October 29.

Mr. STENNIS. October 29. Second, I follow these things rather closely. I said in the opening part of my argument to the committee and to the Senate that in my opinion this amendment would not affect and it was not intended to affect any decision that has already been made by the courts. This is a limitation of funds with reference to the preparation of plans looking to the future. Those plans have already been made, and, one way or another, approved by the Court. December 31 is the deadline date for their compliance.

So I respectfully say before this bill is signed those decisions would be out of the way, so to speak. I am satisfied with that. I know you cannot tamper with Supreme Court decisions.

I thank the Senator for yielding to me.

Mr. PASTORE. I appreciate that, but I differ with the Senator in his interpretation. I do so honestly, and I have the highest respect for him; but I disagree with him sincerely.

I think it does tamper with the Court. I think the real purpose of this language is to thwart the Court in carrying out what it feels should be carried out to enforce the rights of the Negro community. I have a fixed conviction on that. That is the way I feel. I do not deprecate anyone or criticize anyone for stating it dif-

ferently, but I am stating my case for what it is worth. I reiterate that I shall vote for the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield, the Senator made the statement that, as he understands, all the school districts are in compliance except a handful.

Mr. PASTORE. That is right.

Mr. STENNIS. The Senator has erroneous information on that. I do not know how many districts are in what the Department of Health, Education, and Welfare calls noncompliance in the South. I will wait for the Senator.

Mr. PASTORE. I am trying to get the figures. I heard the figures in committee. The Senator from Washington (Mr. MAGNUSON) made that statement.

Mr. MAGNUSON. Our best information is that there are about 25,000 school districts in the United States. Of those, or at least those they claim are not in compliance, the figure would be between 350 and 400.

Mr. PASTORE. There you are; 300 or 400 out of 25,000. A drop in the bucket.

Mr. STENNIS. No, let us get down to the statement about a handful. I do not know whether he meant 10, 20, 30, or 50.

I believe well over 100 are not in what HEW calls compliance. In some instances the funds have been cut off, and they have been left alone for a while. Some are in so-called negotiations now. I am talking about my own State. I know that in the State of Alabama there has been a suit filed to include the entire State. I do not know how many districts are involved. I know in the State of Georgia there has been a suit filed to take care of the whole State.

On the question of compliance it is a fact, according to their records, that over 7,000 districts outside the South were sent a questionnaire as to whether they were in compliance or not and they answered yes. Well, only about 14 districts of those outside the South have ever been checked to see whether or not they were in compliance. So the Secretary cannot say there is only a handful left, when in round numbers they are about 7,000 he did not look into.

This amendment would apply to all districts wherever they are in the entire United States. I think it is more than a handful—I know it is more than a handful—that are not in compliance.

I thank the Senator for yielding.

Mr. PASTORE. I yield the floor.

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator from South Carolina is recognized for 12 minutes.

Mr. THURMOND. Mr. President, the schools in the South are under a severe strain. The process of desegregation is creating serious problems for school administrators, for faculty members, for parents, and, most importantly, for children. Part of these problems result from decisions of the Supreme Court and lower Federal courts. Certainly, the attitudes of courts with regard to the time in which total desegregation must be accomplished has created near crisis conditions in many areas. The unreasonable attitude of the courts, in spite of strong opposition from the Department of Justice, that this process must be accomplished in the immediate future, creates such problems of reorganization that disruption would exist if race were not even a factor.

It should be understood, however, that all the school problems my State and many other States are encountering cannot be related to judicial decrees. A different attitude on the part of Federal judiciary would certainly alleviate most of the problems; however, the Department of Health, Education, and Welfare has hardly been passive in this matter. The Office of Civil Rights of the Department of Health, Education, and Welfare decides whether or not local school boards are operating schools in a manner to qualify to receive Federal assistance. The sections of this bill known as the Whitten amendment would not be a solution to all of our problems. It would, however, allow Federal funds to flow more freely into the Southern school districts and remove the question of Federal funds from the questions regarding busing of students, closing of schools, and forced assignment of students to particular schools.

Mr. President, most of us are familiar with the statement issued by Attorney General Mitchell and Secretary Finch on July 3 on the problem of school desegregation. Several passages in this statement appear to me to be relevant to this debate, and I should like to read them:

> For local and Federal authorities alike, school desegregation poses both educational and law enforcement problems. To the extent practicable, on the Federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings affording due process of law, and the educational aspects will be administered by HEW. Because they are so closely interwoven, these aspects cannot be entirely separated. We intend to use the administrative machinery of HEW in tandem with the stepped-up enforcement activities of Justice, and to draw on HEW for more assistance by professional educators as provided for under Title IV of the 1964 Act. This procedure has these principal aims—
>
> To minimize the number of cases in which it becomes necessary to employ the particular remedy of a cutoff of Federal funds, recognizing that the burden of this cutoff falls nearly always on those the Act was intended to help; the children of the poor and the black.
>
> To ensure, to the greatest extent possible, that educational quality is maintained while desegregation is achieved and bureaucratic disruption of the educational process is avoided.

Mr. President, while the excerpts I have just read do not endorse the committee proposal, they certainly move in this direction. This statement of the Secretary and the Attorney General makes clear that they believe enforcement of the law on desegregation should be handled primarily through the Justice Department and through the courts. This is to be in lieu of prime emphasis on the cutoff of funds to achieve desegregation. What the Whitten amendment would do is in line with the statement of the Secretary and the Attorney General, and would remove such questionable practices as busing from HEW enforcement proceedings.

Mr. President, Government employees, or bureaucrats, if you will, have never been inclined to voluntarily limit the scope and influence of their activities; indeed, the opposite is true. In my judgment, experience has shown that any government office is inclined to maximize its role in government affairs, rather than minimize it. If the objective of shifting the burden of enforcement of the law on desegregation from the Department of Health, Education, and Welfare to the Department of Justice is to be achieved, the adoption of this amendment as reported by the committee is essential. The experience with last year's prohibition against busing shows that if the Congress intends the prohibition to be effective, it must leave no loopholes for HEW to crawl through.

Mr. President, the proposed amendment would be just such a loophole. The personnel of the Office of Civil Rights are committed to a strong involvement in the desegregation process, using every available weapon including busing. Should the Supreme Court rule that busing of students is a constitutional method of desegregation in a particular school district, the Office of Civil Rights in HEW would seize upon this to require busing at will. If local school boards balked then their Federal funds would be cut off.

What we are discussing today is not what constitutes elimination of the dual school system in either de jure or de facto situations. We are discussing what the Department of HEW may require of school boards if they are to be eligible for Federal aid. I believe strongly that if Federal aid to education is to be used to upgrade education rather than as a substitution for enforcement of the law, the committee language must stand.

Mr. President, the concept of the neighborhood school is strong all over this Nation. Parents and children believe in it in New York, in Colorado, and in South Carolina. If we are to insure that Federal aid to education is not used to undermine the neighborhood school then we must approve the committee proposal. If the pending amendment is adopted then local school boards—eventually all over the Nation—will be faced with the Hobson's choice of losing substantial sums of Federal aid or abolishing neighborhood schools. The civil rights zealots in HEW place primary emphasis on "racial imbalance." To eliminate the dual school system, they will not hesitate to require busing, artificial quotas, or other extreme measures. The Senate must allow them no room for maneuverability if the intent of Congress is to stand.

I urge my colleagues to defeat this amendment, and to accept the language of the committee.

Now, Mr. President, I want to say this and say it very frankly: I do not believe that the people in many sections of this country understand the grave and severe problem the South faces. We in the South do not think it is fair for us to be singled out on this problem.

Why not enforce it nationwide?

There is more segregation in Chicago than in the whole State of South Carolina.

Why has not action been taken there years ago?

Why was the mayor of Chicago successful in calling former President of the United States Johnson when funds were about to be cut off and he was able to stop it?

Why has politics been used in order for the North to accomplish certain of its aims?

We in the South have no prejudices against any part of the Nation. We only want to be treated as a part of the Nation and not singled out in any one area to be treated differently from the rest of the country.

Last year, when President Nixon ran for President, he announced publicly that he favored freedom of choice.

What is freedom of choice?

Freedom of choice is not discrimination. President Nixon said frankly that he favored freedom of choice so long as it was not used as a subterfuge to maintain segregation.

The PRESIDING OFFICER. The 12 minutes allotted to the Senator from South Carolina have expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 additional minutes.

Mr. THURMOND. Mr. President, President Nixon is opposed to segregation, but there is no conflict in the two. In other words, he says that he favors freedom of choice provided it is not used to maintain segregation.

All that the Whitten amendments would do, all that the South has asked, and all that the rest of the Nation could ask, if it is fair about this matter, would be the same thing which exists in the schools of South Carolina today: Any child of any race can go to any school.

I repeat, any child of any race in South Carolina can go to any school today.

What could be fairer than that?

Is that not freedom?

Mr. President, the Whitten amendments are not going to do what a lot of people think. Perhaps a lot of people in the South, or in other parts of the country, feel that they will be a cure-all, but they are not.

All that the Whitten amendments would do would merely prevent HEW from withholding funds for the reasons set out in the amendments.

They would not prevent the Justice Department from proceeding to desegregate schools where they have not been desegregated.

They would not prevent the Justice Department from proceeding to eliminate any discrimination, if there is any discrimination.

Thus, the amendments will not do what many people think.

They will do this: They will prevent HEW from withholding funds for the reasons set out in the amendments.

What is wrong with that?

That is right in line with the agreement of HEW and the Justice Department because the Justice Department will be able to bring actions to desegregate. It will bring actions to eliminate discrimination.

Thus, I say, I see no conflict, really, between what the HEW and Justice Department have agreed upon and the Whitten amendments.

I want to say further, speaking of President Nixon's election, that although this amendment does not go as far as some would like to see it go, it is in line with the policy of the President of the United States as expressed by him in Charlotte, N.C., in Anaheim, Calif., in Washington, D.C., and perhaps in some other places, and that is free, clear freedom of choice. It is felt that a true freedom of choice would be fair to everybody.

The Whitten amendment, I repeat, is a just and fair amendment. It does not go to extremes. It should be adopted by this body, and I hope it will be.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, does the Senator from Michigan wish to yield some time to a Senator?

Mr. GRIFFIN. No.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I have listened closely to this debate and to many previous debates on the subject. But for the fact that the Civil Rights Act of 1964 contained some language that was submitted by the late Senator from Illinois, Mr. Dirksen, that legislation would never have been enacted into law.

I can well remember that when the first civil rights bill was submitted, the Senator from Illinois, Mr. Dirksen, opposed it very vehemently until some language was inserted in the school desegregation section—title IV of the act—to protect the State of Illinois and other Northern States from the coverage of the law.

Mr. President, the question that the Supreme Court dealt with was in terms of "segregation" and "desegregation," and the law enacted by the Congress was specific in defining terms. If Senators will look at section 401, title IV, of the 1964 act, it is plainly written that:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin; but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

CLEAR-CUT CONGRESSIONAL INTENT

How much plainer than that could a definition be?

But even this did not satisfy the distinguished Senator from Illinois, Mr. Dirksen, so a further amendment was adopted by the Congress, at his insistence, and was incorporated in the bill. This allowed him to support the legislation, and that is why the law is on the statute books today. All Secretary Finch need do is read the law itself if he does not know what it means.

What does the 1964 law say? In section 407(a) there is a proviso, which I referred to earlier; and which was also insisted upon by the then distinguished minority leader, Senator Everett Dirksen, in an effort to further protect his northern constituents from the coverage of the act:

> Provided, that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another school district in order to achieve racial balance.

Again, how much plainer than that could the law be?

Mr. President, I fought on this floor in the second year I came to the Senate, in 1938, with all my power to prevent the enactment of certain laws which I felt would do violence to our way of life in this Nation. I carried on this fight for many years.

But I am glad to say that after the 1964 act was passed, after I and others had fought it for almost 3 months, I think I was the first southerner to tell his people, "the 1964 act is now on the statute books, and it must be obeyed as the law of the land."

We in the South did try to follow it, but the interpretation placed on that law, not by the court, but by officials administering it, is contrary to the very language I have just read. The language in the present Whitten amendment, I contend, is consistent with the law itself, wherein it says—and I will repeat it because it is important, that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school to another in order to achieve racial balance.

That is the law, and all that we are asking here is that it be lived up to, and not be violated by the administrators of HEW.

It is just that simple. I do not see how any Senator on this floor can vote against this amendment, because, I repeat, it carries out what the Congress did in 1964.

I am certain that if any issue were to come before the Supreme Court or any other court on the language itself, the decision would be different; but we have administrators of HEW and other agencies who simply violate the laws that were enacted by the Congress.

VIOLATION OF CONGRESSIONAL INTENT

Mr. President, I charge that both the previous administration and the present administration have been playing games with words in an effort to thwart the intent of Congress in this most important matter.

In last year's HEW appropriations measure, Public Law 90–577, the Congress adopted language whose intent was the same as the language presently under consideration but whose phraseology has been interpreted and reinterpreted and bent out of shape by the previous administration and by this administration to the extent that it is accorded no meaning at all.

HEW, with the blessings of the admin-

istration, of course, has stripped the congressional intent of all of its meaning by pretending not to understand what the term "racial inbalance" means. Since they pretend to be incapable of defining the term, they are also able to pretend to be incapable of enforcing or following the intent of Congress.

When HEW points the finger at the courts and quotes such cases as *U.S. v. Jefferson County* (372 F. 2d 836) as also being unable to apply the term "racial balance," it fails to admit that the Court's attitude on the matter is in direct response to the Department's own subterfuge, its own attempt to eliminate congressional intent from the application of this particular provision in the law.

HEW'S DUPLICITY

In other words, while the Department of Health, Education, and Welfare is supposed to be pleading the Government's case and defending the law as Congress obviously intended it, HEW lawyers are instead arguing before the courts in such a way as to convince the courts that congressional intent in this case is meaningless and, therefore, impossible to apply.

The fact is that HEW has charged ahead with busing and with other actions that are plainly outside the scope of congressional intent simply by asserting that these steps are being taken not to achieve racial balance but to achieve other "constitutional" objectives.

So, in effect, HEW continues to spend moneys approved by the Congress to force school districts to take expensive and disruptive measures to achieve the "racial balance" which the Congress itself has on two or three occasions classified as an improper objective for the expenditure of Federal funds.

ADMINISTRATION SWITCHES SIDES

It seems to me, Mr. President, that this administration has been speaking out of both sides of its mouth on this vital issue. President Nixon's campaign pledges, certain statements he has made since assuming office, strong statements by Vice President AGNEW, and assertions by the White House that the Vice President was speaking for the administration when he made these remarks seemed for a time to indicate that the administration supported the intended impact of the Whitten amendment.

In fact, at the time when this matter was under consideration by the House, the administration did not oppose the Whitten amendment, and its support for the language in question was assumed by many.

Since that time, however, President Nixon has said little or nothing on the subject and has apparently given full authority to Secretary Finch to speak for the administration with regard to the language being considered by the Senate.

"PRESIDENT FINCH"

I am tempted at this point to begin referring to Mr. Finch as "President Finch" insofar as the HEW appropriations bill is concerned.

"President Finch's" voice seems to have prevailed over that of strangely silent Mr. Nixon who, for apparently political reasons, has turned the ship of state over to an appointee who has made it very clear that he does not respect or intend to enforce the will of the Congress on this issue.

In my opinion, Mr. President, if the committee language in question fails to be adopted by the Senate, it is because Mr. Nixon in speaking through "President Finch" has made it very clear that the administration is "unalterably opposed" to the Whitten-type language in the bill before us.

Although other Senators have inserted a copy of the December 13 appeal addressed by Secretary Finch to all Members of the Senate, I would like to incorporate one part of the lengthy telegram into my remarks as a means of reminding the people of my State and of the Nation exactly what position this administration is taking with regard to the amendments in question.

DECEMBER 13, 1969.

Hon. ALLEN J. ELLENDER,
Washington, D.C.:

I would like to express my deep concern that the Labor-HEW Appropriations Subcommittee has approved provisions which would seriously undermine this department's responsibilities to public education. I refer specifically to the subcommittee's approval of the anti-civil rights provisions which retain the essence of the House passed Whitten amendments, and to the punitive amendments dealing with student unrest.

This administration is unalterably opposed to both of these provisions.

This amendment dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate subcommittee, would cripple the efforts of this department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education. The only districts which HEW deals with under title VI of the Civil Rights Act are those operating districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.

Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back to their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Accordingly, the administration urges the Senate Appropriations Committee to delete the amendments.

MR. PRESIDENT: HEW IS YOU

Mr. President, at this point in the RECORD, I would like to have printed a letter written some weeks ago to President Nixon by the distinguished Secretary of State of Louisiana, the Honorable Wade O. Martin, Jr.

One of the themes of this excellent letter describing the pitfalls of forced integration of the schools is Mr. Martin's statement that "Mr. President, let there be no mistake, in the eyes of the people of our State—H-E-W is y-o-u."

The only tragic thing about the logic set forth in Mr. Martin's letter is that it was probably referred by the White House staff to the HEW staff for the usual "appropriate response" by bureaucrats who could not care less what a public official of the State of Louisiana thinks about such matters.

I ask my colleagues to study Mr. Martin's letter carefully, as it probably resembles very closely what the vast majority of their own constituents would think under similar circumstances.

STATE OF LOUISIANA
SECRETARY OF STATE,
Baton Rouge, September 6, 1969.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is an urgent message, and in the hope that it will reach your personal attention without delay, I am sending it by Certified Airmail.

It has been my pleasure to have met you in person, and I am sure you know who I am. Nevertheless, because of the importance of this communication concerning the school situation in Louisiana, and other communications which I expect to send to you in the coming weeks on other subjects of state and national interest, I feel it is in our best interest to refer briefly to a few salient facts concerning my background in government.

While you know me as Secretary of State of Louisiana, you probably are not aware of the fact that I have held this distinguished elective position many years longer than any previous Secretary of State of Louisiana, and that this year I became the dean of the elected officials of Louisiana in my 25th year of service. In national government circles, I am past president of both the National Association of Secretaries of State and the National Association of Insurance Commissioners.

In all humility, I believe it can be said that the people of this state have confidence in me by virtue of my election and re-election every four years, several times without opposition from Democrats, Republicans or Independents.

My father before me served with distinction as an elected official for some 40 years. Both of us are well known for our interest and participation in all matters of public concern for our state, in major flood control, disasters, education, aid to the poor, the sick and the indigent. As an attorney and former Assistant Attorney General of the state, I participated in the drafting, advocating and enactment of many laws in conjunction with others interested in the welfare of our state, many of which laws originated in Louisiana and are now a part of the federal governmental system.

My wife and I are the proud parents of six children, ranking in age from 28 to 8 years. So, we have with us a wonderful span to help us "bridge the gaps" that are so frequently referred to today.

Politically, I am a registered Democrat and like most Louisianians I participate as a member of that party in purely Louisiana elections. From the standpoint of national politics, I have consistently voted for and sometimes publicly supported and campaigned for the candidates for President and Vice President of these United States who I felt were best qualified to serve the interests of the nation and the free world. My interest and participation were evaluated in each election, and in recent years, I have voted for and actively supported three Democrats and three Republicans. My most active participation in my career for President and Vice President was in 1964 when I was state campaign manager for the Republican candidates.

With this brief background, which will suffice for this and future communications, I will proceed to do that which we in Louisiana urge all citizens to do, namely to communicate with our officials and give them our ideas on matters which concern them, their state and their nation.

I feel particularly encouraged and confident that you are indeed interested in Louisiana and its people. Among other manifestations, we were extremely gratified at your thoughtfulness in sending Vice President Spiro Agnew and Secretary George Romney to inspect and report first-hand to you on our sad calamity in the aftermath of Hurricane Camille.

If you are not persuaded by my statements in this communication, I hope that you will come to view our present dilemma in person, or that you will send some one else to report on the situation, which eventually could be more serious than the worst hurricane to hit the western hemisphere in the history of mankind.

We in Louisiana have difficulty, Mr. President, in understanding the acts of your administration in this present school crisis. Our Governor and Lieutenant Governor have in the last few hours issued a joint statement declaring their helplessness and the helplessness of the state in this crisis. Their reference, of course, was in relation to the state government of Louisiana. I feel that we are not helpless because this matter can be resolved by you and your administration, if you understood it as we do and were disposed to assist before the "hurricane" hits, instead of endeavoring to patch things up after the damage is done.

Of prime consideration, Mr. President, is the fact that the people in Louisiana have made more progress in the integration of public schools than most other areas of the nation. In the September 8, 1969, issue of U.S. News & World Report, at page 36, it is reported from governmental officials that in the 11 states of the old South, which includes Louisiana, more than ⅓ (maybe as many as 40%) of all negro pupils will be attending classes with white pupils this year. The report states that last year 20% were in mixed classes—only half as many as are expected this year—and only five years ago it was just 1.2%.

This may not be a good record in the eyes of some, but if these figures in this article are correct, we in Louisiana and in other states of the South, the North, the East and the West, both black and white, have in our opinion reasonably agreed and accepted the fact that in our country and others of the world, no one should be barred from going to the school of his choice because of his race. We feel that great progress has been made in Louisiana and in the South. This has been predicated, at least in part, on the acceptance of reasonable integration and opposition to unreasonable discrimination.

But while our people object to discrimination as to race, we must likewise object to discrimination based upon geographical location in this country. We must ask, Mr. President, why the Department of Health, Education and Welfare is given such tremendous power and authority, and I must add to you, Mr. President, let there be no mistake, in the eyes of the people of our state "H-E-W" is "Y-O-U".

So, the question we need to put to you is first, do you understand that people can and do accept the abolition of discrimination which creates a burden on a race of people—white, black or yellow—and are willing to accept the right of any one to a reasonable freedom of choice? Do you understand, also, that whatever expense is necessary to accomplish this is felt by many of us to be justified? But if you do not understand the two following points, it is my purpose to make them very clear.

Louisiana, like many other states, is in dire need of money for education and all other state services and programs. We can barely pay now the tremendous cost of transporting children to the schools closest to their homes. Why then should it become necessary for the state and local governments in this financially plagued state to add to their financial burden the tremendous extra costs involved in moving pupils away from their neighborhood schools into far distant communities? Could it be simply that HEW or someone else may say that in this nation although you have complete freedom of choice in attending any school you desire, we want it said that in no school district will we permit predominantly "white" or predominantly "black" schools?

Projecting this to a nationwide operation, this so-called "goal" could never be achieved without the establishment of a bussing system from one state to another. Some states have practically no negroes. There are very few states which have almost as many negroes as whites. Why this must be done and is being done in Louisiana is not at all clear. If you and the Department of Health, Education and Welfare claim that you are doing this in Louisiana because it is in the interest of the nation, then why is it being done in the small State of Louisiana and not in any of the larger states of the nation?

There is not too much difference in your age and mine, nor do I believe there was too much difference in our teaching while we were in law school. I am sure we both learned that any laws of the United States should be uniform in application to all the people of the nation who are citizens of this great country. Could it be that HEW and you believe that what you are doing is good for the nation while meticulously enforcing the busing procedure in the little State of Louisiana while leaving so-called "racially unbalanced schools" running peacefully and tranquilly in the great states of Illinois, Michigan, New York, Virginia, California and in the District of Columbia?

Yes, Mr. President, if we are with you in endeavoring to reasonably prohibit racial discrimination, why cannot you be with us in trying to prevent geographical discrimination? I mentioned frustrations brought about by this situation. One of the objects which people strive for is culture. Negroes, whites, Orientals all strive, not only for material but cultural benefits for themselves and their children. They move to neighborhoods with people of like cultural background. While there is a gradual change going on, even with all the millions being spent in the ghetto areas to improve them for both white and black, it would be a frustrating experience for you, HEW or any authority to require them to move into the ghetto with its different culture, and different level of personal and property safety.

In the event you are not aware of it, buses and bus drivers have been threatened and are in extreme danger when these buses transport children either from negro districts to white districts or from white districts to negro districts. Parents are concerned for the very lives of their children when they are bused from one area to the other.

In the event you are not informed on the subject (partly because the news media has not fully publicized the fact), there are negro boycotts and demonstrations against the actions of HEW just as there are white boycotts, demonstrations, etc.

Insofar as the law is concerned, we must wonder again why this is happening in Louisiana which as reported in the same article in U.S. News & World Report, "eight out of 10 negro public school children in Michigan attend predominantly black schools. More than one-half—56.3%—of the white pupils attend all white schools. Detroit has 19 all black schools and 17 all white * * *. Chicago has 98 schools with no white pupils; 41 with no negroes."

If this is good for Louisiana, and you and HEW cannot immediately remove this threat of violence and property damage along with the destruction of our school system and the deprivation of an education for our children, then why is this not discrimination geographically against the State of Louisiana?

One thing more, Mr. President, as a matter of law, if Congress enacted as a part of the civil rights act a requirement for "busing" of children of different races to obtain equal numbers of children of both races in all schools, why would this law not specifically say it was to be accomplished in the states of Louisiana and Mississippi, and if it was intended on the other hand for nation-wide application, why is this not being done?

You see, we in Louisiana know and approve of your practice and that of other presidents of sending messages and recommendations to Congress. I admire greatly your recommendation to Congress that all states be required to come under the regulation that illiterates be allowed to vote, instead of the requirement that only Louisiana illiterates and those in a handful of other states be marched to the polls and voted by representatives of the federal government. This certainly demonstrates your attitude that what is good for some states should be good for all, and what is bad for some should be bad for all.

We would like, therefore, if you would to send a message to Congress pointing out this geographical discrimination in the language or interpretation of an Act of Congress, in order that they might on your recommendation suspend the operation of such an inequitable law and avoid loss of education, personal and property damage and other loss in our state. Or, even simpler, if you and your administration feel that this is the wrong application of a law, then we would request that you communicate with the officials of HEW and call this matter off, as we understand that the courts are acting at the request of HEW.

Another inconsistency, Mr. President, is very evident to us and it is our hope that you will give consideration to it as well. It was my pleasure to have been in the Louisiana Governor's official party to meet our distinguished Vice President and Secretary of Housing and Urban Development on their recent trip to Louisiana following Hurricane Camille.

In a press conference at New Orleans, a reporter asked the Vice President for comment on a published report that HEW had announced that no school in the hurricane ravaged area of Mississippi would receive any federal aid whatsoever unless HEW was satisfied in its discretion that that school had fully complied with desegregation policies or instructions proclaimed by HEW. We were most gratified when the Vice President replied in effect that he certainly hoped the pain, suffering and mental anguish of hurricane victims and their children would not be utilized by HEW as an instrument to either penalize or as a wedge to force integration.

To our regret, so far as we know, the Vice President's humanitarian and compassionate attitude is not being shared by agencies of your administration and we understand that the "penalty" or "wedge" is indeed being applied and now on an extended basis to apply to businesses and other institutions. It would seem to us that the federal government has enough facilities at its command to enforce integration without compounding the misery, desolation and suffering of parents, school children, teachers and business people who contribute so much to the economy of this nation by subjecting them to cross-examination on their integration policies before allowing them the help which Congress and the people of this nation intended them to have following such a disaster.

It is our hope that Vice President Agnew reported his attitude to you and that you and HEW may agree with him and so many of your fellow citizens in Louisiana who share his attitude on this subject.

Some of our schools opened a few days early, and if the troubles and difficulties in

the great majorities of our schools which will open next week are in any wise comparable, your immediate consideration of this situation is urgent, and if you decide to take any action we hope that it will be taken without delay in order that all of us may have time to give more consideration to the laws and equities involved.

If this emergency relief is not forthcoming, it is our sincere hope that we can have an immediate explanation of why these drastic steps are being taken in Louisiana and Mississippi and not in Secretary Romney's state of Michigan, Vice President Agnew's state of Maryland, or your own state of California.

We believe in you and your administration, and so I have no hesitation in asking you to consider this matter as extremely serious and that you take such action as you may deem appropriate.

Without extensive elaboration on the seriousness of the situation, I enclose copy of the front page of the Baton Rouge State Times newspaper of September 5, 1969, with news article and accompanying pictures.

I am sure that we would be happy to assist you in any way possible in solving this, as well as other problems confronting our state and our great nation.

WADE O. MARTIN, Jr.,
Secretary of State.

Finally, Mr. President, I wish to point out that over the past several months, I have received many thousands of letters and scores, if not hundreds, of resolutions from public bodies and civic groups urging that the Federal Government not go beyond the concept of "freedom of choice."

Although it is impossible to reprint all of these communications, I do wish to present to the Senate, a copy of a resolution which is representative of the sentiments of those citizens in my State who support the legislative language in question and who fear that unless it is adopted the stability of the public school system in Louisiana will be severely undermined.

I dare say that similar resolutions would be directed to many nonsouthern Senators by school officials and citizens in their own States, if the same rules and regulations, the same pressure and harassment, as are being applied to the South, were applied to other school districts across the Nation.

The following resolution was adopted earlier this year by the Louisiana School Boards Association:

RESOLUTION

Whereas, a large representative number of school board members and superintendents from all over Louisiana who have worked with various HEW teams and considered carefully various alternatives to Freedom of Choice, met for a joint discussion of their common problem, and

Whereas, all of the educators and school board members present were unanimously of the opinion that Freedom of Choice is the only feasible educationally sound, and administratively workable method of disestablishing the local system while maintaining and improving quality education throughout our State for all children, both Negro and white, and

Whereas, they were also of the opinion that zoning and/or pairing plans such as proposed by HEW are totally unworkable, educationally unsound and will destroy all progress in race relations made under Freedom of Choice and ultimately destroy public education, and

Whereas, Freedom of Choice most nearly embraces constitutional and democratic principles, particularly as taught to our children for better than 150 years, and

Whereas, no provision of any of the Civil Rights Acts passed by the Congress of the United States prohibits Freedom of Choice as a plan of desegregation, and

Whereas, certain provisions of suggested HEW plans appear to run directly contrary to certain provisions of the Civil Rights Acts prohibiting "bussing" and the deliberate "assignment of students to overcome racial imbalance", and

Whereas, all present indications foretell an immediate traumatic disruption of our educational system which will adversely affect every parent, every child and every teacher, whether Negro or white, now

Therefore be it resolved, That every possible effort be made by the Congress of the United States to adopt specific legislation which will maintain Freedom of Choice as an acceptable plan of desegregation of schools, and

Be it further resolved, That all interested citizens including every affected parent or teacher, be requested to contact immediately, by telephone or telegram, their Congressmen and Senators and the President of the United States to urge and implore their help.

Mr. President, several of my distinguished colleagues have submitted to the Senate a vast amount of data to indicate that the way this law is being administered will destroy the public school systems not only of the South, but, in time, of the North, unless a parent or student is permitted to choose the school he desires to go to.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I ask for 1 additional minute.

Mr. STENNIS. I yield the Senator 1 minute.

Mr. ELLENDER. Mr. President, I wish there were more Senators present. We have only 5 or 6 on the floor. The others will come here and simply vote, basing their judgment on politics; instead of good reasoning and the law as it is written. There is a great deal of politics in this issue, and I am sorry to say that there is even more hypocrisy.

Mr. STENNIS. Mr. President, may I address an inquiry to the Senator from Michigan?

The Senator from Michigan and I have had a colloquy. We have a few more speeches, and I understand the Senator is willing to transfer us a few minutes of his time, if necessary.

Mr. GRIFFIN. Mr. President, may I ask the Chair how much time is still available?

The PRESIDING OFFICER. The Senator from Pennsylvania has 43 minutes. The Senator from Mississippi has 15 minutes.

Mr. GRIFFIN. I am sure that we can transfer up to half an hour of that time to the Senator from Mississippi.

Mr. STENNIS. Very well. I yield 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. McCLELLAN. Mr. President, I have been reluctant to speak on this amendment. So much has already been said, and said so eloquently, by the distinguished Senator from Mississippi and others of my colleagues whose position is the same as mine, that I feel it is unnecessary for me to speak; and I would not say a word, Mr. President, except for the fact we are making history in these debates, and I want my views recorded.

Nothing being said here, I am persuaded, is changing the views of anyone else. We will all be of the same opinions still when this debate is ended. But, Mr. President, on these issues, today, in this area of government activity and the rights of people, we are making history, and I have felt constrained to make some comment with respect to the fundamental issue involved.

I wish first to associate myself with the masterful address delivered by the distinguished junior Senator from Mississippi last evening. It was not only eloquent, it was persuasive and convincing to the unprejudiced mind, and I think the facts he presented are irrefutable. It was a masterful address and a dignified statement of the real issues involved.

Mr. President, I heard President John F. Kennedy, in his inaugural address, say:

> Ask not what your country can do for you; ask rather what you can do for your country.

That may not be an exact quotation, but, in substance, that is what he said. Mr. President, I think that is one of the most profound statements I have heard from any of our great statesmen. I want to preface my remarks today by paraphrasing somewhat that very profound declaration by our former President. Today, we are progressively and aggressively placing more emphasis upon what we call "rights." "What are my rights? What is our right? It is my right to do this. You have no right to do that."

Mr. President, instead of placing the emphasis on "What do I have a right to do?" I believe it would be much better if we would ask ourselves, "What is it right for me to do?"

Mr. President, is it right to jerk up a child over here in his community, where he lives with his playmates, with neighbors, and with his friends, and transport him to a strange community, to a school 15 or 20 miles away? Is it right to do that?

I do not care what court decisions say, I ask, Is it right? No, Mr. President, it is not right, it was not right when the Supreme Court decision was rendered, it is not right today, and it will not be right tomorrow. We maybe can be forced to do it, but it is wrong, and the conscience of every Member of this body tells him it is wrong. As yet, no one has, and I do not believe any Member of this body will contend it is right.

Senators say, "We have got to do it, because the Supreme Court said so." I do not know that the Court said exactly that, but if it did, it is wrong. Can we not challenge it? Cannot this body act independently? It is constituted as a separate, equal, and independent branch of our Government.

I do not know what the final outcome of the pending issue will be, but I know one thing: There is no way that the Court or anyone else can honestly interpret the Constitution of the United States so as

to hold that the Supreme Court can compel Congress to appropriate money either with or without limitations.

That is what is involved here. This is supposed to be a Government of three separate, equal, and distinct branches, Mr. President; and when the time comes that Congress, which has the sole power and responsibility for appropriating public funds, cannot place conditions and limitations upon those appropriations under and for which they shall be spent; when the Supreme Court can tell Congress how and for what it can appropriate money, then, Mr. President, we shall no longer be living under a republican form of Government; we shall be living under and ruled by what will be tantamount to a presidium dictatorship.

We have three separate branches, Mr. President. They have not yet been destroyed. The Congress and not the Supreme Court has the right to say how this money shall be spent.

Yes, Mr. President, in my judgment forced integration is a remedy that is worse than the ailment to which it has been and is now being applied. If you doubt that, I suggest that you weigh the conditions that prevail today and compare them with the conditions and race relations that prevailed back in 1954, when the Supreme Court integration decision was made. We have more prejudice, more controversy, more strife, more distrust, more violence, and more disturbances, Mr. President, than we have ever had. Why? Because we are undertaking to do by force—by force of law—that which can only be accomplished by the good will, trust, and confidence of human beings between themselves.

We have destroyed a lot of that good will and confidence. Whatever the cost, whatever the suffering, and circumstances, we are bent on forcing integration. And in order to do it, we insist upon taking a Negro child, or a white child—children—whose mother does not want her child or children transported 15 or 20 miles, over to a community where there are more white children or more black children in school.

The parents want their child to go to school at home, in his own community. But, we are saying: "No, mother and father, you cannot have it that way. Freedom of choice is no longer your right—it is no longer American."

Why? Because integration at any cost has become our national policy, in the Southern States.

But, Mr. President, the Government's "get tough" integration policy is applied primarily to only one section of this Nation. Just to one area. Why do we have the double standard, Mr. President? The answer is because the South is regarded as the culprit. That has been the attitude, and that is the attitude today. And, Mr. President, here is proof of it.

The Legislature of New York this year passed and the Governor signed an act designated to protect New York parents and children. I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

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

CHAPTER 342

An Act to amend the education law, in relation to prohibiting discrimination on account of race, creed, color or natural origin in connection with the education of the children of the state

Approved May 2, 1969, effective Sept. 1, 1969.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two hundred one of the education law is hereby amended to read as follows:

§ 3201 *Discrimination* on account of race, creed, color or national origin *prohibited*

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, or persons of one or more particular races, creeds, colors, or national origin; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

§2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

(Changes or additions in text are indicated by italic.)

Mr. McCLELLAN. We in the South are going to be forced, by votes in this body and in the other body, to bus our children in the South 20 miles, 30 miles, or whatever it takes. Otherwise they will withhold Federal aid to southern schools and close them down.

Look at New York. Mr. President, they did have a statute of no discrimination, but they had this problem come home to them. And this year the legislature amended its antidiscrimination law so as to permit freedom of choice by the parents. Let me read what they did:

This year they added this language:

Except with the express approval of a Board of Education having jurisdiction, a majority of the members of such board having been elected . . .

That is to get it out of administrative hands.

Continuing to read:

no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin . . .

It goes on further and says:

and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose . . .

Then it goes further, Mr. President, and says:

provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian . . .

I therefore cannot understand why Representatives in the Congress from New York insist on fostering this imposition on the people of the South.

Mr. President, why then cannot that standard—that policy—apply throughout the land? No, other sections of the country are privileged. Only the South is the culprit. And the lack of enforcement outside the South is the proof that we have a double standard.

This practice and governmental discrimination may buy some political benefit temporarily. Some political advantage may flow from it at this hour, or for a little while, but the time is coming, and it has already come throughout the land, where it is causing great suffering. We are paying a terrible price in the deterioration of quality education.

Today it is not a question of improving education. The effort is centered upon integration in education. Look at the schools in Washington, D.C., if we want an example.

As integration of schools was forced, many white people moved away. Dislocations and disruptions occurred. And today we have an intolerable condition in the Nation's Capital, an educational jungle where teachers' lives are not safe, where pupils are not safe, and where lawlessness and violence reign to such an extent that the doors of school buildings today are padlocked for protection and safety of those on the inside.

Mr. President, there is now a cry and a need for thousands of policemen to guard the public schools in our Nation's Capital. This situation completely refutes the contention that forced integration is the answer to the race problem, and I foresee that conditions will get much worse before getting better.

We had better come to our senses and enact laws that will preserve the constitutional right of choice to which every parent and child are entitled.

Mr. President, this forced integration by denying freedom of choice and compelling busing of children from one school to another is inflicting upon both races and upon the Nation a malignancy that is already causing great suffering—and, if persisted in, may well destroy the good qualities and efficacy of our public school system. It is already seriously impaired.

Mr. President, I submit that freedom of choice is the American way. It is consonant with a free society and the concepts of human liberty and dignity.

In the context of freedom, justice and morality, the imposition of forced integration, by denying to parents the right to choose, and by compelling the busing of children to achieve racial balance, is an abomination for which our Nation cannot and will not escape severe injury, suffering and retribution.

I shall vote against the pending amendment and for the committee amendment.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Sen-

ator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, earlier in the debate some reference was made to the position of the Attorney General of the United States and the Nixon administration with respect to so-called freedom of choice plans.

To keep the record straight, I should like to read into the RECORD a portion of a memorandum supplied by the Department of Health, Education, and Welfare which reads as follows:

> The Nixon administration has stated its unequivocal commitment to ending racial discrimination in schools in accordance with the law in the court decisions.
>
> In a joint statement issued on July 3, 1969, Attorney General Mitchell and Health, Education, and Welfare Secretary Finch said: "In accordance with recent decisions which place strict limitations on freedoms of choice, if freedom of choice is used in the plan, the school district must demonstrate on the basis of its record that this is not a subterfuge for maintaining a dual system, but rather that the plan as a whole genuinely promises to achieve a complete end to racial discrimination at the earliest practicable date. Otherwise, the use of freedom of choice in such a plan is not acceptable."

Mr. President, that is a quotation from a joint statement made by the Attorney General and the Secretary of Health, Education, and Welfare.

Mr. President, I believe this statement points up the crux of the problem posed by section 408 and section 409. Those two sections include the words "against the choice of his or her parents." In effect, the sections declare that freedom-of-choice desegregation plans in every case are satisfactory.

There would be no objection, to those two sections if the Supreme Court had ruled in accordance with such a policy.

As I said earlier in the debate, I am not arguing whether the Supreme Court was right or wrong in the Green decision. I can understand that there may be disagreement with the Supreme Court's interpretation of the Constitution in that case and in other cases. However, the fact is that the Supreme Court has spoken.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield.

Mr. ERVIN. Mr. President, I ask the Senator that if in the final analysis the Green case holds anything, it holds that it is perfectly constitutional to have freedom of choice as long as the parents and the schoolchildren exercise their freedom of choice in a manner which is pleasing to the Supreme Court Justices, but that freedom of choice becomes unconstitutional if the parents and the schoolchildren exercise their freedom of choice in a manner pleasing to themselves rather than to the Supreme Court Justices?

Mr. GRIFFIN. Mr. President, of course, the Senator can put his own interpretation on what the Supreme Court said in the Green decision and what he thinks it means.

Mr. ERVIN. I am asking the Senator from Michigan what he thinks it means.

Mr. GRIFFIN. Let me say what I think it means.

The Supreme Court in the Green decision did not say that freedom of choice plans in all cases are constitutional by any means. The Court did recognize, however, that in many situations, a freedom of choice plan can be satisfactory and will meet the requirements of the Constitution.

Indeed, I should like to read briefly from the opinion. The Court said in the Green case:

> We do not hold that "freedom of choice" can have no place in such a plan. . . .

Referring to a desegregation plan—

> We do not hold that a "freedom of choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system, a plan utilizing freedom of choice is not an end in itself. . . .

Then, the Court went on in its decision and quoted from Judge Sobeloff, the chief judge of the Fifth Circuit Court of Appeals. The decisions of the Fifth Circuit Court of Appeals, from my study, have been in accord with the Supreme Court of the United States, Green decision.

From the foregoing, it is clear that freedom of choice plans do not in every situation meet the requirements of the Constitution. Thus, the shortcomings and the inadequacies of section 408 and section 409 are all to apparent; these sections limit the use of funds only to freedom of choice situations.

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

Mr. GRIFFIN. I yield.

Mr. CASE. It seems to me that it is very useful for the Senator from Michigan to make the general statement that he is making now, because it emphasizes that none of these things is an absolute in itself. Busing is not good or bad in itself. The abolition of a school is not good or bad in itself. These so-called freedom of choice arrangements are neither good nor bad in themselves. Yet, what those who support the House amendment and the language in the Senate committee bill are attempting to do, and have attempted all along to do, is to erect each one of these things into some kind of an absolute handed down from Sinai, if you will; and they have wasted much oratory on trying to glorify these mechanical things into some kind of great principle.

It is time, as the Senator from Michigan is doing, that we strip away all the trappings that have been attached or have been attempted to be attached to it. We are not for or against busing. We are certainly for neighborhood schools, but not in all circumstances, if they can be used as a means of creating or perpetuating a segregated system—and this is the whole point.

The question is not: busing or not busing, to this school or that school in its present location. The question is, shall we continue to have segregation in our schools? That is the point.

The effort on the part of those who make great speeches on this floor in behalf of seemingly tremendous principles is simply an effort, when everything is stripped away, to perpetuate the segregated system that not only has been condemned by the Supreme Court but also has been condemned by every man in his heart on the basis of simple morality.

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

Mr. GRIFFIN. I yield.

Mr. GURNEY. First, I should like to reply to something the Senator from New Jersey just said. Certainly, here is one Senator who was not making a great speech on the floor yesterday to perpetuate segregation in our schools, and I do not think that is true of many people here. What we are concerned about are some of the practicalities we are faced with in States like Florida.

I should like to pose a question to the Senator from Michigan. I believe he was in the Chamber yesterday when I cited a specific instance in the case of the school district of Palm Beach County. There, a plan had been proposed by the desegregation center at the University of Miami; the seal of approval was put on it by HEW; the seal of approval was put on it by the district court. This plan included busing students from the east coast of Florida to the so-called 'Glade section in the center of Florida, all encompassed within the school district, a distance of 40 miles each way—80 miles along a road that is one of the most dangerous roads in the State of Florida and has been called "Suicide Alley" for years. Many deaths have occurred on it. This busing involved each day a minimum of 3 hours; in the case of adverse weather, probably 4 hours.

I ask the Senator from Michigan this question: If the words of the amendment were put in this language, the amendment proposed by the Senator from Pennsylvania, and this plan was proposed again, is it not true that the plan would be enforceable and that these students would have to be bused 40 miles one way and 40 miles the other way?

Mr. GRIFFIN. The Senator poses a question, in my opinion, that would have to be answered by the courts.

Mr. GURNEY. I think the Senator can answer the question.

Mr. GRIFFIN. If the Constitution requires it, the answer is "yes."

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

Mr. GURNEY. Let me finish.

The Senator has answered the question. That is precisely what would happen, because the Court has put its seal of approval on it, under the decisions of the Supreme Court of the United States, and this particular plan would be put into effect. But, as I see the language in the bill, if we do not put the amendment in, then, indeed, Congress has the right to say that no part of the funds of this bill will be used to force this situation on this school district in Palm Beach County, and that is the nub of the situation.

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

Mr. GRIFFIN. I yield.

Mr. CASE. I am glad the Senator from Florida intervened, for a number of reasons I want to make it clear that there is no personal attack on motives or anything else in anything we say here. The Senator has made it possible for us to sharpen the issue, and I think the Senator from Michigan answered the question of the Senator from Florida correctly.

Mr. GURNEY. I do, too. That is the point I was making.

Mr. CASE. The remedy for poor plans is not to come to Congress and destroy the means by which the principle of desegregation can be established. It is to deal with the courts and the appeals, the elected officials, and all the rest of it, who are putting these plans into effect. That is my answer—and I am sure the correct answer—to the Senator from Florida.

Nobody is going to put children in peril of their lives—without a remedy in the governmental system of this country. But the remedy does not lie in destroying the means by which in some cases desegregation can usefully be effected.

Mr. GRIFFIN. Would the Senator from New Jersey agree with me that, while a particular plan might meet the constitutional requirements concerning desegregation in a given situation, other similar plans may be acceptable?

Mr. CASE. I agree completely.

This, again, puts the matter back on the proper basis. If this is not satisfactory to the people of Florida—and there may be reasons why it is not—let them come up with another plan for desegregating those schools instead of trying to stop the process of desegregation all over the Nation.

Mr. GURNEY. I would say to the Senator from New Jersey that we have come up with plan after plan after plan in all these States—something that the State of New Jersey and many other States have not accomplished yet because the problem has not been there—and these plans have continually been stricken down. That is why we have to come to the Congress of the United States, so that we can put a provision in here that money shall not be used to implement this absurd—and, in the particular case I gave, insane—plan. This is the only course we have, and this is why we are here, and this is why it makes sense, and this is what the Congress of the United States should do. That is what we are sent to Congress for—to represent our people and to get some sense in this Government when it is going astray. That is the point of this matter.

When the Senator from New Jersey, the Senator from Michigan, and Senators from other Northern States get this problem, as they surely will this year and the year after and the year after, there is going to be more squawking and squealing in this Chamber than we have heard in years.

Mr. GRIFFIN. I assure the Senator from Florida that we do have such problems in the State of Michigan.

And I would like to add that although I do not always agree with him, the distinguished and able Senator from Florida (Mr. GURNEY) does always represent his State and his constituents effectively—and I have the utmost respect for his views.

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

Mr. GRIFFIN. I yield.

Mr. CASE. Despite the heat of this argument, my feeling about the Senator from Florida is the same as that of the Senator from Michigan. I hope it is reciprocated by the Senator from Florida.

Mr. GURNEY. It certainly is.

Mr. CASE. We have the same problems in New Jersey, in some places as intensely as the State of Florida has though there is perhaps a larger number of places in his State. It is not easy; it is not simple. I think we do try to deal with it in our State, and I am not being holier-than-thou about this matter at all. All I am saying is that I do not think that the way to attempt to deal with difficult problems is to disable ourselves from dealing with them.

Mr. GRIFFIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Twenty-eight minutes.

Mr. GRIFFIN. Mr. President, I yield 15 minutes of the time on this side to the Senator from Mississippi.

Mr. STENNIS. I appreciate that.

Does the Senator from Pennsylvania want to proceed now?

Mr. SCOTT. I will wait.

Mr. STENNIS. Mr. President, I yield 6 minutes to the distinguished Senator from New Hampshire. I have only a small amount of time remaining beyond that.

Mr. COTTON. Mr. President, I think I can say everything I want to say in a shorter time than that.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, speaking as a member of the subcommittee, and the ranking minority member, I wish to say again, as I said before, that I am not satisfied nor particularly happy with the language in this provision in the bill. The reason for the language being in this bill is that last year the distinguished Senator from Washington, who is now chairman of the subcommittee, and others of us on the committee, wrote into last year's bill exactly what we intended. It was plain English.

I come from a State where we have no racial problems. I think that representing the State of New Hampshire I can approach this matter in about as disinterested and objective manner as any Senator in this body. The one thing I am interested in is to prevent enforced busing students in the schools. I am not interested in anything else.

Mr. President, I remind you of what was said in the Civil Rights Act of 1964. I wish to read a sentence from that act:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. President, that lauguage was written into the law in the Civil Rights Act of 1964. Mr. President, you cannot assign somebody to a school which is 7 miles, 8 miles, or 9 miles away and not get him there, so that means busing. Therefore, last year Congress said in plain language—they did not talk about abolishing schools and they did not talk about the assignment of students against the choice of parents. We said that none of this money should be used to force busing of students in order to obtain racial balance. The Department of Health, Education, and Welfare simply showed their contempt of Congress. Their general counsel or somebody said that did not mean anything; that no one could look into someone's mind and decide what the purpose was, so they have disregarded it.

If I had my way, we would do the same thing over again, but I think this is an exercise in futility because I do not think they will pay much attention to anything we write in this bill. And why should they? They get everything they want. They crack the whip and we jump. The amount of this bill has been increased from $17.5 billion to $20.8 billion in just a few days. The only way is for Congress to stand up on its hind legs and say, "You shall not show contempt for the wishes of Congress when we say how money should be spent. Otherwise we shall cut your money." Then, they will listen.

I think the amendment of the distinguished minority leader does not have great significance. If what is done is constitutional, all the words we write in the bill will not make it unconstitutional; and if what is attempted to be done is unconstitutional all the words we write in the bill, even if heaven came down to help us, will not make it constitutional.

This is the best language which the committee could agree on after long deliberation. I wish it were more like last year, but it is the best language we could determine in order to try to do the one thing which, insofar as this Senator is concerned, we want to do, and that is to carry out the principal that there shall be no enforced busing of students anywhere in the United States for the purpose of overcoming racial imbalance.

I shall support my committee and vote against the amendment.

Mr. SCOTT. Mr. President, much of the debate on the pending amendment to sections 408 and 409 of the committee bill centered on the subject of busing. Many Senators have expressed their concern about the busing of students solely to achieve a racial balance in a particular school system.

I was in this Chamber when the late distinguished minority leader, Senator Dirksen, spoke against busing solely to achieve racial balance, and I said then and I repeat now that I am against any such procedures. But this is not the gravamen of this proposed amendment.

The point which the Senate wishes to make on this highly emotional and controversial issue, I believe, is that we do not wish to see Federal funds used to force school districts to bus students for no other purpose than to achieve a racial balance. I wish to make absolutely clear that my amendment would not authorize or allow HEW to require the busing of students to achieve such a racial balance.

Unlike the other major portions of the substitute's provisions, the Federal courts have not had occasion to discuss

in any detail those situations in which the busing of students might be constitutionally required.

A basic legal framework has, however, emerged from various general decisions in this area. It is clear from the legislative history that title VI of the Civil Rights Act of 1964—the enforcement of which we are really talking about here today—was intended to apply to segregation arising from discriminatory action or intent and not to the existence of racial imbalance per se—that is to the existence of racial imbalance which imbalance does not result from discriminatory action or intent.

I would like to interpolate that my amendment—and I would hope that the purpose of sections 408 and 409—is national in intent. I would be the last to deny we have conditions in Pennsylvania which are unsatisfactory with regard to the full and equal recognition of the rights of all of our students to attend schools without any form of segregation. We feel ours is largely de facto, that it is largely due to economic conditions rather than to willful intent, but at the same time I do not believe there is any place in the Union where the problem arises of students of different color and origin, where there has not been some failure to do justice in this regard. So I do not regard this as sectional.

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

Mr. SCOTT. Yes, I yield.

Mr. ERVIN. I ask the Senator if he knows of a single instance in the State of Pennsylvania where the HEW has withheld school funds because the schools were all white or black?

Mr. SCOTT. I do not believe that it has been necessary to do so, but for a different reason than that implied in the Senator's question, because such failure to obtain a desired blending of the situation has occurred for reasons which arise from economic distribution, from de facto segregation, which is not good. I repeat, which is not good. But what is involved here is the freedom of choice problem.

Mr. ERVIN. Does not the Senator realize that we have no de jure segregation in the South and have not had since 1954, and exactly the same condition——

Mr. SCOTT. I will be glad to answer that first. I would say that the South has no de jure segregation in the South so far as the law of the land and the decisions of the Supreme Court are concerned.

Mr. ERVIN. The South is just exactly like the North in this respect now. Such segregation as we have is de facto. The thing I object to about this——

Mr. SCOTT. I would fear that what we are talking about—what the Senator is talking about—is not simply de facto segregation but device segregation.

Mr. ERVIN. Does not the Senator from Pennsylvania know that when resort is had to busing children, they are denied the right to attend their neighborhood schools and instead are bused to some other schools for desegregation purposes? Thus they are denied the right to attend their neighborhood schools on account of their race and, for that reason, busing is a violation of the interpretation placed upon the equal protection clause of the 14th amendment by the Supreme Court in the first Brown case.

Mr. SCOTT. I can only say to the Senator that if violations exist, the courts exist to correct them. The fact that the court has not acted in the area of which the Senator speaks would not convince me, as a lawyer, that the violation of the kind he mentions does not exist.

Mr. ERVIN. Would the Senator permit me to ask him if he will accept my statement, that I think the reason we have action taken toward the South and not against the North is that if action were taken against the North by Health, Education, and Welfare, in the same way it has been taken against the South, the North would put an end to such action immediately because HEW would lose support in the North.

Mr. SCOTT. I appreciate the Senator's contribution.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. DOMINICK. I want to say that it looks to me as though I shall support the Senator's amendment and, in so saying, comment that, like the Senator from Pennsylvania, I am thoroughly and totally against busing students against their will for racial imbalance correction purposes.

Mr. SCOTT. I agree.

Mr. DOMINICK. I think it is unconstitutional to begin with, and is clearly a violation of the Civil Rights Act. There is nothing in the Constitution which requires school districts to force a child to be bused on the basis of his race. Therefore, it would seem to me that, following this logic, there is nothing wrong with the amendment. I do not believe it adds very much. The only possibility that it might add anything is the implication there is something in the Constitution which would require busing.

As for the Constitution and busing, I asked Jerris Leonard, the Assistant Attorney General for the Civil Rights Division to review this issue last spring. His letter to me goes into this in some detail. It reads as follows:

DEPARTMENT OF JUSTICE,
Washington, May 3, 1969.

HON. PETER H. DOMINICK,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR DOMINICK: Deputy Attorney General Kleindienst has asked me to reply to your letter to him of March 25 wherein you asked for comments on the constitutional and other legal implications of busing school children as a means of achieving school desegregation.

Since your question was not directed at any particular fact situation I can give you only some fairly general comments. Moreover, this should not be regarded as a formal opinion of the Department. You will recall that under the governing statutes of the Attorney General and his assistants are limited to furnishing opinions to the President and to the heads of the Executive departments on questions of law arising in the administration of their departments. 28 U.S.C. (Supp. III) 511–512.

As you know, in 1954 the Supreme Court held in *Brown* v. *Board of Education*, 347 U.S. 483, that the Constitution forbids state and local authorities to maintain school systems segregated on the basis of race. Since that decision there has been much dispute and litigation over the implementation of the requirement that schools previously segregated by law be desegregated. How that requirement shall be implemented depends to a considerable extent on the facts of each case, but the Supreme Court has stated that where state-enforced segregation has existed, the local authorities are "charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *County School Board*, 391 U.S. 430, 437–38 (1968). This is true whether the segregated system was maintained by outright assignment of pupils on the basis of race or by more subtle means. See *United States* v. *School District 151*, 404 F. 2d 1125, 1135 (C.A. 7, 1968). This Department has, as you know, broad litigating responsibilities under the Civil Rights Act of 1964, § 407, 42 U.S.C. 2000c–6, to seek, where appropriate, court action to compel adherence to this constitutional requirement. The Department of Health, Education, and Welfare also has the responsibility, under Title VI of the Civil Rights Act, 42 U.S.C. 2000d *et seq.*, of enforcing adherence to this requirement by schools which receive Federal financial assistance.

Distinct from the problem of elimination of *de jure* segregation, as required by the *Brown* decision, is the problem of dealing with *de facto* segregation or racial imbalance, the situation in which schools in a given school system have become nearly entirely Negro or nearly entirely white, not through any deliberate policy of local authorities, but because of residential patterns and other factors over which such authorities have no control. Congress has made it clear in the Civil Rights Act, §§ 401(b), 407(a), 42 U.S.C. 2000c(b), 2000c–6(a), and elsewhere, that it does not desire the Federal Government to compel, whether by litigation or administrative action, local authorities to act to eliminate or to minimize racial imbalance as distinguished from *de jure* segregation, in the schools. On the other hand, I do not know of any provision of Federal law which prohibits local authorities from exercising their discretion to devise school attendance plans which operate to lessen rather than to increase racial imbalance in the schools. As the Court of Appeals for the Second Circuit recently stated, "That there may be no constitutional duty to act to undo *de facto* segregation, however, does not mean that such action is unconstitutional. * * * What is prohibited is use of race as a basis for unequal treatment." *Offermann* v. *Nitkowski*, 378 F.2d 22, 24 (1967).

It is in this context that the question of busing must be considered. Busing is, in itself, constitutionally neutral. Most school systems use buses to some extent to transport children to and from school. Greater use of buses permits school authorities more flexibility in drawing attendance zones, but such flexibility might be used to achieve a greater or a lesser degree of racial integration in the schools.

As I have stated, the Supreme Court has held that local authorities must take whatever steps are necessary to eliminate *de jure* segregation "root and branch." This does not seem to me to imply any requirement that the concept of neighborhood schools be abandoned. However, application of this principle may in some circumstances require more busing, while in others it may require less. Similarly, where local authorities seek to eliminate racial imbalance, the resulting attendance plan is perhaps likely to involve more busing than the plan previously in effect, but in some cases it may involve less. Because of the many variables, therefore, it is extremely difficult to express any judgment with respect to the legal im-

plications of busing apart from a particular factual context.

Mr. Spelts of your staff has called our attention to sections 409 and 410 of the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969, P.L. 90–577. These sections provide as follows:

"Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: * * *."

The general thrust of these provisions is that the funds appropriated in the Act shall not be used, whether through threats to withhold assistance or otherwise, to compel local school authorities to adopt certain means of overcoming racial imbalance in the schools. It is clear that those sections impose no limitation on administrative efforts pursuant to Title VI of the Civil Rights Act to require local school boards to adhere to constitutional standards, whatever affirmative steps such adherence might entail. This distinction between requiring school boards to comply with the constitutional requirements and requiring them to overcome racial imbalance was well understood by Congress at the time those sections were enacted. See CONGRESSIONAL RECORD, volume 114, part 22, pages 29442–29451.

It has been further suggested that section 409 may have the effect of preventing a local school board, acting entirely on its own initiative, from using Federal funds "to force busing of students * * * in order to overcome racial imbalance." The language of the section appears to us somewhat ambiguous on this point. We might note that Congressman Whitten, the author of sections 409 and 410, stated that they were directed at compulsion by the Federal Government and did not restrict the actions of local school officials. See CONGRESSIONAL RECORD, volume 114, part 14, page 18928; also part 22, page 29446. On the other hand, both sections were revised in the Senate Appropriations Committee, where the words "in order to overcome racial imbalance" were added, and the Committee report appears to indicate that the restriction on the use of funds would apply to the local authorities, as well as to the Federal Government, S. Rept. No. 1484, 90th Cong., 2d Sess. 89. However, the Senate amendments were aimed primarily at easing the restrictions voted by the House on the Department of HEW's activities in enforcing Title VI of the Civil Rights Act, and it might be anomalous to interpret the Senate's amendment of section 409 as imposing additional restrictions on the use of funds by local school authorities. We find no indication in the subsequent Congressional debates that this was the anticipated effect of the Senate amendment. I note that Sec. retary Finch has taken the position that sections 409 and 410 do not inhibit local authorities from using Federal grant funds for busing.

I hope that these comments have been responsive to your question. If I can be of any further assistance, please do not hesitate to call upon me.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

I discussed busing with Commissioner of Education Allen at some length during his confirmation hearing, and commented on his position and the Leonard letter during the Senate debate of May 5, 1969. I refer to these matters now only for the purpose of developing a more complete legislative history.

In my judgment the Constitution does not require busing to overcome racial imbalance. Therefore, I intend to vote for the amendment.

Mr. SCOTT. I thank the Senator from Colorado very much.

Mr. President, similarly, the courts have held that racial imbalance which does not result from any discriminatory action or intent is not within the purview of the 14th amendment to the Constitution.

In the light of current court decisions, it is clear that under this amendment the Department of Health, Education, and Welfare may not use funds contained in this act to force any school district to take actions involving the busing of students to achieve racial balance, for its own sake.

The purpose of the provisions which I have offered is to recognize both the constitutional and statutory obligations of and the limitations placed upon the Department of HEW in carrying out the provisions of title VI of the Civil Rights Act of 1964. I want to reiterate as forcefully as I can that the administration wholeheartedly supports these provisions.

I am advised by the Department of HEW that these amendments are also supported by President Nixon.

What we seek to do is to make absolutely clear that sections 408 and 409 are not contrary to the Constitution but in accord with its requirements.

I respectfully urge the Senate to adopt my amendment.

Mr. MAGNUSON. Mr. President, I merely want to state for the RECORD that the committee, of course, considered this matter at great length. I do not know of any other subject that received more attention than these amendments.

The Senator from Pennsylvania said that HEW and the administration support language not constitutionally required, which I submitted to the committee and which was defeated by the committee. The truth of the matter is that there is some merit to the existing committee language because we did add language last year on the issue of racial imbalance. We thought we were clear about our opposition to forced busing, and that this language would stop the busing that the Senator from Pennsylvania and I agree should be stopped; but the Department of HEW completely ignored that language, at least according to the evidence we received. I think they will probably ignore any language if HEW determines it is unconstitutional.

I am a lawyer, but not a constitutional lawyer. I know how to read a decision and how to interpret it. The Constitution basically requires that all schools must be open to anyone regardless of race, color, or creed.

Mr. SCOTT. By inserting, "according to the Constitution," we are stressing the fact that one cannot bus a student to correct racial imbalance.

Mr. MAGNUSON. The Court has never said that busing is necessary but it has said that busing is a proper tool if it is voluntarily implemented by a school district. I thoroughly agree with that approach because I think that the only practical solution is voluntary busing.

In my State, we do not have that particular problem. We have schools in my neighborhood which are primarily composed of Japanese students. And they come from all over the city because they want to go to a Japanese school, and because their parents want their children to learn the Japanese culture and traditions which are taught in this fine school. I do not know what will happen if they have too many Japanese and a decision is reached voluntarily to bus them to other schools in Seattle. My people are opposed to forced busing and the people of New York are also opposed to forced busing for their students.

Mr. SCOTT. And I am opposed to it, too.

Mr. MAGNUSON. This is primarily what this issue is all about. The bulk of the evidence presented to the committee dealt with forced busing and the committee finally adopted this language. I do not think there is a great deal of substantive difference between the Scott and the Whitten amendments, as they relate to busing. The Senator from New York pointed out the differences yesterday. But what I am primarily concerned with is that there are over 25,000 school districts in the United States, waiting for this bill to be passed. This entire measure is being held up because a number of districts, somewhere between 250 and 300 school districts, are not in compliance. Twenty-five thousand districts are waiting for this bill. This measure is applicable for only 5½ months at the most. Surely, we can reach a compromise. Legislation is a matter of compromise. As manager of this bill, I have a responsibility to get it passed and get all this money to the people who have waited so long. Without compromise, we would get nothing done. We would be up against a stone wall.

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

Mr. STENNIS. I yield 1 minute to the Senator.

Mr. MAGNUSON. The committee voted to go ahead with this language in an effort to clear this matter up. Perhaps we can achieve it in a voluntary way because the Secretary says he is talking with appropriate people in the districts where the busing problem exists. I hope that is true.

I agree with the Senator from New Hampshire that it is too bad this provision is in an appropriation bill. I have talked with Members of the Senate and the House. I hope next year hearings will be held on these provisions by the appropriate substantive committee and that legislation can be studied that will resolve this issue once and for all.

Mr. SCOTT. Mr. President, if I may, for one-half a minute, I hope the Senator will agree that the addition of these few words should avoid further problems in that regard. I very much regret that this is the way it came up.

Mr. MAGNUSON. I submitted similar language to the Appropriations Committee and it was turned down. I am chair-

man of the subcommittee. Sometimes the chairman is required to speak for the majority of the committee, even when he has sought to do in the committee what finally is proposed on the floor. I would rather have passed out the bill with this language, but my committee voted to the contrary.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 7 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Mississippi. I have not been present during all the time that the debate has taken place, but I have taken occasion to read the RECORD.

I am well aware that the Senator from Mississippi has documented cases throughout the United States that cry out for attention. The evidence he has submitted for the RECORD seems to be a basis upon which this conclusion can be drawn. I can find no justification at all for trying to impose a standard on one section of the country that is any different from that imposed on another section of the country. The past is history. Now we are faced with the fact that there is segregation in some parts of the United States and the executive branch of the Government is not pursuing efforts to stop that segregation as diligently as it has in some other parts of the country.

For that reason, I oppose the amendment. I intend to vote "no." In doing so I would hope to indicate my belief that the laws should be applied uniformly; and that the executive branch of the Government charged with the responsibility of enforcement uses the same diligence and the same effort throughout the United States.

I intend to support the distinguished Senator from Mississippi in voting "no," against the amendment.

Mr. TOWER. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I want to commend the Appropriations Committee for the fine work that it has done in dealing with the complex problem of who should receive funds from the Department of Health, Education, and Welfare and who should not. In the final analysis, the committee has decided, and quite rightly so, that the funding procedure is not the place to force social issues. The committee has decided that the courts are the place where the issues are properly to be decided and not in a Federal administrative agency.

The past effort to deny funding to a project in a particular State or school district has been terribly lacking in the final results that it achieved. Instead of bringing about submission, it has caused the cry of "Federal tyranny" to be legitimately raised and has given ammunition to those who would destroy our system. The decision by the committee to move the determination from the administrative hearing room, is long overdue recognition that while solving social problems, we must also maintain the quality of education throughout the Nation.

I have been greatly concerned in the past that too often we have advocated form rather than substance. If we terminate funds and destroy an educational effort, we have not really helped anyone. I do not believe that funding should be used as a punitive process against an entire community or State; there are too many other time-tested methods for handling such problems to use the very education of our children as a pawn in any confrontation.

In the past few years, the Department of Health, Education, and Welfare, has ordered closed an estimated $250 million worth of classrooms in the South alone; many of these classrooms have been brand new and are now sitting idle—their use having been forbidden or have had to be sold, generally at a substantial loss to the school district involved. As a result, new school bond issues are failing every day, most of these in areas where a bond issue had never failed before. The citizens of these areas are simply not about to approve funds for new buildings when they see perfectly adequate facilities lying idle because of Federal fiat. Approval of new funds would, under these circumstances, be a waste of precious tax dollars. If we continue to withhold funds, and arbitrarily close schools, the quality of education will decline and the whole Nation shall be the lesser for it. There can be no reason for destroying education under the guise of improving it.

In conclusion, Mr. President, I urge my colleagues to approve the work of the distinguished committee in this area. The welfare of this Nation's children is what we are concerned about in this bill. The place to decide other questions is in the courts and in other pieces of legislation. In this particular bill we are attempting to build a better educational system to make wider the gift of enlightenment.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I have listened for years to testimony on the Supreme Court decision and how desegregation problems are being administered all over the United States. I have listened to it on the Senate floor, in the Appropriation Committee, and in conferences with the House. I cannot help but feel that a double standard is being applied in the South and elsewhere in the United States.

There are really more problems in the North than there are in the South. There are problems in the District of Columbia.

I think the rider attached to the bill by the House is a good amendment that may help bring about more uniformity of enforcement.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I am opposed to the amendment proposed by the Senator from Pennsylvania (Mr. SCOTT). I am in favor of the committee amendment.

Several times we have legislated against the doing of all these things that the executive officials have been doing, but they have always found some ways of sidestepping them. If this innocuous wording is put in the bill it will give them another chance to sidestep. The committee is straightforward. Anybody knows what it means. If we can have uniformity of application throughout the country, our problem will be largely solved.

Mr. STENNIS. Mr. President, how much time remains to me?

The PRESIDING OFFICER. There are 3 minutes remaining on the amendment, 2 minutes to the Senator from Mississippi and 1 minute to the Senator from Pennsylvania.

The Chair would like to reenforce the order previously agreed to today, that all staff members be required to be seated or leave the Chamber.

Mr. STENNIS. Mr. President, I want to express the utmost interest of the Senator from Georgia (Mr. RUSSELL) in this entire provision. He is for it. He has fought this battle for years and years. He was the author of the amendment referred to a while ago, which we adopted last year, and it meant nothing to the officials.

I want to emphasize that the provision from the committee does not—I repeat, does not—prohibit the use of funds for busing if the school district desires to use the money in that way. That is agreed to by all members of the committee, as I understand them. It does not prohibit the use of those funds if the commissioners or trustees desire to use them for that purpose.

It was stated that only a handful of districts were involved. That was corrected by the chairman, and he said that at least 300 were involved. All of them are really involved. There are some 8,000 or 10,000 or 12,000 school districts outside the South that can be affected by the amendment. There is no doubt about that.

After having been through this for years—and I am not charging this to Senators—I am satisfied that there is a plan, or design of some kind, to ram this to the utmost down the throats of the South and then abandon an interpretation of the law that will bring it to other areas of the Nation. I am fully satisfied of that. I cite the New York law as an example, the withholding from Chicago, and the almost total lack of effort on the part of HEW year after year after year outside the South.

Last night I quoted from the President's campaign remarks, and I was unable, at the time, to put my hand on those quotations. I now ask unanimous consent that they be printed in the RECORD.

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

[From the New Republic, Oct. 26, 1968]

What I am against is using the threat of withdrawing federal funds to force a local school board to balance its schools racially, by busing children all over a city, for instance. If the local school board thinks busing is best, that's up to them. But federal money—or the threat of its withdrawal—should not be used to force them.

[From the Chicago Tribune, Sept. 16, 1968]

"I believe that the Supreme Court decision was a correct decision," he said. "But, on the other hand, while that decision dealt with segregation and said that we would not have segregation, when you go beyond that and say that it is the responsibility of the federal government and the federal courts to, in effect, act as local school districts in determining how we carry that out, and then to use the power of the federal treasury to withhold funds or give funds in order to carry it out, then I think we are going too far.

[From the U.S. News & World Report, Aug. 19, 1968]

My feeling is this. I think that busing the child—a child that is two or three grades behind another child and into a strange community—I think that you destroy that child. The purpose of a school is to educate. That is what we have got to do. We have got to educate them, and I don't believe in that manner of approach. . . .

Mr. STENNIS. I thank the Senator from Pennsylvania for yielding time to me.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for one-half minute, simply to repeat that this amendment does not have any effect whatever on busing, and does not change the action of the last Congress on busing to achieve racial balance.

Mr. COOK. Mr. President, title VI of the Civil Rights Act of 1964 delegates to the Department of Health, Education, and Welfare the authority to insure that Federal funds are not used to assist any school system which is racially segregated.

Sections 408 and 409 of the Labor-HEW appropriations bill, H.R. 13111, which are considering today, known as the Whitten amendments, are designed to require HEW to accept freedom-of-choice desegregation plans. These plans have, of course, been ruled unacceptable by the U.S. Supreme Court unless they can be shown to be effective.

In short, the Whitten provisions are a step backward and a covert attempt to circumvent the law of the land in a sensitive area of human relations where we should be moving forward. Therefore, I shall support the efforts to revise these sections as provided by the Scott amendment.

Mr. BROOKE. Mr. President, I rise in support of the amendment offered by my distinguished colleagues, Messrs. CASE, PASTORE, and SCOTT, to revise the language of sections 408 and 409 of the pending bill.

These two provisions, in their present form, would enact into law freedom-of-choice provisions, and would prohibit the Department of Health, Education, and Welfare from using the sanction of a cutoff of Federal funds to encourage compliance with the law. The pending amendments would insert language stating that compliance can be required, and Federal funds used to enforce it, only if that compliance is constitutionally required.

Mr. President, we are concerned today with a fundamental principle of American democracy. It is a promise of a better future for many millions of young Americans—black and white—who have so far been denied the opportunity for an adequate and appropriate education.

Let us look at one simple statistic. We live in a multiracial society. Nearly 15 percent of our population is composed of persons of a different racial background than the majority of that population. We also live in a multiracial world. Nearly 15 percent of its population is composed of persons of a different racial background than the majority of that population.

The proportions, for the United States and for the world, are practically inverse. The majority in this country is white; the majority in the world is nonwhite. Practically speaking, modern technology has rendered it impossible for any one ethnic group to live apart or to isolate itself from the others. The emphasis, worldwide, is on cross-cultural contact and a broader understanding of one another. Why, then, do we consider taking steps which may deliberately and destructively perpetuate this artificial division in our public schools?

Schools are designed to educate, to prepare young people for the world which will face them as adults. An education which is ethnocentric, in this day and age, is an irrelevancy and an anachronism. It matters not whether the group being taught is black or white, whether the school is a one-room structure or a multimillion-dollar edifice, whether science consists of cutting up worms or using an 80-inch telescope, the heart of that educational system, which is to broaden the horizons of youth and give to young people the experience of questioning and challenging and finding aswers for themselves to the puzzles and the people which surround them—that heart, Mr. President, has been lost.

I have heard it argued that school desegregation is unnecessary because no one has "proved" that a black child sitting next to a white child gets a better education. Of course, the scientific "proof" is not available. No one has studied the relative learning capacities of students in mixed schools, as opposed to all-white or all-black schools, over a long enough period of time. No one has been able to compare the development of learning skills in a well-equipped as opposed to a poorly equipped institution over a sufficient length of time, either. And for anyone who has tried to make generalizations, there are always the exceptions which disprove the rule.

But I submit, Mr. President, that the evidence we need is all around us. It is in the high dropout and unemployment rates of Negro youths in the ghettos, where perhaps the worst education in the country is systemically dispensed. It is in the low literacy rates—and even illiteracy rates—of black and Spanish-American youngsters. It is in the lower earning capacity of Negroes and Mexican Americans. It is in the lack of understanding, exhibited in appalling amounts by persons of both races, which presently divides this Nation. The root of the problem should be clear—Americans simply do not understand each other. And they will not understand each other as long as 92 percent of the black children in Mississippi are assigned to schools which are 99- or 100-percent black; or as long as 35 percent of the white children in New Jersey attend schools which have a similar percentage of white enrollment.

Mr. President, given conditions in this country and the world, I regret deeply any weakening of the guidelines established by the Department of Health, Education, and Welfare for the enforcement of equal educational opportunities. I want to see the so-called Whitten amendments stricken entirely from the bill, and from the memory of all Americans. Even more, I want to see the day when legislation to enforce equal opportunities is no longer necessary, when Americans will of their accord see the injustice and inadequacies inherent in separation, and will take steps to overcome this unequal practice.

But the choice before us today is whether to retain the original language narrowly passed by the House of Representatives, or to adopt a modification thereof which would allow to the Department of Health, Education, and Welfare some of the flexibility it presently enjoys. We still have a long way to go if we are to end deliberate segregation in America and achieve a more rational use of our educational resources.

But I believe that the substitute language will better enable this Government to fulfill its promise to the youngest generation of Americans, and to the future of America as well. I strongly urge its adoption.

Mr. BAKER. Mr. President, in 1954 in a unanimous 9 to 0 decision the Supreme Court of the United States ruled that separate school systems are inherently unequal and in violation of the equal protection clause of the Constitution. Realizing the widespread disruption and massive administrative problems that were bound to occur, the High Court subsequently declared that in implementing this decision the courts and school districts throughout the country were to proceed with all deliberate speed. In November 1969, 15 years later, the Supreme Court ruled that the time for all deliberate speed had elapsed and that school districts must desegregate and desegregate now.

Before discussing briefly my views on the Whitten amendments, I would like to make a few general remarks. First, I am hopeful that in light of the Supreme Court ruling in November and the final action of the Congress in these amendments, school districts in the State of Tennessee and elsewhere will take action to resolve equitably the problems that still exist. For over a decade we have witnessed a continuing series of disputes in the courts, with the administrative branch of our Government, and, occasionally, in the streets. My most serious regret is the considerable amount of disruption that has occurred to the school systems that have been involved. I do not believe that this accrues to the educational benefit of any child, white or black. For this reason I am hopeful that all school districts in Tennessee and elsewhere will be able to get about the more important business of educating our children. I know that the problems are still difficult, but it can be done.

My second point of a general nature concerns the decisions of the Supreme Court in this area. We believe in a system of law and in the enforcement of the laws of our land. Rulings of the Supreme Court, adopted pursuant to the Court's interpretation of the Constitution, are the law of the land, and they must be enforced accordingly. A decision based on the Constitution must be administered even though many may differ with the decision the Court has reached. To fail to pursue this course of action would result in the breakdown of our entire system and would violate the most fundamental principles upon which our Constitution is based.

Third, regardless of what the law is in this area, I believe that it should be enforced in an even-handed manner in the North and South alike. I object to rigid enforcement in the Southern State while at the same time de facto segregation is permitted to go unchallenged throughout the northern areas of our country.

The Whitten amendments directly relate to the desegregation problem and involve the use of freedom-of-choice plans and the busing of school children. The Congress has considered these matters on earlier occasions and has in at least two previous statutes distinguished between ending segregation through assignment of students without regard to race and any attempt to bring about artificial integration. These statutory provisions state that desegregation does not mean the assignment of students to public schools in order to overcome racial imbalance.

The existence statutes do not empower any Department of Health, Education, and Welfare official or any court to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils from one school to another in order to achieve such balance or by forcing a student to go to a school against the wishes of his or her parents in order to achieve such balance. Stated more simply, the statutes have provided that Federal school funds must be withheld if a school system refuses to desegregate its school system but must not be withheld to achieve a racial balance.

I have previously voiced my views on the matter of busing schoolchildren and on this point I support the Whitten amendments without reservation. I do not believe that children should be bused past schools in the proximity of their homes for any reason. I do not believe that Federal funds should be withheld to force the busing of schoolchildren; conversely, neither do I believe in the busing of children to avoid the desegregation of a school system. Rather, I believe that on this matter of desegregation the Federal Government should require only that school district lines be drawn fairly, reasonably, compactly, and without regard to race and that all schoolchildren should, insofar as practicable, attend the school closest to their homes.

Those sections of the Whitten amendments concerning freedom-of-choice plans present a more difficult problem. These plans permit parents to send their children to whatever school the parents select. In its interpretation of existing statutory provisions and the equal protection clause of the Constitution, the Supreme Court has struck down freedom-of-choice plans when they are used as a subterfuge to avoid desegregation. Presumably any freedom-of-choice plan that legitimately achieves the objective of desegregation and terminates the existence of a dual school system would, under Supreme Court rulings, be valid.

The effect of these sections of the Whitten amendments, as I understand them, would result in the imposition of a double standard in some instances. On the one hand would be the Supreme Court decision holding that those freedom-of-choice plans that do not result in desegregation are constitutionally invalid. On the other hand would be the congressional act providing that all freedom-of-choice plans, presumably including those that do not result in desegregation, are valid. This would result in a dilemma for the Department of Health, Education, and Welfare and would require, I believe, that the Supreme Court ruling prevail because the Court's constitutionally based mandate is the higher authority. To avoid this problem I believe that those sections of the Whitten amendments pertaining to freedom of choice should be modified to prevent the possible conflict, and I would support a reasonable modification.

I am not altogether sure, however, that the amendment offered by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) is the proper approach. As several Senators have stated, if the phrase "except as required by the Constitution" is added to this statute, then there is no apparent reason why it should not be added in every case. Clearly the Constitution is the higher authority and we cannot amend or infringe upon the Constitution in any congressional act. In addition, the amendment offered by Senator SCOTT goes further than is required in applying not only to freedom-of-choice plans but also to the remaining language in the Whitten amendments concerning busing and the abolishing of schools.

For these reasons I shall vote against the amendment offered by Senator SCOTT.

Mr. ALLEN. Mr. President, the distinguished junior Senator from South Carolina (Mr. HOLLINGS), is absent from the Senate today because of illness.

He has prepared a statement with respect to sections 408 and 409 of H.R. 13111 that he would have made today before a vote was taken on the Scott amendment to those sections.

I ask unanimous consent that Senator HOLLINGS statement be inserted in the RECORD.

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

Mr. HOLLINGS. Mr. President, I would oppose any change in the Health, Education and Welfare appropriation bill as it relates to Section 408 and 409 on the issue of forcing any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds. As the bill now reads, the individual school districts of our nation are free to develop their education programs in the interest of quality education and the best economics within a framework of constitutional safeguards. That policy should be maintained and I would, therefore, oppose any change that would work economic hardships for no constructive educational purpose. No one opposes the premise that our government should seek to insure quality educational opportunities for our youth but I would hope that no one would use education as a tool to force issues that are not needed and are in no way constitutionally required.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). On this vote I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. RANDOLPH (after having voted in the affirmative). On this vote, I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MAGNUSON (after having voted in the negative). On this vote, I have a pair with the Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 52, nays 37, as follows:

[No. 247 Leg.]

YEAS—52

Aiken	Harris	Packwood
Bayh	Hart	Pastore
Bellmon	Hartke	Pearson
Boggs	Hatfield	Pell
Brooke	Hughes	Percy
Burdick	Javits	Prouty
Case	Mansfield	Proxmire
Church	Mathias	Ribicoff
Cook	McCarthy	Saxbe
Cranston	McGee	Schweiker
Dodd	McGovern	Scott
Dole	McIntyre	Stevens
Dominick	Metcalf	Tydings
Eagleton	Mondale	Williams, N.J.
Fong	Montoya	Yarborough
Goodell	Moss	Young, Ohio
Gravel	Muskie	
Griffin	Nelson	

NAYS—37

Allen	Fannin	Murphy
Allott	Fulbright	Smith, Maine
Baker	Goldwater	Smith, Ill.
Bennett	Gore	Sparkman
Bible	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Holland	Talmadge
Cannon	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Williams, Del.
Eastland	Long	Young, N. Dak.
Ellender	McClellan	
Ervin	Miller	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Jackson, for.
Randolph, for.
Magnuson, against.

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So Mr. SCOTT's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, now the Senate has made its position clear regarding the constitutional limitations of the Whitten amendment. And we have gone so far as to specify the language which fits those constitutional limitations. The next step will be taken in the conference committee.

Mr. President, it is my earnest hope that the Senate conferees will stand firm in upholding the language of these provisions in the conference.

We have labored hard here to achieve provisions which state the clear intent of the Congress without turning our backs on the requirements of the constitution. I trust that these hours of labor have not been in vain.

Indeed, if the conference committee fails to sustain the Senate position on these amendments, and accedes to the earlier language or an approximation of it, I may be compelled to ask the Senate to vote its refusal to concur in the conference agreements. Such a request would be painful, the more so because of the lateness of the legislative year, but it would be painful, too, to have such an important Senate vote as the one just concluded, be nullified in conference.

LAOS

Mr. MANSFIELD. Mr. President, on Monday, there was an exchange between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and me relative to whether the kingdom of Laos had renounced its adherence to the Southeastern Asia Treaty Organization, otherwise known as SEATO.

I indicated that I thought only Cambodia had stated it would not be under the SEATO umbrella and that Laos was still in that category.

Under the corollary to the SEATO agreement at Manila in 1953, I find that I was wrong and that the distinguished chairman of the Foreign Relations Committee was right and that in the Neutrality Agreement Laos did declare its intention to not recognize the protection of any alliance or military coalition including SEATO.

Mr. President, I ask unanimous consent that the Declaration on the Neutrality of Laos be printed in the RECORD.

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

DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communique of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(e) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(f) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(g) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(h) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(i) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(j) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise,

respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration on the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen or any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in co-operation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted uanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall con-

duct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in subparagraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

Mr. FULBRIGHT. Mr. President, will the Senator yield for the purpose of clarification?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Mr. President, I believe this colloquy belongs in the record of the proceedings had in the executive session on Monday. That portion of the record is in the process of being cleared and this colloquy will be a part of that record, will it not?

Mr. MANSFIELD. It could be a part of that record. And it could also be made part of the public record.

Mr. FULBRIGHT. I assume that will be made public also.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the colloquy just had between the Senator from Arkansas and me be made a part of the record compiled during the executive meeting of the Senate last Monday at the appropriate place so as to show the question asked and the denial made and the affirmation now made.

THE PRESIDING OFFICER. Without objection it is so ordered.

Mr. FULBRIGHT. Mr. President, I want to make it clear that this relates to whether there is any legal or constitutional justification for the war in which we are engaged in Laos at the present time. And this point is a very significant one.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes; and

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; and

S.J. Res. 154. A joint resoltuion to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

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

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade;

H.R. 6971. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office and for other purposes;

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman;

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings

now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H. R. 13630. An act to extend certain expiring provisions of law relating to vocational education;

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution;

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 1108. An act to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation thereof.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; to the Committee on Armed Services.

H.R. 1497. An act to permit the vessel Marpole to be documented for use in the coastwise trade;

H.R. 6971. An Act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; and

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; to the Committee on Commerce.

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.:

H.R. 9001. An act for the relief of William Patrick Magee; and

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman; to the Committee on the Judiciary.

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H.R. 13630. An act to extend certain expiring provisions of law relating to vocational education; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes; to the Committee on Labor and Public Welfare.

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 Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

AMENDMENT NO. 142

Mr. ALLEN. Mr. President, I call up amendment No. 142 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Alabama (Mr. ALLEN) offers the following amendment:

On page 56, after line 24, insert the following:

"SEC. 410. It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic, and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States."

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. A continuing order is in effect throughout the afternoon that all attachés must be seated in the rear of the Chamber or leave the Chamber. They may not come on the floor otherwise.

The Sergeant at Arms will enforce that order throughout the afternoon.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, I understand that the so-called Allen amendment is subject to a time limitation.

The PRESIDING OFFICER. The Senator is correct. There is a time limitation of 30 minutes to the pending amendment, 15 minutes to each side.

Mr. MAGNUSON. And the time is divided between the Senator from Alabama and the Senator from Washington.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. May I respectfully inquire of the chairman of the committee if he is opposed to the pending amendment?

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of my able and distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN), be added as a cosponsor of the amendment.

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

Mr. ALLEN. Mr. President, at this time I yield 3 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I am delighted to have an opportunity to speak on behalf of the Senator's amendment.

Mr. President, this amendment merely announces that, as a policy of Congress, the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children, subject to age, academic and residence requirements, is an inviolate right, the protection and maintenance of which is a part of the public policy of the United States.

Mr. President, again there comes to my mind the vivid picture of this very privilege, with the slightest exception only, the very privilege that is enjoyed all over the United States by all the parents, except in the South. They have absolute freedom of choice in all those areas and in the States about which I spoke and gave figures, with no restrictions and no limitations. New York has frozen this in granite—the right of their parents to make this choice.

Say what we will, it is a fact of life, and

I believe there never will be a rigid application of taking away these rights from the people throughout the United States. I bow for the time being to the will of the Senate. I have no reaction at all to my colleagues. That is their business. But to try to laugh this off or to make jokes about it or to say that just a handful of districts are affected by the last amendment, is an error of fact.

So I plead for all the parents outside the South to continue to have this choice. It is freedom from force more than it is freedom of choice, and we in our area have recognition of this great principle, too.

So I am delighted to support the amendment of the Senator from Alabama. I commend him for the long hours and the diligent work he has put in on this matter during the relatively few months he has been in the Senate. The Senator from Alabama has made a contribution in many other ways, also.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

Mr. President, specific limitations on the powers of the Department of Health, Education, and Welfare with respect to issuing orders and drawing up plans designed to achieve balance in public schools have no effect whatsoever when public schools are administered by Federal district courts.

Federal courts assert a power to order whatever may be required in the way of closing schools and busing pupils to achieve racial balance in public schools. Federal courts simply exercise total and complete discretionary powers over every phase and aspect of public school administration. School plans adopted by Federal courts to achieve racial balance are enforced by injunctions directed to local public officials and the threat of confiscatory fines and imprisonment without benefit of trial by jury. In short, the Supreme Court of the United States learned how to run schools just as their predecessors in the recent history of totalitarian tyranny learned to run trains on time.

Mr. President, this amendment is designed to give the Supreme Court of the United States and all Federal courts a valid reason for adopting a commonsense approach to cleaning up the intolerable mess it has created in public school systems throughout the United States.

While the amendment is to the appropriations bill for the Department of Health, Education, and Welfare, it is as much for the benefit of Federal courts. It is quite simple and to the point. It adds a section to H.R. 13111 which provides as follows:

> It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

Mr. President, this amendment informs the Department of Health, Education, and Welfare and the Supreme Court that freedom of choice in matters affecting the health, safety, and welfare of their children is an inviolate right of parents, the maintenance of which is public policy of the United States. Therefore, if enacted, any future action, order, or decree in contravention of this right, as it relates to a parent's choice of schools their children shall attend, will be contrary to national public policy as determined and established by Congress.

Mr. President, why should it be necessary to establish national policy on this subject? The reason is that the U.S. Supreme Court has traversed a circuitous path from an original decision which held that State legislatures did not have the power to compel segregation in public schools, to a decision on June 2, 1969, which held, in its necessary effect, that the Constitution of the United States imposes an affirmative duty on State legislatures and subordinate units of State governments to compel integration of races in public schools to the extent necessary to achieve racial balance.

Mr. President, I invite the attention of Senators to this decision and to my analysis of it which is in the CONGRESSIONAL RECORD of June 17, 1969, on pages 16072–16074.

Mr. President, for 15 years, no one could know with certainty what the Supreme Court meant by the term desegregation. We know now what the Court means. Although the Court did not directly declare that the Constitution of the United States requires racial balance in public schools, it did say so indirectly. The Supreme Court has said that deviations from racial balance are unconstitutional and it has approved orders of a Federal district court to compel assignment of teachers to public schools by a racial ratio standard, with racial balance as the ultimate goal.

Mr. President, many of the people of our Nation, and perhaps many of their representatives in Congress, have not faced up to the implications of the racial ratio decision. Surely if the Constitution of the United States imposes an affirmative duty on local school boards to assign schoolteachers to separate schools to conform to an arbitrary racial ratio, then one cannot avoid the conclusion that the Constitution imposes a similar affirmative duty to assign children to the separate schools by the same racial ratio standard.

The hard facts are that racial balance is the absolute and controlling criteria underlying every so-called plan for desegregation put forward by the Department of Health, Education, and Welfare.

In addition, racial balance is the constitutional criteria underlying every Federal district court decree designed to desegregate schools. What may appear to be exceptions are merely deviations in time schedules allowed separate school systems or variations in imposed ratios with racial balance as the ultimate goal in all cases.

Mr. President, I hope that an appropriate Senate committee will conduct officials hearings to determine if it is not true that racial balance is the single controlling criteria in the formation of desegregation plans recommended by the Department of Health, Education, and Welfare and imposed by Federal district courts.

A great many Senators may believe that this problem is sectional or regional and that it has no application to schools in their own States. I suggest that such ideas are not well founded. In this connection, some Federal courts outside of the southern region of the United States have taken great pains to point out the de facto segregation is as much unconstitutional as segregation de jure. The reasoning advanced is that segregated education has been held to be inferior by the U.S. Supreme Court and that it is immaterial that the condition responsible for inferior education may have been produced by the State or a result of fortuitous circumstances, such as residential patterns. Decisions along this line have held that a State cannot constitutionally support unequal or inferior education and that the Constitution imposes on the State an affirmative duty to end segregated education from whatever cause. In these cases the Supreme Court has denied certiorari.

Mr. President, I mention this not only to point out the discriminatory administration of the Civil Rights Act by the Department of Health, Education, and Welfare which, in my judgment, is politically motivated, but to point out also that every school system in the United States will sooner or later be administered by the Department of Health, Education, and Welfare or by Federal district courts or both for the sole purpose of achieving a racial balance unless something is done to stop it. Such eventuality is inevitable, in my judgment, unless the Congress or the people of the United States can influence the Supreme Court to abandon this racial balance nonsense.

Mr. President, the viability of any government is reflected in its ability to correct its mistakes. The Supreme Court racial balance doctrine is a mistake. There is no responsible authority, no authoritative opinion, no credible evidence and no reasonable or rational argument which will sustain the idea that racial balance in public schools contributes anything of educational value to anybody.

The racial balance doctrine is nothing more and nothing less than a theoretical concept of socialist equality. But, Mr. President, even Socialists have abandoned the doctrine of racial balance as illogical and impractical. Why then in the name of commonsense should the Supreme Court of the United States persist in twisting and distorting the Constitution of the United States to uphold a completely discredited doctrine?

Mr. President, we are not going to make progress in improving educational opportunities by maintaining rigid inflexibility in the face of error. Federal courts have no rightful business in and no constitutional authority to interfere in local administration and control of public schools.

It is time that we help the Court correct its error. A declaration of public policy with respect to freedom of choice is a step in that direction.

Let us remember that the Supreme Court has backed itself into a logically untenable position. Let me cite just one example to illustrate this point. Title VI

of the Civil Rights Act of 1964 states in part as follows:

Sec. 601. No person in the U.S. shall, on the ground of race, ... be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. President, today, as the result of Supreme Court nonsense, hundreds of thousands of white schoolchildren are unconscionably discriminated against in assignment to public schools. Today, hundreds of thousands of schoolchildren and hundreds of teachers are denied the opportunity to enroll in or to teach in neighborhood and community schools for no other reason than their race. The Federal Government insists that persons of one color cannot attend a particular school if they are of a color which will create racial imbalance in the school. Here in Washington, D.C., 30 or more classrooms are without teachers because and only because to employ black teachers would disturb the required racial ratio in the schools.

Mr. President, this is a grave and monstrous injustice which the people of the United States will not tolerate. If Congress will not act to help correct the situation, then the people are left with no recourse but a constitutional amendment.

Mr. President, I have introduced a proposal to amend the Constitution of the United States to restore to the States and to the people their right to control their own local schools. Is a constitutional amendment necessary?

The Supreme Court could acknowledge a national public policy as declared by Congress and thereby logically get itself out of the mess it has created in public education. If the Supreme Court did not acknowledge public policy of the Nation as declared by Congress, then the people of the United States can correct it. In my judgment, the situation will be corrected one way or the other.

Let us adopt a freedom-of-choice amendment—let us give the Supreme Court a way to get out and a chance to do it.

Mr. President, I ask unanimous consent that the name of the senior senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

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

Mr. ALLEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I yield such time to the Senator from Michigan as he may require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, first of all I would like to propound a question to the sponsor of the amendment. Is it the intention of the Senator from Alabama to offer an amendment which would be contrary to the Constitution of the United States as interpreted by the Supreme Court?

Mr. ALLEN. In answer to the question of the Senator from Michigan, I would say certainly not. The purpose of the offering of the amendment is the realization that we are going to have to come to a freedom-of-choice method of handling our school situation sooner or later. That is the only practical way to handle it. This would be an expression of Congress that over a period of time might make an impression on the Supreme Court. It might make an impression on the Department of Health, Education, and Welfare, and it might have long-range effect. It does not seek in any way to overrule the Supreme Court, as the Senator asked.

Mr. GRIFFIN. Mr. President, in light of that answer, frankly, the junior Senator from Michigan is toying with the possibility of offering an amendment to the pending amendment which would read something like this: "Except as might otherwise be required by the Constitution, it is hereby declared to be the sense of Congress."

What would be the reaction of the Senator from Alabama if such an amendment were offered? Would the Senator accept it?

Mr. ALLEN. Would that remove the Senator's objection to the amendment?

Mr. GRIFFIN. Not completely, but it would make it a lot more acceptable.

Mr. ALLEN. If the Senator would make that assurance it might have an influence on the decision of the junior Senator from Alabama.

I might say that I notice a great similarity between the proposed or suggested Griffin amendment and the so-called Scott amendment of earlier in the day.

Mr. GRIFFIN. I would say in both cases I believe the amendment would reach beyond the decisions of the Supreme Court interpreting the requirements of the Constitution. That would be the reasoning for the amendment that I am suggesting.

Mr. ALLEN. And again I would state to the distinguished Senator from Michigan that the Constitution, of course, would be read into any provision of law; no statute could contravene the provisions of the Constitution, nor could expressions of public policy contravene the Constitution.

So, in the judgment of the junior Senator from Alabama, the suggestion of the distinguished Senator from Michigan would amount to nothing more than surplusage and would add nothing to the proposed amendment.

Mr. GRIFFIN. I thank the Senator from Alabama for his response.

Mr. President, this amendment is defective, in my opinion, and should be defeated for several reasons.

Congress would declare that it is the sense of Congress "that freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children is an inviolate right, the protection and maintenance of which is part of the public policy of the United States."

First of all, it would be contrary to the decisions of the Supreme Court, particularly the Green against County School Board decision which has indicated——

Mr. ALLEN. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. ALLEN. I understood, earlier in the day, that the Senator interpreted and read from the decision to the effect that the Supreme Court was not holding that freedom of choice plans were, per se, unconstitutional.

Mr. GRIFFIN. That is correct. The Supreme Court did not say that, but neither——

Mr. ALLEN. How, then, could the suggestion for a statement of public policy contravene the Constitution or the Supreme Court decisions?

Mr. GRIFFIN. Well, I respond to the Senator from Alabama by saying that while the Supreme Court did not say that freedom-of-choice plans are unconstitutional per se, neither did it say that all freedom-of-choice plans are constitutional. The decision makes it quite clear that whether a freedom-of-choice plan is constitutional depends on the circumstances in the particular situation. On the other hand, the amendment offered by the Senator from Alabama would declare flatly that freedom of choice is an inviolate right in all circumstances, which would be going considerably beyond the Supreme Court decisions.

Mr. President, I should like to make a further point and that is that although the primary intention of this amendment, I imagine, has to do with questions of race and desegregation, the language of the amendment goes far beyond those considerations.

In a situation where, in a particular school district, all of the residents would be black or all of the residents would be white, so that the question of desegregation or integration were not involved at all, there is no inviolate right on the part of parents to send their children to the public school that they want to.

There are many considerations that enter into the question of public schools that children may have to attend, such as the physically handicapped who may have to attend a special school provided for the physically handicapped.

There are many other reasons why children can be assigned to a particular school under given, local policy.

Indeed, the assignment of students to schools traditionally is not an inviolate right of individual parents, but it is a matter, generally, of local policy, or it could be State policy, unless in a particular school district that right is given.

I believe that this amendment introduces only mischief into the bill, that it is not a good amendment, and does not state an inviolate right that exists. It also reaches beyond the decisions of the Supreme Court.

For these reasons, when the time has expired, and when those who wish to speak on it have had the opportunity to do so, I shall move to table the amendment.

Mr. MAGNUSON. Mr. President, I merely want to state that the committee did not discuss this amendment as such although the words "freedom of choice" were pretty well discussed during debate on the Whitten amendments. But this amendment is limited as the Senator from Michigan has so well pointed out, strictly to freedom of choice.

As for myself—not speaking for the committee—I ask unanimous consent to

have printed in the RECORD what I believe are the basic legal arguments against freedom of choice and which outlines the reasons why I shall vote against the amendment.

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

FREEDOM OF CHOICE: OUTLINE OF BASIC ISSUES

I. INEFFECTIVE FREEDOM OF CHOICE VIOLATES THE CONSTITUTION

The Supreme Court said: "The burden of a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*."

"If there are reasonably available other ways, such as for illustration zoning, promising speedier and more effective conversion to a unitary, nonracial school system, freedom of choice must be held unacceptable."

II. FREEDOM OF CHOICE PLACES BURDEN UPON MINORITY CHILDREN AND PARENTS

To suggest that minority group parents and children must accept the major responsibility for implementing Title VI is to place an unreasonable burden on those who have been the victims of segregation.

III. FREEDOM OF CHOICE ALLEVIATES SCHOOL OFFICIALS FROM TAKING POSITIVE ACTION TOWARD MEETING CONSTITUTIONAL STANDARDS

Refer to clause in Supreme Court decision.

IV. FREEDOM OF CHOICE HAS PROVED INEFFECTIVE

In most cases, the use of this procedure has left schools substantially segregated.

V. TO REVERT TO FREEDOM OF CHOICE IS TO NULLIFY EFFORTS OF SCHOOL SYSTEMS TO DESEGREGATE THEIR SCHOOLS

Many school districts have taken positive steps to accomplish school desegregation. To enact freedom of choice as the only strategy toward school desegregation may undo efforts undertaken by local districts to bring about meaningful desegregation.

VI. FREEDOM OF CHOICE SHOULD BE SEEN AS A MEANS AND NOT AS AN END

If Title VI was passed to accomplish change, then any means should be evaluated in terms of accomplishment and have little validity if they do not produce results. Moreover, when a technique such as freedom of choice stymies rather than implements the law, it should not be used.

Mr. MAGNUSON. Mr. President, have the yeas and nays been ordered?

Mr. ALLEN. The yeas and nays were ordered on the amendment. Now the Senator from Michigan states that he will make a motion to table and when we have enough Senators in the Chamber, I shall ask for the yeas and nays on that.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. MAGNUSON. Do the yeas and nays apply to a motion to table?

The PRESIDING OFFICER. No.

Mr. BYRD of Virginia. Mr. President, I shall support the amendment offered by the Senator from Alabama. It seems to me it is a fair approach to declare it to be the sense of Congress that the parents of a child shall have the freedom to choose the school to which they wish to send their children. This right, of course, would apply to both the Negro parent and the white parent.

I shall support the amendment offered by the Senator from Alabama.

Mr. ALLEN. Mr. President, will the Senator from Michigan yield for a question?

The PRESIDING OFFICER. All time of the Senator from Alabama has now expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be an additional 2 minutes time granted so that the Senator from Alabama may ask the distinguished Senator from Michigan a question.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I merely wish to ask a question of the distinguished Senator from Michigan. The distinguished Senator from Michigan, in opposing the amendment, discussed the amendment as apparently having to do with a freedom-of-choice plan. I believe, if he will study the amendment more closely, that he will see it has to do with an individual freedom, an individual right, rather than a freedom-of-choice plan submitted by a school board.

I feel that the Senator, if he examines the amendment, will see that this makes a considerable difference. It is not the submission of a freedom-of-choice plan, but merely the statement of an individual freedom or right, like freedom of speech, freedom of press, freedom of religion, freedom from fear, or freedom from hunger or want. That is what the amendment is intended to cover.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the yeas and nays be allowed on the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, if there are no other speakers, I move that the amendment of the Senator from Alabama be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

All time has expired.

The question is on agreeing to the motion of the Senator from Michigan that the amendment of the Senator from Alabama be laid on the table.

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. GRAVEL (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from North Carolina (Mr. ERVIN). If he were present and voting, he would vote "nay." I have voted "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "yea."

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. RUSSELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 60, nays 28, as follows:

[No. 248 Leg.]

YEAS—60

Aiken	Hansen	Muskie
Allott	Harris	Nelson
Baker	Hart	Packwood
Bayh	Hartke	Pastore
Bellmon	Hatfield	Pearson
Boggs	Hruska	Pell
Brooke	Hughes	Percy
Burdick	Jackson	Prouty
Case	Javits	Proxmire
Church	Jordan, Idaho	Randolph
Cook	Magnuson	Ribicoff
Cotton	Mansfield	Saxbe
Cranston	Mathias	Schweiker
Curtis	McGee	Scott
Dodd	McGovern	Smith, Maine
Dominick	McIntyre	Smith, Ill.
Eagleton	Miller	Stevens
Fong	Mondale	Tydings
Goodell	Montoya	Williams, N.J.
Griffin	Moss	Young, Ohio

NAYS—28

Allen	Fulbright	Sparkman
Bennett	Goldwater	Spong
Bible	Gore	Stennis
Byrd, Va.	Gurney	Talmadge
Byrd, W. Va.	Holland	Thurmond
Cannon	Jordan, N.C.	Williams, Del.
Dole	Long	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	Metcalf	
Fannin	Murphy	

Present and giving a live pair, as previously recorded—1

Gravel, for.

NOT VOTING—11

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Ervin	McCarthy	Tower
Hollings	Mundt	

So the motion to lay Mr. ALLEN'S amendment on the table was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the motion 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.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Is my understanding correct that now the distinguished Senator from New Hampshire is going to submit his amendment?

Mr. COTTON. No; I beg the Senator's pardon. Mine is in the bill. The distinguished Senator from New York is going to submit an amendment to knock mine out.

Mr. MAGNUSON. But it will be on the same subject?

Mr. JAVITS. Yes.

Mr. MAGNUSON. The Senator from New York will submit the amendment on the same subject, and under the unanimous consent agreement, there is a time limitation of an hour and a half, is that correct?

Mr. JAVITS. Three-quarters of an hour on each side.

Mr. MAGNUSON. And that time will be under the control of the Senator from New Hampshire and the Senator from New York?

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. Very well.

AMENDMENT NO. 432

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Michigan (Mr. HART), I call up my amendment No. 432 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

Strike page 63, line 9, through page 64, line 12.

(The language sought to be stricken is as follows:)

SEC. 407. The Congress recommends the following limitation:

That in any case where the Secretary of Health, Education, and Welfare determines that—

(a) on more than two separate occasions—

(1) disorderly conduct or persons on the property of an institution of higher education has interfered in any way with the right of students at such institution to carry out their regular educational activities; or

(2) persons have taken unauthorized possession of any building, or part thereof, of such institution;

(b) such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students, and did not request assistance from an State or local government law enforcement officials in terminating such disorderly conduct or unauthorized possession;

That before grants, contracts, or renewal thereof with such institutions shall be entered into, the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recure, or if recurring, will be dealt with effectively.

This provision shall not include fellowships, scholarships, loans, or any other form of aid to the individual student.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

Mr. COTTON. Before the Senator proceeds, will he let me yield 1 minute to the Senator from Illinois?

Mr. JAVITS. Oh, yes, I had promised to do that. Will the Senator let me do it, because I had promised? I yield 1 minute to the Senator from Illinois. I am sorry.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

S. 3253—INTRODUCTION OF A BILL TO NAME THE FEDERAL OFFICE BUILDING AND U.S. COURTHOUSE IN CHICAGO, ILL., THE "EVERETT McKINLEY DIRKSEN BUILDING EAST" AND A NEW FEDERAL OFFICE BUILDING TO BE CONSTRUCTED IN CHICAGO, ILL., THE "EVERETT McKINLEY DIRKSEN BUILDING WEST"

Mr. PERCY. Mr. President, there are many ways in which we might pay tribute to the memory of the late Everett McKinley Dirksen. Recently, I recommended that the sector of Interstate 74 which runs through downstate Illinois should be named after him. A fitting memorial in Chicago would be the naming of the newly proposed Federal building in behalf of Senator Dirksen as well as its companion, the existing Federal building and courthouse.

I am, therefore, introducing on behalf of myself and 78 other Senators legislation to name the present Federal office building at 219 South Dearborn Street in Chicago as the "Everett McKinley Dirkson Building East" and the soon-to-be-constructed Federal building at 218 South Clark as the "Everett McKinley Dirksen Building West."

Senator Dirksen's office in the Federal building served for many years as a main base of operations for his constituent relations. I am sure that many Illinois residents came to look upon that office as the primary way in which they could directly voice their comments, complaints, criticisms, as well as words of support and praise.

It seems entirely appropriate that we take this action in further recognition of the degree of statesmanship which the late Senator exhibited in dedicating the greater portion of his life to the service of his people. His achievements were many, and we deserve to honor him in many ways. I believe that our naming these buildings in his memory will contribute to the perpetuation of his lifetime of public service.

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

The bill (S. 3253) to provide that the Federal Office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, if I might have the attention of the Senate, I think I can make crystal clear the purpose of offering the amendment.

The amendment would strike from line 9 on page 63 through line 12 on page 64 that provision of the bill which deals with the reaction of institutions of higher education to campus disruption. That is in a capsule what it would do.

The two reasons for striking the language have nothing whatever to do with the creativity or the craftsmanship or good will that went into the provisions in the bill, all of which I immediately say I approve.

The first reason for striking it is that the very same problem is dealt with as permanent legislation in the higher education laws now on the books, in the Higher Education Act and in the National Science Foundation Act.

Second, this is the first time that an effort has been made to deal with the problem on an institutional level rather than on the level of the individual student. It seems to me that both of those questions should be tested before the Senate rather than just to accept it and let it go. I think, granted that we want to have an institutional approach and granted that we want to include it in an appropriation bill, that the Senator from New Hampshire (Mr. COTTON) has done as well as anyone could expect. I hope that the Senator will evaluate that in the sincerity with which I mean it.

There is no derogation whatever intended with respect to anything he has done.

If we do not agree with those two propositions, then we ought to have a right to revert to section 504 of the Higher Education Amendments of 1968—and that provision may be found on pages 2083 and 2084 of the hearings—and also we ought to decide that we are now willing to undertake to impose sanctions on the institutions as contrasted with the individual students.

Mr. President, it is this last point that has a veritable galaxy of recommendations against it. As I will demonstrate to the Senate, the united opinion of the higher educational community and of our governmental authorities is that we should not legislate a provision which deals with the institution as contrasted with the student.

Mr. President, I should like to point out that in the last HEW appropriation bill we dealt with the individual student. This provision is section 411 of the fiscal year 1969 bill, Public Law 90–557. Now we have before us for the first time an appropriation bill in the higher educational field that deals with the institutions.

Section 411 of Public Law 90–557 to which I have referred, says:

SEC. 411. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

The scheme of the legislation up to now has been exactly as I have described it. Either we have to deal with basic law—that is, law related to higher education—or we have to deal with the individual student.

Now for the first time this amendment

deals with the institution. I would like to again prove that to the Senate, because it ends on page 64, lines 6 to 10 by saying:

The Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

The provisions preceding what I have just read relate to institutions rather than to an individual student. And the kind of thing which the institution must do, as I have described—submit the plan, and so forth—is based upon a trigger. And the trigger is so detailed in its references really amount to regulation of the way in which an institution of higher learning shall deal with a college disruption.

For example, the trigger is based upon two separate disruptions, rather than on only one. It is based upon the fact that the individuals concerned have been guilty of disorderly conduct or interfering in any way with the right of students to carry on their regular educational activities.

The important part of it in terms of the trigger is that all an institution must do in the face of a disruption, and the one thing that is most troublesome in that, is that it must "request assistance from any State or local government law enforcement officials."

To put it in the colloquial, it must call in the police on the college campus.

Many educational administrators and many college presidents will tell us they think it very unwise that they should be compelled to do that. Otherwise, they suffer the penalties, such as they are, of this particular section.

In that way, therefore, it becomes institutional control, which is something we have not done before.

So, if the amendment of the Senator from New Hampshire (Mr. COTTON) had been to repeat in the new appropriation bill the same provision as in the higher education statutes to which I earlier referred, I would have been perfectly content, and the Senate would not have heard a peep out of me.

That is the pattern adopted, and that is what we would be doing again. That would have been perfectly OK with me.

However, it is a fact that we have now gone into a regulation of institutions in rather specific detail. That is disturbing to me. And I think it is disturbing to the whole higher education community, as I will demonstrate.

I would say now—that is why I have not yet asked for the yeas and nays—that should the Senator from New Hampshire feel that there is anything to my argument—he is a man of open mind as well as luminous mind—and should he feel moved to take the statutory provision, there is no reason at all why I would not be entirely content with that; and I hope that many other Members of the Senate would feel the same way.

As to the fundamental points involved, I should like pretty much to make my argument the citation of authorities on the subject rather than my own point of view.

We have, first, the Secretary of Health, Education, and Welfare and the Attorney General—I do not think that anybody would accuse John Mitchell of being soft on college disruptions—who wrote a letter on July 17 to Senator Dirksen, our late, lamented minority leader, in which they expressly advised against exactly what we are doing if we sustain this particular provision in the bill. Both Mr. Finch and Mr. Mitchell said to Senator Dirksen:

We understand that efforts may be made during Senate debate on future appropriations bills to add a rider which would cut off Federal funds to institutions of higher education which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance.

That is precisely what this particular provision seeks to do. They went on then to say:

We strongly feel that the threatened cutoff of institutional founds is an entirely inappropriate way of dealing with a serious problem. More specifically, we feel:

First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged.

Then they have another sentence which I will not read, because it really involves the first.

Second, the administrative independence of colleges and universities is an essential element of the academic freedom which this Nation has always cherished for its institutions of higher education. Responsibility for the orderly maintenance of these institutions should not be preempted by any Federal agency.

Third, Federal legislation already exists which withdraws aid from students who engage in disruptive violent acts at college.

Mr. President, I ask unanimous consent that the entire letter be printed at this point in the RECORD.

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

JULY 17, 1969.

Hon. EVERETT MCKINLEY DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIRKSEN: We understand that efforts may be made during Senate debate on future appropriations bills to add a rider which would cut off Federal funds to institutions of higher education which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance. The President has requested that we give you the views of the Administration with regard to such legislation.

We realize that Congress is rightly concerned with the situation on college and university campuses. Violence and intimidation must not be permitted to undermine the university institution. In our studied judgment, however, such legislation would be counterproductive, and would seriously jeopardize the relationship between the academic community and the Federal government which has been of such inestimable benefit to our society. We strongly feel that the threatened cutoff of institutional funds is an entirely inappropriate way of dealing with a serious problem. More specifically, we feel:

First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged. The Federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and other university employees.

Second, the administrative independence of colleges and universities is an essential element of the academic freedom which this Nation has always cherished for its institutions of higher education. Responsibility for the orderly maintenance of these institutions should not be preempted by any Federal agency.

Third, Federal legislation already exists which withdraws aid from students who engage in disruptive violent acts at college. To extend this cutoff to institutions would go beyond existing laws and punish the entire academic community—which is, after all, the victim, not the instigator, of violence. We are actively studying ways in which the Federal government might constructively assist institutions and protect the right of all Americans to pursue their education without disruption.

The President has asked us to send you these views with the hope that you will call them to the attention of your colleagues, so that there may be no misunderstanding of the Administrative position in case such legislation is offered in the Senate.

Sincerely,

ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare.

JOHN N. MITCHELL,
Attorney General.

Mr. JAVITS. That letter is expressly architected to have produced the provision which went into the appropriation bill last year, and that is why I say I have no complaints about that type of approach here.

I said that before, and I repeat it. Then it will give our people an opportunity to negotiate a provision of the type of that of last year, or I would lend myself gladly to writing it into this bill.

Second, I have a number of telegrams which have been produced by the amendment proposed. One is from Frederic W. Ness, president of the Association of American Colleges:

Hon. J. K. JAVITS:

On behalf of an organization of nine hundred colleges and universities located in every State I urge you to communicate to every Senator during debate today our opposition to section 407 of H.R. 13111. Institutions of higher education are proving that they can handle their internal affairs successfully. Section 407 could well prove to be counterproductive to their efforts and play into the hands of the more radical student disrupters.

FREDERIC W. NESS,
President, Association of American Colleges.

I have another wire from the president and the chairman of the American Council on Education, a very distinguished body.—Logan Wilson, president; Arthur S. Flemming, chairman. The latter was formerly the Secretary of Health, Education, and Welfare. It reads as follows:

The American Council on Education, in behalf of over 1500 member institutions, urges the deletion of Section 407 of H.R. 13111. A provision to cut off funds from institutions would give the small minority

who are bent on destroying our institutions the very weapon that they seek at a time when they are clearly in retreat.

LOGAN WILSON,
President.
ARTHUR S. FLEMMING,
Chairman, American Council on Education.

It is signed by these distinguished gentlemen.

Finally, I have a wire from Russell R. Thackrey, National Association of State Universities and Land Grant Colleges, the essence of which reads as follows:

Any funds cut off amendment, however innocuous it may seem, would constitute alarming precendent and be counter-productive is giving aid and encouragement to those most eager to disrupt.

I ask unanimous consent that all three telegrams be printed at this point in the RECORD.

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

HON. J. K. JAVITS:

On behalf of an organization of nine hundred colleges and universities located in every State I urge you to communicate to every Senator during debate today our opposition to section 407 of H.R. 13111. Institutions of higher education are proving that they can handle their internal affairs successfully. Section 407 could well prove to be counterproductive to their efforts and play into the hands of the more radical student disrupters.

FREDERIC W. NESS,
President, Association of American Colleges.

The American Council on Education, on behalf of over 1500 member institutions, urges the deletion of Section 407 of H.R. 13111. A provision to cut off funds from institutions would give the small minority who are bent on destroying our institutions the very weapon that they seek at a time when they are clearly in retreat.

LOGAN WILSON,
President.
ARTHUR S. FLEMMING,
Chairman, American Council on Education.

TELEGRAM TO HON. JACOB K. JAVITS

Situation in which United States is now considering legislation of vital importance to colleges and universities unprecedented in my long experience in Washington. Text of proposed anti-disturbance amendments is not available, but information is that it involves elements of cutting off all institutional funds. We have ample evidence that our colleges and universites have gone to great lengths to improve procedures for handling student disturbances and increased student involvement in decision-making. Any funds cut off amendment, however innocuous it may seem, would constitute alarming precedent and be counter-productive is giving aid and encouragement to those most eager to disrupt. Present permanent legislation fully adequate and we trust any such amendment will be eliminated. Appreciate your leadership in this effort.

RUSSELL R. THACKREY,
National Association of State Universities and Land Grant Colleges.

Mr. JAVITS. In April of this year, the American Council on Education, with a committee of the most distinguished presidents of universities in the United States, without exception, issued a declaration on this very subject. A key statement in that declaration is as follows:

Governmental attempts to deal with these problems—

To wit, college campus disruption—

through special punitive legislation will almost certainly be counterproductive.

Mr. President, I ask unanimous consent that the entire statement, "A Declaration on Campus Unrest," be printed at this point in the RECORD.

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

A STATEMENT CONCERNING THE DECLARATION ON CAMPUS UNREST FROM THE AMERICAN COUNCIL ON EDUCATION, WASHINGTON, D.C.

This statement was formulated by a group of educational administrators, trustees, and foundation officers who met April 4–5, 1969 in Chicago under Council auspices. Those present were three Council officers President Logan Wilson, Vice-President Kenneth D. Roose, and David C. Nichols II, assistant to President Wilson—and the following:

Louis T. Benezet, president, Claremont Graduate Center; Landrum R. Bolling, president, Earlham College; Herman R. Branson, president, Central State University; Robert D. Clark, president, San Jose State College; Fairfax M. Cone, trustee, University of Chicago; Thomas H. Eliot, chancellor, Washington University; Robben W. Fleming, president, University of Michigan; David D. Henry, president, University of Illinois; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; James M. Hester, president, New York University; Ralph Hetzel, trustee, Pennsylvania State University; Roger W. Heyns, chancellor, University of California, Berkeley; Joseph F. Kauffman, president, Rhode Island College; William R. Keast, president, Wayne State University; Malcolm Moos, president, University of Minnesota; Mrs. Henry Owen, trustee, Washington State University; Harvey Picker, trustee, Colgate University; Alan Pifer, president, Carnegie Corporation of New York; Wesley Posvar, chancellor, University of Pittsburgh; Nathan M. Pusey, president, Harvard University; John Ritchie, dean, Law School, Northwestern University; John S. Toll, president, State University of New York at Stony Brook; Edmund A. Stephan, trustee, University of Notre Dame; F. Champion Ward, vice-president, The Ford Foundation; Herman B. Wells, chancellor, Indiana University; Charles E. Young, chancellor, University of California, Los Angeles; and Edwin Young, chancellor, University of Wisconsin, Madison Campus.

The statement was subsequently approved by the Council's Board of Directors, comprised of the following individuals:

Mason W. Gross, president of Rutgers, The State University, chairman; Anne G. Pannell, president of Sweet Briar College, vice-chairman; Gustave O. Arlt, president of the Council of Graduate Schools in the U.S., secretary; Fred Harvey Harrington, president, University of Wisconsin; Grayson Kirk, president emeritus, Columbia University; Frederic W. Ness, president, Fresno State College; Alan Simpson, president, Vassar College; Thomas A. Spragens, president, Centre College of Kentucky; Sharvy G. Umbeck, president, Knox College; Kingman Brewster, Jr., president, Yale University; G. Homer Durham, president, Arizona State University; Samuel B. Gould, chancellor, State University of New York at Albany; Darrell Holmes, president, Colorado State College, Kenneth S. Pitzer, president, Stanford University, Edgar F. Shannon, Jr., president, University of Virginia; Joseph P. Cosand, president, Junior College District of St. Louis; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; Roger W Heyns, chancellor, University of California, Berkeley; Martha E. Peterson, president, Barnard College; Calvin H. Plimpton, president, Amherst College; and Willis M. Tate, president, Southern Methodist University.

A DECLARATION ON CAMPUS UNREST

The unprecedented, comprehensive, and often unpredictable changes that are taking place in this age both disturb and alarm large segments of our society. Most of the changes and attendant alarms affect the operations of our institutions of higher learning. They are also related to the values, concerns, and behavior of our young people. In coming to grips with the compelling issues, all who would think seriously about them must recognize that present-day society—in America and in many foreign lands—is in serious trouble on many fronts. We see around us racial conflict, continued poverty, and malnutrition midst unparalleled prosperity and seemingly unlimited promise. We are confronted by pollution of our environment, decay of our cities, the continuation of wars and the threat of war, and everywhere a vague but widespread discontent with the general quality of life.

These problems affect all of society, not the university alone or the young alone. We must all be concerned to deal intelligently and responsibly with these problems that are neither the exclusive discovery, nor the sole responsibility of the young. Yet the depth of feeling among young people in many countries today about the issues, their general dissatisfaction with the slow-moving ways of society, and the extreme behavior of a small minority of students are evidence of the profound crisis that involves our entire society and, specifically, the university community.

The university itself has often become the immediate target of student discontent, sometimes couched as legitimate complaints about the deficiencies of the universities, sometimes devised as a softening-up exercise for assault on the wider society.

How to deal with campus crises arising from the widespread protests has become a major public issue and the cause of confused and angry debate. That there should be deep anxiety about the course of the conflict and its possible outcome is understandable. No social, racial, or age group that perceives itself and its values to be seriously threatened will fail to strike back. Increasingly there are backlash temptations to enact strong, often ill-considered, and largely futile measures to cope with a youth rebellion that none of us fully comprehends, not even the youth themselves.

Certain balanced judgments are proper to make, however, as we search for understanding and solutions:

1. It is important for the public to understand that, despite the nationwide publicity given to student disorders, the great majority of American campuses have remained peaceful. On campuses where conspicuous disorders have occurred, educational programs generally have gone along their normal ways. Most students and faculty have continued to carry on their regular work. In the main, good teaching and good research, as traditionally defined, have been uninterrupted.

2. On the undisturbed campuses and among the majority of orderly students, however, there are widely shared discontents which extremists are at times able to manipulate to destructive ends. Moreover, even in the absence of violence, there have developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communication. Within this cult there is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion and negotiation to secure

significant change. Students and faculty are increasingly aware of the true nature of this group and are moving to deal with its destructive tactics. The necessity to deal with extremists, however, is placing an extraordinary burden upon the whole educational enterprise and upon those who man it. Consequently, universities are having to divert their energies and resources from central educational tasks in order to deal with student unrest in its various forms.

3. The spectacular events precipitated by the extremists should not be allowed to obscure the recent accomplishments of those students, faculty, and administrators who have serious interest in constructive changes in society and in the university. They have broadened the curriculum and improved teaching. They have moved toward a more open and participating pattern for university governance. And they have begun to make the work of universities more meaningful in dealing with the problems of society. Those efforts must continue. Reform and self-renewal in higher education are ongoing imperatives.

4. Meanwhile, the speed and scale of social change have imposed many kinds of demands upon educational institutions for which their programs, their capabilities, and their funding are not always adequate. Moreover, universities are increasingly asked to perform functions for society, particularly in reshaping the behavior, values, and life-styles of the young, on which the family and other social institutions have already had major influence—or lack of influence. Some of society's expectations for universities are quite unrealistic. Insofar as these expectations can be dealt with, they involve a sharing of responsibilities among diverse social institutions. Many of society's demands require new resources and fresh approaches to old and new problems.

5. Recognizing the right of and even the necessity for constructive dissent—and allowing for inevitable arguments over what is in fact constructive—certain axioms must be accepted as basic to the operation of any university.

a. Disruption and violence have no place on any campus. The academic community has the responsibility to deal promptly and directly with disruptions. If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly becoming understood by all components of the university community. Student and faculty groups, including the American Association of University Professors and the National Student Association, have recently joined in efforts to improve disciplinary procedures and to formulate clear and realistic codes for dealing with misconduct, and more particularly with violence and disruption. Also, by involving students and faculty effectively in the governance of the university, it can be demonstrated that there are better ways of getting views considered and decisions made than by disruption.

b. The historic concern of the university community with academic freedom needs to be restated, reaffirmed, and vigorously defended against all, within or without the university, who would obstruct the right of scholars to investigate, teachers to teach, or students to learn. This reiteration is not to claim for the university special privileges that put it above the law or that free it from critical public appraisal—rather it affirms that the university must maintain a basic institutional integrity to function as a university.

c. Violations of criminal law must be dealt with through the ordinary processes of the law and universities must attempt to deal with disruptive situations firmly before they reach the stage of police action. Governmental attempts to deal with these problems through special, punitive legislation will almost certainly be counterproductive. Meanwhile, students and faculty whose consciences demand that they express dissent through law violation must be prepared to accept the due processes and the penalties of the law. They should not be encouraged to expect amnesty from the effects of the law. Such an expectation would be the ultimate use of the *in loco parentis* concept against which many young activists passionately protest. Nor should they expect amnesty from academic discipline, which is the most effective sanction in disruptive incidents.

6. The education community needs to undertake a far more comprehensive effort than ever before attempted to study the underlying bases of youthful discontent and alienation and the broad social problems to which they are related. As social critic, the university must help society understand and solve such problems.

7. All universities should give particular attention to a continuing search for ways, including new social inventions, by which the life of rationality and civility, shared concern, and mutual respect may be supported and strengthened within the university community. The survival of the university and its long-term contribution to society depend upon the ability of the institutions to make their everyday life reflect that spirit and pattern.

Mr. JAVITS. Finally, Mr. President, just to seal the proposition, a number of our colleagues in the other body, a 22-man group of young Members of the House of Representatives, very lively fellows, indeed, under the chairmanship of Representative BILL BROCK of Tennessee, made a tour of college campuses early this summer in a most imaginative and original way. I think the country should be constantly reminded of that group and the enterprise and intelligence they used in their work. They returned and made a report, and this is what that report says on this subject:

> Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the actions of a minority of students would play directly into the hands of these hard-core revolutionaries.

Then they go on to say on page 28 of their report:

> In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

On page 33 of their report, under the question of balance, they urge us again not to engage in a legislative action to cut off funds to an entire institution.

Mr. President, this is quite an extended report. I do not want to burden the RECORD with it. It has been put in the RECORD already. But any Member is welcome to examine it and check my references, and I include these references as part of my remarks.

Mr. President, it seems to me that here is as impressive a body of opinion as could be mustered on the subject. I repeat: I am not challenging this provision on any ground which is discreditable to its author. I think he has done, consistent with his position, as fine a job as can be done. But I believe that the soundness of the approach we took before—to wit, a reference to the law which is in the higher education amendment and a provision respecting disqualification of individual students—is the right way to proceed. That is borne out by this most impressive body of evidence which I have just laid before the Senate, rather than giving my own opinion, including the considered opinions of the Secretary of Health, Education, and Welfare, who administers this law, and the Attorney General of the United States.

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

Mr. JAVITS. I yield.

Mr. COOK. Mr. President, I should like to associate myself with the remarks of the Senator from New York.

I should like to ask the Senator one question which goes directly to the provision, and which I think is a tremendous inconsistency. The last sentence of the section says that this provision shall not include fellowships, scholarships, loans, or any other form of aid to the individual student.

Suppose we have individual students who are under scholarships or who are under a fellowship or who have a loan, who are part of this. Are we not in fact saying that an institution is going to be penalized, that a student is not going to be penalized who may be causing the trouble that may in fact trigger the effects of the section itself?

Mr. JAVITS. I certainly agree with the Senator. With his customary keenness he has pointed out a very significant point which confirms what I tried to say, and which he has said better than I have—to wit, that this is a radical departure from what is in the higher education law from what we have done before. We have gone after the individual student, and all of us are pretty well agreed on that. This goes exactly the other way, excludes the individual student, but goes after the institution. I think that is wrong. With all respect, we can differ on the principle. Again, I pay my tribute to the draftsmanship and the creativity, but the principle is completely wrong, and everyone of these authorities says so, including the leading officials of our own country.

I do not think we should fly in the face of that. The Senator has helped me immeasurably to pinpoint the basic thrust of my argument, and that is all it is. The basic thrust is: We have gone after the individual students; let us continue in that way. This language would go in the other direction.

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

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I agree with most of what has been said by my senior colleague, but I would go somewhat further.

It is my view that the Federal Government has no business at all in intervening and trying to force an institution of higher learing to take action with respect to the problems it faces in student dissent and student disorder. This is a matter which must be handled with great sensitivity. The situation is different in different institutions, and different types of disruptions occur. This is a matter that must be left to the administrator of the institution, whether we are talking about punishment of the individual student or of the institution.

However, I strongly urge that the Sen-

ate not take the step that is involved here, which is embraced in the Cotton amendment now in the bill, and try to penalize the institutions and, if Senators will, to intervene the Federal Government in a situation and impose Federal policy on an institution of higher learning.

The language in the Cotton amendment is quite clear:

Before grants, contracts, or renewal thereof with such institutions shall be entered into—

Assuming the triggering devices that are included previously in the amendment—

the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

Mr. President, that is Federal control of education. That is Federal control of the administration of an institution of higher learning. And it runs completely counter to the philosophy of a great many people who are urging now that the Federal Government intervene.

We have heard in tne past with respect to Federal aid to education such arguments as "Do not get started on it, because once you do you will have no control. You are going to have the Federal Government—some bureaucrat or Congressman—imposing control over institutions of higher learning." Then, the argument was made, "No, we put the clause in here that guarantees against Federal control." But, then, the argument came back, "You put it in now, but all you have to do is add an amendment later to impose that control or give the Secretary the power to impose that control."

We must be consistent in this matter. I have opposed the Federal Government imposing its will on the academic community in all forms. I think there are certain minimal administrative guarantees that must be met to see to it that the purposes for which funds are granted are accomplished. I think there are certain minimal guarantees to see to it that that money is not wasted. These are fiscal guarantees. But I do not believe we should set the precedent here for controls of higher education or secondary education.

I do not believe that we should move in the direction of saying to the Secretary of Health, Education, and Welfare—or anybody sitting in Washington—that he has more wisdom than the president of an institution, and that he can sit there and receive plans from the institution and pass on them, as to whether they are wise or unwise, effective or ineffective.

I think this is the critical issue and, if Senators will, a watershed for Congress. Whatever the philosophical approach of imposing limitations, once we begin to work with this precedent, we are going to open the floodgates to other amendments that will attempt to impose the emotional, impassionate, and thoughtless viewpoints of a group of citizens, a group of Congressmen, or a group of Senators. In the long run, this will undermine the freedom of our academic institutions.

Having said all that, I would like to ask my senior colleague from New York what, in his opinion, is meant by the first sentence of section 407 in which it is stated: "The Congress recommends the following limitation?" It sounds as if it is a sense of Congress resolution that the Secretary of Health, Education, and Welfare should impose this limitation. Is that what it is?

Mr. JAVITS. I believe it is more than that. I believe what is meant is that Congress recommends this to the Secretary of Health, Education, and Welfare, and I can hardly conceive his not putting this into effect and carrying it out. I think it is more than a sense of Congress resolution.

Mr. GOODELL. In other words, it has more teeth than a sense of Congress resolution. We feel strongly the Secretary would have to take this action.

Mr. JAVITS. Yes.

Mr. GOODELL. And we tell him where and when to take it.

Mr. JAVITS. The Senator is correct.

Mr. GOODELL. I think that is a very bad precedent. I think that if Congress decided it wanted to impose this kind of limitation, we should do it directly and forthrightly and we should not pass the onus on to the Secretary of Health, Education, and Welfare. We could always get out of it by saying the Secretary should not have done it in that particular instance. But I believe this is a critical issue. I believe this is a crossroads in terms of the relationship of the manner of Government to institutions of education.

Mr. President, I hope the Senate rejects the Cotton amendment. I think we should agree to the Javits amendment to make it clear that we do not want to impose our judgment on the institutions of higher learning.

In conclusion, Mr. President, I would say that if we implement this provision that is in the bill now we will do more to encourage disruptions on the campuses than anything else I can conceive of, because we will then be saying there is one uniform policy—a policy generally of firmness and repression, of bringing in law enforcement officials from the outside—which applies in all cases of disruption. We will be putting them in the same grab bag.

There are legitimate issues on university campuses. Students are telling us something important. It is important that we respond with sensitivity and understanding and not with oppressive measures from Washington.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 27 minutes. The Senator has 18 minutes remaining.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Michigan (Mr. HART). I must leave the Chamber briefly. I would like to have the Senator from Michigan in charge of the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I think that the case in support of the Javits-Hart amendment has been very effectively made by the able senior Senator from New York. The concurring comments of the junior Senator from Kentucky and the junior Senator from New York have underscored these points.

Much professional and expert judgment has been cited by the Senator from New York, judgment from educators who are separated from the hauling and tugging of political pressure. In the difficult problem of trying to administer sometimes turbulent campuses, without exception each of these experts urges us to avoid putting the Federal Government in a business which we are something less than ideally equipped to handle, especially at a time when campus sensitivity is enormously great.

I rise to cite still another authority, one that I think should be very persuasive. About 18 months ago there was created a National Commission on the Causes and Prevention of Violence. The able Senator from Nebraska (Mr. HRUSKA) and I were assigned as members of that commission.

While it might be that his presence on it makes the Commission's judgment expert in this field, certainly I do not suggest that my presence on the Commission makes its judgment expert. But the chairman of that Commission is Dr. Milton S. Eisenhower.

When we began our consideration, I had the instinctive feeling that punitive action in response to disorders on campus was probably counterproductive. But that instinct hardened into deep conviction following the many days when we had hearings and discussions, including one weekend, when, in executive session, we met with a dozen university and college presidents.

Mr. President, I want to have placed in the RECORD that section of the Commission's final report under the caption, "Campus Disorder," and ask unanimous consent that at the conclusion of my remarks that chapter 9 of the Commission's report be printed in full in the RECORD.

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

(See exhibit 1.)

Mr. HART. Mr. President, the first several paragraphs of this chapter were written personally by Dr. Eisenhower. The Commission later reviewed, line by line, each of the paragraphs and the remainder of the chapter. But the influence of Dr. Eisenhower on the entire chapter is very great.

We recognize his reputation as an expert, based on his outstanding service as one of the very able college administrators over a period of many years. We came to respect him as a man of balanced judgment in his comments, reactions and suggestions, not just to campus disorders but to the whole sweep of the field of violence in our year and a half's study.

Let me make special reference to sentences in the "Campus Disorder" section.

I think we do sense that the public generally is offended, indeed, is outraged at the scene and sight of a group that most of the public regard as very privileged; namely, college students in disorder and in destructive action.

But the Commission makes this suggestion:

To the larger society, we make these suggestions: The majority of the American people are justifiable angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order. It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy. One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

That is what the language of this bill, even as modified, seeks to do; namely, to react against a university which on more than two occasions appears to have failed to control disorder.

Continuing reading:

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose.

Mr. President, I congratulate the Senator from New Hampshire for changing the thrust of the proposal before us, away from punishment of the student. But reluctantly I cannot join him as he aims it in the direction of the university.

The Commission continues:

We believe that the urge to enact additional legislation should be turned into a channel that could sustain the universities themselves to deal more effective with tactics of obstruction.

The whole caution of the Commission's report and, I repeat, this reflects the very deep conviction of Dr. Milton Eisenhower—was that the Federal Government should not play a role in the development or the review of regulations intended to maintain order on a campus.

While the language of the bill, which the amendment of the Senator from New York (Mr. JAVITS) and myself intends to strike, has the role of the Government in a secondary place, nonetheless, a university that had two experiences of disorder could be required to come to Washington to ask the Secretary, "What is your idea about this program? How do you feel about it?" Unless the Secretary concurs, unless the Secretary believes that this is the approach, then the university has to go back and redo its plan or be cut off from funding.

This introduces the Federal voice and the Federal leverage into a situation, difficult at best, and contributes more to uncertainty and doubt than it contributes to resolving and clarifying the right course.

The Commission, and I am sure the Congress, recommends that universities do establish and publish thoughtful regulations. Students and faculty alike shall be on notice that these are the avenues, these are procedures, and these are the penalties for failure to comply.

The Commission encouraged the Association of American Universities to join in an effort to make uniform such a set of standards. But the Commission urges legislatures not to intrude.

Unless the language of section 407 is stricken, it is my feeling that the counsel of the Commission will have been ignored, and certainly the counsel of the several professional education groups referred to by the Senator from New York will have been rejected.

Mr. President, none of us wants to contribute to the high tensions on college campuses. I fear that in a desire to make easier the problem of the administrator, we, by requiring that administrator to come to the Secretary of Health, Education, and Welfare before he can issue his regulations, and then explicitly require inflexible adherence to those regulations once the Secretary has approved them, whatever the intervening circumstances or whatever the nature of the case, would contribute more to disorder than to order. I urge adoption of the amendment.

EXHIBIT 1

CHAPTER 9. CAMPUS DISORDER

The members of this Commission, along with most Americans, are deeply disturbed by the violence and disorder that have swept the nation's campuses. Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

So threatening is the situation, so essential is the need for understanding and calm appraisal, that this Commission felt compelled to speak during the past summer when students were home and campuses were closed rather than to remain silent until publication of its final report. We offered our comments then in the hope that they would contribute to constructive thought and action before the beginning of the new academic year last September.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the nonconformity of youth and the terror tactics of the extremists. We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I. STUDENT DISSATISFACTION

During the past year, many of America's universities and colleges have been seriously wounded. These wounds arise from multiple causes. One is the increasingly violent expression of widespread student discontent. Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations have overcome and the problems they have solved. It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance, or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today. To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nation-states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction. With the fresh energy and idealism of the young, they are impatient with the progress that has been made but seems to them to be indefensibly slow.

At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions. They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform.

We emphasize that most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values. Their efforts to do so are welcome when they take the form of petitions, demonstrations and protests that are peaceful and non-violent. Although many persons are unsettled by these activities (which are often of a bizarre nature), we must all remember that peaceful expression of disturbing ideas and petitions for the redress of grievances are fundamental rights safeguarded by the First Amendment of our Constitution. Methods of dealing with "campus unrest" must not confuse peaceful protest and petition with violent disruption. To do so will aggravate rather than solve the problem.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends. By dramatic tactics of terror, they have focused widespread public attention upon themselves and have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provoke counterforce to an excessive degree, they have succeeded in enlisting the sympathies of the more moderate campus majority.

They are the agent that converts constructive student concern into mindless mob hysteria. They are the chief danger to the university and its basic values.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving societal and university reform.

II. THE CYCLE OF CAMPUS VIOLENCE

Forcible obstruction and violence are incompatible with the intellectual and personal freedom that lies at the core of campus values. In its recent *Declaration on Campus Unrest*, the American Council on Education noted that "there has developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communications. Within this cult is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion to secure significant change." These "destroyers" seek to persuade more moderate students that verbal expressions of grievance go unheeded, while forcible tactics bring affirmative results.

Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counter-violence and public dismay that may gravely damage the cause for which violence is invoked.

Even when violence succeeds in achieving immediate social gains, it tends frequently to feed on itself, with one power group imposing its will on another until repressive elements succeed in reestablishing order. The violent cycles of the French and Russian revolutions and of the decade resulting in the Third Reich are stark summits of history to ponder. All history teaches that as a conscious method of seeking social reform, violence is a very dangerous weapon to employ.

That is why our nation has sought to avoid violent methods of effecting social change, and to foster instead the principles of peaceful advocacy proclaimed in the Bill of Rights and the rule of law. As the President has reminded us:

"The purpose of these restraints is not to protect an 'establishment,' but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all."

The university is the citadel of man's learning and of his hope for further self-improvement, and is the special guardian of this heritage. Those who work and study on the campus should think long before they risk its destruction by resorting to force as the quick way of reaching some immediate goal.

Father Theodore Hesburgh of Notre Dame has observed that the university, precisely because it is an open community that lives by the power of reason, stands naked before those who would employ the power of force. It can survive only when the great majority of its members share its commitment to rational discourse, listen closely to those with conflicting views, and stand together against the few who would impose their will on everyone else.

Kingman Brewster of Yale has persuasively articulated this policy:

"Proposition one is the encouragement of controversy, no matter how fundamental; and the protection of dissent, no matter how extreme. This is not just to permit the "letting off of steam" but because it will improve [the university] as a place to be educated. Proposition number two is a convincing intention to deal speedily and firmly with any forcible interference with student and faculty activities or the normal use of any [university] facilities. . . . I see no basis for compromise on the basic proposition that forcible coercion and violent intimidation are unacceptable means of persuasion and unacceptable techniques of change in a university community, as long as channels of communication and the chance for reasoned argument are available."

Several attitudes held by members of the university community have often interfered with the application of these sensible standards. One is the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave, sheltered from the law, that the forces of civil authority may not enter the campus, save by invitation. This is a serious misconception—a residue of the time when the academy served in *loco parentis*, making and enforcing its own rules for students' behavior and protecting them from the law outside, save for such extreme crimes as murder and arson. Now that students themselves have firmly discarded school authority over their personal lives, they must logically accept the jurisdiction of civil authority. They cannot argue that of all Americans they are uniquely beyond the reach of the law.

At the same time, the university is ill-equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose and is seldom imposed quickly enough to meet an emergency. And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable consequence—exposure of dismissed students to the draft and what students call the "death sentence" of Vietnam.

III. TO THE CAMPUS COMMUNITY

Out of many discussions with faculty members, students and administrators, and with full appreciation that no two institutions are the same, we offer the campus community the following specific suggestions:

(1) A broad consensus should be achieved among students, faculty and administration concerning the permissible methods of presenting ideas, proposals and grievances and the consequences of going beyond them. Excellent guidelines have been provided by the American Council on Education's recent *Declaration on Campus Protest*. These could usefully be supplemented by more detailed statements developed by representatives of the American Association of University Professors, the American Association of Universities, the American Council on Education, the Association of Land Grant Colleges and State Universities, the National Student Association, and possibly others. Where agreed-upon and explicit codes of student conduct and procedures for student discipline are lacking, they should be adopted; where they already exist they should be reviewed and, if necessary, improved.

Students have the right to due process and to participate in the making of decisions that directly affect them, but their right of participation should not be so extensive as to paralyze the disciplinary process itself. Codes for campus conduct should place primary reliance on the power of the institution to maintain order in its own house, and on its courage to apply its own punishment when deserved. These codes should also recognize the universal duty to obey the civil and criminal laws of the larger society, and the right of the civil authorities to act when laws are violated.

(2) Universities should prepare and currently review contingency plans for dealing with campus disorders. Advance plans should be made to determine, insofar as possible, the circumstances under which the university will use (i) campus disciplinary procedures, (ii) campus police, (iii) court injunctions, (iv) other court sanctions and (v) the civil police. A definite plan, flexibly employed at the moment of crisis, is essential. There have been enough violent and obstructive incidents on enough campuses to permit institutions to assess alternative courses of action and to anticipate both the varieties of disorder which might occur and the most appropriate response.

Most importantly, university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate, and should review in advance with police officials the degrees of force suitable for particular situations. It is a melancholy fact that even in cases where the need for calling the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities. Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side.

(3) Procedures for campus governance and constructive reform should be developed to permit more rapid and effective decision-making. There is great misunderstanding and confusion as to where ultimate authority for campus decision-making lies. The fact is that the authority is shared among several elements.

By law, trustees are granted full authority over colleges and universities. But trustees cannot supervise the day-to-day affairs of a university; hence they delegate power to the president. The president, however, in addition to being the agent of the trustees, is the leader of the faculty. His effectiveness derives as much from campus consensus of faculty and students as it does from the power delegated to him by the trustees.

In the American system of higher education, the faculty plays the primary role in determining the educational program and all issues directly relevant to education and faculty research. Unlike the systems of some other countries, educational control in the American system is faculty-oriented; anything else is a deviation from the norm.

Faculty control of education and research is the best guarantee we have of academic freedom. It is a precious asset that must not under any circumstances be sacrificed. Most student demands for change pertain to educational and research matters, and too often their efforts have been directed toward administrative officers who usually do not have the power which students assume they possess. And often, too, some faculty members have mistakenly joined with students in using coercive force against administrative officers when it is the faculty itself that should deal appropriately and effectively with the issues in question.

Most other powers in the university are diffused. For most purposes, shared power is an asset. But to prevent disorders, universities must be able to respond quickly. Campus protests are sometimes escalated to the level of force because legitimate grievances, peacefully urged, have been referred to university committees which were slow to respond. Scholars have the habit of examining any hypothesis, debating it exhaustively, deferring decision to await more evidence, and when something must be decided, shunning a consensus in favor of subtle shades of disagreement and dissent. For the process of education, these are admirable qualities. But for dealing with naked force, they can be a prescription for disaster. Faculties therefore have a special obligation to organize themselves more effectively, to create representative groups with power to act, and to maintain constant and systematic lines of communication with students. They should be ready to meet every challenge to the educational integrity of the institution. If this integrity is compromised, it will be the faculty that suffers the most.

Students should, of course, have a mean-

ingful role in the governance of all non-educational, non-research functions. They should serve, too, on committees dealing with educational and related questions, exercising their right to be heard on these subjects, so long as the faculty remains paramount.

(4) Faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with alumni and the general public. Campus difficulties are constantly aggravated by misinformation and misunderstanding. On campus, large numbers of faculty and students often act on the basis of rumor or incomplete information. Alumni and the general public receive incomplete, often distorted, accounts of campus developments. The communications media, on and off the campus, concentrate on controversy. Much of the peaceful progress of our colleges and universities is never communicated to the outside world. Campus authorities have the responsibility to see to it that a balanced picture is portrayed.

IV. TO THE LARGER SOCIETY

To the larger society, we make these suggestions:

(1) The majority of the American people are justifiably angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order. It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy. One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty. More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence. If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim. If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation.

(2) We believe that the urge to enact additional legislation should be turned into a channel that could assist the universities themselves to deal more effectively with the tactics of obstruction. State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction. They were not written to deal with such conduct, and they do not cope with the central issue—forcible interference with the First Amendment rights of others. There is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances. Such laws would not be aimed at students exclusively, but at any willful interference with First Amendments rights on or off the campus, by students or by nonstudents. They would also be available to uphold the First Amendment rights of students as well as other citizens.

(3) Finally, we urge the American people to recognize that the campus mirrors both the yearnings and weaknesses of the wider society. Erik Erikson, a renowned student of youth, has noted that young and old achieve mutual respect when "society recognizes the young individual as a bearer of fresh energy, and he recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

One effective way for the rest of us to help reduce campus disorders is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. HART. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Is there further discussion?

Mr. DODD. Mr. President, I would like to direct a question.

The PRESIDING OFFICER. Who yields time? Is the Senator from New Hampshire yielding time?

Mr. COTTON. Mr. President, I am not yielding time yet.

Mr. DODD. Mr. President, I would like to ask a question. It will take only 2 minutes.

Mr. COTTON. Yes; I will yield a couple of minutes for the purpose of asking a question.

Mr. DODD. It is a question I ask for my own information.

Do I correctly understand that the language in section 407 amounts to this: If there has been more than two disturbances on a college or university campus, in the nature of disorders, which prevent students from pursuing their courses of studies, or if on two or more occasions persons have, without authorization, occupied a building or a part of a building, then the Secretary of Health, Education, and Welfare before he renews a grant or contract with that institution, may—it does not say he must—say to those institutions, "Now, look here, you have had more than two bad disorders and you have not done anything about it. You have not imposed any disciplinary punishment in your institution. You have not called in outside civil authorities. We do not think the American taxpayers' money should be poured in for such purposes."

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

Mr. COTTON. I yield to the Senator for 1 additional minute.

Mr. DODD. "Since we do not think the American taxpayers' dollars should be paid out where these conditions prevail, unless you give us assurance that you are going to do something about it and have some plan for coping with the problem, I am afraid we are going to have to withhold your grants and contracts."

Is that correct?

Mr. COTTON. That is a continuing course that interferes with students pursuing their studies by taking over facilities. It is continuous in that it has to be on more than two occasions. Then the Secretary has the right, if he deems it necessary and proper, to say, "You have got to give more evidence of showing that you are going to set your house in order."

Mr. DODD. What is wrong with that?

Mr. COTTON. I do not know.

Mr. DODD. I do not, either, and I do not think the American people do.

Mr. COTTON. I thank the Senator.

Mr. President, I yield myself 10 minutes.

Mr. President, I desire to change one word in the language. At the bottom of page 63, last line, line 22, after the word "students," change the word "and" to "or".

Mr. HART. Mr. President, what is the change?

Mr. COTTON. At the bottom of page 63, last line, after the word "students," the "and" should be "or".

The PRESIDING OFFICER. The Senator does not have the right to alter the language because this is not his amendment.

Mr. COTTON. Mr. President, I beg the Chair's pardon. Of course, I will not change it if I cannot do it.

The PRESIDING OFFICER. It will be in order to propose such a change when the time expires.

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

Mr. COTTON. I yield to the distinguished majority leader.

QUORUM CALL TAKEN DURING CLOSED SESSION ON DECEMBER 15, 1969

Mr. MANSFIELD. Mr. President, if the distinguished Senator from New Hampshire will allow me a minute or so, I ask unanimous consent that quorum call No. 231, which was taken on December 15, 1969, during the closed session of the Senate, be printed in the RECORD of today for the convenience of those who keep records of attendance and voting records of Senators. No question of security appears to be involved in revealing the names of Senators who were present.

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

[No. 231 Leg.]

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Ribicoff
Byrd, W. Va.	Hruska	Saxbe
Cannon	Hughes	Schweiker
Case	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Cotton	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McCarthy	Tower
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Williams, Del.
Ervin	McGovern	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Fulbright	Mondale	
Goldwater	Montoya	

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to state that it is the hope of the leadership that special orders and speeches of various kinds, if possible, be held in abeyance until we are through with the appropriation bills, such as the one now under consideration, to be followed, hopefully, later this afternoon by the Department of Transportation appropriation bill, to be followed, hopefully, either this evening or tomorrow, by the foreign aid appropriation bill, to be followed by the supplemental appropriation bill.

That will clear the calendar as far as appropriations bills are concerned.

I would hope that Senators would allow us to expedite them and get them to conference, and hopefully get us out at a reasonable time.

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

Mr. MANSFIELD. I yield.

Mr. COOK. Is it the intention of the majority leader that we work late again tonight?

Mr. MANSFIELD. Yes. Of course, that decision will be up to the Senate.

NOMINATION OF HENRY J. TASCA, OF PENNSYLVANIA, TO BE AMBASSADOR TO GREECE

Mr. MANSFIELD. Mr. President, I have been approached by a number of Senators on the nomination of Mr. Tasca to be U.S. Ambassador to Greece. They have indicated that they would like a further postponement. I had stated that I thought we had postponed the consideration of the nomination of Mr. Tasca, regardless of one's feelings on Greece, long enough, and it was my intention, even though I promised the Senator from New York (Mr. GOODELL) twice, once that the matter would be brought up this morning, and, second, that it would be brought up tomorrow morning, to wait until tomorrow afternoon or until the disposal of the appropriation bills before turning to the consideration of the nomination of Mr. Tasca.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. I am sure the Senator will accommodate the junior Senator from New York if it is a matter of a few hours.

Mr. MANSFIELD. I thank the Senator for yielding.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS 1970

The Senate continued with the consideration of the bill (H.R. 13111), making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, I think I can be very brief. First, may I say the comments made by the distinguished senior Senator from New York on the content of this amendment were very well taken and very clearly express the issue at stake.

I noted with some slight amusement that the distinguished Senator from Michigan widely disagreed with the Senator from New York about the approach.

The first question that should be determined by the Senate is what is the best approach in dealing reasonably and effectively, insofar as Government has a right to deal, with the problem of riots on college campuses. Despite the fact that it is already in the law, although the House language in this bill goes further and strengthens what is in the law, I happen to believe that it is absolutely the wrong approach to have the Federal Government get involved in the punishment of individual students or participants.

I remember when that question was initially brought up and the first bill was introduced to that effect, I and other Senators had as great, if not greater, an outpouring of protests from the colleges and universities than has occurred over the language I submitted to the amendment in this bill.

In the case of riots, disorders or other trouble, no one except the college authorities is in any position to determine, who are the instigators, who are merely participants, and who are innocent bystanders. When we try to place that task on the shoulders of the Secretary of Health, Education, and Welfare, or any other Federal official, and give him the responsibility and the power to go into a college and say that student A is guilty, therefore we take his scholarship away from him or we stop his loan, or something else, that, on the face of it, is not practical.

That is the House approach; and I call to the attention of the Senate that the House approach is a very harsh one, because, after it cites the public law, it goes on to say:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance of others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. COTTON. I yield myself 5 more minutes.

Mr. President, that is a sweeping approach. It interferes with academic freedom, and it should not, in the opinion of this Senator, under any remotest contingency be placed as a restriction on this or any other bill. It cannot possibly be justly enforced. It is all-encompassing, and applies directly to people whose conduct can only be adequately evaluated by the college authorities.

On the other hand, the next question we have to resolve is this: If we are against that harsh and sweeping language, should the Senate go to conference with the House of Representatives with nothing, or should we go in with our own language?

If we go with no Senate language, out of the conference, presumably will come either nothing, or some modified version of the House approach. I honestly feel it is the wrong approach and a dangerous one, and I agree with the distinguished Senator from Michigan, who said that he did not believe in the Government attempting to punish individual students or others on college campuses.

Because of that, because I felt we should not go to conference with a vacuum, and because I have some very strong feelings that there is a better way, I offered and the committee finally saw fit to accept the language that is in this bill.

That simply says:

The Congress recommends the following limitation.

Something was said about that. The Senator from New York said that constituted something more than the sense of Congress. Actually, that line was put in because, as Senators know, I wanted to make clear that this was a limitation, and could not be subjected to a point of order that the language constituted legislation in an appropriation bill. That is why that sentence was put in.

What does it do? It says that when any institution of higher learning has had a continuous history—and then it defines that term—more than two occasions; it has got to be at least three. When there is a continuous history of disorder on the campus, consisting of either of two things: Taking possession of college buildings, or interference with other students going to classes and pursuing their education.

There is not one syllable or insinuation, that there is any objection to peaceful demonstrations, or to picketing or protesting.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 5 additional minutes.

There is not even anything in there that hints at public meetings and interrupting U.S. Senators when they are making speeches on colleges campuses. It is directed at just two contingencies: Taking unauthorized possession of college property, or interference with other students in the pursuit of their education.

Mr. HATFIELD. Mr. President, will the Senator yield at that point? I should like to ask one or two questions on this section.

Mr. COTTON. If the Senator will permit me, in another 2 minutes I shall have completed my analysis, and then I shall be happy to yield.

Mr. HATFIELD. Fine.

Mr. COTTON. The language goes on to state the further limitation that—

Such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students, and did not request assistance from any State or local government law enforcement officials in terminating such disorderly conduct.

That means just two things, taking possession of buildings or interfering with classes.

It provides:

> That before grants, contracts, or renewals thereof with such institutions shall be entered into, the Secretary is authorized to require * * *

It does not say he must. It does not say he shall. It says that he may, if in his judgment he thinks that an institution has not kept its house in order to the extent that there is a long history of disorder in which one of these two elements exists. He may, he is authorized:

> To require such institutions to submit a plan which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

It says that in a case where there is a history of the college authorities permitting students to run rampant, take over buildings, and interfere with the processes of education, he may ask them, the college authorities, to convince him or give him some assurance that they have a definite plan to set their house in order before grants are given to them.

That does not interfere with academic freedom. Any college that wants to can have all the riots it chooses, have its buildings taken over, and have its students interfered with. It just means such colleges have to pay their own bills, if the Secretary sees fit.

Why should we dig down into the taxpayers' pockets and continue to subsidize campus riots? Twenty-five percent of the cost of higher education is now being borne by the Federal Government through grants, contracts, research scholarships, fellowships, and training courses—25 percent of it. Is it unreasonable to suggest that in making those grants of the taxpayers' money, the Secretary is authorized to look into the conduct and try to secure some cooperation from such institutions.

This provision does not include fellowships, scholarships, loans, or any other form of aid to the individual student.

It is clear and plain.

Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for an additional 5 minutes.

Mr. COTTON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator.

I should like to ask for some further clarification of the language of the proposed amendment.

Would the Senator from New Hampshire interpret the language "disorderly conduct" on line 14 to include the possibility of drunkeness?

Mr. COTTON. No. It goes on to define what disorderly conduct does mean. Drunk, sober, or otherwise, the only disorderly conduct it contemplates is the conduct involved in going in and taking over an administration building.

Mr. HATFIELD. But it says here, "has interfered in any way with the right of students at such institution to carry out their regular educational activities."

I believe the Senator indicated that was one possibility upon which this kind of action could be taken.

Mr. COTTON. The Senator is correct.

Mr. HATFIELD. Mr. President, disorderly conduct in the legal definition in civil court could include drunkenness, I believe. It says:

> Has interfered in any way with the right of students at such institution to carry out their regular educational activities; . . .

Having been on a university campus professionally for about 7 years of my life, I can tell the Senator of an occasion when students under the influence of alcohol had actually interfered with a library. A library is defined as an educational activity.

I can also indicate to the Senator occasions on which students under the influence of alcohol had interfered with the study of other students in dormitories during stated study hours.

I could indicate further that there have been seminars held at night where students under the influence of alcohol had interfered with the right of other students to carry out their educational activities.

It seems to me that the phraseology "disorderly conduct" could include drunkenness or perhaps being under the influence of drugs or some of the other activities that seem to go on in certain places and could include classrooms, libraries, and dormitories. At least, this was some of my experience that as former dean of students, I found in my academic and administrative responsibility in a university.

I did not know whether this was intended to apply to such occasions or how the Senator interpreted the language.

Mr. COTTON. Mr. President, I thank the Senator. Most of us have been to college. And college students are not and never have been models of perfection.

Mr. HATFIELD. Except the present speakers.

Mr. COTTON. I agree with the Senator. We could except the present speakers.

Down through the years we have had rough housing in dormitories and all kinds of more or less comparatively minor disorders. It is clear to me from the language of the provision that it means taking over a building or other organized interference, and not just a roughhouse, but a real interference that disrupts the classroom activities of those who are there seeking an education.

There is no need to put a strained interpretation on this. I think the matter has been as carefully defined as is possible.

As a matter of fact, college presidents in my own locality with whom I have a close personal relationship have not raised one single objection to this matter. On one or two occasions they have suggested this as a better approach.

Lest I do not get a chance to make my final point—and I will ask the Senator to be patient with me for a moment—I revert to the question with which we started.

It is ridiculous to say that this is an entering wedge for Government control of education. That is pure unadulterated poppycock. We are dealing with handing out money. Nobody is interfering with the right of freedom of colleges and higher institutions.

I do not see how we could ever work more injustice than to reach out the long hand of the Federal Government to punish a student because someone has decided that he should lose his scholarship loan, or some other aid.

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

Mr. COTTON. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for an additional 3 minutes.

Mr. COTTON. Mr. President, if we go to conference with no Senate language at all, then I do not see how anything would happen except that we meet with the House and deal with their approach, which I believe is wrong.

I do not insist that everyone agree that mine is the right approach. But at best without Senate language, in conference, we are likely to come out with a somewhat watered-down version of the House bill and extend the provision to continue punishing individuals and institutions.

Mr. President, how much time remains?

The PRESIDING OFFICER. When the Senator has used the rest of his allotted time, he will have 14 minutes remaining.

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. It is now 1 minute.

UNANIMOUS-CONSENT AGREEMENT

Mr. MAGNUSON. Mr. President, if I had been here yesterday when we made the unanimous-consent request, I would have provided for much more time, I hope, on this very important matter. And I am sure that the leadership will not mind my request now.

I ask unanimous consent that there be an additional 10 minutes provided for each side.

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

Mr. COTTON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator.

Mr. President, on line 20, the language beginning with "such institution" indicates that after it has been determined by the Secretary of HEW that such incidents took place on at least two occasions——

Mr. COTTON. It has to be more than two occasions.

Mr. HATFIELD. That such institution has not punished any such persons who are students.

When the word "institution" is used there, here, again, I would like to ask the Senator for clarification. Does the Senator mean the administration of that institution?

The PRESIDING OFFICER. The Senator's allotted time has expired.

Mr. COTTON. I yield 2 additional minutes to the Senator from Oregon.

Obviously, I mean suspending, expelling, or in some way administering pun-

ishment by the institution itself, not by anybody else.

Mr. HATFIELD. What I mean by that is that an incident could take place in a particularly large university, in one class or one department of the university, of which the actual dean of students, or whoever the administrative officer was in charge of discipline, might be totally unaware. I can assure the Senator that in some universities there is not this kind of intimate communication between everything that happens on the campus in every classroom and the so-called administration part of the university.

Mr. COTTON. I know the Senator has specialized knowledge in this matter.

In the first place, this is not a matter of minor incidents. This language means a real riot, taking over buildings or holding up the educational activities of a university. The Senator is straining the interpretation beyond all reason, when he talks about incidents. A student who is drunk and prevents another student from going into the library would not be judged by anyone to be in violation because of this language.

I must yield more time. If the Senator wishes to go into that further, perhaps he can get time from the other side.

Mr. HATFIELD. I am not on either side.

Mr. COTTON. I may have some time left.

I yield 5 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from New Hampshire.

I first want to address myself to the Senator from Oregon. The real answer to his question is this: There is no mandate made to the president of any university. He is simply authorized to go into this subject prior to entering into the contracts or grants. The committee well knew that there would be degrees of seriousness in this matter and left great discretion with the president. The Senator will find no mandate at all in this matter. My own feeling is that the Cotton amendment is vastly preferable to the House amendment.

I was a little amused by the difference in approach of the Senator from New York and the Senator from Michigan. The Senator from New York says, "We want the approach in the House bill." The Senator from Michigan says, "We do not want the approach in the House bill, because we do not want any direct relation between the Government and the private pupil or the one having the fellowship, and so forth."

I think this illustrates how little thought through has been the objection to this amendment, which was very much thought through in the committee. It was the feeling of the committee that we should not ignore the fact that our public, who is putting up the tax money, the Federal tax money, has great concern about what is going on on the campuses.

I do not know whether Senators read an editorial in the New York Times this morning entitled, "The New Fascists." I will read it hurriedly:

> One can agree or disagree with Dr. S. I. Hayakawa's views on politics, higher education and campus administration. But there can be no disagreement about the reception he was given by radical students and some nonacademic hangers-on during his guest lecture at Columbia University: it was an arrogant display of total contempt for free speech and academic freedom. The rights of those among the 1,300 students who had come to hear the president of San Francisco State College, or to question his opinions in legitimate debate, were outrageously violated by disruptive mob action.
>
> Anyone with a trace of concern about the free exchange of ideas must be appalled by the need for 300 police officers protecting a man's right to be heard and an audience's right to hear—not in an political brawl but on a university campus. Those radicals who considered the necessity for such security measures a "victory" of their revolution—as one of them declaimed—demonstrated only their own subservience to the principles of totalitarianism. These are the new fascists of our generation.

Mr. President, these are pretty strong words from the New York Times, but it is about what the public is thinking about these demonstrators on the campus. They seized the occasion to put on this great demonstration against the one head of the one great institution of learning who has asserted most fully the right of a college administration to require that law and order be observed on the campus. That is exactly what Dr. Hayakawa has done.

I do not think that in the spending of Federal money, as we do under this appropriation bill, we would be on firm ground at all if we ignored the fact that these things are going on on university campuses and college campuses.

It was the opinion of our committee that it was much better to deal between the Federal Government and the institution of learning on a discretionary basis of the president of that institution, rather than to try to carry the matter on down to the individual student, the borrower, or the contractor. I maintain that it is better judgment to do it that way. I strongly support the Cotton approach, and I strongly dissent from the idea that we should approve the motion of the Senator from New York, to simply strike out this matter as if we were blind to the fact that this trouble does exist on the college campuses and blind to the fact that we are appropriating public money and that the public has a great interest in this matter and will expect us to do something to see that anything that is done through the use of Federal money be done in such a way as to try to gain better respect for law and order and better opportunity for students to get the education they go there to get.

Mr. President, I strongly support the Cotton amendment which is in the bill.

Mr. COTTON. I thank the Senator.

Does the Senator from Washington require some time?

Mr. MAGNUSON. No.

Mr. COTTON. Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I feel that the arguments of the Senator from New Hampshire have been eloquent and well reasoned.

However, I find myself in support of the pending amendment for four basic reasons.

First, I think that when we carried on the long debate over many years as to whether there should be Federal aid to education, the main argument used by opponents was that it would really mean control by the Federal Government of our educational institutions. Certainly, we see in the bill, an indication of such an attempt by controlling the disciplinary actions on the campuses of our universities across the country—several thousand of them—by the Federal Government, because we provide funds. The threat of cutting off those funds if they do not adhere to an agreed upon policy by an agency of the Federal Government is a very real threat. Certainly, the worst fears of those who oppose Federal intervention and aid to education would now be realized.

Second, from what I understand of the intentions and desires of the radicals who really wish to destroy the free institutions of this country, we possibly, by this amendment, would be playing into their hands. I have heard radicals say, "It is our objective to close every college and university campus in America, if we can. By so doing, we would strike the most disastrous blow we could at the United States of America and everything it stands for." That is true.

I should think that if this authority in the bill were placed in the hands of the Federal Government, it would lend impetus to the attempts of the radicals to create disturbances that would then call for intervention by the Federal Government. Certainly, it might serve the objectives of the radicals rather than frustrate them. If they could get the Federal Government to cut off funds, that would help meet their objective to close universities and colleges throughout the country.

Third, I think that for us to take defeat this amendment would be in disregard of the advice we have received from the university and college heads who appeared before the permanent Subcommittee on Investigations when we were investigating campus disorders. From one college or university to another, from the east coast to the west, the administrators came to us and said that, in their judgment, it would be wrong to place this power in the hands of the Federal Government. They said, "Let us handle our disciplinary problems. In fact, we think we are going to do it better by sharing responsibility with our students so that we can have this matter handled at the student level." They said that to leave discipline up to the Federal Government would, in their judgment, be wrong.

I feel that we should not impose upon a Federal agency an authority and a power which it says it does not want.

Secretary Finch could not have been clearer than when he stated in his forthright letter that permitting the Government to withdraw funds "would impose on the campuses a Federal presence frought with dangerous implications for a society which cherishes academic freedom."

In concluding, he said:

> The Federal Government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and other university employees.

Mr. JAVITS. I thank the Senator from Illinois.

I yield 3 minutes to my colleague from New York.

Mr. GOODELL. Mr. President, I think many useful things came out of the colloquy between the Senator from Oregon and the Senator from New Hampshire. The amendment that is in the bill now, section 407, provides that if certain events take place more than twice on a college campus, then the Federal Government is authorized to move in and require that the university file an acceptable plan—acceptable to the Secretary of Health, Education, and Welfare—that will control such incidents in the future. What are those occurrences that take place?

Mr. COTTON. Mr. President, will the Senator yield to me one-half minute on my time?

Mr. GOODELL. I am delighted to yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I am compelled to correct my friend. The provision does not provide if two contingencies take place on the campus the Federal Government would move in because they can only move in if the institution made no attempt to do anything about it.

Mr. GOODELL. Yes; I am coming to that. I have no desire to misrepresent the Senator's amendment because I am against it as it is without misrepresenting it.

First of all, if one of two things takes place, then this section will be operable: One, for disorderly conduct that has interfered in any way with the right of students at such institution to carry out their regular educational activities. It does not say organized disorderly conduct. It does not say as a part of a movement. It says "disorderly conduct that has interfered in any way with the right of students." If that happens more than twice that is the triggering device for the operation of the section. Then, there is the second proviso of taking over a building in an unauthorized way.

In addition, there is another requirement that if either of those events takes place this section goes into effect, providing the institution has not punished the students or prosecuted or tried to prosecute any of such persons who were not students.

But as I read the language, if the university has called in the State or local police, even though you qualify in every other way, the section would not be operable. So there is a special pressure on the institution, whatever happens, to bring in the local or State police.

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

Mr. COTTON. Mr. President, I yield myself 1 minute of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. In order to do so, it provides that—

> Such institution as not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who were not students, or did not request assistance from any State or local government law enforcement officials.

If they did any of those three things the section would not be triggered off; any one of them.

Mr. GOODELL. Mr. President, will the Senator from New York yield to me for 1 additional minute?

Mr. JAVITS. I yield.

Mr. GOODELL. That is the whole point I am making. If they have done any of those things, the section is not operable. So the university is put in a position, if they want to protect themselves, where all they have to do is call in the State or local police on anything that happens. It has been proved that this is the worst possible thing that can happen. If it is the desire to escalate one of these incidents, just immediately call in the State or local police.

Mr. PASTORE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we are all in agreement that this is a distressing and objectionable situation. There is no question about it. I do not think any Senator or anyone in the country thinks we should tolerate this sort of situation. The bastion, the one remaining bulwark of academic freedom of expression is the university. If we destroy the universities, then we have destroyed the very essence of our democracy.

I have read this provision carefully and there is a part that disturbs me. I do not find any fault with this amendment until I get down to the last line on page 63. I do not find too much fault with the university punishing a student who has conducted himself in a disorderly manner so as to disrupt the regular daily studies of his fellow students; and the university certainly has exclusive jurisdiction there.

Mr. President, when you come to the next part which reads:

> Such institution has not punished any such persons who are students, has not prosecuted or tried to prosecute any of such persons who are not students—

That is a legitimate request. They should try it. If nonstudents break into a building and try to take it over, they are trespassing and they should try to have them prosecuted.

But this is where I find fault. The section then provides:

> and did not request assistance from any State or local government law enforcement officials in terminating such disorderly conduct or unauthorized possession.

I am afraid we may be encouraging exactly what the Senator from New York said would be encouraged because that is what all these rowdies are looking for—for the college authorities to call in the police—and then the rowdies induce the entire faculty and student body to demonstrate.

Mr. COTTON. Mr. President, on my time, will the Senator yield to me for 1 minute so that I may answer that statement?

Mr. PASTORE. I yield.

Mr. COTTON. The Senator was not here at the beginning of the debate. This was an area, and I asked before debate started consent to amend the language by changing that "and" to "or."

Mr. PASTORE. I think the Senator should delete it completely.

Mr. COTTON. I have no particular intention to do that, but I was told I could not do it until the time had expired and that is why it was not done.

Mr. PASTORE. I think it should be deleted.

Mr. COTTON. I compliment the Senator for putting his finger on the one thing that bothers me, too.

Mr. PASTORE. I am reading from the printed bill. The next paragraph is worse. It reads:

> That before grants, contracts, or renewal thereof with such institutions shall be entered into, the Secretary is authorized to require such institutions to submit a plan or program which, in the judgment of the Secretary, provides reasonable assurance that any disorderly conduct or unauthorized possession above described will not recur, or if recurring, will be dealt with effectively.

I do not know what that language means. I tell Senators frankly that is a guarantee I do not think anybody could give. Many of our administrators in our universities have not moved fast enough to prosecute, but this idea that they have to give assurance it will not happen again, to my mind, is impossible to guarantee.

Mr. JAVITS. Mr. President, I thank my colleague, the Senator from Rhode Island, very much.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 6 minutes remaining and the Senator from New Hampshire has 15 minutes remaining.

Mr. JAVITS. Would the Senator from New Hampshire mind using some of his time?

Mr. COTTON. Yes. I will be glad to do so right now. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, in the first place you cannot have it both ways. Some Senators have raised objections and I think they are very logical.

They have said, if this language were adopted, that some Communists and some people who want to close the universities would instigate a disorder just for the sake of causing the university to lose its research grants and other help from the Government. To them I call attention to the fact that it is the easiest thing in the world for any university to safeguard itself against that contingency because all they have to do is take a firm stand.

A higher institution of learning which has had a series of disorders which have nothing to do with peaceful picketing or protesting, disorders that take over property or interfere with students in their education or going to classes, more than two and, they have not done anything about it, they have suspended no one, they have not tried to prosecute anyone, they have called in no outside aid, all those things have to be there so that the Communists will not be able to put the universities out of business. I

would guarantee that out of all those colleges and universities in this country, we could count on the fingers of our two hands the number that would get to that situation, because it would have to be extreme. Then, in addition, they complain that we should not ask the Secretary of Health, Education, and Welfare to exercise any such authority. He does not have to. It is purely permissive. Who is going to protect the taxpayers? Who is it that makes the grants and awards the contracts? It is the Department of Health, Education, and Welfare. When the Secretary himself says—he told a different story to me, he said he did not like my language because it threw the budget off, but he testified in committee that it was far better than the House language—but when he sends up a telegram, and letters, and says, "I do not want this authority," I do not blame him. Who will say that if he does not even want the authority, he will abuse it?

My personal opinion is that he probably would not use it. Certainly there is no danger that he would start in and make himself a tyrant and place the heavy hand of the Federal Government on the administration of a college. He would be the last one to do that. So would any other Secretary. That is why they do not want it, but the taxpayers want something done.

Mr. HOLLAND. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. HOLLAND. I want to say that I hope the Secretary will use it in an appropriate case, that we will not be protecting the taxpayers' money unless he is authorized to use it. It is only on a third strike basis. We allow three strikes for many things in this country, and this would give institutions of learning the opportunity to see that we do have law and order. This would be the Secretary speaking for the country and he would be protecting the taxpayers' money. This would be completely at his discretion and could be done by the Senator's amendment.

Mr. JAVITS. Mr. President, the biggest problem with this amendment of the Senator from New Hampshire has not even been mentioned; that is, it is in an appropriation bill, good for only the remainder of this fiscal year. Here, every year, we redebate things which are completely nongermane to the issue in an appropriation measure which is, how much money are we going to give higher education. And then what do we ask of the college president? We have to interpret that to mean the worst kind of Federal control of education. That is why they are protesting. We put a telegram on every Member's desk from the Association of American Colleges. That is what this is all about. Read last year's appropriation bill. It is a 180° difference from what the Senator from New Hampshire (Mr. COTTON) wants to do this year.

Last year we did substantially what is done in the higher education law. We dealt with the individual student. This year the Senator from New Hampshire comes in with a totally new proposition. I admire his frankness and his candor, which is typical of him. He says in effect, "Of course, I want to reverse this thing. I am going to let out the individual student and go after the institution."

Mr. President, it does not make that much difference that he will go after it mildly or quietly, or give the Secretary the authority. What the American institutions of higher learning are afraid of is precisely that authority. They would like to know what the deal is rather than leave it to the Secretary. That is the worst kind of Federal control over higher education. That is exactly what my amendment is all about.

The Senator from Michigan (Mr. HART) and I are not in disagreement. I may have misspoken myself as to the exact terms of what was in last year, and I may have referred to the House bill. The fact is that we have dealt with this matter of lower and higher education. These are things which should be dealt with, leaving decisions to the individual institution. We get set with guidelines on what the Senator from New Hampshire was arguing about, leaving it to the individual institution to determine the instigators, the disrupters, and so forth. Now we want to take it away and in some form give it to the Secretary. That is a 180° turn and is not in the interest of higher education or of Federal aid. That is why we are against it.

Mr. President, it is high time the Senate struck it out 100 percent and decided that it is not going to deal with this type of response. That is here in an appropriation bill. Why do we have the Committee on Labor and Public Welfare for? If the Appropriations Committee is going to run education, and defense, and is going to run transportation, and is going to run everything else and decide the basic policies, we might as well go out of business and forget it. That is the issue before the Senate.

Here we are again with this question in some different form. It is a 180° change. I deeply believe that the Senate should, in its wisdom, decide who will handle this thing, an educational committee with an education bill, thought through from the educational point of view, or handle it on the budgetary level.

I respectfully submit that that should be clear notice to everyone, that if we are going to handle this on the money level, it will be notice to the institutions of higher learning that we will be using money power to tell them how they are going to run their institutions. There is no other way out.

Mr. COTTON. Mr. President, I am very much interested, indeed, to hear my good friend from New York reproaching me for trying to put this language into an appropriation bill.

Let me inform the distinguished Senator from New York that I first introduced this in the form of a bill because I felt that its place was in a legislative act. Then I picked up the Congressional Directory and I discovered that the chairman of the legislative committee to whom the bill would be referred is my dear friend and highly respected Senator from Texas (Mr. YARBOROUGH).

And who was the ranking Republican on that committee?

My dear friend and highly respected Senator from New York (Mr. JAVITS). [Laughter.]

I knew instantly what my chances were of getting that bill reported out of their committee. [More laughter.]

I am sure that when the Senator from New York read the first sentence, he knew that he would be against it.

He was against it when he heard who introduced it.

That is why it is in an appropriation bill, because we did not have a Chinaman's chance of getting it in any other bill.

That is my answer.

Mr. JAVITS. Mr. President, what the distinguished Senator from New Hampshire (Mr. COTTON) is asking us to do is to legislate his bill because he could not get it in any other bill.

He could amend the higher education bill on the floor as easily, but he chooses a money bill because he is on the Appropriations Committee.

It is as simple as that.

I do not believe that is anything against the Senator from Texas (Mr. YARBOROUGH) or myself. It is our duty to seek to act upon what we believe in or do not believe in. There are many members on that committee. Some may agree with the Senator from New Hampshire and would fight tooth and nail for the proposition. I have lost many provisions in committee, on the floor, and in conference. I probably will again.

But I must say this is a very rare reason why the Senate—I understand why the Senator from New Hampshire (Mr. COTTON) wants to put it here—should go along with such an unwise course. That is a great reason—because he knows he could not get it in a higher education bill. Why not do it on the floor or some other place? Why not use that as a reason why we should do an unwise thing in this bill?

Mr. PASTORE. Could we not charge it to political maneuvering?

Mr. JAVITS. I do not like to use that term.

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. One aspect of this that has intrigued me is that there is great opposition, which I share, to the unfair intrusion of the Federal Government into elementary school problems. Yet those same people who object to the Federal Government's intruding into education at that level here want it to intrude at the higher level.

Mr. JAVITS. That is right.

Mr. FULBRIGHT. That bothers me. It is inconsistent with the idea of the Federal Government's going too far—and I have often said this in the past—into activities at the elementary level.

I do not know how I can be consistent with my past position if I approve this provision saying that the Secretary should call the tune for all the colleges. Is that a correct statement?

Mr. JAVITS. That is exactly right. That is the reason for the amendment.

Mr. FULBRIGHT. It seems to me we

should not vote to federalize higher education any more than absolutely necessary.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, I have had a little fun with my friend from New York about his committee. I want to say I am sure that if I had gone to his committee and sought a hearing, he would have been most courteous. He always is. I am equally sure he would not agree. I am equally sure that the people who are digging into their pockets and who are paying the bill are not anxious to have their money spent in this way.

Mind you, Mr. President, this provision could apply only to a few colleges, and then after a long and flagrant history of disorder. It does not put the Federal Government into the field of running the colleges.

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

Mr. COTTON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COTTON. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I do not see that the provision requires the disorder to be long and flagrant. It seems to me the Secretary, if he were so disposed, could find it rather easily. I do not see that kind of language.

Mr. COTTON. Let me call the Senator's attention to the language. First, there must be a series, and that is more than two occasions. Second, on those occasions the college must not have done anything. If it suspended one student, if it expelled one student, if it prosecuted one student who had interfered on the campus, or if it called in one police officer, this provision would not take effect.

Furthermore, it is purely optional on the part of the Secretary. It simply says he is authorized if he thinks it is necessary.

We know colleges that have had real distress and trouble. We know in many cases they have done their best and are not blameworthy. I doubt if there are many colleges that have had a series of at least three occasions when either the buildings were taken over or classes and activities had been disrupted, that have not disciplined the offender. I doubt at the moment that a single college would be affected by this provision. But we do not want any college to get into that situation and I do not want the taxpayer's money used in places like that.

Mr. FULBRIGHT. It has happened in places like Columbia, which is an outstanding example, and at institutions in California. If they are not affected by this provision, then no other school would be affected.

Mr. COTTON. If it has happened three times, it would be.

Mr. FULBRIGHT. I am somewhat concerned about giving a bureaucrat or an appointed official in the executive this arbitrary power in the field of education.

I have just finished a conference on the foreign aid bill. I find a strange situation in which the Appropriations Committee apparently was trying to specify a program of which the legislative committee disapproved. So what the Senator has said and what the Senator from New York has said about legislating authorization strikes a responsive chord, because in that field the Appropriations Committee of the House undertook to provide unbudgeted estimates for planes to Taiwan and an extra $50 million for Korea without express approval.

Mr. COTTON. Mr. President, I am on limited time.

Mr. FULBRIGHT. So what the Senator said about the legislative committee short circuiting the Appropriations Committee strike a responsive chord.

Mr. COTTON. I am not responsible for the Senator's responsive chord, but he has had experience in this field, and I doubt if he approves of the House approach of having the Federal Government start undertaking to find the guilty and punishing them. The Senator is against that.

Mr. FULBRIGHT. I am. If this is a minimum, if I have to choose between this amendment and the House provision, I will take the Senator's amendment, but I did not understand that that was the choice.

Mr. COTTON. That is the choice. The House wants the other system. The choice here is: Do we want to put this provision in or approve the other system? Nobody but the college can decide who is the instigator and who is an innocent bystander.

Mr. FULBRIGHT. I did not think that was the only choice.

Mr. JAVITS. If this provision is stricken out and the Senate insists on its stand, we do not have any.

Mr. COTTON. We go to conference with the House proposal.

Mr. FULBRIGHT. I am not for that proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do I correctly understand that to strike the provision requires a "yea" vote

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, is this a motion to strike or an amendment?

The PRESIDING OFFICER. A motion to strike a provision which is now in the bill.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico, (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 49, nays 43, as follows:

[No. 249 Leg.]

YEAS—49

Aiken	Hart	Packwood
Baker	Hartke	Pastore
Bayh	Hatfield	Pearson
Brooke	Hughes	Pell
Burdick	Jackson	Percy
Case	Javits	Prouty
Church	Mansfield	Ribicoff
Cook	Mathias	Saxbe
Cranston	McCarthy	Schweiker
Dole	McGee	Scott
Eagleton	McGovern	Stevens
Fulbright	Metcalf	Tydings
Goodell	Mondale	Williams, N.J.
Gore	Montoya	Yarborough
Gravel	Moss	Young, Ohio
Griffin	Muskie	
Harris	Nelson	

NAYS—43

Allen	Ervin	Murphy
Allott	Fannin	Proxmire
Bellmon	Fong	Randolph
Bennett	Goldwater	Smith, Maine
Bible	Gurney	Smith, Ill.
Boggs	Hansen	Sparkman
Byrd, Va.	Holland	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dodd	Magnuson	Williams, Del.
Dominick	McClellan	Young, N. Dak.
Eastland	McIntyre	
Ellender	Miller	

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I understand that the bill is now open to further amendment. Is it not true that this was the last of the amendments on which we have a unanimous-consent agreement, amendment Nos. 407, 408, 409, and the bill is now open to further amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 429

Mr. MAGNUSON. Mr. President, there is an amendment on the desk that was intended to be offered by the distinguished Senator from Hawaii (Mr. INOUYE). He was taken ill and is not present today. He intended to call up the amendment.

Mr. President, I call up the amendment for the Senator from Hawaii.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 22, lines 18–19, insert the following: strike "$250,000,000" and insert in lieu thereof "$250,500,000, of which $5,054,000 shall be available for grants pursuant to section 309(c)".

Mr. MAGNUSON. Mr. President, the matter the Senator from Hawaii was concerned about has been taken care of by the Yarborough amendment.

The PRESIDING OFFICER (Mr. COOK in the chair). The amendment is not in order. The figures included in the amendment are already included in a previous amendment to the bill.

Mr. MAGNUSON. Mr. President, I was going to ask with unanimous consent to withdraw the amendment so that the Senator from Hawaii would know that we had looked at it. I was going to explain that it has been taken care of in a previous amendment so that the Senator from Hawaii will not think we were unaware of his amendment.

Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

CHANGE OF REFERENCE

Mr. EASTLAND. Mr. President, there is pending before the Committee on the Judiciary S. 3128, a bill granting the consent and approval of Congress to the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes.

The Committee on Commerce has expressed an interest in holding hearings on this bill since it deals with interstate commerce.

Under the Legislative Reorganization Act, the Judiciary Committee has jurisdiction to consider compacts generally, and particularly in pursuance to the requirement of the Constitution of the United States as contained in article I, section 10.

In view of the interest of the Commerce Committee, the Committee on the Judiciary has authorized that request be made that it be discharged from consideration of S. 3128 at this time, with the understanding that when the Commerce Committee has completed hearings on the bill that S. 3128 be again referred to the Committee on the Judiciary for the purpose of carrying out its jurisdiction in compliance with the provision of article I, section 10, of the Constitution of the United States.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3128 at this time; that the bill be referred to the Committee on Commerce, and that when the Committee on Commerce has completed hearings thereon the bill shall be returned to the Senate and again referred to the Committee on the Judiciary for the purposes previously mentioned.

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

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield 3 minutes to the Senator from Maryland (Mr. MATHIAS) and me?

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am encouraged that the bill contains in it a bloc grant which will permit continuation of the program which was initiated a year or so ago to combat the plague of rats in central cities. Important rat control projects are now underway in Baltimore, Washington, and other cities where rats present a major menace to public health and especially to the health of children.

These programs are supported by Federal funds under section 314(e) of the Partnership for Health Act, in accord with an amendment to that act which I sponsored in the other body in 1967 and which was primarily sponsored in this body by the distinguished senior Senator from New York (Mr. JAVITS). In fiscal 1969, 15 projects received a total of $15,019,427 in Federal funds under this section.

Experience has shown that developing an effective rat control program requires patience and perseverance. The heart of such a program is really neighborhood action, using area residents to identify health and sanitation problems, kill rats, and educate the community in the types of practices which will prevent rodents from returning to the area. It is not a job which can be done successfully overnight.

I was therefore very pleased to receive assurances from the Department of Health, Education, and Welfare that, despite overall budgetary strains, rat control projects would be funded in fiscal 1970 at the same level of $15 million as in fiscal 1969. Dr. John W. Cashman, Director of the Community Health Service, wrote me on September 9:

> Although no funds were specifically earmarked in our authorization request for Fiscal 1970 for this problem, an administrative decision has been made to earmark $15 million of the appropriation request, now pending consideration, to continue to support rodent control project grants during Fiscal 1970 at the same level as in Fiscal 1969.

The appropriations bill now pending does contain $80 million, the full amount authorized, for project grants for all purposes under section 314(e). This is the amount requested by the administration.

Mr. President, these rat control projects are extremely important and promising. The Federal funding of $15 million is quite modest in comparison to other public health programs and in proportion to the need. Any reductions in this funding would have serious consequences and would badly undermine the constructive efforts now underway in Baltimore, Washington, and other cities.

It is very heartening to know that the administration does intend to maintain its commitment to these projects. I intend to follow the course of this program carefully and to insure that it will be sustained.

Mr. JAVITS. Mr. President, in September of 1967, the House of Representatives, in considering the partnership for health amendments of 1967, added $20 million for each of fiscal year 1968 and fiscal year 1969 to the authorization for State project grants for the purpose of rat control. However, this additional sum was not added for fiscal year 1970, the final year of authorization in this law. I therefore introduced on January 23, for myself and my colleague from New York, Senator GOODELL, S. 576, a measure to correct this situation, increasing from $80,000,000 to $100,000,000 the authorization for project grants for health services development under the Partnership for Health Act, with the understanding, as in 1967, that this increased sum will be used for rat control.

Since the present authorization ran out on January 30, I promptly wrote the distinguished chairman of the Labor and Public Welfare Committee requesting early consideration for this measure in order that it might be enacted into law in sufficient time to have full effect. Senator YARBOROUGH kindly quickly requested a report on my bill and the report from the Secretary of Health, Education, and Welfare—signed by the Acting Secretary, John Veneman—informed us:

> For 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request. With the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969.

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

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

(See exhibit 1.)

Mr. JAVITS. I then wrote Under Secretary Veneman expressing my concern about the problem of rat control and made quite clear that I was relying upon his assurance that rat control projects will be given a high priority for a share of this $80 million request and that they will be proposed and funded next year at least at the same dollar level as in 1969.

I ask unanimous consent that the full text of my letter of July 7 to Under Secretary Veneman be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. JAVITS. I, too, share the concern expressed by my colleague that not only should President Nixon continue to support an appropriation equal to the full amount now authorized for section 314(e) project grants, but also, that the Secretary will fund rat control projects—as we have both been assured—at the same dollar level as in 1969 when $15,000,000 was made available to support basic education and health education programs directed at rat control.

In the light of the estimated $1 billion damage annually incurred by rats in the United States, this $15 million appropriation is a prudent investment. It is a

modest proportion of the more than $3 billion spent annually to dispose of the millions of tons of garbage and trash which harbor rats.

In human rather than economic terms, it becomes even more critical—approximately 14,000 cases of rat bites are reported annually in our country.

In my State of New York, the State has appropriated approximately $2.3 million—and local communities $350,000—for programs which seek to exterminate rats and eliminate their harborages and food and water supplies. In addition, the State health department is carrying out research in rodent control.

I might add that rats are both an urban and rural problem. While thought of widely as a problem principally affecting the slum dweller, this year the press reported a large colony of rats infesting an exclusive block of Park Avenue in New York City bringing home the realization that the rat problem belongs to us all. As one citizen was quoted as saying: "The idea of rats crawling around on children in the ghetto really hits home when you see them on Park Avenue."

EXHIBIT 1

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, June 8, 1969.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate,

DEAR MR. CHAIRMAN: This letter is in response to your request of February 3, 1969, for a report on *S. 576*, a bill "To amend the Public Health Service Act to extend for one additional year the authorization of project grants for *rat control.*"

The bill would amend section 314(e) of the Public Health Service Act to authorize $100 million instead of $80 million for the fiscal year ending June 30, 1970.

The Department of Health, Education, and Welfare recognizes that rodent control is an essential element in improving the environmental health conditions of the Nation's urban communities. Accordingly, in fiscal 1969, the first year in which project grant funds were available for this purpose, 15 awards totaling $15 million have been made to support basic sanitation and health education programs directed at rat control in slum areas.

For 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request, with the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969.

One result of the recently completed review of the 1970 budget submitted to Congress by the previous Administration has been the President's decision to further stimulate implementation of the "bloc grant" approach embodied in section 314(d) of the Public Health Service Act. States will be actively encouraged to use additional "bloc grant" funds to be made available in 1970 to undertake traditional disease control activities like tuberculosis control, preferably in conjunction with family-oriented comprehensive health care programs. As a result, project grant monies now allocated for these purposes can be redirected to concentrate on problems of special significance such as rat control and expanded implementation of a nationwide rubella vaccination program without the need for raising the present 1970 authorization ceiling for section 314(e).

From the enactment of sections 314(d) and 314(e), it was envisioned that traditional activities like tuberculosis, cancer, and venereal disease control would, over time, be "spun-off" from project to "bloc grant" support as they matured and became widely accepted in practice. This does not imply an abrupt termination of grant support for the older disease control programs. On the contrary, the transition from project to "bloc grant" support will be achieved in the least disruptive manner possible. Section 314(e) funds will also continue to be available for support of tuberculosis and other control activities which, by measurement against objective criteria, are shown to represent an innovative approach to disease control, or are to combat a situation of special regional or national significance.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN VENEMAN,
Acting Secretary.

EXHIBIT 2

JULY 7, 1969.

HON. JOHN VENEMAN,
Under Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR JOHN: I have carefully reviewed the Departmental Report to the Committee on Labor and Public Welfare on my bill (S. 576) to extend for one additional year the authorization of project grants for rat control.

As you may recall, the problem of rat control was first brought to national attention when the House of Representatives, in considering the Partnership for Health Amendments of 1967, added $20 million for each of fiscal years 1968 and 1969 to the authorization for state project grants for the purpose of rat control. However, this additional sum was not added for FY 1970, the final year of authorization for this law.

In order to meet this critical need, I introduced S. 576, which provides for increasing from $80 million to $100 million the authorization for project grants for health services development under the Partnership for Health Act, with the understanding as in 1967 that this increased sum would be used for rat control.

Your report states, "for 1970, President Nixon is proposing an appropriation equal to the full amount now authorized for section 314(e) project grants. While no funds are specifically earmarked for rat control, such programs will receive high priority in competition for a share of the $80 million request, with the assurance that rat control projects will be proposed and funded next year at least at the same dollar level as in 1969."

In the light of the estimated $1 billion damage annually incurred by rats in the United States and the tragic toll taken by rat bites in the nation's slum areas, the problem of rat control remains an important concern to all, and I am deeply concerned that no funds are specifically earmarked for this problem. However, I am relying upon your assurance that rat control projects will be given a high priority for a share of this $80 million request and that they will be proposed and funded next year at least at the same dollar level as in 1969.

In view of my continuing interest in this critical problem, I would appreciate your keeping me informed of the exact allocations and projects to be made in this area, so that we may work together in guaranteeing sanitation and proper health conditions in the country's communities.

With best wishes.

Sincerely,

JACOB K. JAVITS.

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

Mr. JAVITS. I yield.

Mr. TYDINGS. I congratulate the Senator from New York for taking an interest in this matter.

One thing that concerns me about the possibility of cutting back the rodent control program—and I would appreciate it if the Senator from New York would speak to this point—is the enormous contribution of this program to the welfare and to the general health of the residents of many of our cities. This is definitely the case in Baltimore, which is the largest city in Maryland. The rodent control program in Baltimore has been very effective. As a matter of fact, it has been pointed to as a national model.

Is it the understanding of the Senator from New York that the funding of that program under this appropriation bill will be the same as the funding last year?

Mr. JAVITS. That is correct. It is included under the general heading of project grants for health services development.

Mr. TYDINGS. Will some bureaucrat in NIH or somewhere else in HEW arbitrarily be able to cut back on the ground that Congress did not appropriate sufficient funds to keep the ongoing programs going?

Mr. JAVITS. No. It is my understanding that the general idea is to maintain the program as it is, at the level of funding the preceding year, 1969, when $15 million was made available.

Mr. MAGNUSON. The testimony was that they would continue the program substantially as they had been working on in 1969.

Mr. TYDINGS. In other words, it is the legislative history of this bill that, since the funding is being maintained at last year's level, there will be no cut back arbitrarily?

Mr. MAGNUSON. If they do, I will be glad to hear from both the Senator from New York and the two Senators from Maryland, because I would be the first one to go down there and say that we intended to go on with this program.

Mr. TYDINGS. I thank the distinguished chairman.

Mr. JAVITS. I thank the chairman.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I would like to point out to the chairman of the Subcommittee on Education that on page 37 of the bill, under the title "Education—Foreign Languages and World Affairs," the House appropriation has been cut from $18 million to $12 million. I have been reading the report, and I notice that the budget asks for $20 million this year. As I have said, the House allowed $18 million and the committee has cut that to $12 million, apparently under the impression that the purpose for which this was originally appropriated has been achieved.

Mr. MAGNUSON. That was a small amount.

Mr. AIKEN. When I go home, I find people from all over the country studying languages, and Americans studying foreign languages. I think they are

studying 50 or 60 languages and dialects, and apparently the demand is greater than it ever was before.

I am not going to propose an amendment at this late date, because we want to get this bill through. But I hope that our conferees will take into consideration that this work is nowhere near done. I do not know if it ever will be, because they always want to learn other languages and dialects from all the continents. I hope the chairman will take that into consideration when the bill goes to conference.

Mr. MAGNUSON. As to the Fulbright-Hayes grants, the committee gave $3 million, the full amount requested in the budget. But on fellowships and research on foreign languages and world affairs the committee did make a cut. One reason was that there was very little favorable testimony. Frankly, some would like to find out more about these programs. When we get to conference with the House, I am sure there will be little resistance to accepting their allocation if the House makes the case for us. They went into it more thoroughly, and I am sympathetic to it.

Mr. AIKEN. Apparently, the institutions which are being cut were not aware of it until a short time ago.

Mr. MAGNUSON. These are teachers who have different programs.

Mr. AIKEN. That is correct.

Mr. MAGNUSON. I must say, frankly, there was some suggestion, "Don't they teach this in schools, anyway?"

Mr. AIKEN. They teach some of them. Not many teach Swahili or other languages not frequently used in our country.

Mr. MAGNUSON. But the world is a little different from the time when we had two or three foreign languages offered in schools. It is a little different today, and this is an important program.

Mr. AIKEN. This is particularly applicable to the continents of Africa and Asia.

Mr. MAGNUSON. The Fulbright-Hayes training program is the same amount as requested.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join the Senator from Vermont in what he has said.

Could the chairman of the committee tell me how much is allocated for the teaching of foreign languages?

Mr. MAGNUSON. The amount allocated by the House was $15 million, and the committee cut it to $7 million. In conference we will have the $15 million and the $7 million. The Budget recommended $15 million.

Mr. MANSFIELD. Could we be reasonably sure that, at the very least, there would be a meeting point on $14 million?

Mr. MAGNUSON. I am sure we will compromise these figures, because we want to hear from the House about this program. It is a program about which we had very little evidence from the Department.

Mr. MANSFIELD. Mr. President, on that assurance, I will join with the Senator from Vermont and not make any further move on this matter at this time.

Mr. AIKEN. I understand that about $15 million was available last year, but they have asked for a little less this year.

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

Mr. MAGNUSON. I yield.

Mr. MURPHY. Mr. President, first, I want to congratulate the distinguished senior Senator from Washington (Mr. MAGNUSON) and the ranking Republican member of the committee, the Senator from New Hampshire (Mr. COTTON), as well as the other members of the committee, for the excellent work that they did in connection with the Labor-HEW appropriations bill before the Senate today. At this time I would like to express my particular gratification for the committee's action in providing $20 million for the dropout prevention program and $25 million for the bilingual program. As the author of the dropout prevention program and a coauthor of the bilingual program, I am convinced that these two programs will prove themselves to be among the most significant, far-reaching and wise investments this Nation has ever made.

In my testimony before the committee, I recommended full funding of the bilingual program and $24 million for the dropout prevention program. Although I still believe that the figures I recommended are more than justified, I do believe that the recommendations of the Appropriations Committee represent a very significant improvement and are indicative of the growing awareness of the importance of these programs.

Mr. President, I ask unanimous consent that my testimony before the committee and a summary of some of the activities under the dropout program be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MURPHY. Mr. President, I am also delighted that the Appropriations Committee has funded the higher education cooperative work-study program. Under the committee bill, 1 percent of the work-study money, or $1.5 million, will be provided for this exciting concept in higher education.

I have been extremely interested in this concept, and cohosted a 2-day symposium that was held at the University of Southern California with Dr. Norman Topping, distinguished president of that great university. The interest in California is great and growing, and I am convinced that this is one of the educational waves of the future.

I authored an article for the San Francisco Chamber of Commerce magazine on this subject, and I ask unanimous consent that it be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. MURPHY. Mr. President, I am reluctant to take further time of the distinguished manager of this bill, Senator MAGNUSON, and the ranking Republican on the committee, Senator COTTON, for as I have said they have been so good to me and to my programs.

There is, however, one matter on which I would like to develop some legislative history. As you will recall, on October 13, I introduced amendment No. 231 to the Labor-HEW appropriations bill providing an additional $20 million for the training of personnel in vocational-technical education under part F of the Education Professions Development Act.

It is my understanding that many Senators expressed interest and support of this amendment to the committee. Some of us have been extremely concerned that vocational education often does not enjoy the position in American education that it should. I see that the committee has recommended an increase of $18 million for parts C, D, and F of the Education Professions Development Act. While I am grateful for these needed new funds, I note that the committee did not recommend earmarking the sum for vocational education as I had recommended.

There has been a reluctance on the part of the Office of Education in the past to give the proper emphasis to this area, and I was wondering if the managers of the bill would like to comment on the committee's intention with respect to this additional money under the Education Professions Development Act and their judgment as to the priority that vocational-technical training would receive.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the statement I made on October 13 in connection with this matter.

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

(See exhibit 3.)

EXHIBIT 1

TESTIMONY BY SENATOR MURPHY

Mr. Chairman. First, I want to thank the Subcommittee for giving me this opportunity to testify again this year. I want to discuss and strongly urge increased funding for the Dropout Prevention and the Bilingual programs. I believe that these two programs will prove themselves to be among the most significant, far-reaching, and wise investments that this nation has ever made.

Last year, when the House failed to provide a single cent for either program, I testified before this Subcommittee making a personal plea that the "shortsighted" action of the other body be reversed. The Committee, realizing both the magnitude of the problems and the merits of these two programs, responded, and in the HEW Appropriations measure passed by the Senate last year included $20 million for the Dropout Prevention program and $10 million for the Bilingual program. We were able to retain only $7.5 million for the Bilingual program and $5 million for the Dropout Prevention program in conference with the House.

This year, the House has come around somewhat and in the Labor/HEW Appropriations bill passed by the House, $10 million was provided for the Bilingual program and $5 million for the Dropout Prevention program. Given the size and seriousness of the problems to which these two programs are addressed, the sums provided by the House are clearly inadequate.

I am fully aware of the fiscal problems that we are facing, but nevertheless I believe that we must increase the funding of these two programs. I strongly urge $24 million for the Dropout Prevention program, which is the same figure recommended by both President Johnson and President Nixon in this year's budget. For the Bilingual program, I strongly

recommend full funding—$40 million—which is in excess of the budget of $10 million, but which is fully justified.

DROPOUT PREVENTION PROGRAM

Mr. Chairman, I authored the Dropout Prevention program, which was added to the Elementary and Secondary Education Amendments of 1967. The program is aimed at preventing and reducing dropouts. It was drafted in consultation with some of the nation's leading educators, including Dr. James Conant. Members will recall that Dr. Conant warned the nation in 1961 that "social dynamite" was accumulating in our cities. The accuracy of his warning is now history. Much of this "social dynamite" results from those who drop out of school and who are out of work. At one time the dropout posed no problem since those leaving school were able to find jobs in agriculture and industry demanding frequently little or minimum skill or education requirements. The knowledge explosion and the technological advances in the country have dramatically altered our national picture. That is why it is so alarming that approximately one million students are dropping out of school each year. In our nation's fifteen largest cities, the dropout rate varies from a high of 46.6 per cent to a low of 21.4 per cent. As high as these perecntages are, they are for the entire city district. To really comprehend the seriousness of the problem, it is necessary to focus on the poverty-area schools within these cities. In these poverty-area schools, seventy per cent drop out.

Mr. Chairman, it is these statistics and these schools which prompted me to author the Dropout Prevention program. It is these statistics and these schools which prompted me to label the dropout problem as the Achilles' heel of our educational system. It is these statistics and these schools which compel me to urge the Congress to substantially increase the funding of the Dropout Prevention program.

Mr. Chairman, the Dropout Prevention program is based on the premise that answers have not as yet been found which will make dramatic changes in the poverty-area schools. The program provides maximum freedom and flexibility at the local level for experimentation. Under the program local and state educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban or rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the state educational agency, is required to identfy the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, the most significant, the program requires objective evaluation.

Mr. Chairman, the Dropout Prevention program is a no-nonsense approach to education. Dropout Prevention projects must spell out clearly their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax dollar. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the Dropout Prevention program.

In the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform: "One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution."

The Dropout Prevention program is causing educational waves. The Dropout program is "touching" actual educational institutions. The Dropout Prevention program will produce change, will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country. Although dropout projects are now underway, I would like to discuss two of them so that the Committee might judge their significance and the momentum of their educational waves for improvement in our educational programs.

The project perhaps that has generated the most national interest is the Texarkana one. In this program, the school districts of Texarkana, a Texas and Arkansas border community, have called on private industry in an effort to raise basic levels of potential dropouts. The school system has entered into what is called a performance contract with a private corporation to bring potential dropouts up to grade level in academic performance. As the name of the contract implies, the companies must perform or they do not get paid. In addition to this phase, of the project, the Texarkana project is experimenting with a system of rewards and incentives for students. For example, successful students will receive coupons redeemable for merchandise and students who successfully complete two grade levels of achievement will receive transistor radios.

Another exciting project, Project STAY, in St. Louis, Missouri, places great emphasis on the work-study approach. St. Louis found that a desire to work and earn money and a lack of interest in or dissatisfaction with the school and the curriculum were among the major reasons for dropouts. In its attack, the community and the real world have been made part of the curriculum. Industry has warmly responded by providing positions wherein skills may be acquired, where the relevance of the classroom can be both seen and tested by the student and the system.

Some of the approaches are very unconventional, Mr. Chairman. For example, twenty students have been assigned to the McGraw-Hill Publishing Company where they will receive training in various job areas within the plant, including the operation and production of machinery used in the printing business. A teacher will accompany the students. This is rather unique because they will receive both academic instruction and job training here. For these students McGraw-Hill will be their school, home and their work assignment. This meant that the State Department of Education of Missouri had to relax somewhat their course requirements to permit this experiment. This they did.

The school system also has leased a Sinclair Oil service station. At this station, students will receive on-the-job training leading to such jobs as mechanics, service station management, and even to service station ownership. The Sinclair Company has provided a trailer which will be located at the gas station for conducting demonstrations of functions of the service station business.

In addition, the City of St. Louis has purchased an apartment building with local funds and 64 students—32 in the morning and the other half in the afternoon—will learn skills useful in construction work under the supervision of industrial arts teachers. After the apartment is rehabilitated, it will be returned to the City of St. Louis, which will then use the building to help solve some of the housing needs of the city. This may have potential both for skill acquisition and city rehabilitation. The union and real estate interest has responded well to this educational pioneering.

The interest and potential of the program, Mr. Chairman, can be seen by the fact that over a thousand requests from local educational agencies to submit preliminary Dropout Prevention programs has been received by the Office of Education. To fund all of these programs would take over $700 million. Of course, I am not recommending the funding of all of them. The Dropout Prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have a significant impact, while at the same time enough in number to be carefully monitored and evaluated so that, insofar as possible, success could be assured. Thereafter, it was hoped that the success of the program would be duplicated in other sections of the country. This educational R & D effort, the Dropout Prevention project, then are live local educational laboratories whose work has both great national interest and implications in solving one of the most persistent problems in American education.

Mr. Chairman, in my testimony before this Committee last year, I cited the growing realization of the relationship of education and income. I cited a study by Dr. Harold Kastner, a consultant for the Florida State Office of Education which divided individuals based on the 1960 census into levels of educational achievement as follows: Less than 8 years, 8 years, 1 to 3 years of high school, and 4 years of college. Dr. Kastner then projected the aggregate income gain if the individual had been able to complete the next income level. If those who had not completed the eighth grade and had been able to do so, and if those who had completed the eighth grade had been able to complete 1 to 3 years of high school, the national income would have increased annually by 6.5 per cent. A 6.5 per cent increase would have added $50 billion to our national wealth. These calculations help convey the monetary costs to society.

In addition to the earning loss to individuals and tax loses to the country, the dropout reappears in our crime statistics, on our juvenile delinquency rolls, in our corrective and penal institutions, and on our welfare rolls.

The investment of $24 million in this program with its great promise and potential is thus a small amount of money compared to the total money costs and waste of human potential. I am convinced that an investment of $24 million might save society billions of dollars in keeping dropouts from being a burden—or as the crime statstics indicate, even a menace—to our society.

THE BILINGUAL PROGRAM

Now, Mr. Chairman, I would like to turn to a second program that is so important to California and the Southwestern states, the Bilingual Program.

I cosponsored the Bilingual Education Act which was added to the Elementary and Secondary Education Act of 1967. Congress should be particularly proud of this program, for it is an excellent example of Congressional initiative. The bilingual program, the Committee will recall, was enacted over the opposition of the executive branch in 1967.

There are over five million Mexican-Americans in the United States located primarily in the southwestern states. My state is proud of the fact that more Mexican-Americans, 1.5 million as a matter of fact, live in California than in any other state. The Mexican-American, the nation's second largest minority group, faced the same problems of poverty and discrimination as other minority groups; but in addition they have a language handicap. For the typical Mexican-American child grows up in a home where the parents

speak little or no English. Naturally, the language spoken in the home, Spanish, becomes the child's language. This Mexican-American child, often from a low income family, then enters school and runs into the language barrier.

Senators, for a minute, imagine what it would be like if you or your youngster were to enter the first year of school where the language of instruction was different from the one you used and spoke at home. You would not only have to master a new language but also master a subject matter in the new language. Would it come as a surprise if you became frustrated and fell behind, discouraged and dropped out? The answer to this question helps to explain the education deficiencies of Spanish-speaking children and others whose dominant language is other than English.

The education statistics for the Mexican-American are to put it mildly, shocking. They show:

1. That one million of the 1.6 million Mexican-American children entering the first grade in the five Southwestern states will drop out before they reach the eighth grade.

2. In my state 50 percent of the Mexican-American youngsters drop out by the eighth grade.

3. That by the time Spanish-speaking youngsters have reached the third grade over 89 percent of them have repeated one or more grades.

4. That the average number of years of school completed for individuals with Spanish surnames is 7.14, for non-whites, 9, and 12.14 whites. Significantly, over the past 30 years, while the education gap between whites and blacks has been closing, the education gap between the Mexican-American with respect to both blacks and whites has increased.

5. That in my state, Spanish surname students comprise 14 percent of California's school age population, but less than one-half of one percent of the students at the University of California's seven campuses are Mexican-Americans.

6. That Mexican-Americans account for more than 40 percent of the students classified by school districts as "educable retarded".

These facts, as the statistics so dramatically illustrate, show that the schools have not been communicating with Spanish-speaking youngsters. No communication—no learning! It is as simple as that.

Let me go back for a moment to the last statistic I cited. A study done this year for the California State Department of Education showed that Mexican-American youngsters, labeled by the school system as "educable retarded" made remarkable increases in I.Q. test scores when such tests were administered in Spanish. This study, which I understand was first of its kind in the nation, saw some childrens' I.Q. increased by 28 points with the average climbing 13 points. These 13 point average increase incidentally, would have placed these youngsters above the mentally retarded level. Children below this level in my state are placed in special classes whereas above the level, they are part of the regular classes.

One wonders how many of the Mexican-Americans who make up the 40 percent of the educationally handicapped in California would be in regular classes had the test been administered in Spanish? And, how many of the large number of Mexican-American dropouts could be prevented if we substantially increased the funding of the Bilingual Education Program. I believe many, and that's why I have been such a strong advocate of this program.

The Bilingual Education Act is a commitment to reverse these statistics, to provide a solution to the education problems of Spanish-speaking children who in fact do not have an equal opportunity, an equal chance because of their inability to speak English.

Since the first project under the bilingual education program was not funded until May of this year, we naturally, do not have objective evaluations from these projects. There has, however, been studies of what happens when we force learning in a language that is unfamilar to the youngster as well as evidence from bilingual programs started prior to the federal Bilingual Education Act.

First, it is interesting to note that Russia seems to have a more enlightened policy in its approach to this problem than we do. Fifty percent of the Russian population have a mother tongue other than Russian. Russia in 1938 reversed its former policy of insisting that instruction be in Russia and permitted instruction in language other than Russian. As a result, a great increase in both literacy and the use of the Russian language occurred. Experimental programs in such countries as Sweden, Mexico and the Philippines indicate similar results. In the Philippine ILOILO experiment begun in 1948, experimental groups were taught reading, math and social studies in their local language in the first and second grades. At the third year, they were switched to instruction in English. Within six weeks, the performance of the experimental group in all subjects tested, including English, exceeded a control group who were instructed only in English beginning in the first grade.

Last year, I made reference to the Puerto Rican experience where, in effect, the United States attempted to impose the English language, sometime to the exclusion, sometime along with the mother tongue of Spanish. Columbia University researchers gave tests to some 69,000 youngsters to make a comparison between those who had been instructed in English, which was foreign to them, and those who learned through Spanish. They then compared both group scores with youngsters from the United States. They found that Puerto Ricans taught in English were markedly retarded. Those, however, taught in Spanish, not only equalled but exceeded U.S. students on the Mainland. Columbia University researchers attributed this astonishing result to the fact that the "facility with which Spanish is learned makes possible the early introduction of content into the primary curriculum".

Mr. Bruce Gaardner, former chief of the Modern Language Section, Office of Education, told the Bilingual Education Committee in 1967 "now, this has extraordinary implications. What they are saying is that because the authoritarian academicians over the years, over the centuries, always adjusted the writing system of Spanish to make it correspond to the spoken language, there is a very close match between the Spanish writing and Spanish sound. We did not do it in English. We could have, but we did not. They did it in Spanish. They did it in Spain. Therefore, there are no reading problems, as we know them in Spanish-speaking countries. The extraordinary implication is that if the Spanish-speaking children of our nation were allowed to use Spanish as one of the mediums of instruction along with English, not only would their handicapped bilingualism disappear, but there is a strong likelihood that they would have a decided advantage over their English-speaking schoolmates simply because Spanish is an easier language to work with in the elementary schools."

The Indian Education Subcommittee on which I serve came across some interesting facts that are instructive along these lines. In the 1800's, prior to the Federal Government taking control of the Cherokee affairs, the Cherokee Indians, using their native language, and bilingual materials, were able to achieve a literacy rate of 90 percent which, incidentally, was a higher literacy rate than the white population of Texas and Arkansas. Today, following the Federal Government's taking over, the picture is bleak as 40 percent of the Cherokees are functionally illiterate and their school dropout rates in public school are as high as 75 percent.

In my State of California, I examined a report of the Marysville, California School District after the second year of an experimental bilingual program. The report said: "analysis of the data tend to support the hypothesis that Spanish-speaking pupils are better able to learn where they use their native language and have systematic instruction in English as a second language".

Mr. Chairman, these, then, are the limited objective data that are available. I am proud to say that the Bilingual Program, like the Dropout Program, holds schools accountable for results. Spanish-speaking youngsters in the Bilingual Program must do as well as Anglos in the fundamentals while they are learning English as a second language. It is my understanding, based on discussions with Dr. Leon Lessinger that we will have at the end of this fiscal year some of the hard objective data that the Appropriations Committee naturally is very interested in. However, there is substantial subjective evidence that the bilingual approach is working. I have talked to many teachers, to students, and to parents and the reports that I have received indicate that the pupils are doing better, are happier, have more confidence and are more willing to participate in their class where their language and heritage is an integral part of the school.

Mr. Chairman, I asked my staff, in cooperation with Dr. Eugene Gonzales, of the California State Department of Education, to contact some of the bilingual project directors in California and share their up-to-the-minute thoughts with respect to the Bilingual Program. I ask unanimous consent that this be made part of the record at the conclusion of my testimony. (See exhibit 1.)

So, Mr. Chairman, insofar as the second largest minority group in this country, the Mexican-Americans, we seem to have the educational breakthrough that we all are looking for. The Bilingual Education Program offers the hope, based both on limited objective evidence available, and considerably more subjective evidence of remedying the sad educational statistics that I cited earlier. With the means at hand, we are doing so little.

Furthermore, we should be supporting the Bilingual Program not only because of its great potential of eliminating a national liability, but also because bilingual should be regarded as a national treasure, one that should be developed for both a better America and a better world. Modern means of transportation are, in effect, shrinking the distance between nations and the world's peoples. We can expect in the 1970's travel between peoples of the world unparalleled in the history of mankind. Bilingual Americans are and will become even more a great national asset. Rather than allow such an asset to waste it should be developed to its fullest potential.

My city of Los Angeles, where the largest concentration of Mexican Americans in the nation is found, was not funded under the Bilingual Education Act despite the obvious critical need. Applications from California alone exceeded the national appropriation for the Bilingual Program last year. In total, 315 applications from 40 states added up to $41 million was received by the Office of Education for Fiscal Year 1969. It is estimated that for this fiscal year that between 500–600 applications will be received.

The Senate should once again seize the initiative and substantially increase the funds available to the Bilingual Education Program. Although I believe that the pro-

gram should be fully funded at the $40 million figure in view of the magnitude of the problems, and of the program's potential; if the Committee is unable to do that, I believe the bare minimum, even given the real fiscal problems that we face, we should provide this year is $30 million.

In conclusion, I would ask unanimous consent that a floor statement I made on October 13th on my amendment No. 231 to H.R. 13111, providing an additional $20 million for the development of personnel in vocational-technical education be printed in the record. (See exhibit 2.)

EXHIBIT 1

RESPONSE OF PROJECT DIRECTORS IN ANSWER TO TELEPHONE QUESTION CONCERNING ITEMS THAT COME TO MIND AS A RESULT OF THE BILINGUAL PROGRAM

BARSTOW

Mr. CHAVEZ. There is a need for more in-service training for both teachers and aides; the co-mingling of attitudes so we could have a cohesive program; an awareness on the part of the teachers to problems which were otherwise hidden from them. Learning as a cognitive process is the same in Spanish as in English. This is what we would primarily be interested in.

BRENTWOOD

Mr. YANEZ. Actually the parents have been coming to the school. We had an open house with almost 90% turn-out. Mexican-American people who had decided to come to school have been coming to our dinners. A Mexican lady said, "We are glad you are here because we have somebody with whom to communicate." Before she had never attended any meeting. The parents are more relaxed about the fear their children will come to school and not be understood. More of the children are coming to school with smiles rather than grim looks. Our project had a page spread in the Brentwood newspaper. I feel it is a tremendous program; I had been in the classroom for fourteen years and feel this is the right direction to go, especially when you have a 40% Mexican-American enrollment in your schools. We are setting up a barbecue; we had a breakfast and open house; I spoke to the Lions Club. (Not Title VII but the Brentwood program is to be part of a movie. Officials in Washington phoned and asked if they would be in the movie. They are not telling the story of Title VII but they want to show how we teach the Spanish-speaking in America and how we treat the Spanish in Brentwood.)

The children were timid at first. It is a good feeling trying to get the people involved and it has affected the attitude of the parents and children. The parents feel now that the children might finish school and amount to something. The program has made a tremendous impact in Brentwood and I am trying to let the people know what is happening.

CALEXICO

Mr. LOPEZ. 1. We are trying to set up a truly bilingual situation. This is very difficult because we do not have any ESL two-language level proficiency. In our program we have one-third English speaking, one-third bilingual with greater proficiency in English, and one-third Spanish speaking. That is the makeup of the class and we have one teacher and one aide. The teacher has given instruction to each level but as far as language is concerned there are no materials available so we are in the process of developing a curriculum. We want to make certain the children are keeping abreast.

2. We need help in the writing of curriculum because teachers do not have the expertise to write curriculum. . . . We pursue the challenge; there is a Spanish speaking need. Before the Spanish-speaking students were put aside where we would teach them English. Now we put them all together in the classroom with English speaking students and it creates a challenge to the classroom teachers simply because of the different levels of language proficiencies in English and Spanish. Another problem is to find people who can find the time to evaluate. There are a lot of proposals so it is difficult to spend the time that is required. We do have the evaluators at least two days of the week for the rest of the year because the evaluator has to be involved in classroom development.

Through this particular type of program we have actually developed a greater cooperation or socialization with all three different levels of the speaking groups. Previously the three distinct groups would segregate themselves, now they all socialize together. We do need some more time for the development of curriculum. All of the curriculum development should be put together in one little soup kettle and should be used by all. Teachers developing materials are basically pack rats, they don't like to share discoveries.

CHULA VISTA

Mr. JUAREZ. I notice a growing awareness on the part of school personnel and community people about the needs of the youngsters this program is intended to reach. This is perhaps the most hopeful thing.

Secondly, since we have been reviewed in the South Bay area we have found that the existing resources are very numerous and it is tapping the youthful environment. There is an awareness and uniqueness to the bilingual and bicultural environment that exists here. The inter-district plan has permitted the people involved to begin to communicate about areas of community concern and teachers have met in teacher sessions. We have been able to have dialogue between elementary, junior high school and high school teachers for the kind of instructional program that is needed in a bilingual program.

One of the things that holds much promise is a growing cooperation on the part of the school and home as it relates to the learner that we are going to reach. This will develop into a positive thing that has come out of the program so that the school and the home will both be communicating and both be promoting the instructional growth of the student.

COMPTON

Mr. GOODMAN. 1. We have had a tremendous community response; children who have never responded before in the classroom are now bubbling. Parents and aides have noticed children beginning to talk, in fact you can't shut them up. By using the language of communication we have actually opened up the youngsters. The children now respond in a normal classroom as regular normal children when Spanish is used as a language. This has been noticed by teachers, aides, and parents. We thought of taking one child to the principal, but realized that he was simply overly enthusiastic; the children are communicating.

2. Teachers who formerly had these youngsters have remarked they didn't know the children could respond. The children are happy; attending school regularly; learning their ABC's in Spanish, and learning them quickly. We have had a tremendous success with the program. These observations come from teachers other than bilingual teachers; they come from bilingual aides who worked with the youngsters in a regular classroom state; this became notable the third day of the program. We notice these factors becoming very distinct.

The children in the bilingual program respond; they respond in Spanish. They have been characterized as being silent in the English classroom but they are not that way in the Spanish classroom; they communicate and interact; they do not feel stereotyped. This is established by bilingual teachers, aides and other teachers. The children appear to be learning at a faster rate in Spanish since we are teaching the basic subject matter in their language. They surprise us; they pick up their numbers faster in Spanish. Some of the materials have stimulated them. English is taught as a second language. It appears that as we give the instruction in Spanish, the transference into English is extremely easy. They pick it up easily. I have worked before under ESL and it was very difficult because you were not working with the Spanish language. . . . The struggle we had when we worked only with English is gone. We use ESL techniques but both teachers have remarked that the youngsters pick up English so quickly. We did not expect this influence upon the other language to be so quick. The children are aware that they live in an English speaking country. They continue to ask in Spanish how to say the same thing in English and we discover that once they have a little word in Spanish, the English word slips right in. We think the program has been very successful so far. The teachers are thrilled with it. There is so much to be done that the program development has slightly overwhelmed us; we unlocked a reservoir; we have touched a linguistic resource. We have Spanish speaking parents born in Compton who say they wish they had this opportunity. It is too early to measure but we are developing measurement devices; we can only tell of what we have seen. This information comes from other than classroom teachers. The bilingual teachers are amazed; they had no idea how vibrant and alive, very active these children could be—just normal American youngsters. The overwhelming factor is that they are so happy; very happy. It appears the home is quite happy. The parents decided. The program has its problems. Our concept in Compton is to develop original curriculum material as it pertains to the child. It is original; because of my background we actually develop our lesson from originality. The material that I was able to get are Spanish language books developed for children who speak Spanish and live in a Spanish speaking environment. We do not use dual English-Spanish books. The youngster will be taught to read and write. In the English classes they will be taught from English language materials that we use in our own schools. We will not use translated materials. We will use only foreign language materials that have been successfully used in Mexico and Latin America. The curriculum material will be original and designed for Spanish speaking children who live in the United States. It is really bilingual. Both of our project teachers are teaching Spanish daily in our high school. Teachers in the school have asked to borrow our materials already to help the youngster who is not in our program.

EL MONTE

Mr. RODRIQUEZ. My immediate reaction is something that one of the parents said the other day. This parent is of Mexican ancestry but speaks nothing but English at home. Without realizing the child was growing up without hearing Spanish. After being in his class for a few weeks the child goes home speaking Spanish and wants to speak nothing but Spanish. The first thing she learned was how to greet her grandfather in Spanish. They were thrilled. (I actually talked to the mother in the sentences preceding this—she was in Mr. Rodriquez's office and was so pleased with her little girl's progress. Bernice.)

When we spoke to parents while we were organizing the class we interviewed maybe all thirty of the parents of the children in our class and half of the other class. Not one parent objected to the program; they all wanted their child in it. We haven't run across one who has held back; there is no

negativism. The children go around singing Spanish songs they learn in class. We have a parents' meeting every Wednesday from 1:30 to 2:30. The teachers follow through on some of the lessons for the week and carry it on to the parents. A child brought home a painting and the parent scolded her so the teachers carried on a painting class. They indicated that you should praise everything a child brings home. We discussed the program; we had a finger painting exercise so the lesson was reinforced. We have to encourage, not discourage. We ask them to discuss—tell me about it. We will bring the child out and have him become expressive.

We decided to put out a little newspaper every two weeks. (The lady in the office to whom I spoke—Bernice) has a daughter who is a high school senior who is quite artistic who is going to draw a cartoon for the newspaper. We plan to send the people at home stories of what is going on in class in both languages.

Have you heard of TV Education Channel 28 Ahora/Today. What is being done with the Mexican American today will have a little program on the bilingual program.

FRESNO COUNTY

Mrs. JOWETT. 1. At the present time it would appear to us that the instructional materials that we are using indicate that progress is being made with the children that is either equal to or above what would ordinarily have been expected and was evidenced in previous years. We have only been in the program a month.

2. We are finding that the majority of the children involved in the program seem to be able to work with a greater degree of independence than we noted before.

3. The interest in the second language or learning Spanish is high and the response on the part of the Mexican American children, although they are not necessarily proficient in Spanish, is very good. The Anglo children have also evidenced interest in learning another language although we have not been in this phase of the program long enough to form any kind of definite opinion, it appears that the Anglo children are responding in much the same manner as the Mexican American children who are not proficient in Spanish. We are beginning to see more interest on the part of the community as we have had an opportunity to meet with community representatives.

GONZALES

Mr. LICANO. The most important item—the kids are really responding to the program. We had a similar program without Title VII but it wasn't as organized as this one and the kids are really responding and doing very well up to this point. It wouldn't be possible without funds to provide the materials and personnel for the program.

HEALDSBURG

Mr. KATELEY. 1. This is meeting one of the needs that we have had in California in districts that have had a high percentage of Mexican-American children.

2. Being new we don't know how well it will work. The funding level doesn't seem nearly enough to do the job envisioned but it is a job that is really a priority item to attack.

LA PUENTE

Mr. KEOHANE. The information was given by Mr. Clonts, Assistant Superintendent, because of Mr. Keohane's illness.

1. We have employed thirty bilingual parents who are providing instruction to some 900 students since September 1.

2. More Spanish culture is being taught in the primary grades as a result of this project.

3. More of the Mexican-American parents are inter-acting with the principals and teachers in the schools through parent conferences and coming to hear about the bilingual program.

Our project has several objectives: to speak Spanish and English, and to get the school and the Mexican-American community to act together. We have been able to do this by taking these thirty parents, have people come to them and have them go into homes. Shortly we are starting the third phase in which Mexican high school students will be tutoring in homes in the evenings and after school. With this increased emphasis on the bilingual project and people pushing the Mexican culture as part of the study we have been buying more materials related to the Mexican-American culture. We discuss the textbooks with parents and students. One is *Mexican-American—Past, Present and Future* by Julian Nava. These kinds of materials are used more in the classroom as a result of this program. Also ESL material is being used.

One of the good things about the program is the fact that good evaluation techniques are built into it so that at the end of a year, or five years, we will know whether we accomplished what we set out to do.

LOS NIETOS

Mr. GRIJALVA. An item that immediately comes to mind is the number of mothers and aides that we have involved in our program; also, the number of volunteers has been exceptional. We have people from Whittier, from the U.C.L.A. Nursing corps, people from the Child Guidance Center and a child guidance off-campus group from one of the high schools has affiliated itself with us. We have seven volunteer parents involved in the program. Our professional evaluator has tested the program. The reaction has been tremendous. A lot of bright-eyed, bushy-tailed children are being encouraged at just the right age.

This will show up in evaluation in the future. I have been tremendously impressed with the volunteer program. We have the list documented with signatures and the hours and the reports are filed with Head Start.

UKIAH

Mr. DE LA PENA. There has been a lot more concern expressed for the Mexican-American child and the Indian child. We have had teachers call us about a certain child and our office has been sort of a place where teachers having problems with the Mexican children have been calling to see what is going on. We are now in the planning stage; we can't actually do anything yet. My reaction is that there is considerably more interest in the Mexican American child and the problems of the Indian child. It seems that all of a sudden the Mexican-American child and the Indian child exist; before they were a non-entity.

SAN FRANCISCO

Mr. CHEW. The project is going very well in terms of the objectives of the original program, to help 25 Chinese children. The kids are learning English and they have nowhere to go but up because they all started with zero. We have 25 first graders who have all been here less than two years in a self-contained class. We use English and Chinese to teach. We begin with conversational English to help students with their understanding like stating in English to get in line, close the door, etc., by constant repetition using sentences and commands with the action. The products are the children themselves; they are even able on their own to say please give me a pencil, etc. We work on their vocabulary and sentence structure. We don't teach grammar as a subject, we hope they will learn grammar by constant usage of English. We have arranged some trips to schools and other places so they will learn about the needy communities, etc. Most are students from the Chinese Ghetto in Chinatown. We try to open their vistas. In addition to the audio-language English the children do have a regular schedule which will cover other subject matters such as music, reading, writing, spelling, math and social studies.

FRESNO CITY

Mr. ALLISON. My understanding was that Senator Murphy wanted a "grass roots" reaction on the impact so far of Title VII. So far, as happens in any new program, we are working out the bugs and annoyances that come with implementing a new program such as we are putting into Winchell School. To date the best and most encouraging reaction has been the reaction of the parents of the children in the program in last week's "Back to School" night. There was a good deal of favorable comment among the parents of the children in the four classes. In fact the effect upon the four Title VII teachers was, according to Principal Bill Hansen, to reassure them that what they were doing was producing positive results and attitudes in the community. The teachers had felt somewhat insecure because of the profound change in the curriculum of the bilingual program. Special pleasure was expressed by some Mexican-American parents that their language and cultural background was being emphasized. One parent, obliged to move to another area of Fresno, was asking how he could get an inter-district transfer so that his child could continue in the bilingual program. This is a tentative and subjective impression but we were very pleased with this reaction among the parents.

INSTANCES OF EDUCATIONAL CHANGE THROUGH TITLE VIII OF ESEA

1. *Involvement of Private Business and Industry in the Educational Process:* The Dade County Talent Development Program, Miami, Florida, involves a work-experience program using business and industrial resources such as local meat-packing firms, landscaping firms, office machine firms, etc. IBM is working with the project in providing communication skills to students. Hialeah General Hospital is training attendants and hospital workers. Project STAY in St. Louis has work study programs with McGraw-Hill, Sinclair Oil, Famous Barr Department Store, and several local hospitals. Bell Telephone provides work-study skills with promotion and wage increase as school progress and skills development are shown. In Project KAPS in Baltimore, the C and P Telephone Company and local hospitals are developing communication skills and hospital training for students. The Dropout Prevention Project in Chautauqua, New York includes paid work-experience programs with local supermarkets, summer camps, landscaping firms, etc.

2. *Reform and Renewal of School Structure and Organization:* Each of the 10 funded projects is working toward elimination of unproductive instructional programs, of outmoded curricula, and of facilities which do not yield sought-after objectives. Project EMERGE in Dayton has one component in which students receive special study skills away from the regular school. In Seattle, a newly-organized Personal Development Academy will provide individualized instruction for students with special problems. In Fall River, "microprojects" or small grants will be given to teachers with successful ideas for school improvement. Fall River will also institute an experimental science program, an IPI math program, and a specially-adapted English program to meet the needs of children in that city. St. Louis will provide coordinated after-school activities. Miami will attempt an Engineered Classroom to assist potential dropouts to adjust to regular classes. Baltimore will use home instruction and counseling for sick, retarded or pregnant students. Some teachers in the St. Louis project will provide academic instruction on location of the industrial establishments which involve students in work-study pro-

grams. The Texarkana project has brought schools in Texas and Arkansas together to form integrated instructional centers to upgrade the reading and math of students.

3. *Motivating Students Through Rewards and Incentives:* In Baltimore, an Earn-Learn component in elementary schools will allow students to perform tasks for which they will earn points. Pupils will be able to trade points for school supplies, games and toys, and trips. Students who are successful in the Texarkana project will receive coupons to redeem for merchandise. Students who complete two grade levels of achievement will receive transistor radios. In Baltimore, older students will contract with teachers for something they would like to do in exchange for achieving their study objectives.

4. *Relaxing Ancient Traditions which Inhibit State and Local Educational Progress:* In Florida, the conventional 50 minute classroom "hour" will be made flexible to permit varying amounts of time to be spent on different subjects according to individual student need. The 9 to 3 daily schedule will disappear for students with special problems in St. Louis which will permit night classes, special care centers, schools for pregnant girls, etc. Similarly, in New York, clubs will be developed around motivational interests of students identified as high potential dropouts. Batesland, South Dakota will establish teacher aides to assist Indian students in appreciation of their culture. New patterns of teacher preparation will emerge necessitating changes on the part of colleges and universities in preparing school staff. For example in Dayton, Ohio, college students with inner-city backgrounds will be hired to assist younger students to stay in school. Technical assistance will be provided through a Dayton-Miami Valley consortium of colleges and universities.

5. *Preparing Students for Realistic Job Education:* In St. Louis, one unit of the work-study component will involve students in house and apartment renovation to provide them with skills useful in construction work. Many of the businesses and industries cooperating with the dropout prevention projects are providing skills which will permit students to later enter these organizations as fully-qualified workers. Florida provides concentrated training on job decorum, positive work attitudes, proper dress, and the importance of being competent in a vocation. Seattle, St. Louis, Dayton, Fall River, Baltimore, New York, and Paducah have intensive pupil personnel services and counseling to better prepare the students for entry into careers and vocations.

6. *Insuring Student Mastery of Curriculum Skills:* New York will develop life-oriented curriculum learning centers to assess student difficulties, motivate the child, and provide remedial training as needed. Special group sessions for alienated students will be tried. The Texarkana project will guarantee raising the reading and math levels of students by two grade levels in specified time. In Baltimore, secondary tutors will be paid to help in raising the achievement levels of younger students. Paducah will establish an intensive Unit Program to provide specialized learning techniques for high potential dropouts. Miami will provide a self-instructional center coupled with part-time work. Seattle will re-structure several schools to provide improved curriculum approaches. In Seattle, small groups will be organized to better work with teachers in designing new aprpoaches to learning. Skills and knowledge to be taught will be organized around things which interest students as in the case of Dayton, which will teach academic skills by analyzing welfare problems.

7. *Insuring Quality and Responsible Teaching:* At least two prime causes of student dropout relate to the teaching ability of staff and to outmoded instructional procedures, both of which may force a student to conform to patterns which he is unable to accept. In Paducah, an Extensive Training Program will help teachers to improve their attitudes toward disadvantaged youth and to assist them in developing improved pupil self-concepts. In Texarkana, a contracting agency will teach teachers to utilize special equipment designed to raise reading and math levels. In Baltimore, a private Institute of Behavioral Research will conduct intensive staff training for elementary teachers. In South Dakota, teachers will be trained to serve as resource agents to provide better instruction. In New York, staff will be trained to develop team concepts in improving curriculum.

8. *Accountability for Results:* Strict concepts of accountability for attainment of stated educational objectives have been accepted by each of the projects for which a grant award has been made. Toward this end, each projects has used a portion of its award to secure needed technical assistance not available in the school system. Such assistance has been provided by outside consultants, such as Booz, Allen and Hamilton and Associates; Educational Testing Service; regional laboratories, universities, etc., and has provided aid in assessing school needs, developing specific performance objectives, improving school management, producing evaluation designs, etc. In Dayton, an Emerge Council and a Dropout Prevention Review Board will bring parents and community groups into closer partnership with the school in planning programs and insuring that results will be achieved. In Baltimore, special community aides will establish links between the school and community to improve accountability of both groups. In South Dakota, parent-student seminars will assist the schools in reaching objectives. In Texarkana, an outside contractor will guarantee attainment of stated objectives in reading and math with both incentive and penalty clauses built into the performance contract.

9. *Independent, Tough-Minded Review of Student Educational Payoff (Educational Audit):* For the first time in connection with grant awards for educational projects, the Office of Education is requiring an educational audit for each project funded under the Dropout Prevention Program. The educational audit is roughly analagous to the financial audit and seeks to determine what the federal government is getting, in terms of student learning, for the tax dollar. In addition to intensive program evaluations required on each project, each project will be required to have an educational audit made to verify the results of evaluation. Such educational audit will be done by contract with independent, outside qualified consulting organizations which will examine all aspects of the program in order to identify potential obstacles to attainment of objectives and to offer corrective suggestions. The Office of Education has arranged a series of institutes to provide training for organizations which hope to serve as educational auditors.

EXHIBIT 2

COOPERATIVE EDUCATION

About 70,000 specialized students in the United States will earn $125 million from American industry this year.

Too little of the background of these students, and the role played by our business community in this joint venture, has been told. The concept is called Cooperative Education and the 70,000 students engaged in such curricula attend 136 colleges, universities and community colleges throughout the United States.

More than one-third of these students work as assistants and aides to scientists and engineers in laboratories supported by the $20 billion our society will spend in 1969 on research and development. Other students work as assistants to teachers in public schools, libraries, in the field of health, and countless other areas.

Students today insist that curriculum be relevant and meaningful. And it is a time when we should realize that artificial barriers separating students from society must be reduced. It is also a time when education costs skyrocket as educational institutions strive to build facilities and acquire the necessary faculties to meet rising enrollments.

During the past few years, as a member of the Senate Subcommittee on Education, I have had an opportunity to observe and study the projects and processes by which we hope to better prepare our young people for a fuller, more meaningful life. I have concluded that certain qualities are most essential: pride in oneself, respect for others, and self-reliance.

Here is where cooperative work-study programs—which permit students to alternate periods of full-time study with periods of full-time employment—can fill an important role in society. By definition, cooperative education is that form of higher education which alternates classroom theory, discipline and study, with related work experience.

It is not a new concept. It was first inaugurated in 1906 at the University of Cincinnati. However, cooperative educational programs are still not widely known. Not enough colleges are convinced that industry can provide an important supplement to a college education and, in turn, not enough businessmen are aware of the material and intangible benefits available to them. In California, for example, only seven colleges or universities offer cooperative education programs. Nevertheless, just ten years ago, there were none.

Recently, I had the opportunity to co-host, with President Norman Topping of the University of Southern California, the first California Conference on Cooperative Education, organized by the National Commission for Cooperative Education. The conference was attended by many interested members of the business, financial, and academic communities of Southern California. I feel this meeting did much to encourage the serious exploration of the potential of cooperative education by those who attended the symposium.

My interest in this subject results from personal experience working and going to school. As a boy whose parents died when I was quite young. I was faced with the usual problems of growing up—getting an education, and going out into the "cold, cruel world" to find a job and make a living. I attended good schools and a fine university, and I took odd jobs during the school year and in the summers to help pay my way. By the time I left college, I had plenty of work experience—in auto shops in Detroit, coal mines in Pennsylvina, selling real estate on Long Island, jerking sodas, waiting on tables, shilling for a tailor shop and even working as a bouncer in a dance hall.

I was not an exceptional student. But I was able to acquire quite a variety of job experiences and practical knowledge which I would not have traded for anything. And by the time I left the campus for good, that "cold, cruel world" looked a little warmer, a little more inviting.

So, too, will students in cooperative education programs see our so-called establishment a little differently when they return to the campus after working at a job.

Their jobs can move them up the career ladder. Ford Motor Company, for example, employs 800 co-ops from 30 colleges. Drexel Institute's 3,500 co-ops earned $7.5 million last year. Of the $125 million in total earnings, the co-ops pay at least ten per cent in taxes to the federal and state governments—a fact which I am certain is of special inter-

est not only to members of Congress, but to all of us as individual taxpayers.

I do not want to neglect the reasons why cooperative education is so important to industry.

James Godfrey, as Coordinator of the Cooperative Education program of Lockheed, at Sunnyvale, made this very clear during an Oregon Conference on Cooperative Education when he stated the reason why Lockheed participates in this program:

"We do it, somewhat perhaps, out of a feeling of benevolence, and perhaps this is the way we started. It is an idealistic view, and we still maintain that. . . . However, I think this is the main reason—we want these students back as fulltime professional employees when they graduate. And we get them in sufficient numbers and proportions to make it worthwhile for us. It's good business—especially in today's highly competitive professional manpower market. Also, we found the graduates of a co-op program are superior to the graduates of the normal four-year curriculum and are more productive; they are immediately productive; they are technically better qualified . . . they appear to have found their niche in life much sooner than the graduates of a traditional curriculum."

We in the Congress think that expansion of the Cooperative Education Program can be extremely important. I am pleased to be the author of an amendment, now incorporated in the Vocational Education Amendments of 1968, which provides for federal financial assistance to the states, to encourage and expand cooperative vocational education programs. An amendment to the Higher Education Act of 1968 authorizes the U.S. Commissioner of Education to make grants to institutions of higher education for planning, establishment, expansion or carrying out by such institutions, a program of co-operative education which alternates periods of full-time academic study with periods of full-time public or private employment. This amendment, which I strongly supported, is intended to enable those institutions which find it desirable to consider restructuring their academic programs to establish cooperative education. Such institutions can apply for federal grant funds of up to $75,000 a year for three years to meet the cost of starting and operating a program. Support can also be provided to enable institutions with existing programs to expand them or to expand into new curricular areas. In enacting the amendment, Congress authorized $8,750,000 for the fiscal year ending June 30, 1970. If it is now adequately funded for a period of five to seven years, this amendment could enable more than 400 additional institutions to move vigorously into cooperative education programs. This would provide opportunities for an additional 250,000 students to take part. While I am not a member of the Appropriations Committee, I intend to work for adequate funds for this program.

I recently asked Robert H. Finch, the Secretary of Health, Education, and Welfare, to approve an application under the program authorized by my amendment, for cooperative education programs made by two Orange County and three San Mateo County junior colleges. The program would provide work-experience for 1,000 students in its first year and would increase at a rate of additional 1,000 students yearly. Both business and the California Junior College Association warmly endorsed the plan which I hope might help this important concept catch fire at the growing community college level.

So, the message is getting across. There's an old saying that "nothing is so powerful as an idea whose time has come." I believe honestly, that cooperative education is such an idea.

EXHIBIT 3

STATEMENT OF SENATOR GEORGE MURPHY

Mr. President. I rise today to offer an amendment to H.R. 13111, a bill making appropriations for the Departments of Labor-Health, Education and Welfare for fiscal year 1970. My amendment is very simple. It will have the effect of increasing by $20 million the total amount of funds made available for Parts C, D, and F of the Education Professions Development Act, with the additional $20 million earmarked for the development of personnel in vocational-technical education. Currently the U.S. Office of Education has indicated an intention to spend only $5,750,000 for training vocational education personnel. There is ample evidence that this sum is totally inadequate, and my amendment proposes to earmark the additional funds so that our educational system can begin to attract new personnel to the field of vocational-technical education, and in order that existing vocational personnel might be upgraded and retrained.

Mr. President, my colleagues in the Senate who are concerned about the problems posed by increased inflation may question my introduction of this amendment. I share their concern and I must admit that I have been hesitant about supporting increased spending at this time. I am, however, persuaded that there is an overwhelming and critical need for additional training funds to meet the personnel needs in vocational and technical education. These needs are especially severe in my own state of California.

I introduce my amendment at this time in order to bring this matter to the immediate attention of my colleagues. The Senate Labor-HEW Appropriations Subcommittee, so ably chaired by the distinguished Senator from Washington, Mr. Magnuson, will begin hearings on H.R. 13111 this month. In the interim, however, I hope that the other members of the Senate will investigate the training needs for vocational-technical personnel in their own states and will come to the support of my amendment.

There is no lack of facts to substantiate the need for increased and improved vocational technical education programs throughout the country. These facts have been presented to Congress before, and they clearly and persuasively indicate that education in the United States does not meet the needs of the majority of American youth. For example:

80% of American youth in 1966 dropped out of school before graduation from college, but less than 20% had acquired skills with which to enter the job market.

60% of the students attending high school left to enter the world of work rather than going on to college, yet less than one in four was enrolled in a vocational education program while in high school.

In light of these facts our national educational priorities have been incorrectly set:

14 federal dollars were invested in universities in 1966 (proportionately more in subsequent years) for every one dollar invested in vocational education programs.

4 federal dollars were invested in remedial training programs during that same year for every one dollar invested in preventive vocational education programs.

To correct this imbalance, Congress voted last year to authorize an expenditure of over $750 million beginning in Fiscal Year 1970 for a new and improved vocational education program. I am pleased to have been the author on the Senate side of Part G of the 1968 Amendments which provides funds for cooperative vocational education programs. This technique for preparing persons for work has much potential, and is a great untapped resources for vocational education, as well as for other education.

Aware of the fact that neither innovation nor expansion can occur unless there is sufficient professional teaching and administrative personnel, Congress made provision in the 1968 amendments for the training of vocational education personnel. The training component of the 1968 Vocational Education Amendments (an amendment adding Part F to the Education Professions Development Act) authorized a 1970 expenditure of $35 million for training purposes. I ask unanimous consent, Mr. President, that a fact sheet describing the components of Part F be included in the Record immediately following my remarks.

Those of us in the Senate who worked to perfect the Vocational Education Amendments of 1968 were hopeful that the newly authorized programs would be adequately funded in 1970. We were heartened when the House Appropriations Committee increased President Johnson's and President Nixon's budget allowance for vocational education, and we were even more encouraged when the full House of Representatives voted to add more than $131 million to the Committee bill, making a total of $488 million.

Mr. President, neither the House Committee nor the full House, however, increased the funds for the training of vocational education personnel—and these are key people who must administer the $488 million of programs and staff the schools. The thrust of the Vocational Education Amendments of 1968 is to modernize vocational-technical training, to make it available to individuals, and areas, not now being served. These changes cannot take place unless there is an adequate supply of trained teachers, coordinators, and administrators. The new vocational education programs may be doomed to failure if Congress does not act now to provide additional training funds for vocational personnel. New institutions can be built and new teaching methods devised but the schools cannot operate and the new curricula cannot be implemented without an increased supply of adequately trained vocational education personnel.

The needs for training and retraining vocational and technical education personnel are just as startlingly clear as the needs for establishing new and better schools. The facts are these:

Enrollments in the public vocational-technical education program are rising and will continue to rise at an accelerated rate requiring many new teachers. Information available to the Office of Education indicates that enrollments in public vocational-technical education programs will probably reach 8,555,000 in 1969 and increase to 17,250,000 by 1975. Past experience has shown a teacher-student ratio of about 1:50 which would mean that the 1969 teaching force would be approximately 171,400. If the ratio remains the same, the teaching manpower requirement in 1975 based upon the above enrollment projections would be 345,000. Other professional and paraprofessional support personnel needed to staff vocational education programs throughout the country would be in addition to the above estimates.

Producing additional teachers is a problem since most universities do not offer the proper teacher training programs in vocational-technical education. Although universities and colleges in most states offer teacher training in vocational education areas such as homemaking, industrial arts, agriculture, and trade and industrial education, few offer training in teaching the more technical occupational skills and in new and emerging occupational areas. Very few universities and colleges offer comprehensive advanced degrees designed to develop leadership personnel for vocational-technical education.

Further, the problem of shortage is compounded by the fact that many states have not had the staff or financial assistance nec-

essary to properly assess their needs. The State boards of vocational education, in nearly one-half of the states have not been able in the short time since the enactment of the vocational education amendments to submit a prospectus or plan to make them eligible for funding under Section 533 of Part F. This includes some states which most desperately need to update and expand vocational education programs.

In the states which have accomplished this assessment, however, the response has been overwhelming. Tentatively eligible requests for financial assistance from educational agencies and institutions for 1970 Fiscal Year funds from states which have submitted a plan as of August 1 deadline totalled $34,722,633, or slightly under the amount of the authorization. These facts underscore the need for massive financial and technical assistance to institutions of education and state boards of vocational education if these training needs are to be met.

So that you may fully appreciate the need for training additional vocational technical education personnel and for retraining presently employed staff, I would like to present a case study by bringing to your attention the problems faced by the State of California in the area of recruiting, training and retraining vocational-technical education personnel.

The information and statistics I am about to present were supplied by the State Department of Education in California.

The State of California currently has some 9,500 vocational and technical education teachers who will be attempting to meet the skill development needs of approximately 1,000,000 secondary, post-secondary, and adult students in California. Earlier in my remarks, Mr. President, I quoted Office of Education figures which indicated that the usual ratio of students to teachers, nationwide, was 50 to 1. In California that ratio is close to 100 to 1, an appalling state of affairs. We cannot deny that the shortage of personnel is a very severe problem.

It is not the only problem, however. Two additional factors compound the issue. One problem revolves around the fact that our rapidly advancing technology has left currently employed teachers far behind in up-to-date knowledge of their subject matter. Recent studies, entitled, *Profiles of Trade and Technical Teachers,* by Melvin L. Barlow and Bruce Reinhart, substantiate this claim. The median age of trade and industrial education teachers employed in 1966–67 was 45.9 years, and the median age when they began teaching was 36.8 years. The majority of these teachers at that time, and I am certain that the situation has not changed, had been away from active participation in the occupation for which they were giving instruction for approximately 8 years. The study concludes it was safe to assume that many of them had "not kept current with changes occurring in the technology of teaching." A second study completed in 1969, in which 286 leaders responsible for vocational education programs at the local level in California were contacted, found that the highest priority for the improvement of instruction was "the maintenance of teacher exposure to the latest developments in their subject area, both technical and pedagogical."

The second problem concerns the fact that existing vocational education personnel are simply not adequately trained to cope effectively with the special needs of the major minority groups within the State—the Mexican-Americans, Negroes, and others—who constitute enrollments in vocational education in increasing numbers. A study currently being completed by the University of California underscores this fact.

The State of California Department of Education is very concerned about these problems and desires to take immediate steps to meet the needs of retraining existing personnel and recruiting and training new teachers. They desperately need additional assistance, however, in order to accomplish this.

The State Department of Education has outlined the vocational-technical education needs of the State of California and carefully constructed a plan of operation to meet those needs. This plan, I have been informed by officials in California, was submitted to the Bureau of Educational Personnel Development for funding. In order to be implemented the California plan requires an expenditure of over $4 million during the next three years, with $892,000 needed for 1970–71. Over this three-year period, nearly 2,000 persons would be trained or retrained. Overall the emphasis would be on improving the quality of teaching in vocational education areas, alleviating the shortage of qualified teachers, and developing a cadre of "master teachers" to teach in places where there are high concentrations of disadvantaged, handicapped, and minority students.

Mr. President, at the current level of resource allocation, there would be no hope of funding the California State Comprehensive Plan. The three-year request submitted by the State of California by itself is nearly ⅘ of the total request for Part F in 1970.

At the present level of funding—$5,750,000—I have been informed (and somewhat reluctantly) that the Vocational Education Training Branch of the Bureau of Educational Personnel Development could fund projects under Sec. 552 involving 160 persons, projects under Sec. 553 involving 3825 participants, and continue projects from 1969 involving 70 teachers. If my amendment were adopted and $20 million was made available to the Vocational Education Training Branch. however, the situation would change. Instead of 4,055 participants nationwide, projects could be funded in which 13,495 persons were trained or retained to be vocational technical education teachers. This is a substantial number and would constitute a good effort to meet current needs.

Mr. President, the failure of American education to meet the job entry needs of today's youth continues to constitute a serious waste of human resources. Vocational education must become an integral part of the educational experience of those students who are planning to enter the job market without continuing their education at the college level. It cannot and should not be assigned a second-class status. The need for vocational education experience is particularly acute for the members of minority groups, for the handicapped, and for those seeking to break the cycle of poverty. For these people the lack of job entry skills may prove the crucial obstacle in a society with an increasing demand for a skilled labor force and an ever-decreasing need for unskilled workers. The proposed level of funding for vocational personnel funding is too low to make an impact, too inadequate to begin to meet the vocational education training needs.

One of the most important and rapidly growing educational institutions in our society is the junior college. These institutions, many of which call themselves comprehensive community colleges, have developed at the rate of one per week, and they offer unusual opportunities to prepare persons for the world of work by offering the 13th and 14th year of education. California, as my colleagues know, has been the pioneer and leader in the community college movement. The last time I checked, there were approximately 90 community colleges in the state, and it was expected that there would be 100 by the early 1970's. Of the total student freshman and sophomore population in California, approximately 85 per cent are enrolled in community colleges. Secretary Finch and the Administration are aware of the importance of community colleges.

Professor John Nealon of Rutgers University, in a recent study, entitled, "The Outlook for Adequate Faculty in Public Postsecondary Vocational Education," reported: "The essential facts are that of the entire working force, less than 15% have baccalaureate or advanced degrees. The balance are employed in the occupational areas where the formal education required of the average worker is shifting upward at an increasing rate. A 12th grade education soon will no longer suffice and the great body of our working force will require one to two years of postsecondary training to be considered for the more desirable and higher paying paraprofessional positions."

Professor Nealon developed statistics showing the types and number of teachers that must be prepared for vocational education programs at the postsecondary level alone. He finds that by 1974 we must almost double our present efforts in preparing personnel for postsecondary programs of vocational-technical education.

The Vocational Education Amendments of 1968 was a landmark bill charting a new direction for vocational education. Educators with whom I have spoken are challenged by both the Act's great potential and the societal problems to which the bill is addressed. But as magnificent a blueprint as it is, the key to the Act's success will not be its form, but its implementation. And this means that meeting the personnel needs is crucial to the success of the entire vocational education program. We simply cannot vote funds for bricks and mortar, experimental programs, books and equipment without providing adequate money to train teachers to serve in those schools to run those programs to use that equipment.

An appropriation of $20 million for the training of vocational education personnel will be a move in the right direction.

Mr. President, I ask of my colleagues that between now and the time H.R. 13111 is reported to the Senate floor, they investigate the situations in their own states. I am certain that each of you will find the shortages just as acute, the inadequacies of present vocational and technical education personnel just as severe as those I found in California. I believe there will be unanimous agreement as to the critical nature of this problem. I hope the Senate will support an appropriations of $20 million for vocational education personnel training for Fiscal Year 1970.

Mr. MAGNUSON. Mr. President, I wish to say to the Senator from California that we did not earmark funds for this program but the additional amount we have provided will be sufficient to carry out what the Senator is talking about.

Mr. MURPHY. I thank the distinguished Senator.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Maryland.

AMENDMENT NO. 433

Mr. TYDINGS. Mr. President, I call up my amendment No. 433 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 21, line 11, strike "$78,000,000." and insert in lieu thereof "$80,800,000: *Provided,* That no less than $6,500,000 of this total to be expended upon the population research contracts program.".

Mr. TYDINGS. Mr. President, at this time is it in order for me to modify my amendment?

The PRESIDING OFFICER. Yes; it is in order.

Mr. TYDINGS. Mr. President, I yield myself 7 minutes.

Mr. President, I ask unanimous con-

sent that my amendment be modified, first, by adding the name of the Senator from Oregon (Mr. PACKWOOD) as a cosponsor; and, second, on line 2, strike out everything after the word "provided" through the end of line 4, and on line 2, strike out the figure "$79,800,000" and insert in lieu thereof the figure "$80,800,000".

The PRESIDING OFFICER. Will the Senator send his modified amendment to the desk?

Mr. TYDINGS. Mr. President, the purpose of my amendment is to increase the appropriation for the National Institute of Child Health and Human Development—NICHD—from the committee recommendation of $78 million to $80.8 million. This additional $2.8 million is requested to enable NICHD to fund its contract program for population research at the level originally planned for fiscal year 1970.

According to the report of the President's Committee on Population and Family Planning issued last year, the United States should be devoting a minimum of $100 million a year for population-related research if we are serious about solving our grave family-planning problems. The most critical needs are in the area of biomedical and contraception research.

Last year, NICHD—the agency currently responsible for population-related research—spent a paltry $10.7 million on such research; a mere 10 percent of the minimum amount we should be spending. Of that $10.7 million, $3.7 million was spent through the research contract program. The research contract program is the only portion of the NICHD budget which provides for problem oriented research in the area of contraceptive development, the assessment of the medical effects of oral contraceptives and related research in the behavioral sciences.

Consistent with the new priority Secretary Finch has granted to family planning programs, HEW requested an increase in this population research contract program for fiscal 1970 from $3.7 to $6.5 million—an increase of $2.8 million.

As you know, the House provided no increase in NICHD appropriations over fiscal year 1969. The Senate Appropriations Committee has suggested an increase in the total NICHD appropriation from the $73.1 million level of last year to $78 million for fiscal year 1970—an increase of $4.9 million.

Now of that $4.9 million increase, the committee earmarked at least $2.6 million for training grant and fellowship programs. Of the $2.3 million remaining, NIH officials estimate that roughly $1.3 million will go for funding mental retardation research centers. The Senate committee report did not indicate how much, if any, of the remaining $1 million will go to the population research contract program.

This would mean that for fiscal year 1970, the research contract program might still be funded at last year's $3.7 million level; still $2.8 million short of the total requested.

In order that this vitally important population research program be fully funded at $6.5 million—without drawing any funds intended to combat mental retardation—I am offering an amendment to increase NICHD's appropriation by $2.8 million, from $78 million to $80.8 million.

If we are serious about transforming our concern over the population problem into action, an additional $2.8 million is a small price to pay; a small investment in America's future.

Mr. President, just last week the Health Subcommittee of the Committee on Labor and Public Welfare, of which the distinguished Senator from Texas (Mr. YARBOROUGH) is chairman, held hearings on the grave population problem confronting this Nation and the terribly inadequate research being carried on to solve this problem. It was pointed out during those hearings that a large increase in population-related research is necessary if we are to provide voluntary planning services to mothers across America. This point was made repeatedly by the American Medical Association, deans of our great medical schools, numerous scientists and Nobel laureates, as well as by Dr. Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare.

It was pointed out that for each dollar spent in the field of population there is a return of $20 to $70 at the local, State, and Federal levels. It was also pointed out we really have no research program worthy of the name which is operating in the United States with respect to this problem. The major breakthroughs—and there have been few in the last decade—have been in research programs which have been funded through private foundations, not through the National Institutes of Health.

Mr. President, it may not be realized by the world yet, or by our Government, but the global population explosion is perhaps the single most serious problem facing mankind today. If the problem is not faced up to in the country we are going to see property taxes double in the next decade; we are going to see local sales taxes, States taxes, and Federal taxes skyrocket because there is no way we can pay for the tremendous increase in population in this country without a tremendous increase in taxes. We have not begun to look at the full consequences of the problem seriously and systematically.

I would be grateful if the distinguished chairman and the distinguished Senator from New Hampshire would accept the amendment which would basically provide an additional $2.8 million for research in this vital field of population so that the NICHD population research contract program can be fully funded at the $6.5 million level requested by the administration.

President Nixon is the first President in our history to send a message to Congress on the importance of population. I think it took great courage and it showed great wisdom on his part.

The Secretary of Health, Education, and Welfare, Mr. Finch, last week came up and testified on the great urgency the administration places on this problem. At those same hearings, Dr. Egeberg, the Assistant Secretary of Health, Education, and Welfare, reasserted the importance of providing adequate funding for population research. I am offering this amendment with his support and at his behest so that we can have a full utilization of an ongoing research program in this vitally important area.

I would be grateful to the distinguished manager of the bill if he would accept the amendment.

Mr. MAGNUSON. Mr. President, I have discussed this matter with the distinguished Senator from New Hampshire. We will be glad to take it to conference and I am glad the Senator took off the proviso. This is an important matter. We do, however, have a great deal of money in the bill for family planning, which is also a part of this entire picture.

Mr. TYDINGS. I think it is imperative that we expand the $3.7 million spent on the population contracts program in fiscal year 1969 to $6.5 million in fiscal year 1970.

Mr. MAGNUSON. I think research for better family planning is necessary, too.

Mr. TYDINGS. I wish to say that it is important that we develop in this country the best scientific devices and contraceptive devices so that if a mother decides to voluntarily plan her family she can do it. The least we can provide is research and development so that a mother who wishes to voluntarily plan her family can do so. Right now the state of development in this area is sadly retarded when compared to research and development in relation to death control. We spend something in the neighborhood of $100 on death control to every $1 we spend on the problem of birth control. I would hope that the chairman would take the amendment to conferences in the hope that we can secure full funding for the population research contracts program.

Mr. MAGNUSON. We would be glad to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of the time?

Mr. TYDINGS. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 433) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 12, strike out the figure "$10,426,000" and insert "$12,426,000."

Mr. COTTON. Mr. President, the Secretary of Labor has requested $2 million to put into effect their crime program.

The committee felt it did not want this running through the various departments and we did not allow it. We thought the request should come from the Attorney General. The Secretary of Labor has just communicated with me and he and the Attorney General together would like to have this taken to conference to be considered.

Mr. President, I asked the chairman if he would take it to conference. He said he would.

I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 43, lines 7 and 8, strike out "$35,650,000" and insert in lieu thereof "$36,250,000".

Mr. WILLIAMS of New Jersey. Mr. President, it is with a sense of urgency that I offer an amendment to the Labor-HEW appropriations bill. The amendment would increase the appropriations in the committee-reported bill for the Older Americans Act from $35,650,000 to $36,250,000. This modest $600,000 increase would be used to provide funding for training personnel in the field of aging.

Under title V of the Older Americans Act, training grants and contracts are made to: First, support recruitment and training of personnel now employed, or preparing for employment, in the field of aging; second, develop university curricula and training material to transmit the specialized knowledge and skills essential for social planning and responsive services; third, undertake manpower studies and job analyses to assess the supply of and demand for personnel in the field of aging; and fourth, assess the skills required for leadership and responsible performance in emergent occupations serving elderly persons.

The original budget request made by the outgoing administration earlier this year for the title V training program was $3,500,000, approximately $600,000 more than in fiscal 1969. This was in recognition of the foreseeable, growing demand for more adequately trained personnel to serve the aged. The revised budget request by the present administration reduced this figure to $2,610,000, nearly a $900,000 reduction. It was estimated that this request would support continuation projects which would fund about 285 long-term career students and a few short-term trainees. An additional $290,000 was recommended this week by the Committee on Appropriations in order to restore the training program at approximately the fiscal 1969 funding. Applying the same average cost computation under the revised budget estimate for training long-term trainees, the additional $290,000 provided in the committee bill will allow about 32 more long-term career students to be trained, increasing the total of those receiving long-term training to 317.

While this increase is certainly a step in the proper direction, more needs to be done because of the crucial shortage of adequately trained personnel for the elderly. The effect of my amendment, which would raise the title V funds to the level sought by the previous administration, would be to provide nearly 100 additional training positions and would raise the total for long-term trainees to approximately 383—a 34-percent increase when compared with the revised budget request. This increase, in my judgment, is essential. Unless action is taken immediately to expand the opportunities for training, older Americans will face increasing shortages of personnel trained to provide the care and services which they desperately need.

We know that a need exists, because that need has been documented. At the urging of the Senator from Massachusetts (Mr. KENNEDY), an amendment was adopted in 1967 to the Older Americans Act. It directed the Secretary of HEW to study and evaluate: first, the immediate and foreseeable need for specialized training personnel to carry out the objectives of the act and, second, the availability and adequacy of educational resources for persons preparing for work in the field of aging. The main study, entitled "The Demand for Personnel and Training in the Field of Aging," declared that there is a critical shortage of trained and specialized personnel in programs serving the aged.

For example, the report stated:

Although some progress has been made in developing appropriate training programs it is far behind the expanding need. As a result most if not all service programs are faced with critical shortages of trained personnel. The outlook is for little improvement in this regard unless drastic changes are made in the scope and character of the training effort.

While this increase in funding for training will increase opportunities for long-term trainees, consideration should also be given to short-term training by the Administration on Aging because short-term courses can play an important role in introducing hundreds of new practitioners and volunteers to the field of aging and in upgrading and updating the skills of experienced practitioners. At the end of this year, it is estimated that approximately 4,750 persons will have received training through the 24 short-term projects supported since the inception of this program. These projects have made significant contributions by increasing the required skills and knowledge of personnel serving or preparing to serve the elderly. However, the revised budget request of $2,610,000 would have the effect of virtually eliminating these short-term training projects. The enactment of my amendment could contribute significantly toward expanding the short-term training programs as well as the long-term projects.

The effectiveness of the programs under the Older Americans Act has been amply demonstrated. However, the lack of inadequately trained personnel can nullify what progress has been made to make the lives of our senior citizens more meaningful and pleasant.

I ask unanimous consent to have printed in the RECORD a strong expression of support for the funding provided by this amendment by a renowned expert in the field of gerontology, Wilma Donahue of the Institute of Gerontology of the University of Michigan. This response is typical and dramatizes the need for increased appropriations for the title V training program. Therefore, I strongly urge the adoption of this amendment.

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

DECEMBER 11, 1969.

Senator HARRISON A. WILLIAMS,
New Senate Office Building,
Washington, D.C.:

This telegram expresses my deep concern about the low level of the appropriations requested for the AOA title five training grant program. I understand that the requested amount will not permit the funding of any new training programs in FY 1970 and will provide only bare maintenance if that for existing programs.

In view of the documented need for large numbers of persons trained to serve older people, I regard the failure to provide adequate funds for both short term and career training programs as a tragedy. There is no dearth of students wanting to be trained or educational institutions anxious to provide the needed training. I therefore urge that the appropriations request be put back to its original level of 3.5 million dollars for the title five training grant program. I sincerely hope that you will support such a request.

Respectfully,

WILMA DONAHUE,
Institute of Gerontology,
University of Michigan.

Mr. MAGNUSON. Mr. President, we can take the amendment to conference. The amendment did not provide very much for training. Of course, the law itself is comparatively new. So we would be glad to take the amendment to conference and discusss the matter there.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I just want to look around the Chamber and ask whether there are any more money amendments.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the clerk be directed to have the bill correctly show what transpired on the item "Loans and Grants to States for public assistance," which appears on page 37, line 19.

After the comma, insert the follow-

ing: "and sections 102 and 103 of the International Education Act of 1966"; and on page 37, line 18, strike out "and".

The PRESIDING OFFICER. Without objection, the corrections will be made.

Mr. MAGNUSON subsequently said: Mr. President, yesterday Senator ALLOTT offered an amendment to school assistance in federally affected areas.

The amendment read:

On page 31, line 19, strike $600,167,000 and insert $660,167,000 and on page 31, line 19, strike $585,000,000 and insert $650,000,000.

I am informed the amendment should have read:

On page 31, line 19, strike $600,167,000 and insert $660,167,000 and on page 31, line 19, strike $585,000,000 and insert $645,000,000.

I ask unanimous consent to make the necessary corrections.

The PRESIDING OFFICER. Without objection, the corrections in the bill will be made.

Mr. JAVITS. Will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I just want to say what a great job the Senator from Washington and the Senator from New Hampshire have done. It is certainly a fine fine piece of work. Every member on the committee should be grateful to them both.

Mr. MAGNUSON. I thank the Senator from New York very much.

Mr. President, the Senate has explored the many items in this bill. We have debated the merits of funding levels. We have explored the workings of many programs. We have encouraged consolidation and reorganization, to avoid the waste of undue duplication and overlapping of efforts. We have adjusted priorities in many areas, and we have expressed our own feelings and sense of priorities.

Except for a very few areas, I think we have been fair and sensible in the allocation of resources.

As a member of this body, as chairman of the subcommittee charged with responsibility for the bill, I feel much better today about the priorities that are now reflected in this bill, much better than I felt when I read the President's budget in April and May, and when I read the various amendments sent up to us.

As we approach the final vote, I want to say a very few words about the "people" involved in these programs, the people they reach, and the people who make these programs live.

These programs reach every American citizen—rural, urban and suburban. Young or old, rich or poor, everyone has a vital stake in the programs, in the bill, and in the funds allocated. The Senate has not forgotten that many of these programs will have a major impact upon the quality of life in our society and, therefore, are of vital import to every future citizen of our land.

I should like to pay special tribute to everyone involved in the delivery of these programs to people—to all the teachers in classrooms everywhere—to librarians—to those in the laboratories who are making headway against the evils that plague us physically, or impair our environment—to those in the health professions who are delivering the best health care to the people that our Nation has ever known. They and we are dedicated to continued improvements in the quality of that care. There are too many programs, too many people, to mention them all.

I want to say how impressed I was with the dedication to purpose and the evident ability to do the jobs, the high professional caliber that I found so many of these people to possess. This applies to those in the home offices, to those in the field, and to the many volunteers associated with the programs.

It was reassuring, and it should be reassuring to everyone interested in the success of these programs. It is true, we should expect such ability and dedication, but we do not always find it.

I know that all of us who worked intimately on the bill found many fine examples of that dedication to purpose and evident ability throughout the areas of responsibility involved. I salute them all, and I hope they find we have been helpful to them and to all our fellow Americans.

Mr. President, let me say a word on priorities, which are very hard to establish. I do not blame people for being dedicated to their particular interest. That means there is good competition for priorities, with everyone wanting a fair advantage. We tried to allocate these funds the best we knew how, in order to serve the basic nationwide purpose.

I want to say one thing in particular: I think we are making great progress in medical research, not as much as we would like to, but there is a light at the end of the tunnel. If there should be any crisis in the medical area facing this country, it is in the delivery of health care to our people. In getting the very best care right down to the people, and we should be able to help resolve these difficult problems in the delivery of health care.

The Senate was consented to "upping" the bill so that we would be able to train more people in every possible sector of health care.

I want to thank our dedicated staff once more, and thank the Senate as a whole for being so patient with the Senator from New Hampshire and myself.

Mr. COTTON. Mr. President, the bill contains some of the most vital and most needed programs in the entire Government. The bill must become law, of course. Appropriations should be just as liberal as we can afford. Bearing in mind some of the money we are spending and throwing around the world and up into space and everywhere else, we must be liberal.

I feel, however, that we should mention how the bill started.

It was started from the House committee at $16.5 billion.

On the floor of the House was added $1.1 billion.

The Senate subcommittee added $3.246 billion.

The full committee added $31 million.

Now, on the Senate floor, has been added a total of $543.7 million, which is well over $.5 billion.

Thus, we now have a $21,363,319,700 appropriation bill.

I am for the bill. I want, when we get to conference, to see that we get the best bill possible, with the money to hit the mark.

But I do not feel that we should pass a $21 billion plus appropriation bill, without a rollcall vote.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COTTON. Because of some of the money which has been added to the bill—just simply as a matter of protest, I may vote "no" on final passage. That does not mean that I will not do my best in conference to see that the really valuable items are saved.

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

Mr. COTTON. I yield.

Mr. WILLIAMS of Delaware. I join the Senator in expressing concern over the size of this increase. Would the Senator from New Hampshire permit me to have printed in the RECORD a letter which the President sent to Congress on July 16, 1969, wherein he restated that he would comply with $192.9 billion expenditure ceiling which had been passed by Congress. In the same letter he pointed out that Congress itself had some responsibility to hold down appropriations and that otherwise he would have no choice but to either impound the funds where he could or veto the bill. For Congress to appropriate billions above budget requests and then tell the President that they expect him to hold total expenditures down to the prescribed $192.9 billion level is sheer political hypocrisy.

It is time that the Members of the Senate demonstrate some responsibility.

Mr. COTTON. I would be happy to have the Senator ask unanimous consent to do that.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the President's letter of July 16, 1969, be printed in the RECORD, followed by an item appearing on today's U.P.I. wire service commenting on this same point. I join the Senator from New Hampshire in expressing concern over these ever-expanding appropriations which are being approved by this Congress. Certainly this is no way to control inflation.

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

THE WHITE HOUSE,
Washington, D.C., July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending (thereby

raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

INFLATION

WASHINGTON.—President Nixon today asked Congress to join him in holding down Government spending to maintain confidence in the Nation's economy "no matter what the cost in political popularity."

"At stake is nothing less than the future of the American economy," Nixon said in a letter to leaders in both the House and Senate.

Nixon pointed out he had had established a $192.9 billion spending ceiling for the current fiscal year last April, $4 billion less than proposed by the Johnson administration. Congressional actions and increases in uncontrollable items such as interest on the public debt forced him to lop another $3.5 billion from the budget he said. But he said Congress had jeopardized the ceiling.

In all, about $6 billion in fixed built-in increases has swelled Government spending since Nixon took office last January, he said.

Congressional actions already passed by at least one House of the Congress could add about $4 billion to Federal spending this year, he said. These actions include—

Increased educational aid in the appropriations bill for the Labor Department and Health, Education and Welfare Department.

A civilian and military pay raise, "premature" and "following on the heels of substantial raises" this past summer.

A 15 per cent increase in social security benefits in place of the 10 per cent recommended by Nixon.

New legislation giving additional benefits to veterans, children and others.

Nixon said an additional $1 billion has been lost through congressional inaction on his requests to make the postal system self-supporting, and to permit sales of certain financial assets of the Veterans Administration and the Farmers Home Administration.

Nixon said "this combination of action and inaction would load an additional $5 billion onto an already overheated economy."

Despite these increases in expenditures, Nixon said recent Senate tax proposals to increase personal income tax exemption and to retain part of the investment credit would take away $1.6 billion from revenues.

"The Congress appears to be well on its way to substituting tax reduction for tax reform," Nixon said. "This will harm rather than help the average taxpayer."

The President pointed out that with the expiration of the surtax next July 1, revenues for the 1971 fiscal year must be calculated from a base $8.5 billion lower than formerly expected. In addition, he said, other increases in uncontrollable Federal payments will raise next year's budget expenditures "probably above $200 billion."

Nixon said that every dollar released through reduced taxes or increased Government expenditures produces several dollars of additional "price pressures" in the economy leading to higher prices and inflation.

"Inflation—the hole in everybody's pocket, is the most unfair tax of all," the President said.

Restoring order in an economy wracked by inflation for more than five years "requires the patience of Job," but some progress has been made, Nixon said. He listed—

Retail sales have remained at near the same level since midsummer.

Business inventories are high, possibly requiring some easing of production schedules.

The Consumer Price Index, rising at the rate of 6.4 per cent per year in the first half of 1969, has dropped to 5.3 per cent per year since June.

But Nixon said the Government must "persevere in strong, responsible fiscal policies" if it expected to build confidence in the year ahead.

"The way we handle the Federal budget will determine whether millions of consumers can balance their family budget," Nixon said.

"We stand at the crossroads of credibility. If we can regain a fiscal grip on ourselves and carry through with a strong budget and fiscal policy, we can build on the growing evidence that policies of 1969 are beginning to exert stabilizing effect.

"But if we miss this opportunity, it will be a long time before the public will ever believe that Government can manage its finances in any way other than to produce sustained and serious inflation."

Mr. WILLIAMS of Delaware. I hope that the conferees can work out a better solution than that which has been done in the Senate.

Mr. COTTON. Mr. President, when the hearings started, the administration requested that we find some way to reduce the $1.1 billion that was added on the floor of the House. I understand from what happened yesterday, with the approval of the Department, and I assume of the administration, we not only kept all that, but loaded on much more. We appropriated a cool $2 billion without a word of evidence, without any hearing, doing it before the actual authorization was passed.

This is an important bill. It is a bill that strikes at the sensitive nerve of America. It is a bill that links the Government to the American people and determines whether we are a compassionate Government or not. Let us not ruin it by making it a political football and filling it up thoughtlessly with every kind of pet program until the whole thing loses the confidence of the American people.

I am for the bill. I will do my level best in conference to preserve everything in it—that is vital. I believe I shall vote "No" on final passage as a protest and with the hope that another year we will start earlier, and take more time and be more precise in the way we handle what is indeed a very complicated bill.

I want to compliment the distinguished chairman of the committee. I have never seen a man work harder. It has been a privilege to work with him. Such action as I am about to take now does not reflect on him or anybody else.

Mr. RANDOLPH. Mr. President, I express genuine gratification over the health research, training and program funding levels recommended by our colleagues on the Appropriations Committee. It is my firm conviction that the increased funding, amounting to over $246 million, for these programs is justified. I commend the distinguished and able Senator from Washington (Mr. MAGNUSON) and his subcommittee members who worked diligently in preparing the case for the higher levels of funding.

It may be true that no person is against adequate funding for health care programs, but cost reductions and cutbacks to deflate our economy generally hit health areas the hardest. Senators generally desire to control Federal spending. But it must not be done at the expense of our critical health programs. As stressed by the Senator from Washington, it is essential that we continue to protect and expand the endeavors directed toward improving the health and well being of our citizens. As I have often stated, cutbacks in research and operating programs in health care are shortsighted.

We have heard detailed discussion of the committee recommendations for the Health Services and Mental Health Administration and the National Institutes of Health. However, I desire to comment on several programs for which the committee recommended increases.

The recommendation of $200 million for the National Cancer Institute—approximately $19 million over the level approved by the House—is particularly encouraging. These funds are vitally needed for the continuing work on treatment and cure of this deadly disease. There has been significant progress in this area as a result of the NCI programs. The proposed funding level is a major move to insure future progress and the maintenance of past investments in the treatment of cancer.

The proposed increase of $24 million for regional medical programs, bringing the level of overall funding to $100 million, will provide urgently needed money to continue development of regional cooperative arrangements between medical schools, research centers, community hospitals, and other health organizations. Many regional programs are through the planning stage and are prepared to move forward with substantive operations. Those involved in this program have labored long and earnestly in the planning process in anticipation of bringing improved health care to our citizens. It is the responsibility of the Congress and the executive branch to provide the necessary funds to meet the requirements of operating these important programs.

Additionally, I note the emphasis of the committee on chronic disease control programs for heart disease, respiratory disease, cancer, diabetes, and arthritis, and neurological and sensory diseases. The committee strongly opposed the elimination of these ongoing activities and earmarked funds for their continuation. I am in agreement with this action.

Mr. President, in approving this appropriations measure, we will make a constructive contribution to the health and well-being of our people.

Mr. SPONG. Mr. President, since last spring when budget amendments were first proposed, I have been concerned about this administration's education program. I expressed my concern in testimony before the Education Subcommittee of the Senate Labor and Public Welfare Committee and in several letters to the able Senator from Washington, Mr. MAGNUSON, who is chairman of the Subcommittee on the Departments of Labor and Health, Education, and Welfare of the Senate Appropriations Committee.

I am pleased to note that the Appropriations Committee rejected the inadequate figures proposed by the administration for education programs in fiscal 1970 and adopted figures which are more realistic in terms of our needs and our commitments.

Education must be among our highest priorities. It is one of our best investments in tomorrow. Access to excellence in education is undoubtedly one of the greatest opportunities we can provide for our children.

I am particularly pleased with several of the committee's actions. First, the committee refused to accept the administration proposal to limit impacted areas aid to those students whose parents live and work on Federal property. Instead, the program will continue in fiscal 1970 in the form in which it has existed since 1951. Under this bill, school districts which serve students whose parents live or work on Federal property, but not both, will continue to be compensated. The impacted areas program is an important one for my State. Under the terms of the Senate bill and the amendment which was adopted on the Senate floor December 16, Virginia will receive some $43 million in fiscal 1970 for impacted areas.

I am also pleased that the committee saw fit to fund title II of the Elementary and Secondary Education Act which provides funds for library resources, title IIIA of the National Defense Education Act, which assists school districts in the purchase of equipment and title VA of the National Defense Education Act, which provides grants for guidance and counseling services. The administration requested no funds for these programs. Under the bill before the Senate, Virginia would receive $1 million, $1.9 million and $381,000 respectively in fiscal 1970.

I would like to commend the committee for its proposal for title I of the Elementary and Secondary Education Act, which assists school districts with large concentrations of students from low-income families. After the impacted areas program, Virginia receives more money under title I than under any other general school aid program. Title I has meant new opportunity and new hope for hundreds of youngsters, and under the pending bill, hundreds more Virginia schoolchildren can benefit from the $34 million which will be made available in fiscal 1970.

I know the Appropriations Committee worked long and hard on the recommendations concerning education programs and I am pleased that, in their proposals, they recognized the importance of these educational endeavors.

Finally, I would like to discuss my vote in opposition to the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) to amend sections 408 and 409 as reported to the Senate by the Appropriations Committee. In my judgment, the language added by the amendment is unnecessary. However, it could be interpreted as support for forced busing of pupils. I respect the law of the land with regard to desegregation, but I do not believe that forced busing of children to achieve a racial balance is in the best interest of education or the children.

Mr. HART. Mr. President, even a quick study of the health, education, and welfare appropriations bill shows that under the leadership of Senator MAGNUSON, the Senate Health, Education, and Welfare Subcommittee and then the full Senate Appropriations Committee have been responsive to efforts to direct more of our Federal effort into badly needed domestic programs.

Let me cite just a few examples from among the programs on behalf of which I testified where appropriations have been increased.

First, truth-in-packaging. The Food and Drug Administration is charged with carrying out a major portion of that program, but the administration, admitting it needed more than $700,000 to operate an optimum program, asked exactly zero to implement this portion of the program.

I urged a minimum appropriation of $500,000; the committee responded by recommending $691,000. Needless to say, I support the subcommittee's figure and congratulate them on their decision.

Second, clinical research centers. In response to a budget cut, the National Institutes of Health decided to close 19 of 93 general clinical research centers. These centers perform research to find ways of getting medical discoveries from the laboratory to the hospital. Without such research, many discoveries would remain in the lab, and patients in hospitals would be denied their assistance.

It was my recommendation that the Senate add $13 million to the budget request to permit all 93 centers to operate at full capacity.

The committee recommends an increase of $9 million, which, while not the full amount which could be used, will be enough to keep all the centers operating at an effective level of activity.

Third, the health budget. The committee recommends an increase in the budget for the National Institutes of Health of from $1.4 billion to $1.6 billion; for Health Services and Mental Health Administration, of from $1.1 billion to $1.16 billion.

Included in these increases are an extra $31.9 million for programs to train health manpower and $33.9 million in Federal aid for construction of health facilities.

And fourth, the Office of Education. Keeping in mind that the House previously added about $1 billion to the Federal budget requested by the administration, the committee still was able to increase the House figure for this fiscal year by more than $200 million.

Here are some of the programs for which the committee recommended increases: Dropout prevention; education professions development; bilingual education; program assistance for higher education; higher education construction; higher education student assistance and libraries and community services; preschool and school programs for the handicapped; research and training; international education; juvenile delinquency prevention and control; programs for the aging; and consumer credit training.

If I have any disagreement with the action of the committee it is that no increase in House-approved appropriations for title I of the Elementary and Secondary Education Act—programs for educationally deprived children—has not been recommended.

Even recognizing that the House did increase the budget request for title I almost $200 million, that figure, matched by the Senate committee, is still far short of the authorization and even further short of what is required.

If indeed we are to solve the problems of life in our city ghettos and rural poverty areas, if indeed we are ever to build a society in which each child has an opportunity to become all of which he is capable, we must get about the business of recognizing not only the importance education has for all our youth, but the special importance it has for the student trying to climb out of a poverty background. The culturally deprived student must compete not only in school, but in the marketplace for jobs with others who, because of their home environment, are better equipped to participate in a society requiring an ever-increasing number of highly skilled workers.

So while we can take satisfaction in the bill we pass today, we must recognize the long road still ahead. Much remains to be done in education and health as well as in other domestic programs.

The debate to reorder national spending priorities is underway, as the committee recommendations on this bill well demonstrates. Our attention now must be directed toward continuing that debate and bringing about new gains for those domestic programs designed to attack our most serious domestic ills.

Mr. President, I urge approval of this bill.

In addition, it is my hope that it will be approved by an overwhelming vote, and that the administration will recognize that vote as a mandate to spend all the money appropriated, including those funds in excess of budget requests.

The many public witnesses who testified on this bill supported the priorities established in this bill. A vote for this bill is a vote for those same priorities. Once the bill is passed, the administration should recognize and respond to these same priorities.

A LETTER FROM EDITOR OF FAMILY HEALTH MAGAZINE ON FUNDS FOR THE NATION'S HEALTH

Mr. BIBLE. Mr. President, our committee has, as I have indicated, received a great many messages from physicians, other members of the healing arts and laymen all over the Nation on the pending bill.

One of the most significant in terms of experience of the observer is from the president and editor of Family Health, Mr. William H. White. Family Health is the Nation's newest and largest magazine for health, and Mr. White speaks too from prior experience as executive editor of Medical World News and medical editor of Look.

I ask unanimous consent that the text of Mr. White's letter be printed at this point in the RECORD.

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

FAMILY HEALTH,
New York, N.Y., December 13, 1969.

Hon. WARREN MAGNUSON,
U.S. Senate, Chairman, Subcommittee for Departments of Labor, Health, Education and Welfare, Senate Committee on Appropriations, Washington, D.C.

DEAR SENATOR MAGNUSON: The Senate bill for the 1970 fiscal year funds for the Department of Health, Education and Welfare constitutes an important landmark toward improving the nation's health.

The recommendations by the Subcommittee on Appropriations under your Chairmanship, as approved by the full Committee, provide for significant strengthening of medical research, as well as of training of health manpower and delivery of health care.

You are to be commended for this latest achievement in your long and outstanding career of service to the public health. You have shown vision and dedication down through the years—from your earliest battle to establish the National Cancer Institute through the long effort to expand the National Institutes of Health and your most recent appeal for long-range scientific training, as delivered at the 1969 Lasker Awards luncheon.

As Editor of *Family Health*, the nation's largest magazine for health, I know that our million readers appreciate the opportunities and challenges of this era of medical progress. Our readers recognize, I believe, the need for continued initiative by individual communities and by our private enterprise and voluntary system; they understand, too, the many other heavy fiscal burdens confronting the Federal Government. At the same time, *Family Health* readers indicate that they want the U.S. Government to maintain, not to slacken, the momentum of health advances and to rate health as one of our highest national priorities.

You and your colleagues on the Committee on Appropriations have responded to this enlightened type of thinking. Your support for the conquest of disease will generate immense human dividends in the years and decades to come. For this, our country has good reason to be deeply grateful.

Thank you and best wishes.

Sincerely,

WILLIAM H. WHITE,
Editor.

THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT

Mr. DODD. Mr. President, I applaud the action taken by the Senate Appropriations Committee in reinstating $10 million for the Juvenile Delinquency Prevention and Control Act for fiscal year 1970.

I asked the committee earlier to allow the additional $10 million and thus attempt to reverse previous House action which had cut the funds for the Delinquency Act from an administration request of $15 million to only $5 million.

The $10 million reinstated today will certainly not solve all delinquency. But it will keep this law alive and it will support some of the programs which are currently in operation.

I understand the economic situation and the current effort to minimize spending.

But it would be a false economy to try to reduce spending and save money on the vital efforts to educate, to develop, and to rehabilitate the Nation's youth.

I am gratified that the committee reinstated the $10 million. I hope the other body will agree not to economize on the welfare and well-being of our young people.

PROPOSED LAND-GRANT ENDOWMENTS FOR FEDERAL CITY COLLEGE AND WASHINGTON TECHNICAL INSTITUTE

Mr. MATHIAS. Mr. President, several Senators have received a letter from our colleague in the other body, Hon. ANCHER NELSEN, who is the ranking minority member of the House Committee on the District of Columbia. I ask unanimous consent that the letter and the proposed amendment be printed in the RECORD.

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

DECEMBER 8, 1969.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: I am writing you to seek your aid and assistance in a matter of great concern to me. The problem was rather recently brought to my attention, otherwise I could have resolved the matter in the House. However, it involves the Labor-HEW appropriations bill which passed the House in July. Since hearings on this bill were just concluded on Friday, December 5, in the Senate, the solution to my problem, which will require an amendment in Committee or on the Floor to that bill, rests principally with the Senate.

As you may know, I introduced H.R. 16958, a bill that subsequently was enacted into law as the District of Columbia Public Higher Education Act, Public Law 89–791. This established the Federal City College, which offers a 4-year program with attendant graduate programs, and the Washington Technical Institute, which offers less than a 4-year program in vocational and technical training designed to fit individuals for useful employment in recognized ocupations. I was particularly concerned that the Washington Technical Institute be given every opportunity to grow and develop because I considered that there was a great need for training individuals in the District of Columbia in the various trades and crafts.

In the 90th Congress, I introduced H.R. 15280, which was designed to qualify the Federal City College and the Washington Technical Institute as land-grant colleges or at least to insure the sharing of the income from the land-grant endowment so as to provide the residents of the District of Columbia the services and benefits to be derived from such legislation; i.e., cooperative extension services (4–H youth development and extension home economic programs), evening extension courses, etc.

H.R. 15280, as enacted, Public Law 90–354, names Federal City College as the land-grant college for the District of Columbia. However, the legislative history of P.L. 90–354 clearly establishes that the Federal City College was intended to share the appropriated land-grant college funds with the Washington Technical Institute (See H.R. Report No. 1465, 90th Congress, 2nd Session (1968), pp. 12–14, Exhibit A, attached). As noted therein, the Federal City College and the Washington Technical Institute entered an agreement which reads in pertinent part as follows:

"The Federal City College shall annually, after receiving appropriated land-grant college funds, and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services, and environmental sciences."

The House District Committee found that such sharing of funds with a designee college was the usual practice in most States (H.R. Report No. 1465, supra, p. 12):

"It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State."

Recently a copy of a letter from the Assistant Commissioner of the Office of Education, Department of Health, Education, and Welfare, was forwarded to my office which referred to an opinion from the Office of Education's legal counsel raising statutory questions about the legality of Federal City College sharing the land-grant funds with the Institute since only Federal City College is cited in the public law. This appeared somewhat unusual since the legislation which names Federal City College and Washington Technical Institute as the recipients was amended at the suggestion of HEW officials to name only Federal City College because it was presumably consistent with the treatment given other states. There was no suggestion by HEW at that time that such language would preclude the Washington Technical Institute from sharing the income from the land-grant endowment with the Federal City College.

Dr. Cleveland L. Dennard, President of the Washington Technical Institute, has for-

warded a letter to me with enclosures, including a letter dated September 15, 1969, Exhibit B attached, wherein the Acting Associate Commissioner for Higher Education, HEW, suggested to officials at Federal City College ways of effecting the sharing of the land-grant funds:

"Another way of accomplishing the same purpose would be for the Federal City College to provide funds to the Washington Technical Institute from a source other than land-grant funds. If this would not be possible, the only other alternative would be for the Office of Education to seek a statutory amendment to the 1970 appropriations bill, permitting the transfer of land-grant funds to the Washington Technical Institute."

I have attached hereto as Exhibit C, an amendment to H.R. 13111 which would effect the sharing, on a 50–50 basis, of the land-grant funds by the Federal City College and the Washington Technical Institute. The main part of Exhibit C, proposed amendment to H.R. 13111, was proposed by HEW. What I have done is amend the HEW amendment by adding the words "(the income of which from this endowment shall be divided equally between the Federal City College and the Washington Technical Institute)." My amendment is the scored portion appearing in the proviso of the HEW amendment.

I would appreciate it very much if you would introduce this amendment in the Executive Sessions of the Appropriations Subcommittee or Full Committee, or arrange to have it introduced on the Floor.

The Appropriations Subcommittee staff personnel indicated that the amendment as proposed could be readily accepted by the Subcommittee since it is generally consistent with the President's budget proposals.

I am informed by Congressman Natcher that the suggested amendment providing for the sharing of funds would be acceptable to his Subcommittee.

The recent action taken by the Senate Appropriations Committee with respect to funds for the local colleges makes the addition of this land-grant item to H.R. 13111 of even greated importance than before. I was not discouraged by the fact that the attempt to fund this item was unsuccessful in the 90th Congress because the history of the land-grant funding for the State of Hawaii reflected failure to fund the land-grant program on the first attempt. However, I am concerned that this funding be provided in the 91st Congress at this important point in the development of the local colleges.

With kind regards.

Sincerely yours,

ANCHER NELSEN,
Member of Congress.

AMENDMENT

(Requested by Senator NORRIS COTTON and Senator HIRAM L. FONG to H.R. 13111, 91st Congress, first session in the Senate of the United States)

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

HIGHER EDUCATION

Page 29, after line 13, insert the following:

"For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $775,533,000, of which $175,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act of which amounts reallotted shall remain available through June 30, 1971 (including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment), $43,000,000 shall be for grants for construction of public community colleges and technical institutes under title I of the Higher Education Facilities Act of 1963 which amount shall remain available through June 30, 1971, $11,750,000 to remain available until expended, shall be for annual interest grants under section 306 of that Act (without limitation with respect to the aggregate amount of contracts for such grants, including $1,080,000 of such amount for public community colleges and technical institutes), $155,000,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935; Provided, That $7,241,000 (*the income of which from this endowment shall be divided equally between the Federal City College and the Washington Technical Institute*) shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608).

Mr. MATHIAS. Mr. President, I have not offered this amendment, although I am sympathetic to its purpose, because I am advised that an equitable division of funds between the Federal City College and the Washington Technical Institute is now being worked out administratively. Let me add that I believe that Congress expects such an agreement to be reached. I am assured by the senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member of the Subcommittee on Health, Education, and Welfare Appropriation, that he concurs in this expectation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON) the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "yea."

The result was announced—yeas 88, nays 4, as follows:

[No. 250 Leg.]

YEAS—88

Aiken	Goodell	Moss
Allen	Gore	Murphy
Allott	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hruska	Randolph
Byrd, W. Va.	Hughes	Ribicoff
Cannon	Jackson	Saxbe
Case	Javits	Schweiker
Church	Jordan, N.C.	Scott
Cook	Jordan, Idaho	Smith, Maine
Cranston	Long	Smith, Ill.
Curtis	Magnuson	Sparkman
Dodd	Mansfield	Spong
Dole	Mathias	Stennis
Dominick	McCarthy	Stevens
Eagleton	McClellan	Talmadge
Eastland	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Yarborough
Fannin	Metcalf	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Mondale	
Goldwater	Montoya	

NAYS—4

Cotton	Tower
Thurmond	Williams, Del.

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So the bill (H.R. 13111) was passed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. HOLLAND, Mr. COTTON, Mr. FONG, Mr. BOGGS, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MAGNUSON. I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it hardly needs saying that the distinguished senior Senator from Washington (Mr. MAGNUSON) is unexcelled in this body both for his effectiveness and for the outstanding ability he brings to his tasks. That certainly has been evident over the past 2 days.

The splendid job done by Senator MAGNUSON as chairman of the Labor-HEW Appropriations Subcommittee underscores his magnificent competence. This funding measure is one of the most important items to come before the Congress. May I say that the long hours spent developing its many features, the careful diligence applied by the distinguished chairman and his subcommittee made

possible the swift and efficient disposition of this measure. The Senate is deeply grateful.

Assisting Senator MAGNUSON in the capable handling of this appropriations bill was the distinguished ranking minority member of the subcommittee, the able and distinguished senior Senator from New Hampshire (Mr. COTTON). His familiarity with all of the many features of the measure was immensely helpful to the Senate. Senator COTTON's thoughtful views are always welcome and added much to the high caliber of the debate.

At this time, I would also like to thank the members of the Labor-HEW Appropriations Subcommittee for the yeoman's task performed on this measure. As Senator MAGNUSON pointed out on the floor, it was a tremendous task. But the greatest share of credit belongs to the chairman himself. His untiring efforts culminated in the Senate's overwhelming approval of this proposal.

Mr. HARRIS. Mr. President, the Senate today has shown its support for education by increasing appropriations for educational programs. The feeling of the majority of American people that education deserves a position of national priority has been underscored by the Senate.

The thanks of everyone concerned with quality education for our Nation's young people should go to the distinguished Senator from Washington (Mr. MAGNUSON) whose Labor-HEW Appropriations Subcommittee has met many vital educational needs. Through his support, education has made significant gains, and his leadership is much appreciated.

We must now turn our attention to the problem of the President's release of education funds. Although he has said he will not spend the funds voted for education above his budget recommendations, it is clear that the will of the Congress and the American people require him to do so. Furthermore, it is clear that there is no statutory authority for withholding of these funds.

While the people realize the importance of other issues requiring Federal financing and support the President in his desire to curb inflation, the feeling of most of the American people, reflected in a recent Harris poll, is that education is the last place to cut Federal spending; I agree. Education is an investment in our future, and we must support every effort to increase quality in educational programs. The future of our country will not be served by short-changing the education of our children.

Mr. YARBOROUGH. Mr. President, I rise to express my gratitude to the distinguished Chairman of the Subcommittee on Appropriations for Labor–HEW, Senator MAGNUSON, a man who deserves our recognition for his leadership on behalf of education and of health appropriations. His efforts, I am certain, will not be overlooked by educators and health professionals across the country.

Senate passage of appropriations for education and health improvements has brought educators and health administrators across the country one step closer to receiving much-needed funds. Even more important, it will have the effect of bringing greater educational opportunity to the children of the United States and better health to all of our people.

In a recent television documentary, it was revealed that 61 percent of the American people would like to see more Federal funds flowing into education. The House of Representatives has expressed the will of the majority of Americans by its passage of H.R. 13111, a bill which added more than $1 billion above the President's budget request for education, and in October by passage of a continuing resolution at the same level. The Senate then reaffirmed this action in November. The Senate Appropriations Committee has gone one step further and filled in financial gaps, increasing funding by $257 million above the House-passed bill. The Nation's priorities, therefore, are quite clear, as made explicit by the Appropriations Committee:

> During its review of the programs covered by the Labor-HEW Appropriation Bill, the Committee became quite disturbed over several trends in the budget. While the Committee supports the goal of holding down Federal outlays in an inflationary period, we do not believe that this should be accomplished at the expense of vital domestic programs. Cuts in education, health research, and economic opportunity programs cannot be justified by general and often superficial references to the dangers of inflation. Inflation may indeed dictate firm control of the total Federal budget, but the Committee has serious doubts about priority choices reflected in the 1970 Federal budget. In fact, the Committee holds strongly to the premise that, even in times of economic uncertainty, care must be taken to protect, or for that matter even expand, programs that represent long-term investments in the basic health and wellbeing of our society. This bill represents an important step in that direction.

I urge the President simply to follow suit—to release all funds for education, and health which the Congress has seen fit to appropriate; funds which educators and health personnel very much anticipate and which they very badly need. The President should realize that he has no statutory authority to withhold funds. As long as he does, he is repudiating not only the acts of the Congress, but the wishes of the American people.

SENATOR RANDOLPH COMMENDS SENATE ACTION ON EDUCATION FUNDS

Mr. RANDOLPH. Mr. President, the U.S. Senate has today responded to the needs, desires, and well-being of all Americans in providing a reasonable appropriation level for the continuation of federally aided education programs for fiscal year 1970. With this contribution to the inadequate financial resources in the field of education, we have endeavored to assure that more Americans will have access to quality education.

The 1960's, as in previous decades, have been years of rapid development on all fronts which have required higher educational standards and specialized training programs for success in the marketplace. As we face the 1970's these demands will continue to accumulate. Our educational community must not only keep pace but must also anticipate new developments.

As the ranking majority member of the Senate Labor and Public Welfare Committee and its Subcommittee on Education, I have actively supported and participated in the development of legislation which provides basic support of education as well as the implementation of innovative approaches.

However, these authorizations mean little without the necessary financial commitment of the Federal Government. The Senate has approved funding for the continuation of guidance, counseling, and testing in elementary and secondary schools; instruction equipment for both the elementary and secondary level and higher education; a $20 million increase over the House passed appropriation for public and community libraries, librarian training, and college libraries; college construction; development of educational personnel, student aid; and advanced funding for title I of the Elementary and Secondary Education Act which provides financial assistance to local educational agenies for the eduation of children of low-income families. We have also committed our support to the continuing development of an effective vocational education program, including consumer and homemaking education at a level which would be approximately $200 million over the recommendation of President Nixon.

Our action increases the proposed appropriation for the Office of Education approximately $300 million over that passed by the House of Representatives making a total package of $4.5 billion. The President's recommendation was $3.4 billion.

Mr. President, the Senate has spoken. It has placed a high priority on the maintenance of an effective education program for all Americans. It is difficult in these days of inflation and budgetary restrictions to adequately meet the financial requirements of the many and varied programs of the Federal Government. However, it is impossible to justify cutbacks in areas which so vitally affect the the future of the citizens of the United States both individually and collectively. Educational opportunity and responsibility cannot be deferred. This particularly applies to our young citizens, for inadequate educational development today can never be recovered.

I commend the chairman of the Appropriations Subcommittee on Labor, and Health, Education, and Welfare (Mr. MAGNUSON). He has been an effective leader in our effort to provide realistic Federal aid to education.

EDUCATION APPROPRIATIONS

Mr. MONDALE. Mr. President, the will of the American people is being reflected this year in the educational appropriations the Congress is providing. First, the House of Representatives added $1.045 billion to the administration's indaequate budget request for education. Now today, the Senate is increasing educational appropriations by an additional $320 million. The Congress is finally responding to the millions of Americans who feel that education deserves a position of high national priority.

I wish particularly to express my ap-

preciation to Senator WARREN MAGNUSON, chairman of the Senate Labor-HEW Appropriations Subcommittee for his leadership of this fight on behalf of education. Under his leadership, the Senate has added desperately needed funding for such vital programs as bilingual education, dropout prevention, educational opportunity grants, the Teacher Corps, libraries and community services, education for the handicapped, and higher education construction.

The question now, as we are all aware, is whether or not the funds voted for education's vital needs will be released by the administration for the benefit of the children of this Nation. In appropriating these necessary funding increases for education, the Congress acted responsibly. The administration must now act in an equally responsible manner and insure that these education funds are spent. To do otherwise would betray the commitment which Congress and the American people have made to education. To do otherwise would cripple our efforts to provide quality educational opportunities to the children of this Nation.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations on the executive calendar, beginning with new reports.

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

U.S. CIRCUIT JUDGES

The bill clerk proceeded to read sundry nominations of U.S. circuit judges.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT JUDGES

The bill clerk proceeded to read sundry nominations of U.S. district judges.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

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

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

The PRESIDING OFFICER. 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 these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate resume the consideration of legislative business.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 608, H.R. 14794.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H.R 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I address an inquiry to the distinguished majority leader.

The transportation appropriations bill has just been laid before the Senate. What is the remaining order of business for this session?

Mr. MANSFIELD. Mr. President, as the distinguished minority leader knows, as well as I, after the Department of Transportation appropriations bill is disposed of, it is our expectation that we will then turn to the consideration of either the supplemental or the foreign aid appropriations bills.

Following the disposition of those measures the Senate will have concluded the call of the calendar as far as appropriations bills are concerned.

I understand that the principal amendment to the transportation appropriations bill will have to do with the SST. I have tried to get a limitation of time for debate on this amendment; so far unsuccessfully. However, hopefully it will be possible to get an agreement later in the day.

It is the hope of the joint leadership that we will be able to finish the transportation appropriations bill later this evening and at least get started on either the foreign aid or supplemental appropriations bills in the hope that we can fulfill our duty and get these measures to conference and pave the way to an early and meaningful adjournment.

Mr. SCOTT. Mr. President, I would like to say Merry Christmas to the majority leader if we can do that.

Mr. President, I ask the majority leader how many conference reports remain undisposed of in the Senate.

Mr. MANSFIELD. There are the Environmental Quality Board, water pollution, and coal mine safety.

I would like to make a special plea, if it is possible, that the conference report on the coal mine safety bill—which I understand has been concluded—be brought up before we adjourn this year.

As the distinguished Senator from West Virginia (Mr. RANDOLPH), who is in the Chamber, and his colleague, also the distinguished Senator from West Virginia (Mr. BYRD), know this is of vital importance to the coal mining industry. And I hope that something can be done.

I know that the ranking member of the full committee, the distinguished Senator from West Virginia (Mr. RANDOLPH) has been working with might and main to achieve that end.

Mr. RANDOLPH. Mr. President, if it is appropriate to respond to the statement of the majority leader, I point out that it is our understanding that the House proposes to bring up the conference report at approximately 5 o'clock this afternoon.

Mr. MANSFIELD. That is good news.

Mr. RANDOLPH. And if the coal mine safety measure is disposed of in the House—and we trust it will be—we hope to be able to come to the Senate with the measure tomorrow. That is our desire.

Mr. MANSFIELD. I thank the Senator.

Mr. MAGNUSON. Mr. President, if the Senator will yield, I announce that we will begin the conference on the HEW appropriations bill at 2 o'clock tomorrow afternoon, and the conferees have notice thereof.

Mr. MANSFIELD. Mr. President, then there is the medical libraries bill in conference and the military construction appropriations bill, which I hope will be settled around 10 or 11 o'clock tomorrow morning.

There is then the tax reform tax relief bill, which I hope will be agreed to by the conferees before the end of the week and hopefully by the House before we can reach it.

There is also the foreign assistance authorization bill which I understand has been agreed to in conference.

There is the Office of Economic Opportunity measure which I understand is still in conference as well as the Defense appropriations bill.

And I assume that the export regulations measure is still in conference.

After today the HEW appropriations bill will be in conference.

Mr. SCOTT. Mr. President, is the distinguished majority leader prepared to announce as yet the date on which it is expected that Congress will reconvene for the second session?

Mr. MANSFIELD. Why does not the distinguished Republican leader announce it? We have already discussed it.

Mr. SCOTT. Mr. President, with the consent of the distinguished majority leader, it is my understanding that Con-

gress will reconvene on the 19th of January. I hope that will give Senators an opportunity for some well-needed rest.

Mr. MANSFIELD. I concur.

Mr. FULBRIGHT. Mr. President, I want to ask the majority leader a question. I have not been able—and I assume it has not yet been prepared—to see the report on the foreign aid appropriations bill.

The conferees on the legislation did agree at about 2:30.

I hope that the majority leader will not seek to call up the appropriations bill on foreign aid until we have had an opportunity to look at the report and see what the committee has done.

I have not seen it yet.

If it is not too inconvenient, I wish the majority leader could take up the supplemental appropriations bill before the foreign aid appropriations bill so that we might have a chance to look at it.

Some Senators would like to prepare amendments to that bill, we think. We will not know until we have seen it.

Mr. MANSFIELD. Mr. President, I hope that the distinguished chairman of the Foreign Relations Committee will keep an open mind on this matter. And if he has an open mind, and I think he has, anything in the appropriations bill which is not in the authorization bill is subject to a point of order and, I believe, can be knocked out.

I would like to have a determination of that statement, if I may, from the Chair. And I make that parliamentary inquiry.

The PRESIDING OFFICER. As long as there is no legislation contained in it, it cannot be knocked out on a point of order.

Mr. MANSFIELD. This concerns a matter which I understand has been eliminated in the conference report as far as both Houses are concerned. If it is not in the conference report, how can it be in the appropriations bill?

The PRESIDING OFFICER. The clerk will read paragraph 1 of rule 16.

The legislative clerk read as follows:

RULE XVI

AMENDMENTS TO APPROPRIATION BILLS

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Mr. MANSFIELD. Mr. President, I wish to serve notice that if there are items included in the foreign aid appropriations bill which have not been agreed to by both Houses in the authorization process there will be considerable debate.

ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9 o'clock tomorrow morning.

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

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will there be some time provided for the transaction of routine morning business since we have had some requests for a morning hour.

Mr. MANSFIELD. I would prefer not to do so, unless there is a lapse in the business. I think the sooner we dispose of the appropriations bill, the better off we will be. However, if a lapse occurs and we can do nothing else, then we could transact morning business.

Mr. SCOTT. I will perhaps renew the request tomorrow morning then.

Mr. MANSFIELD. That will be satisfactory.

Mr. STENNIS. Mr. President, may I ask the leader about the continuation of business for this evening. I do not know, but it might not take more than an hour and a half to complete the bill.

Mr. MANSFIELD. May we have order? Will Senators be requested to take their seats and cease conversations?

The PRESIDING OFFICER. There will be order in the Senate. The Senators will remain quiet.

Mr. STENNIS. Mr. President, it may be that we will finish the Transportation appropriations bill within an hour and a half or 2 hours. Perhaps it will take 2½ hours.

Several Senators want to know—and I would like to know myself—if there are any other matters to be taken up tonight if we get through at 7 or 7:30 tonight.

Mr. MANSFIELD. It is the intention of the joint leadership to continue with the bill, the Senate concurring, until it is finished tonight. And then it is anticipated that we will take up either the foreign aid appropriations bill or, if that is not possible or the questions are too difficult to answer at the moment, again with the concurrence of the Senate, perhaps turn to the supplemental appropriations bill.

I would prefer the foreign aid bill, and I would prefer it in a clean form so that some of the questions that have already been raised will not necessarily be raised again.

Mr. STENNIS. Whatever the leadership desires.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, before we take up this bill, it will be necessary for everyone to be able to hear.

Mr. SCOTT. Mr. President, I make the point of order that there are too many staff conferences going on on the floor, and this simply has to stop if we are going to complete the business.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The point is well taken. Attachés will please take their seats, and Senators will please take their seats.

Mr. STENNIS. Mr. President, I suppose 15 Members have asked me to yield to them for a special purpose. I have asked them to let us get to the bill and get to the major amendment.

I invite the attention of Senators to the appropriation bill for the Department of Transportation and related agencies for fiscal year 1970. A copy of the report and of the bill are on the desk of each Senator.

Several matters will come up for amendment. One will be a major amendment somewhat controversial, and it will relate to the SST.

In substance, it will be to strike out the $80 million in the bill for the SST. I believe orderly procedure will best be served, if it is agreeable to the Senate, by taking up that amendment first after we have a few preliminary remarks.

Mr. President, the committee made the following major additions to the House bill: $100 million over the House bill total of $4,419,279,000 for the Federal highway trust fund. The new total of $4,519,279,000 provides the full amounts of the budget request for the construction program. This is money to liquidate obligations previously incurred under authorizations in the Federal-Aid Highway Acts for the interstate and ABC program. The $4.519 billion is the approximate figure that is in the budget. The States all have been previously notified. I do not think there is anything to do but put the $100 million back in. I understand that there can be some delay just in writing checks, and $100 million would be involved, but that would not be saving any money. It would just be delaying an obligation. The committee thought we ought to put in the full amount and meet the thing squarely, and then it would not be a matter of picking up $100 million in the next supplemental bill next year.

Another addition not in the House bill is $50 million for grants-in-aid for airports for fiscal year 1970—not requested in the budget nor provided for in the House bill. It consists of the major portion of the $59 million unappropriated authorizations for airports for fiscal year 1968, 1969, and 1970. The explanation of that is very simple. This concerns fiscal year 1970. We made a small appropriation for fiscal 1970 last year. There was no recommendation for this item in this year's budget because of the pending airport airways bill. We are going to tax the users of airports, the airlines and the passengers and create a trust fund. Out of that new tax we are going to make these grants to the airports.

The bill has been reported by the Committee on Commerce and now is pending before the Committee on Finance, which also must look into it, and presumably the user charge bill will be reported favorably by the Finance Committee. But that will not be passed until next year. In the meantime, the airport grant program would go without any consideration. It is one of the oldest and very best Federal-aid programs. It will be the little airports that are going to get cut off. So we propose to put in here this $50 million of unused authorizations in the place of waiting for the new user's

tax, which has not been passed and which will take awhile to accumulate any money, even if it is passed next year. This $50 million would allow for the issuance of grant offers for airport improvement projects that can be approved, based on fiscal year 1970 sponsor requests that cannot be included in the currently announced program.

We also have added in this bill $18,400,000 for Coast Guard acquisition construction and improvements, which is $1.6 million less than the budget estimate and for which the Department requested restoration. The House took this money out based on estimated cutbacks in construction under the President's construction curtailment order.

Of course, the Coast Guard is in a sense, a semimilitary organization. A great deal of its duty is nonmilitary. In the military construction patterns for this year we have taken the position that we appropriate the sum we thought necessary and then the Executive order would control the extent of the construction. The Coast Guard indicated that these items are really needed now, and we thought they should be restored. I know of no other agency of the Government which gets more for the dollar in its construction projects than the Coast Guard.

This restoration would make available a total funding for the Coast Guard construction program, of $75.7 million.

The committee also made several reductions from the House bill. They include $15,958,000 for the SST, which leaves a recommended $80 million in the bill. That $15,958,000 was taken off because of the difference in time when the estimates were made when this bill probably will be signed.

We think it will not cripple the program in any way to sustain this reduction, and it should be made. We do not intend, however, to slow the development of the SST prototypes. The Senate bill includes a lesser amount, since nearly half of the fiscal year will be over before the funds are provided.

The committee reduced by $20 million the House allowance of $220 million for the urban mass transportation fund for 1971, for a new total of $200 million.

The budget had included a request for $250 million for this purpose on an advance funding basis.

The committee went along with several significant changes made by the House in the area of air safety.

It will be remembered that last year we had a great need for extra controllers to be employed and additional aircraft equipment. The 1970 budget originally requested funding for 2,800 additional air traffic control operations personnel. In November, the President recommended the hiring of 1,000 more controllers. These are in addition to the 2,800. The House allowed both these recommendations and the full Senate committee concurred. This provides a total of 49,315 personnel, an increase of 5,015 over fiscal year 1969, of which 3,800 are controllers.

The acute shortage has been in connection with controllers and equipment. This new number is about as many as could be absorbed this year.

The committee also concurs with the House recommendation that $224 million be provided for facilities and equipment for the Federal Aviation Administration. The $224 million is $90 million more than the $134 million requested in the budget. The 1970 budget request provides only for en route automation equipment for the air traffic control centers. The additional $90 million included by the House and recommended by the full committee would be expended for such items as long-range radar, terminal area radar, communications, and new control towers.

We thought this extra money was well justified. The House had gone into it thoroughly. We went into this additional need last year and this year in our hearings and we even made some inspection trips.

The full committee recommendations total $6,771,841,000 for the Department of Transportation and related agencies. The committee recommendation is $157,441,000 over the House allowance and $764,000 under the 1970 budget estimate.

The accompanying report details in full all the items in the bill.

Mr. President, a special word by way of repetition as to the committee recommendation of $157,441,000 over the House allowance. Of that amount, $100 million is for the highway trust fund that has already been committed; $50 million is for airport grants, which has just been covered; and then, there are these back and forth items where we took out some and made a few additions. That makes up the difference.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio who has an emergency situation, for 5 minutes to speak on an extraneous matter, with the understanding that I shall not lose my right to the floor.

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

SECRETARY LAIRD OFF BASE

Mr. YOUNG of Ohio. Mr. President, Secretary of Defense Melvin R. Laird stated earlier this week, according to news reports, that the Pentagon will bring to trial any present or former U.S. soldiers if an investigation reveals they took part in the alleged massacre of civilians of the Vietnam hamlet of Mylai.

Very definitely, Americans reading the ghoulish accounts of the massacre, which was cold-blooded murder, cannot escape a feeling of grave concern and to some degree personal guilt for this atrocity.

We know that unarmed civilians—a few old men and more than 100, probably several hundred, women, children, and babies—were shot down or murdered by hand grenades thrown into their huts in Mylai early in the morning of March 16, 1968. There is conclusive evidence that First Lieutenant Calley ordered the shooting and personally killed a number of civilians. In the entire village but three weapons were found. Furthermore, there is believable evidence that there was an investigation, so-called, by officers of our Armed Forces of this massacre within a month following its occurrence and that it was covered up or whitewashed and no action was taken by General Westmoreland or any officers of his command.

Very definitely, any officer allegedly guilty of aiding and abetting in the destruction of this hamlet "and everything in it" should be thoroughly investigated and court-martialed.

However, Secretary of Defense Laird now makes a claim that Pentagon will bring to trial former U.S. soldiers who participated. Secretary Laird would do well to read the Bill of Rights of our Constitution before making any claim that Pentagon will bring to trial former soldiers who are now in civilian life.

Very definitely, Paul Meadlo of Indiana and others who admittedly shot and killed some of these civilians on order of their officers and who are no longer in the Army but are now in civilian life cannot be court-martialed. Furthermore, young men such as Paul Meadlo now in civilian life cannot be placed on trial before any tribunal created by officials of the Defense Department seeking to assume ex post facto authority to bring civilians to trial. Secretary Laird should really read the Bill of Rights, and Supreme Court decisions on the jurisdiction of military courts, and then cool it.

Paul Meadlo is one of the young soldiers who participated in this cold-blooded murder on orders of Lieutenant Calley. He said in the presence of his father and his mother that he "shot and killed some civilians—women, children, and babies." Then, on the following day he stepped on a land mine and lost his foot. Young Meadlo said he believed that to be the punishment of God. He was honorably discharged from the Army due to combat disability. Returning to Indiana, following talking to his wife and with his father and mother, young Meadlo said he felt he had to purge his mind of the horror in which he had participated. He said "little children were begging and saying, 'No, No.' Mothers were hugging their little children. They were waving their arms and begging." Another young former soldier, Mike Terry, private from Utah, gave this account:

> We saw a woman in Pinkville soon after we surrounded the hamlet. We ran and chased her. She fell down. Then we kicked her. Then another soldier shot her.

Army Sergeant Bernhardt reported that the killing of more than 100 civilians, perhaps as many as 300, took about 20 minutes. He said:

> My company commander ordered that the village and its occupants be destroyed.

The Supreme Court has definitely settled any claim that the Pentagon can bring charges against former soldiers. The United States has no extradition treaty whatever with Saigon militarist regime or with the Government of South Vietnam. Therefore, Paul Meadlo and all others who participated cannot be extradited from the United States and placed on trial in South Vietnam. Therefore, Paul Meadlo and all these former soldiers now in civilian life are

definitely immune from prosecution for their part in the Mylai massacre.

I take a dim view of Pentagon permitting statements to be made that charges will be instituted against these men. Furthermore, those in the Pentagon who assert that the Army should drop charges against Lieutenant Calley because of the adverse publicity of these cold-blooded murders which he perpetrated and participated in should be silenced. If there was any validity to that claim, then the more atrocious the crime committed and the more publicity given in newspapers, over the radio, and on television, the more likely that charges would be dropped on the spurious claim that a fair trial cannot be granted such a man when the truth is evident and presumption great that he committed numerous murders.

Mr. President, the most recent statements made by Lt. Col. Reid Kennedy, the Army officer designated to preside over the trial of Lt. William L. Calley, Jr., indicate that he has been called judge so frequently that his judicial arrogance exceeds that of the Federal judge in Chicago who is making a hippodrome of the trial over which he has been presiding for a number of months.

Lieutenant Colonel Kennedy claiming a high judicial authority has given an order that the Department of Justice investigate four news organizations—Life, Time, the Associated Press, and the National Broadcasting Co., for publishing statements made by participants in the Mylai massacre. He also makes complaint against Ronald Haeberle and Herbert L. Carter, both former soldiers and now civilians. This so-called judge even told newsmen that President Nixon "might have prejudiced the people who will try the case." This, for the reason that President Nixon in his television address to the American people expressed his sorrow over the Mylai massacre. Evidently, he did not refer to it as an alleged massacre. Officials of the news media and all lawyers of course know the absurdity of the arrogant claims made by this puffed-up lieutenant colonel with an obviously inflated ego. However, young Americans who were at Mylai as soldiers but who are now civilians might be intimidated by this fellow. In fact, no doubt that is his purpose.

Young men such as Paul Meadlo and other soldiers who were in Mylai on orders of their commanding officers and presumedly obeyed the orders given them should know that Pentagon officials and this Lieutenant Colonel Kennedy have no authority whatever over them.

Secretary Laird knows, and Lieutenant Colonel Kennedy should know, that the United States has no extradition treaty whatever with the Government of South Vietnam. Therefore, civilians who were in the Army on March 16, 1968, cannot be extradited. They cannot be placed on trial for murder.

The Pentagon which has not given evidence of much brainpower in recent years cannot devise in 1969 any new laws that would permit the trial, conviction, and imprisonment of any person now a civilian who participated in a crime while in the Armed Forces in March of 1968. The absurdity and outrageousness of Lieuteant Colonel Kennedy's allegations that publicity from the President down given to this atrocity and those who participated in it is likely to prevent a fair trial of Lieutenant Calley and therefore he could not be brought to trial exceeds all bounds. If this were the law of our land then a criminal such as Sirhan Sirhan, whose crime of assassination was witnessed by millions and then discussed for months over the radio, in the press, in magazines, and on TV, should have gone scot free, under that theory of this so-called judge.

Lieutenant Colonel Kennedy's publicity and being called judge has gone to his head. Any lawyer representing a former soldier who is now a civilian or any news media would bring this fellow down to earth, but quick.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, I had told the Senator from Vermont that I would yield to him at this time. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, there is one item which interests me.

Mr. STENNIS. Mr. President, may we suspend until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. AIKEN. One of the items which interested me is the increase of $90 million which the House and the Senate are both recommending for facilities and equipment. There is an increase there. As I read the testimony of the FAA before the Senate committee, I note they use the Burlington, Vt., airport as an example of an airport where the radar is now considered obsolete by FAA standards and also, I believe, the distance measuring equipment is also obsolete.

Mr. STENNIS. Yes.

Mr. AIKEN. I understand if this $90 million remains in the bill there is no reason to doubt that the Burlington Airport radar system, the internal radar equipment and distance measuring equipment will be replaced to meet the modern requirements of the FAA.

Mr. STENNIS. I do not see any reason to doubt it. We have $90 million allowed to be spent. The Burlington Airport was the first illustration of the problem presented to us. They said the equipment was obsolete.

Mr. AIKEN. That is right.

Mr. STENNIS. They said it did not meet requirements for terminal radar and that the airport had to have this equipment. I certainly hope and expect it to be taken care of.

Mr. AIKEN. The airport is becoming more important each year as its air passengers increase. There are many commercial corporation planes which have connections with cities in the West which fly out of that airport. It already has over 100,000 passengers a year leaving it.

I thank the Senator from Mississippi. I believe there is no doubt that inasmuch as the FAA used this airport as an example, they intend to correct the deficiencies there.

Mr. STENNIS. I hope that the airport will get the equipment it needs and that it will continue to grow.

Mr. President, the Senator from Florida (Mr. HOLLAND) has mentioned a matter to me which he says can be handled fairly briefly, and I yield to him at this time.

Mr. HOLLAND. Mr. President, I invite the attention of the Senator from Michigan (Mr. HART) also to this matter, concerning section 309 in the bill, which was added in the House.

It states:

SEC. 309. None of the funds provided under this Act shall be available for the planning or execution of programs for the construction of any airport in the State of Florida until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

Mr. President, the fact is that Florida is a pretty big State. In fact, it is the largest State in area east of the Mississippi—58,000 square miles.

On page 508 of the committee hearings, it shows that there are 35 applications for aid for various airports in Florida. I cannot say that that means 35 separate ones because I do not know what the applications are for aid in 1970, totaling $27 million.

The purpose of the amendment is to prevent further construction on the new Miami jetport out of the Everglades in an area north of the Everglades National Park, so I am advised by the Representatives of my State in the other body.

The difficult situation is that the amendment as drawn applies to the entire State of Florida.

As the Senator so well knows, we have airports at Pensacola, Panama City, Tallahassee, Gainesville, Ocala, Tampa, St. Petersburg, Daytona Beach, Orlando—and many others that I cannot think of right now—which have no relation at all to the basin that the problem affects. That is the basin out of Lake Okeechobee, the basin that lies just north of the Everglades.

Mr. President, I have an amendment to strike this particular amendment with the request that the conferees work out appropriate language completely to safeguard against the problem of any increased construction of the new Miami jetport, because I think it is the appropriate thing to do.

It is fairer to work it out carefully. There may be some other airport request in here that bears on this subject, but I do not know of any such and I do not believe there is any such. I would not want to overlook any such, if it did contribute to the harming of the ecology of the Everglades National Park. I would rather have that amendment considered to strike section 309 and have the able conference committee work out this mat-

ter with the aid of FAA and with the aid of its own staff in such a way as completely to safeguard the ecology of the Everglades National Park, which is my own project. I happen to be the one who had more to do with setting up the Everglades National Park than anyone else and I have been trying to safeguard it over since that time.

The amendment goes much too far. I have discussed this matter with the Senator from Michigan (Mr. HART) who was kind enough to write me advising me that he had an interest in the amendment.

My own preference would be to proceed as I had expected, to strike section 309, and have it reworked in conference as I have suggested.

If the Senator from Michigan prefers any other course, I should like to work with him because I think we are interested in exactly the same objective, which is the protection of the Everglades National Park.

Mr. STENNIS. I am very glad to get the comments of the Senator from Florida. I did not know there was any opposition.

I yield now to the Senator from Michigan (Mr. HART), if he wishes to make a response.

Mr. HART. Mr. President, was it the Senator's assurance that there was no opposition to retention of section 309?

Mr. STENNIS. The Senator from Florida had agreed to the substance of section 309 insofar as it applied to the Everglades. We decided, as a procedural matter, that perhaps we could strike the language and if we could not get an amendment worked out, we would add more language to cover the Everglades. So we proposed to strike out that section and take it to conference and work out one that would cover the Everglades. I did not know of any interest in any other. The current language covers almost the whole State.

Mr. HOLLAND. It covers it entirely.

Mr. HART. Let me explain how I became involved. This is a reminder of the difficulties under which we have to operate as we attempt to close this session of Congress.

Today, I was advised that the committee had stricken section 309. I then contacted the Senator from Florida that a number of us, the Senator from Wisconsin (Mr. NELSON) among them, would offer an amendment to reinstate section 309.

Subsequently, when the Senator from Florida (Mr. HOLLAND) reacted to that, he told me—which was correct—that the committee had retained section 309. That, of course, would satisfy the interest of those of us concerned about the Miami jetport.

Now that I see the language, I do intend to agree with the concern voiced by the Senator from Florida (Mr. HOLLAND), that before any airport can be constructed in Florida, a study would have to determine that it would not affect adversely the ecology of the Everglades.

I would hope that, rather than strike the section, in anticipation that the conferees would be able to develop language to protect against specific damage that we are apprehensive may occur, that together we might be able ourselves to develop the language. This might take 10 minutes, 5 minutes, or——

Mr. CASE. Mr. President, will the Senator from Tennessee yield?

Mr. STENNIS. I yield. Just let me say first, that I just learned that the new language is being typed up now in the form of an amendment to this section.

Mr. HOLLAND. Mr. President, will——

Mr. CASE. I am the ranking minority member.

Mr. STENNIS. I yield to the Senator from New Jersey, Mr. President.

Mr. CASE. It might be well for me at least to put on record my complete agreement with the Senator from Michigan, the Senator from Wisconsin, and the Senator from Florida in this matter, except as to procedure, it would be unwise to strike the section and give the appearance of disagreement by the Senate with the objective with which we are not in disagreement. I suggest to the Senator from Mississippi that we pass this over temporarily and come back and look at the language and be prepared to see if we cannot agree.

Mr. HOLLAND. Mr. President, I have no objection to that, except this: I do not know where these 35 airport applications in Florida are from. It may be quite possible that one of them may affect one of the peripheral airports that touch on the Everglades other than this. I do not know. If Senators will be satisfied with just mentioning the Miami jetport, which is their principal concern—it certainly is mine—we would have no difficulty getting the language. My difficulty is that I do not know where these 35 applications stated in the hearings are from.

Mr. HART. Mr. President, I think our concern is with the Everglades, not with a particular airport.

Mr. CASE. That is right. That is why I do not think we will have difficulty arriving at language to take care of the situation.

Mr. HOLLAND. Mr. President, I am willing to pass it over.

Mr. STENNIS. Mr. President, I think we should try to get language rather than strike it out, because that may be misunderstood in some quarters. Get what language we can, and we will insert it and go to conference with it.

Mr. HOLLAND. I am quite willing to do that, but I have already said—I think the RECORD will show clearly—that the Senator from Florida, speaking for all the Florida delegation, is quite willing to have the language worked out, but thinks it can be done better in study in conference. I am willing to do it this way. I say again, I do not know where the 35 applications are from.

Mr. CASE. But we know where the Everglades are, and that is what we are interested in protecting from whatever incursions, not just Miami.

Mr. MAGNUSON. Mr. President, if I may comment on what the Senator from New Jersey said, what bothered me in committee was that everything was focused on the Everglades. I am in sympathy with what we are trying to do there, as you all know. There are some other areas in this country where we should be concerned. I want to suggest that, if we are going to do this in Florida, we ought to extend the language to cover other places.

We have a serious conflict between the State of Washington and the State of Oregon because of an effort to dredge and fill in the Columbia River for the purpose of building an airport. The Columbia River is the greatest free flowing river in my part of the world. The Everglades needs to be protected. I want to preserve it. But in my State they are tampering with one of the greatest rivers in the world. They want to build an airport in the middle of the Columbia River. If we are going to adopt a rule, we should apply it across the Nation.

Mr. CASE. I stand shoulder to shoulder with the Senator on that.

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

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. SPONG. In line with what the distinguished gentleman from Washington has just said, I would agree that some legislation must be written that would be applicable to the entire country. I might suggest that the airport and airways development bill in the Commerce Committee, momentarily referred to the Finance Committee, might be the proper vehicle.

Mr. MAGNUSON. That is what the Senator called my attention to the other day.

Mr. SPONG. Yes.

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

Mr. STENNIS. I yield.

Mr. CASE. When that matter comes before the committee for consideration, I would like to be able to suggest a Department of the Environment, which seems to me to be a solution of the problem we are discussing in the Senate at this time.

Mr. SPONG. I thought I would advise the Senate that the Senator from Washington (Mr. MAGNUSON), the Senator from Michigan (Mr. HART), and I have the problem under consideration.

Mr. STENNIS. Mr. President, it seems there is a nationwide interest here. That is the main reason why we ought to work out some kind of substitute language. I do not see how we can work out the whole language on an appropriation bill.

If we can pass that over to see if there is some language to cover the Florida situation, and ask the other Senators to agree to have legislation on the others——

Mr. MAGNUSON. Mr. President, if the Senator will yield, I agree that we should do something about these controversies in this bill, but when we do reach a decision, we ought to start thinking about the other maters mentioned by the Senator from New Jersey, the Senator from Virginia, and other Senators. We have a grave threat to the majestic Columbia River. The trouble is any action taken here would have to be retroactive, because they have already made some official decisions.

Mr. STENNIS. This colloquy has been helpful. It would be helpful to anyone interested in the problem that the Senator from Virginia referred to, and also

it would be helpful to the legislative committee.

Mr. President, I have a short statement on the major item in the bill, the SST, to which there is going to be an amendment. I thought it would expedite matters if I made that brief statement, and the Senator from Wisconsin, if he is ready, could offer the amendment, and we would be at issue.

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

Mr. STENNIS. I yield.

H.R. 15095, SOCIAL SECURITY AMENDMENTS—BILL HELD AT DESK UNTIL FURTHER NOTICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 15095) to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program, be held at the desk until further notice.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. SCHEUER of New York, and Mr. STEIGER of Wisconsin, to be additional managers on the part of the House at the conference asked by the House on the disagreeing votes of the two Houses on the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The message also informed the Senate that the Speaker had appointed Mr. ASHLEY, of Ohio, as a manager, on the part of the House, at the conference on the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, vice Mr. BARRETT, excused.

The message announced that the House had passed the joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10105) 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. Moss, Mr. MURPHY of New York, Mr. BLANTON, Mr. SPRINGER, Mr. KEITH, and Mr. HARVEY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. OLSEN, Mr. UDALL, Mr. CORBETT, Mr. GROSS, and Mr. BUTTON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14916) 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, and it was signed by the Acting President pro tempore.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, the SST program has had many reviews since 1961 and has probably been the subject of more detailed analyses by top-level administrators and legislators than any other aircraft program in history. The hearings conducted recently by the House Appropriations Transportation Subcommittee dealt extensively with the SST, with 348 pages of the hearing record devoted to SST issues. Spirited debate on the SST was held by the House on November 18 and the RECORD shows that an amendment introduced to strike the funds from this bill was defeated by a 126 to 64 vote.

Our subcommittee has studied the report of the House committee including the minority report submitted by one member of the House Appropriations Committee, and has conducted its own review in sufficient depth to assure that all major issues surrounding the SST have been considered. The Senator from Wisconsin (Mr. PROXMIRE) testified before the Transportation Subcommittee and reported in very able fashion his objections to the program.

We believe that the Nation must move forward on this important program. We have seen great advancements in air transport since the advent of the jet airliner in 1959, and the SST represents the next logical step in commercial aviation. Designing and building superior transport aircraft is a typically American enterprise, and one that has brought us vast economic benefits.

The United States produces over four-fifths of all jet airliners in use by the free nations of the world. The wide-bodied air transports such as the Boeing 747, the Lockheed L–1011, and the McDonnell-Douglas DC–10, will go into operation in the near future. These large-capacity subsonic airplanes will vastly improve air transportation during the next decade. Looking to the 1980's we see that improvements over these subsonic carriers must come from another step forward in speed which historically has been the continuing aim of transportation developments. Britain, France, and Russia have recognized the importance of supersonic travel and presently are about 5 years ahead of the United States in SST developments.

That is a significant fact, Mr. President. One can evaluate it one way or the other, but it is a big event. It should have tremendous impact.

We should not dally any longer in our bid to enter this significant market. Even though they are ahead now, we have better technical capabilities as a result of our strong aerospace industry and experience in high-speed flight. The U.S. SST's higher speed, greater capacity and comfort, and greater profitability favor its support by the majority of the world's air carriers, and therefore assures its rightful place in the worldwide commercial aviation of the future—assuming, of course, that a second-generation Concorde does not preempt the U.S, SST's advantages. With the 4,000-mile range of the initial production model, the SST can be used on 90 percent of the international routes. Subsequent improvements could extend that range, just as the range of the subsonic jets has grown over the years. Thus, the SST represents an important advancement for this Nation not only in the field of aviation, but also in the international trade market and for our overall national well-being.

This committee, therefore, recommends that $80 million be approved. In arriving at this recommendation the committee notes that $662 million, including the amount recommended here, of Government appropriations are estimated to be required to support this program through the entire prototype development phase. The committee also notes we have already appropriated $623 million. The total magnitude of the fund requirement, some $1.6 billion, is too great to expect private industry to finance the development from its own resources, $1,285 million is to be provided by the Government, and the remainder by contractors and the airlines.

Mr. President, in committees of which I happen to be a member, this matter has been back and forth for several years. I am thoroughly convinced that we are having to go into this matter of research on the prototype now because, during a

long period, we were not producing a new long-range bomber.

Commercial aviation has benefited tremendously, in the last 25 years, from the very fine program we have had in the military. It has brought in the B–47, the B–52, the B–58, and a great many other related aircraft with great success, and the overflow from that program was what produced the commercial airliners. But for quite a few years, we have not been engaged in this military development, so there had to be some kind of a substitute for it.

As I have stated, it costs so much it was just too big a bite for any firm in industry to undertake. Therefore, I think we did well in filling the void by moving in and getting a start.

This matter was held up 1 year—and that will be gone into later—because of a problem, which has now been overcome, with reference to production.

If the plane is a success, and we think it will be, by 1990, the United States will have gotten its mony back, if we sell 300 planes and if it should go to 500, we might make a profit, but I shall not emphasize that. The way the thing is set up, there will be a reimbursement if we sell as many as 300 planes.

Mr. President, lest someone should be misled, I ask unanimous consent to correct a printing error at page 16 of the reported bill. I ask unanimous consent that on page 16, lines 20, 21, and 22, the words "of which not to exceed" and "shall be available for research, development, and demonstration grants," which were stricken in error, be restored to the bill.

Mr. CASE. But the figure there should be $20 million instead of $25 million?

Mr. STENNIS. Yes, the figure should be $20 million, as it appears in the bill now.

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

Mr. STENNIS. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "determine", strike out "$11,500,000" and insert "$11,750,000"; and, after the amendment just above stated insert a colon and *"Provided,* That whenever the Secretary determines that staff functions being performed elsewhere in the Department could be performed more economically and effectively by the Office of the Secretary, he may, during the current fiscal year, transfer such functions to the Office of the Secretary."

On page 2, line 21, after the word "statistics", strike out "$8,000,000" and insert "$14,000,000".

On page 5, at the beginning of line 5, strike out "$57,300,000" and insert "$75,700,000".

On page 5, line 20, after the word "aircraft", strike out "$25,900,000" and insert "$26,600,000"; and, on page 6, line 3, after the word "appropriation", strike out the colon and *"Provided further,* That none of the funds appropriated herein shall be available for a Selected Reserve programed to be in excess of 15,000 personnel on June 30, 1970".

On page 2, line 21, after the word "statistics", strike out $8,000,000" and insert "$9,800,000".

On page 8, after line 14, insert:

"GRANTS-IN-AID FOR AIRPORTS

"For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, for the fiscal year 1970, $50,000,000, to remain available until expended."

On page 9, line 1, after "(31 U.S.C. 529)", strike out "$95,958,000" and insert "$80,000,000"'.

On page 9, line 20, after the word "vehicles", strike out "$1,650,000" and insert "$1,687,000"; in line 21, after the word "with", insert "not to exceed"; and, in the same line, after the amendment just above stated, strike out "$12,467,000" and insert "$12,627,000".

On page 10, line 5, after the word "exceed", strike out "$59,012,000" and insert "$59,230,000".

On page 10, line 16, after the word "expended", strike out "$4,419,279,000" and insert "$4,519,657,000"; and, in line 20 after the word "and", strike out "$3,533,765,964" and insert "$3,634,143,964".

On page 12 line 13, after "5 U.S.C. 3109", strike out "$27,550,000" and insert "$30,550,000"; and, in line 14, after the word "with", strike out "$2,000,000" and insert "$2,100,000".

On page 12, line 22, after the word "exceed", strike out "$2,000,000" and insert "$2,100,000".

On page 13, at the beginning of line 11, strike out "$18,000,000" and insert "$30,000,000"; and, in line 13, after the word "and", strike out "$6,050,000" and insert "$18,050,000".

On page 14, line 18, strike out "$1,000,000" and insert "$1,050,000".

On page 15, at the beginning of line 5, strike out "$10,000,000" and insert "$12,000,000"; and, after the amendment just above stated, insert a comma and "of which $150,000 shall be available only for a feasibility study of extending a transit line to Dulles International Airport,".

On page 16, line 19, after the word "expended", strike out "$220,000,000" and insert "$200,000,000"; and, in line 20, after "1971", strike out "of which not to exceed $25,000,000 shall be available for research, development, and demonstration grants" and insert "of which not to exceed $20,000,000 shall be available for research, development, and demonstration grants".

On page 18, line 22, after "5 U.S.C. 3109", strike out "$25,000,000" and insert "$25,254,000".

On page 20, line 11, after the word "of", strike out "$65,000,000" and insert "$75,000,000".

On page 20, line 16, after the word "of", strike out "$12,000,000" and insert "$29,000,000".

On page 20, line 21, after the word "of", strike out "$3,000,000" and insert "$13,000,000".

AMENDMENT NO. 430

Mr. PROXMIRE. Mr. President, I call up my amendment No. 430, and ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. PROXMIRE's amendment (No. 430) is as follows:

On page 8, line 19, strike all language through page 9, line 2.

(The language sought to be stricken is as follows:)

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), "$95,958,000" *$80,000,000,* to remain available until expended.

Mr. PROXMIRE. This amendment is cosponsored by the Senator from Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from New York (Mr. GOODELL), the Senator from Wisconsin (Mr. NELSON), and the Senator from Ohio (Mr. YOUNG).

Mr. President, this amendment strikes $80 million that is now in the bill for the supersonic transport. With all respect to the distinguished chairman of the subcommittee—and I have great respect for him—and to the two extremely able and distinguished Senators from Washington, I think I can successfully maintain that the supersonic transport really has no justification. The long-term costs will be enormous. The chances of returning a profit to the Government, or of the Government getting its money back, I think I can show, are virtually nil.

Here is a project which private industry has shunned and refused to handle. After going over this matter in some detail, I have concluded there are just two strong persuasive arguments for the SST. One of them is the distinguished senior Senator from Washington (Mr. MAGNUSON), and the other is the distinguished junior Senator from Washington (Mr. JACKSON). As we know, they are two highly popular Senators. Everyone in this body knows how they feel about the SST. They have been very persuasive in the past, and I am sure they will be very persuasive here. But I hope Senators will consider the matter on its merits, because I think the merits of my amendment are strong.

Mr. President, I do not like to downgrade any kind of program in any way, and I apologize for using the vernacular, but I think one can properly say, in the vernacular, that the SST is really a turkey. It is a bomb. We can say, with justification, that the FAA, on this program, laid an egg. The Joint Economic Committee, in its conclusion on this project, called it a white elephant.

As to the benefits of this program, when I asked the representatives of the FAA, when they appeared before the Appropriations Committee and the Senator from Mississippi very graciously invited me to sit with the members of the committee to question the FAA on the project, and I asked them what were the benefits of this program, the single benefit to which they could point was that it would shorten the time to fly overseas.

In other words, it would make it possible to fly from San Francisco to Melbourne in less time than it takes now. I submit, Mr. President, that the 5 or 6 percent of Americans who fly regularly at all—and far less than 1 percent fly regularly overseas—are far more interested in the time it takes to fly from San Francisco to Los Angeles, or from New York to Chicago, or from Denver to St. Louis, than they are in the time it takes

to fly from San Francisco to Melbourne. I think we should recognize that the overwhelming majority of Americans do not fly, and that only a tiny, microscopic percentage of the people fly overseas with any degree of regularity—far less, as I say, than 1 percent.

Mr. President, we are all very much aware of the fact that we are operating in an inflationary period, and that there is great restraint on the budget. There are a number of Senators who feel that that restraint is a mistake, that the President should not hold down the budget the way he is. But he is doing it. He has made it clear to us that he is going to hold down expenditures on the budget to $192.9 billion. That means that if we spend in one area, we cannot in another. It is fine to say, "I'm for the SST, but I am also for other programs." If we go ahead and spend this money on the SST, it means we will not have the money for some of the other programs which, it seems to me, should rate far, far higher.

I think we all recognize that we have many thousands of people in this country who do not get enough to eat. We have a situation in which our ghettoes, a couple of years ago, were on the verge of explosion because we have done too little in them.

We face the worst housing shortage in 20 years, and this year, because of high-interest rates and because we are so limited in our housing program because of limitations on the budget, we are losing further ground in housing.

We all know how very urgently we require funds for education. We just acted on a bill in that area, and we are conscious of the fact that President Nixon feels, rightly or wrongly, that he must hold back some of those funds. The reason he feels he has to hold them back is because we are spending money in other areas like the SST.

We know the need for antipoverty action and medical research.

Mr. President, I think that every Senator, having been elected to office and recognizing himself as a politician, must be aware of the taxpayer revolt in the country. Whether they are from Alaska or Washington or Wisconsin or anywhere else, the taxpayers are unhappy with the burden they have to pay.

I think we have to realize that to the extent we spend $80 million this year in this program, and it will be far more than that before we are through, this will increase the tax burden. And it is exactly this kind of Government spending which is inflationary. Every economist agrees that Federal spending is inflationary, especially spending of this kind that does not reach the kind of economic need that the spending in the manpower training field meets, for example.

It seems to me that we can argue that this is a senseless allocation of our resources and that the SST should not have the top priority, but should be at the bottom of our priorities.

Mr. President, in order to get a more objective perspective on the SST than one might get from this Senator, who admittedly has been opposed to the SST for a long time, or from some of the proponents of the SST, I suggest that we recognize what the ad hoc committee appointed by President Nixon, who is an advocate of the SST, a committee consisting of competent experts, concluded about the SST.

Mr. President, before we get into that, let me point out that in the bill there is a provision for reducing the amount of funds available for mass transportation and reducing it substantially below what the House measure could provide.

I recognize that the committee is in a position in which they have to make that kind of an unfortunate decision. However, what that does is to prolong the time that it takes millions of people who live in or outside of our cities to get to work. That amount of money is reduced because of the stringency of our budget.

How would those people feel about the fact that we will spend hundreds of million of dollars within the next few years for a program that will save time for a tiny, microscopic portion of extremely wealthy people to fly overseas when we fail to provide the money for the other people to get from their little homes in the suburbs to the city or from the city to the suburbs if they are employed there?

The fact is that more than two-thirds of the people of America live in the urban areas. Yet, we cut the funds for mass transportation in the bill and cut them sharply.

We should take a look at what happened over the last few days or the last few weeks in the health area. The Senator from Washington (Mr. MAGNUSON) was very generous in his bill with respect to the health area. I think he did a fine job. We enthusiastically supported him.

But it is the President who decides how much money will be spent. And the President has felt so constrained by the limitation on his budget that he has agreed to limit his budget to $192.9 billion.

He has indicated that he will cut back on dental research, arthritis, child health, mental health, and hospital and health care centers, a $104 million cutback from this latter program alone.

As we know, the administration felt constrained because of the limitation in the budget to cut back on Job Corps centers which has had a devastating effect on thousands of young Americans who did not have much of a chance, and the Job Corps centers gave them some kind of a chance.

The model cities program was cut back 42 percent.

Let me give one other brief example of the priorities involved here.

The Department of Transportation has been authorized to proceed with funding of a prototype automobile, an automobile that would incorporate all of the best safety standards that technological progress has made available. The amount provided was $5 million, not the $1.3 billion which is provided for the SST. It is only $5 million for the development of safe automobiles. And 300 times as much for the SST. Think of that.

Last year 55,000 Americans were killed, 150,000 permanently disabled, and some 4 million were casualties on the highways.

Yet, we propose to spend $1.3 billion on a project to save a few jetsetters a couple of hours' flying time when they go overseas.

One of the most startling and surprising developments in the whole situation was called to my attention just recently when I discovered that the SST not only has a high priority in the budget, but also has an extraordinarily high priority in getting scarce material.

This is something that I do not believe has been revealed to the country or to the Senate before.

Mr. President, not only is the SST an example of the distorted priorities given to nonessential activities, but it is also an example of how our military needs can be jeopardized by the foolish allocation of national resources to the SST.

Last October I learned that the SST has obtained the highest priority rating under the Defense Production Act. As you know, the Defense Production Act authorizes the President to establish priorities for scarce materials needed by the military, atomic energy, military assistance, stockpiling, and directly related programs.

The highest priority rating is called "DX." The next highest is "DO." Of the 16 programs with an approved "DX" rating, 14 are military; 2 are nonmilitary. Of the two, one is the Apollo program. The other is the SST.

The significance of this fact is that there are many military programs without a DX rating, and the question is whether it is possible for a military program to be deprived of certain materials at the same time that the SST, with its higher priority rating, is able to obtain those same materials.

On October 31, I directed a letter to Barry J. Shillito, Assistant Secretary of Defense, in which I raised this issue. My question to Secretary Shillito was whether there is a possibility for military users to be deprived of certain materials, such as titanium and nickel, because of their diversion to such programs as the SST and other civilian aircraft.

Secretary Shillito, in his response, confirmed my understanding of the facts and underlined my worst fears that the SST represented an obstacle to national defense.

Secretary Shillito states in his letter:

> It is possible for a military program to be delayed while a production conflict with rated civilian aircraft is being resolved.

Secretary Shillito assures me that because of the limited amount of materials involved in the current SST program and because of the procedures which exist to solve production resource conflicts, that it is doubtful any serious delays in a military program will occur.

However, the point is whether it is possible at the present time for the SST to interfere with military programs. I have been informed by sources within the Pentagon that not only is it possible for delays to occur because of civilian priority ratings for scarce materials, but

that such delays have already occurred. The fact is that once a conflict over materials arises, once a military program runs into a bottleneck because certain materials are not available at the time they are needed, that the damage because of delays has already happened. Expeditious as the expediting procedures may be, they take time, and once any amount of time has been spent attempting to resolve a conflict between military and nonmilitary users of materials, the military user has suffered a delay.

Although I have been critical of military programs, especially weapons systems, I recognize the importance of weapons production once it has been decided to go ahead with the program. It is ridiculous and outrageous for a weapons system program to have to be interrupted and delayed, at great cost to the taxpayer, because materials cannot be obtained, while those same materials are being diverted to a program such as the SST.

This is one further instance demonstrating how cockeyed our national priorities are.

With unanimous consent, I am inserting in my remarks copies of the correspondence between Secretary Shillito and myself.

I ask unanimous consent to have the correspondence between Secretary Shillito and myself on this matter printed in the RECORD at this point.

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

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., October 31, 1969.

Hon. BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: I understand that under the Defense Production Act certain nonmilitary users of materials have obtained priority ratings, of DO or higher, and that in some instances military users have lower priority.

For example, I am informed that the SST program is rated DX, whereas the military users do not have this highest priority.

Would you verify these facts and also provide me with information concerning the kinds of materials used by the SST contractors under the DX rating, and whether in your view there is a possibility for military users to be deprived of certain materials such as titanium and nickel because of their diversion to such programs as the SST and other civilian aircraft.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 15, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in reply to your letter of October 31, 1969 which requested verification whether certain nonmilitary users have obtained priority ratings of DO or higher while some military users have lower priority, citing the SST program DX rating as an example. You also inquired about the kinds of materials used in the SST under the DX rating, and asked if it was possible for military users to be deprived of materials, such as titanium or nickel, due to their diversion to such programs as the SST and other civilian aircraft.

The priorities and allocations powers of the President under the Defense Production Act of 1950, as amended, have been delegated by the Director, Office of Emergency Preparedness (OEP) to the Secretary of Commerce and is administered by the Business and Defense Services Administration (BDSA), Department of Commerce. The programs authorized for priorities and allocations by the Act are military, atomic energy, military assistance, stockpiling, and directly related activity. Such programs as are considered to be directly related activities and which are sponsored by the Department of Defense or the Atomic Energy Commission and approved by the Office of Emergency Preparedness, may be assigned the DO priority rating.

As you know, DX and DO are the two industrial priority ratings that may be applied to national defense prime and subcontracts and purchase orders under the Defense Production Act of 1950, as amended, and the implementing rules and regulations of the BDSA. Only the President can approve a program to be of highest national priority within his priorities and allocations authority under that Act, thus entitling it to the automatic use of the DX industrial priority program rating on applicable contracts and orders. All other rateable orders carry the DO rating. As a matter of information of the 16 approved DX programs, 14 are military programs and the other two are the SST and APOLLO programs. With regard to the SST program, the DX authority is limited to research and development and construction of two prototype aircraft which was approved by the President as a program of highest national priority on April 1, 1966.

The DO priority rating has been authorized by the OEP for use on certain civil air programs. These are: (1) the production of heavy civil air carrier aircraft; (2) maintenance, repair and operating supplies (MRO) for participating airlines approved by the FAA; (3) civil air navigation facilities; and (4) construction at airports where there is a joint tenacy with military activities, on a case-by-case basis, provided each such case is sponsored by DoD. OEP presently is considering the question of whether or not to renew beyond June 30, 1970 the existing DO priorities and allocations authorities for these civil air programs.

With respect to your question concerning the kinds of materials used by the SST contractors under the DX rating, I have been informed that the basic structure weight of each prototype is estimated to be about 171,200 pounds. Some 137,000 pounds of titanium will be contained in the airframe and about 23,300 pounds of alloy steel in the landing gear, with smaller amounts of various materials for tires, brakes, etc. The four engine propulsion system is expected to weigh about 51,400 pounds, including a total of about 45,000 pounds of high-strength, high-temperature steels having substantial nickel content with the balance consisting of the various materials normally used for such items as controls, starters, fuel systems, shock mounts, etc. The total fixed equipment weight of about 56,300 pounds is to consist of the various materials used for seats, instruments, flight controls, hydraulics, electrical and electronics items, environmental control systems, insulation, etc. It should be noted that the foregoing amounts are rough estimates of necessity, since the two prototype aircraft are still in the design stage.

You also questioned whether we believe there is a possibility for military users to be deprived of certain materials because of their diversion to the SST and other civilian aircraft. It is possible for a military program to be delayed while a production conflict with rated civilian aircraft is being resolved. Although DX rated orders automatically take precedence over all DO rated and nonrated orders when there is a production conflict, we do not at this time believe the SST R&D program will cause any serious delay in any military program because of the limited amount of materials involved in two aircraft.

DO rated orders accepted by a supplier are scheduled for production in the sequence in which the orders are received. Because of the large dollar volume of DO rated civil aircraft orders and the capability of the civil aircraft industry to place early orders, favorable positions are assured in the production scheduling sequence. Thus, there is a much greater possibility that production conflicts will arise between civil aircraft and military programs. However, if there are no production conflicts among DX and DO rated orders, then these orders may be delivered in accordance with the required delivery dates regardless of the rating.

When there are production resource conflicts among rated orders, the national priorities and allocations system has a Special Assistance Expediting Procedure for solving them. The procedure provides for review of the conflicts, their impacts, and appropriate resolutions on a case-by-case basis by use of one-time DX ratings, directives, orderboard scheduling techniques or other established actions.

I trust that the information answers your questions and will be helpful.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense.

Mr. PROXMIRE. Mr. President, in recent days two of the most distinguished members of the Republican Party have spoken out on the need and the urgency to reorder our national priorities. Milton Eisenhower, Chairman of the Violence Commission, and John Gardner, former Secretary of HEW and now Chairman of the Urban Coalition, both emphasized that far too much emphasis has been given to military spending, the space program, the SST, and that vital domestic problems have been too often swept under the rug. As Mr. Gardner said:

> We are anxious but immobilized . . . we know what our problems are, but seem incapable of summoning our will and our resources to act . . .

I implore the Senate to heed these words. It should not be as difficult to do so here as it might have been with other programs. Where military programs are involved—such as with the ABM—there is always the gnawing concern about our national security. Where the space program is concerned, questions of national prestige arise. But here, there is no such overriding issue in the background. The issue pure and simple here is: does the Federal Government belong in the business of developing a commercial plane wholly for private use? I submit that it does not.

COSTS PROBABLY WILL EXCEED THE ESTIMATED $1.285 BILLION

Mr. President, a word about overall costs on this project. The Federal Government's share of building the two prototype SST's is estimated at $1.285 billion. Of this amount, $623 million has been appropriated to date; an additional $662 million will be required to complete the Government's participation.

However, these cost estimates only encompass phases I, II, and III—that is,

planning, research and development and design competition, and design and construction of two prototype planes. Beyond phase III, there is a substantial likelihood that the Government may become extensively involved in phase IV, the certification stage, and phase V, the early part of the production stage. It has been predicted by Booz, Allen & Hamilton, financial consultant to the FAA, that the Government will probably have to fund the major share of the program costs for phases IV and V. According to the consultant estimates, this could result in an additional cost to the government of another $1.3 billion. This would put the total government investment in the SST at $2.6 billion.

It is true that since 1966 the FAA has changed the contracting schedule somewhat, so that the later phases in the SST development no longer overlap with the earlier phases. According to the FAA, this makes it less likely that the Government will become involved in phases IV and V. But this Senator, for one, is convinced that if the airlines display the same reluctance to fund this project at the completion of the phase III stage that they are displaying now, the Government will be left with a very expensive Hobson's choice: should we permit our $1.3 billion investment to go down the drain, or should we protect it by expending another $1.3 billion on phases IV and V?

There is good reason to believe that the latter choice would win out. In the House report accompanying this year's SST appropriations, the House Transportation Subcommittee took note of the fact that $623 million has already been spent on this plane. Canceling the program now, the committee noted, would cause the loss of all of the $623 million already expended. In other words, we need not concern ourselves with the merits of this project—just continue to throw good money after bad. I am greatly concerned that a similar argument could carry the day several years from now, after the Government has invested $1.3 billion on the two prototypes, and it becomes clear that the airlines still have no interest in becoming heavily involved financially—to the tune of another $1.3 billion—in the certification and production stages. It should be noted that the airlines are under no legal obligation to do so.

Moreover, if there are major cost overruns on this plane, as there inevitably will be if our experience with the development of military aircraft is a good guide, the Government investment would go still higher. For example, in procuring the Lockheed C–5A transport plane, increased expenses have driven the cost up by $2 billion—well over 50 percent above the original estimated cost. And compared to the SST, the C–5A was a relatively simple research and production problem.

I wish I could report that an overrun of 50 percent such as this were unique, and not likely to recur. But unfortunately, extremely high overruns in the development of new weapons systems—and in particular, new airplanes—have become all too commonplace. If such an overrun were experienced on the SST, and if the Government becomes involved in phases IV and V as predicted, the cost of the SST could well soar above $4 billion.

This Senator is not saying that costs will run that high. But the Senate should take this possibility into account before agreeing to appropriate $80 million for the SST this year. In particular, we should be wary of the argument that since the United States now stands near the halfway point in its participation in the SST program we ought to see it through to its finish. The short answer is, if costs soar to $4 billion, or anywhere near it, it would mean that we stand not at the halfway point, not even at the one-third mark, but at a point no more than one-sixth of the way along. If the SST cannot be justified, and I strongly believe that it cannot, it makes eminent good sense to stop now, when more than 80 percent of the cost still lies ahead of us.

GOVERNMENT HAS NO BUSINESS SUBSIDIZING A COMMERCIAL PLANE

Aside from the strict issue of the gigantic cost involved, there is another, more fundamental question here: what business does the Government have subsidizing the development of a plane designed solely for commercial use? To my knowledge, this is a situation without precedent. I know of no previous instance where the Government has become involved to anything approaching a 90-percent interest in a similar commercial venture.

I do, however, know of one previous instance where private developers attempted to interest the Government in helping to develop a commercial aircraft. In June 1951, the Budget Bureau submitted a request to Congress for $600,000 for the purpose of transport aircraft development. The money was to be used "to encourage the development of improved transport aircraft, particularly in the turbine-powered category." Special emphasis was to be placed on the integration of jet transports—commercial—into the traffic-control system. In other words, Congress was being asked to help the airlines develop jets for commercial travel.

The Senate provided the Commerce Department with $597,500 of the requested $600,000. But the House Appropriations Committee displayed much more sense, and denied the request entirely. Here is what the House said in denying these funds:

> The budget estimate of $600,000 contained in House Document No. 178 for expenses relating to the development of improved transport aircraft is denied. It was testified that this testing would contribute very little to national defense, but would be primarily for the benefit of the commercial airlines. *This type of aircraft development should be carried out and financed by the plane manufacturers and the commercial airlines rather than the federal government.* (Emphasis supplied).

In conference, the House prevailed, and no funds were provided to develop a commercial jet. The rest of the story is familiar to all of us. The airlines went on to develop commercial jets themselves, from the 707's through the 727's and now to the 747's, the jumbo jets. It has been one of the most spectacular success stories of modern industry. Somehow the airlines managed to find the money to invest in these new projects, and their return has been a very handsome one on this investment, and a well deserved one too.

I see no reason why the same criteria cannot be applied to the SST. Perhaps it is more expensive than aircraft that have been developed heretofore. But this has been true of every new airplane; as airplanes get bigger, and faster, and more complex, they inevitably cost more. But if the demand is there, and the public is willing to pay for it, the airlines will find a way to finance it. And if the demand isn't there, and the public would not pay the fares necessary to insure adequate returns, then the Government has no business financing it.

Lt. Gen. Elwood R. Quesada emphasized this strongly when he appeared before the President's ad hoc committee this spring. Lieutenant General Quesada was Chairman of the FAA from 1958 through 1961, the period when the SST was first undertaken by the FAA. Gen. Quesada had this to say about the Government taking over the development of a commercial plane:

> I have very serious reservations about the Federal Government assuming the major burden of developing a commercial airplane. Serious reservations.
>
> I gag, if I may use my own term, at the Federal Government by its positive action replacing economic demand. I feel that a supersonic transport or any other commercial device should be the product of economic demand.

I could not agree with General Quesada more. I, too, have serious reservations. The Government is taking all the risk on this plane, and the airlines are going to sit back to see whether it will work, and return a profit. If it can—which I doubt—the airlines will jump in and reap a handsome profit. If it cannot the airlines will simply decline to enter the market, and the Government will be left holding the bag. From the airlines' point of view, this amounts to "heads I win, tails you lose," and the Government gets the short end of the stick.

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

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. The Senator mentioned General Quesada, whom I regard as a friend of mine and with whom I have discussed this matter on various occasions. He is devoted to what we generally call the private enterprise system.

What amazes me about the sponsorship of this program are certain Members who on other occasions profess a great confidence and great faith in the private enterprise system. But this is strictly socialism, bringing the Government in to sponsor a questionable project, so that if it fails, it is on the taxpayers.

Mr. PROXMIRE. Exactly.

Mr. FULBRIGHT. The risk is all on the taxpayer, is it not?

Mr. PROXMIRE. It is, indeed.

Mr. FULBRIGHT. And there is no difference in the way we are doing it from the way the Russians developed their

SST. Is there any substantial difference? It is all a Government project.

Mr. PROXMIRE. The difference is that 10 percent of the money is put up by private industry, but the opportunity for private industry to make a profit is very substantial; and they can make a profit while the Government is suffering a substantial loss.

Mr. FULBRIGHT. But 90 percent of the risk is taken by the taxpayers.

Mr. PROXMIRE. It is not only taken, but also, it is a risk in which the Government loses while private industry makes a profit, and a big one.

Mr. FULBRIGHT. The Senator spoke a moment ago about commercial enterprise. If this has any real validity, the commercial enterprise ought to take the risk.

Mr. PROXMIRE. Of course they should.

Mr. FULBRIGHT. Boeing is a big company, and there are other big companies. I would only question the Senator's saying there never was any Government assistance to Boeing in the 707. I recall some Government contracts on tankers that led to the development of the 707.

Mr. PROXMIRE. There is no question that there has been an enormous benefit to commercial enterprise from the military, but nothing like this.

Mr. GRAVEL. I would like to find out if the Senator knows of any project approximating a billion dollars that has been handled by private industry in the history of our economy.

Mr. PROXMIRE. It depends on what the Senator means by "project."

Mr. GRAVEL. The Senator stated this is a sum of money which the private sector of the economy could easily handle. I would like to know if at any time in their history the private sector of the economy has taken on a billion-dollar-plus obligation and prosecuted such a program.

Mr. PROXMIRE. May I say, one, when you look for precedents in our economy it is hard to find that sort of thing because we have grown so much and because we are so much larger and affluent than we were. We are twice as large economically as we were 10 or 12 years ago. In addition, we have a number of corporations in this country which are far bigger than billion-dollar corporations. We have General Motors which makes well over a billion dollars. The sales of General Motors, I understand, are $12 to $13 billion.

I do not say it might not be necessary and desirable for the aviation industry to come together with the Government and work out something like the communications satellite. I have proposed that; and it might be necessary in order to get a Government guarantee. But this is a 90-percent obligation for the Government at Government risk, and although there is the big possibility of a loss to the Government, there could be a profit with Boeing.

Mr. GRAVEL. I submit there is no history of such a program being undertaken by the private sector. The closest thing we would have would be the pipeline which is being built in Alaska at a cost of $1 billion. And that has come under some criticism.

Mr. PROXMIRE. As we all know, the 747 was a very, very expensive operation. It may be somewhat less than the SST but the airlines are growing. Boeing and Lockheed and the other producers are growing in size and in capacity to finance this project. There are many ways this could be done if there is a likelihood of a payoff, but not when there is a likelihood it will fail.

Mr. GRAVEL. The Senator, in stating this could be done by the private sector, developed simplistic facts of economics.

Mr. PROXMIRE. That is correct.

Mr. GRAVEL. There are many sectors in our economy which work in that way. Farming is one of them.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly without losing his right to the floor so that I may ask unanimous consent that there be a recess for 2 minutes so we can all go down and furnish a quorum to the Committee on Appropriations and then return; otherwise we will never get it.

Mr. MAGNUSON. Mr. President, reserving the right to object, I first ask unanimous consent to have printed in the RECORD General Quesada's statement of December 9, 1969.

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

QUESADA NOT OPPOSED TO NIXON'S SST PROGRAM

Contrary to impressions left by press reports, former FAA Administrator Lt. Gen. Elwood R. Quesada (USAF-Ret.) is not opposed to the development of a supersonic transport, he has informed The DAILY.

"I have never opposed nor do I now oppose the President's program," he said.

It is known that Gen. Quesada was considerably upset by what he considered to be a distortion of his views by one wire service which had used excerpts of his March testimony before the President's ad hoc review committee, released by a staunch opponent of the SST program, Rep. Henry S. Reuss (D-Wis.).

During the House consideration of federal funds for SST, Reuss inserted in the *Congressional Record* on Nov. 17 the transcript of the testimony which Gen. Quesada gave before the President's ad hoc review committee on March 12, even before the Nixon Administration had preferred its SST program.

Reuss distributed excerpts of the Quesada testimony to the press, all of the excerpting leading to the impression that Quesada was critical of the program. In fact Reuss referred to the "document" as being "highly critical."

Gen. Quesada did not have a written statement when he appeared before the review committee. He was one of many called to answer questions. His entire discussion was "off the cuff," and he answered questions.

It is no secret that Gen. Quesada has his own ideas about how the SST program should proceed. After all, it was under his regime at FAA 1958–61 that the project got started with the blessing of President Eisenhower. Basically Gen. Quesada wants the program developed under private enterprise and not to proceed under what he called "forced draft." He expressed himself as being opposed to the government providing 90% of the funds. On the other hand, he made no mention of the present government-industry pact by which the government is to recoup its investment through royalties.

It was a long and rambling bit of informal discussion, from whch excerpts could be taken to indicate that he was an opponent of the program, but his intention, as he has explained to friends, was to give his opinions on procedures in an area where many opinions would be natural. As to his over-all thinking, however, there is no doubt, as the following excerpts (which Reuss eliminated from his press release) would indicate:

"I certainly hope that a supersonic transport program will proceed. I hope so very fervently. But I would like for it to proceed more under the economically free enterprise system than apparently it is now, at least apparently to me."

And again: "I would like to see a supersonic program proceed, obviously. But I would like to see it proceed under what I call more orderly, more economic and more controlled—and avoid what I observe to be a forced draft."

More to the point is this excerpt: "Now, I do not mean to imply, although what I have said could be construed so, I do not mean to imply that there should not be a supersonsic transport program."

What General Quesada was trying to get across to the ad hoc committee was his idea that the U.S. should not rush into an SST just because the Soviet Union and the French and British are proceeding rapidly with theirs. He thinks the foreign competition is healthy but he thinks the U.S. should not try to be directly competitive but to take time to build a quality and economically viable airplane. He thinks NASA needs to be more deeply involved in the U.S. project. He also believes a decade should elapse between the introduction of the 747 and the American SST, and in this he is close to being on target, for 1980 is a more likely inaugural date for the American SST than anything closer.

Gen. Quesada reportedly told one friend: "You will not find me a detractor of the Nixon Administration program, either privately or publicly."

Seven airlines have signed formal agreements to use and help finance development of the Dallas-Fort Worth Regional Airport, scheduled to open in 1978.

Mr. PROXMIRE. Mr. President, I yield to the distinguished majority leader.

ORDER FOR RECOGNITION OF SENATOR GOLDWATER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 20 minutes at the conclusion of the prayer tomorrow morning.

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

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

Thereupon, at 6 o'clock and 14 minutes p.m., the Senate took a recess until 6:16 p.m.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. SPONG in the chair).

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. GOLDWATER. Mr. President, I ask the Senator from Wisconsin if he will yield to me for a few comments.

Mr. PROXMIRE. Before I yield to the Senator from Arizona I do wish to say to the Senator from Alaska that I am not relying entirely on the argument I made with regard to whether or not private industry could finance the SST by itself. But I am arguing about the timing of this matter, and the priority, and whether or not this is the way to solve the problem when we have a supersonic transport which has not yet solved the sonic boom problem. I think the sonic boom problem can be solved in the future with new design, but until they get that new design, it will not be able to fly over land and it may not be able to use some airports. For that reason it would be a serious blunder.

Mr. GRAVEL. I think the Senator spoke of something that is very important when he talked about priorities. With the tremendous increases in population which we are undergoing, we are only postponing the time when we will starve.

I submit not to move ahead with this program is the first step toward our becoming a second-rate power. Whether we build a supersonic transport, there will be a supersonic transport built in this world. Maybe Russian supersonic transports will help sustain the Russian economy. They have a very difficult load to carry in their search for hard currency; but if you want to make it easier for them, this is a way to do it.

To talk of postponing this program is more critical. As the design now exists we could take the lead. We were behind when the Comet came out in Britain and we moved ahead with new aircraft. But if we delay now we can see the second generation of these aircraft to be produced by the French and the British.

I have read where the balance of payments will not be affected. I think that is an important part of the argument. I disagree with the statement. I think the balance of payments will be affected and that will affect our ability to feed the hungry people in this country.

Mr. PROXMIRE. The Senator may take any position he wishes with respect to the balance of payments. However, the President has asked the leading experts in this Government, the Council of Economic Advisers, Treasury Department, and Commerce Department and what was their conclusion on the effect of the SST on our balance of payments. They said negative. It will hurt them. That is documented.

Mr. GRAVEL. Will the Senator explain that to me, because I think it is wrong.

Mr. PROXMIRE. Well, the administration is favoring the project in spite of the committee's advice. But he asked the experts and that is what they told him, that this will hurt our balance of payments.

Mr. GOLDWATER. Will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I have some remarks to make on this subject when the Senator has finished, but I wanted particularly to get in here on the discussion as to the costs.

I might say in reply to my good friend from Arkansas that I am probably the greatest champion of free enterprise in this body. But I think this body, along with the other body and the rest of the Federal Government, must take some blame for the growing improbability that from the new technological advances of today and tomorrow they can be handled by so-called private enterprise.

Insofar as allowing costs to go up, as a result of inflation, that is the fault of our Government, too, and not of private enterprise.

The expenditure required on this plane is about twice the net worth of Boeing. I do not believe it could be financed by them, even if Boeing were willing to go ahead and try to finance it. I am told it is in the report, that if 300 of these planes are sold, the Government will get back every cent put into it; and if 500 are sold, we will actually be making a profit.

So, I cannot agree that this will be economic disaster to do this. We have talked about the high cost of the airplane but I would point out again that this is the fault of the Government's past, under the days of Secretary McNamara when we had no development or research on high thrust engines to take 65,000 pounds apiece and we were behind in engine production because he did not allow research and development. He stopped research on the B–70 and all we got for it was that we lost one to a museum in Dayton, Ohio.

The F–12, a mach–3 aircraft, is now bottled up and pickled.

The SR–71, which I have flown at mach 3.1, is not a research type of airplane. But we are flying it. We have gone through a long period of no build-up in the supersonic days, and we are beginning only now to pay off. We are going to pay off now. I might suggest to my good friend from Wisconsin, who is so worried about priorities, that when someone comes on this floor with an idea as to how to solve our city problems, I shall be the first one to stand up and defend it, and vote for it.

I do not care what the cost will be but, so far, no one has come up with an idea.

Here is an idea which is not only workable but, in my judgment, very necessary.

Thus, I merely want to say that in my opinion the report is correct when it says that we can get our money back if we proceed with developing the plane at this time.

Mr. PROXMIRE. Let me say to the Senator from Arizona that I am about to come to the part in my speech that it is unlikely that we will get our money back.

Several Senators addressed the Chair.

Mr. PROXMIRE. Mr. President, I yield first to the Senator from Arkansas and then I shall be happy to yield to the Senator from Montana (Mr. METCALF).

Mr. FULBRIGHT. Mr. President, the Senator from Washington offered a statement in which General Quesada says he unequivocally endorses the SST program. I want to set the record straight. This is a long statement. I am afraid that the public, for lack of time, would not read it all. I read from about the middle of the document to prove that General Quesada unequivocally endorses the SST.

It reads:

> It is no secret that Gen. Quesada has his own ideas about how the SST program should proceed. After all, it was under his regime at FAA 1958–61 that the project got started with the blessing of President Eisenhower. Basically Gen. Quesada wants the program developed under private enterprise and not to proceed under what he called "forced draft." He expressed himself as being opposed to the government providing 90% of the funds. On the other hand, he made no mention of the present government-industry pact by which the government is to recoup its investment through royalties.

And he says later in his statement:

> I certainly hope that a supersonic transport program will proceed. I hope so very fervently. But I would like for it to proceed more under the economically free enterprise system than apparently it is now, at least apparently to me.

Mr. MAGNUSON. Mr. President, the Senator mentioned me. Will the Senator yield?

Mr. FULBRIGHT. Not yet. I will in a minute——

Mr. MAGNUSON. All right. All of us would like to have proceeded that way but we cannot proceed that way.

Mr. FULBRIGHT. I said——

Mr. MAGNUSON. Read the last paragraph.

Mr. FULBRIGHT. I said it was under the private enterprise——

Mr. MAGNUSON. Read the last paragraph.

Mr. FULBRIGHT. Mr. President, I do not yield to the Senator from Washington.

Mr. STENNIS. Mr. President, regular order. Regular order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. The Senator offered this and says he unequivocally endorses the SST. I am reading from the document that the Senator from Washington himself offered.

Mr. MAGNUSON. Read it all.

The PRESIDING OFFICER. The Senate will be in order. The regular order has been called for. Is the Senator from Wisconsin yielding to the Senator from Arkansas for purposes of a question?

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield to me for a question?

Mr. PROXMIRE. I yield to the Senator from Arkansas for a question.

Mr. FULBRIGHT. Does not the Senator believe that the proper interpretation of this endorsement is that General Quesada believes it should proceed, but

not under forced draft with the Government providing 90 percent of the funds, but by private enterprise?

Mr. PROXMIRE. I have not had a chance to read that document.

Mr. FULBRIGHT. I just read it.

Mr. PROXMIRE. From what the Senator has read, I do not know how one could conclude anything else.

Mr. MAGNUSON. That is the trouble. The Senator will not read it all.

Mr. FULBRIGHT. I will read the——

Mr. MAGNUSON. Read the last part.

Mr. FULBRIGHT. "Seven airlines have signed formal agreements to use and help finance development of the Dallas-Forth Worth Regional Airport, scheduled to open in 1973." There is the last line.

Here is another:

General Quesada reportedly told one friend: You will not find me a detractor of the Nixon administration program, either privately or publicly.

Mr. MAGNUSON. That is right. Read the second paragraph.

Mr. JACKSON. Yes, read the second paragraph, just that one sentence right at the beginning. He makes it very clear.

Mr. FULBRIGHT. It is very clear that he endorses the program and that it should be financed by private enterprise.

Mr. MAGNUSON. This Senator hoped it would be but it is not possible.

Mr. FULBRIGHT. That is what I believe. The Senator from Wisconsin also believes this. I had assumed that the Senator from Arizona (Mr. GOLDWATER) would also do that. I was surprised to hear him say, "so-called" private enterprise a moment ago. I did not know we got to the point that we have so-called private enterprise.

Mr. GOLDWATER. It has always been that.

Mr. FULBRIGHT. I thought it was private enterprise.

Mr. MAGNUSON. Mr. President, regular order. Regular order. The Senator from Arkansas is making a speech instead of asking a question. Regular order, Mr. President.

Mr. FULBRIGHT. All right, I should like to ask the Senator from Wisconsin one other question. How much difference in elapsed time will it make between Washington and Alaska, flying in an SST or a new Boeing 747?

Mr. PROXMIRE. May I say to the Senator from Arkansas that the answer to that, on the basis of FAA testimony, is that it would make absolutely no difference whatsoever—not 1 minute's difference.

Mr. FULBRIGHT. What?

Mr. PROXMIRE. The reason being that they have promised they will not fly at supersonic speeds over land.

Mr. FULBRIGHT. Then why would this be an advantage? If the plane flies over Alaska and lands there, that means that Alaskan citizens will have to pick up their part of the costs of this airplane, will it not?

Mr. PROXMIRE. Exactly, but there are some who say that when one flies over land that is not heavily populated, it might be permissible to fly at supersonic speeds. The committee report deals with that specific point. It says it would be a serious mistake to fly at supersonic speeds over any land area because of the danger of doing a great deal of damage to the wildlife below.

Mr. GRAVEL. I should like to enlighten my good friend from Arkansas, who comes from the midcontinent, a little bit about the geography of the globe. He may find that the SST could fly from Europe to Alaska, from Alaska to the West Coast of the United States, to Australia, which would be of great economic benefit to Alaska. So if that is my motivation, it is a very provincial one. But I have a broader motivation—the future of this Nation. I think the motivation is very apt. I think gentlemen who pursue a program of retrenchment in the face of advancements in other parts of this world are very shortsighted.

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

Mr. PROXMIRE. I yield to the Senator from Montana.

Mr. METCALF. The Senator from Wisconsin asked, Where are the airplanes going to land? They can land at Glasgow Air Base in Montana. That base is going to be changed because of a change in weapons systems. There is an area that is not heavily populated, and there is an area that can already accommodate every single plane, not only on the assembly line but on the drawing board.

So when the Senator from Wisconsin asks, Where are they going to land? They can land at the Glasgow Airport. People can come there and take planes to other parts of the Nation. So when the Senator says there is no place for the planes to land, there is a base there that can take care of any plane in America, a base where we can train any pilot, and it is an airport that is away from populated centers.

Mr. PROXMIRE. I agree that the plane can land at Glasgow, Mont., and that may be one of the few places where it can land. Technically it can land any place, but the point I am going to make later, and what we have not recognized, and what the committee mentioned, is that we have not only a sonic boom, but a noise problem on the ground. If that plane should land in Baltimore, or at O'Hare, or at Kennedy Airport, it would be a very difficult problem. But it may not be able to land at very many places.

Mr. GRAVEL. Mr. President, will the Senator yield on the point of sound?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. I understand the airplane will climb at a more rapid rate and bring about less noise to the communities involved.

Mr. PROXMIRE. Let me come to that point later.

Mr. GOLDWATER. Mr. President, if the Senator will yield, the rate of climb of this airplane is so rapid that mach 1 would not be reached until 40 miles, at which time it would be approaching 40,000 feet, and the sonic boom would go out. That does not mean it will not be heard on the ground. I live in the central part of Arizona, where the SR–71 comes over three times a week at mach 3, a higher speed than this aircraft will fly at. We have learned to live with that boom. It is not a clap. We have made great advances in that technology. It is not a clap; it is a boom. When we get the oscilloscope to show a smoother rather than a sharp change in the noise level, we will be in good shape.

These engines, with 65,000 pounds thrust, are going to be quieter than the present engines. One of the benefits of the new 747 is that it has very quiet engines. The industry is working toward this end. Its purpose is not to fly over land; its purpose is to fly over oceans in intercontinental flights.

Mr. PROXMIRE. On the ground there is no question that the SST is far noisier than the 747 and the other jet planes. It is so noisy that the ad hoc committee was convinced that there would be many complaints around airports and it would be difficult for them to land there. There is no question that it could land at Glasgow, Mont.

Mr. GOLDWATER. The worst one we have is the A–37 or T–37 that we use as a trainer, but people cannot hear it. It drives one crazy with supersonic sound.

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

Mr. PROXMIRE. I yield.

Mr. CASE. I asked the Senator to yield because he was talking about the boom. This is of particular interest to me I call the attention of the Senator and the Senate to a discussion of this matter on pages 9 and 10 of the report. The Senator is quite correct that we have been assured by everybody that this plane will not be flown over inhabited territory until the sonic boom is licked. There is a little vagueness about the assurance, because people then begin to talk about the terrible pressures. The committee was not satisfied, as I am not satisfied completely, with the assurances that were given. So the committee stated that fact in the report and pointed out its own belief that the plane should not be flown over inhabited territory so long as the sonic boom is a factor.

Mr. GOLDWATER. I agree that that is proper, although I do not share the apprehension about the sonic boom. I did a paper on this problem several years ago, and there have been great advancements in this problem since that time. It takes about 70 pounds per square inch to break a window pane, and the most we could develop on the mach 1 was 7 pounds. If a house has loose glass, if the glass is not put in properly with putty, yes, there can be some damage, but the greatest damage, the very severe damage, is to the human being.

A very interesting study has been made by the Air Force involving families of doctors off the runway at Edwards Air Force Base. The final results have not been published, but we came up with interesting comments on what could happen with sonic boom. The only real damage done was with our RF–100's in Canada, which came with a new glass administration building facing the plane, and it disappeared. If a pilot is aiming at something, there is a real problem, but when he is flying at 60,000 to 80,000 feet, people can hear him on the ground. It is a shaker, but it does not tear things

up. In a relatively few years aircraft will be flying without the boom at all.

Mr. PROXMIRE. I shall deal with the sonic boom problem later in my speech. Before I come to that, I want to say to the Senator from Arizona that I think it is a credit to the people of Arizona, who are a stalwart and sturdy people, that they can get along with the sonic boom. The fact is that sonic boom flights were flown over Milwaukee for several months a few years ago. I was almost drowned in mail from protesters of the flights. Claims were made against the Government for damage to property.

In Oklahoma, when a test of the effect of the sonic boom on the population was made, it was found that 27 percent of the people said they could not possibly learn to live with the sonic boom. It was unendurable.

Now we are getting into a new area of pollution—sound pollution. We have water pollution and air pollution, and now we are beginning to have sound pollution.

One reason why this program has been able to move along in Congress is that solemn assurance was given that the supersonic planes would not fly over land.

My argument against this program—and I agree with the Senator from Arizona that the sonic-boom problem will be solved—is that when the problem is solved, the hundreds of millions of dollars we will have spent on it will be worthless. This plane we would fund tonight will be obsolete because of its sonic boom. A wholly new design will be required. We will have wasted hundreds of billions.

The planes that will fly without causing a sonic boom will be the ones that will get the brass ring. Certainly we should not fund hundreds of millions of dollars for a plane that will not be acceptable for flights over land, where the real payoffs will be.

Mr. GOLDWATER. This is the real reason why the aircraft industry is in trouble. For years, we have not brought out any new aircraft. If we now say, "Let us not build the supersonic plane; let us wait until we have fooled around with a handful of SR–71's"—we have today just one large supersonic plane, the only one that goes through mach 3—we will never achieve results.

Mr. PROXMIRE. We have just appropriated $80 million this year to go ahead with a supersonic bomber. We can get a lot of good, solid experience to determine the effects of the sonic boom from this experience.

Mr. GOLDWATER. The Senator from Wisconsin is saying we should wait until 1978 before we build a supersonic transport. But keep in mind that Russia has one. I will not say that it is the best in the world. It also is made of titanium. The British and the French have one. Continental Airlines has ordered six. So we are not talking about something that will be built in 1978.

If we wait that long, I agree with the Senator from Alaska that the country which has this plane for sale is the country that is going to begin to take our regular aircraft industry away from us, and they are already doing it.

I might point out that the French, with their greatly improved fighter, are now selling their Mirage to other countries that historically have looked to us for aircraft, and we are beginning to see foreign airplanes flying on our airlines.

I do not think this is serious yet, but if we ever allow any other country to get something better than we have, even if we do not sell that type of plane, we are going to be hurt in the other fields of aviation. It is just like if we did not have Cadillacs, we could not sell Fords.

Mr. PROXMIRE. Mr. President, the Senator from Nevada has been waiting for me to yield to him, but I think in fairness to the Senator from Mississippi, who is handling the bill, and other Senators, I should not continue to yield further at this point. I shall yield to the Senator from Nevada (Mr. CANNON), and to other Senators briefly, and then I wish to finish with my speech.

Mr. CANNON. I thank the Senator for yielding to me.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CANNON. I would simply like to respond to two points which the Senator made. One was the unacceptable noise level in and around the airports.

In the first place, there will be a lower level of noise in and around the airports with this plane than with the existing planes today. The noise level of engines has been reduced markedly. The 747 noise level is not as high as that of the 707. They are making a great deal of progress in this line, and that will be included in the development of the supersonic transport.

Moreover, this plane is never going to fly at supersonic speeds around airfields. You do not fly planes at their maximum speed around any airfield; you fly in accordance with the patterned flight, which means that on takeoff and landing, and within the restricted area around a field, you would be flying at a speed of about 250 knots, maybe slightly more than that, but somewhere in the neighborhood of 250 to 300 knots.

Mr. PROXMIRE. That is correct, of course, but may I say to the Senator from Nevada that the finding of the ad hoc committee was as follows:

> On the ground the SST is significantly noiser than the 707, the 100 perceived noise decibel contour extending about 5000 feet in all directions—

Mr. MAGNUSON. What page is that?

Mr. PROXMIRE. That is at page 32602 of the CONGRESSIONAL RECORD.

Mr. MAGNUSON. That is assuming that you run your engines at full thrust. You are not going to run your engines to top speed on the runway. You do not go at supersonic speed on a takeoff.

Mr. PROXMIRE. All I am saying is that they are substantially noiser than the present plane. I shall discuss that later.

Mr. MAGNUSON. Is that a formal report of the ad hoc committee?

Mr. PROXMIRE. This is the formal report of the ad hoc committee.

Mr. MAGNUSON. Which division?

Mr. PROXMIRE. The Technological Subcommittee.

Mr. MAGNUSON. Oh, the subcommittee. Who is on that subcommittee?

Mr. PROXMIRE. I shall get to the identity of the members of the committee in just a minute.

Mr. MAGNUSON. Put it in the RECORD. They did not make a formal public report at all.

Mr. PROXMIRE. Correction. This was the report of the environmental and sociological panel of the ad hoc Supersonic Transport Review Committee.

Mr. MAGNUSON. Oh. This is the Secretary of the Interior and the Secretary of Health, Education, and Welfare. They are not airplane experts.

Mr. PROXMIRE. And of the Office of Science and Technology.

Mr. MAGNUSON. They all turned around and now support the President.

Mr. PROXMIRE. Of course they back up the President. They are appointed by the President.

Mr. MAGNUSON. But that is not what the ad hoc committee said.

Mr. CANNON. Mr. President, if the Senator will yield further, here is the DOT comment on that particular thing. It reads as follows:

> At the two community measuring points, established by the FAA, the SST is projected to be substantially quieter than the presently operating large intercontinental subsonic jet transports, such as the Boeing 707–320B.

That is a fact, Mr. President. You cannot dispute it. These engines that are coming along have a lower noise level. They are soundproofed, so to speak, more than the engines in the past, and this is DOT's comment on the report from which the Senator read.

Mr. PROXMIRE. That may be their conclusion, but the ad hoc committee, which has no ax to grind——

Mr. MAGNUSON. That is not the ad hoc committee. State who it is. There were four subcommittees, and the Senator is talking about only one subcommittee.

Mr. PROXMIRE. There were four subcommittees.

Mr. MAGNUSON. There are four all told.

Mr. PROXMIRE. I have it in the RECORD here. It is four.

Mr. MAGNUSON. Why is the Senator talking about, the Secretary of Health, Education, and Welfare? I just got through with him a couple of hours ago. And Russell Train; he knows a great deal about airplane development.

Mr. CANNON. Mr. President, the real area of noise on this airplane in the ground environment is at takeoff, and there will be a raised level of noise at the takeoff from the time they start the takeoff roll until they get up to altitude; but the rate of climb is extremely high, much higher than that of any transport aircraft we have today, and as far as the airports are concerned that are required to handle it, this is one of the design criteria; the airplane would have to be able to use existing airports. It can use them from the standpoint of weight, it can use them from the standpoint of

length of runway, and from the standpoint of total handling capabilities. So the talk about airports not being able to handle the SST is just not a fact.

Mr. PROXMIRE. I do not say they cannot handle it. What I say is that their conclusion is there will be many protests in these areas, including legal actions.

Mr. MAGNUSON. Whose conclusion?

Mr. PROXMIRE. But let me go ahead with my presentation.

Mr. CANNON. One further thing, if I may. We have protests now. People move in around airports, and start protesting because of the noise. At Los Angeles, they have the biggest problem in the country, perhaps, because of noise, because people have moved in all around the airport. They bought out an extension off the end of the runways, clear out to the ocean, to eliminate a part of that.

But that is a part of the problems we have to live with, whether it is an SST, a 707, or a 747. Those problems are no greater around an airport for this airplane than for existing airplanes, and they are perhaps less, because of the progress now being made in reduction of the noise level.

Mr. PROXMIRE. Mr. President, in answer to the Senator from Nevada, let me say that the Department of the Interior should not be demeaned here, and the Department of Health, Education, and Welfare should not be demeaned. Their representatives are capable people.

Mr. CANNON. I did not say they were not.

Mr. PROXMIRE. But a Senator has in this debate ridiculed the capability of experts on health from HEW, from the Department of the Interior, which has the responsibility for the environment, and from Office of Science and Technology which keeps up with technological advances. But this panel of experts, consisting of representatives of those three agencies, said this:

> On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 perceived noise decibels over large areas surrounding SST airports. It can be expected, therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

As I say, that is the opinion of people who have studied this problem, and did not have an ax to grind.

Mr. MAGNUSON. Nobody studied it at all.

Mr. PROXMIRE. And who are recognized as competent in this particular area.

Mr. GOLDWATER. Mr. President, before the Senator leaves that point, the Senator from Nevada touched on this, but I think for the record we should make it a little more clear:

When you run a jet engine at 100 percent of its rated thrust, or 103 or 104 percent, you can get a terrific noise level; and if you ever ran a 65,000 pound engine at full thrust on the ground, you could hear it for many miles.

But even in some of our more modern aircraft, like the C–141, which has large engines, they do not resort to 100 percent thrust on takeoff; they use as little as 92 or 93 percent, and the great boost in sound comes in the last 5 percent.

As to the 65,000-pound engine which will be in the ship, I doubt that they will use over 90 percent for takeoff. It is only when they get altitude and want to go at mach 1, 2, or 3, that it goes up and starts pulling 100 percent that if one were there, he could hear the engine and it would make a noise. However, at that altitude all one hears on the ground is the boom. That is not from the engine. It is from the airplane going through the different speeds of sound.

Mr. PROXMIRE. Mr. President, it has been argued by a number of Senators that the program is likely to break even or even make a profit for the Federal Government. How do we determine whether that is true? We have been after the FAA and others to make an estimate of whether it will make out or make a profit or lose money.

Just how this can work out in practice was calculated in a recent paper by Prof. John Walgreen, an economist who assisted former Secretary of Defense McNamara in reviewing the SST for the Johnson administration. Professor Walgreen's paper states flatly that the Government will lose $1 billion on its SST investment.

Professor Walgreen's analysis assumes that airline travel will increase at the rate of 10 percent a year; that airline passengers value their time at a rate equal to their hourly earnings before taxes; that per capita income will grow at a rate of 2.5 percent per year; that the SST will weigh 675,000 pounds and cost $40 million each; that development cost of the SST through the certification stage will run $2.4 billion; that fares will be set to provide a 20 percent pretax yield on all airline investment; and that SST flights will be restricted to over-water routes because of the sonic boom. Based on these assumptions, Professor Walgreen calculates that 139 SST's will be sold—this is a number far below the 500 planes that the FAA hopes will eventually be sold.

But my point is not to get into the argument over the exact number of planes that will be sold—although Professor Walgreen's estimates are based on sound analysis and appear reasonable. My point is this: if 139 planes are sold, the U.S. Government would lose $1,183 billion in cash losses. However, at the same time, the sale of 139 SST's would give Boeing a net manufacturing profit of $150 million.

Mr. GRAVEL. Mr. President, who is Mr. Walgreen? Is he an economist that has done some work? Who does he represent himself to be?

Mr. PROXMIRE. I identified him as a Defense Department economist. He was in the Defense Department as an economist several years ago. He is not with them at the present time. He was with the Defense Department before, as I understand it.

Mr. GRAVEL. What is he doing now?

Mr. PROXMIRE. He is a professor at Wheaton College.

Mr. GRAVEL. Has he written any papers with respect to air transportation? Is he recognized as an economist in that field?

Mr. PROXMIRE. I do not have a record on his complete background. He was in the Defense Department under Senator GOLDWATER's good friend, Robert McNamara, the Secretary of Defense. He made the study in January of this year.

Mr. GRAVEL. Was he employed under a Defense Department contract when he made the study?

Mr. PROXMIRE. No; he was not.

Mr. GRAVEL. How did he get paid if he was making a study for the Defense Department?

Mr. PROXMIRE. He had worked for the Defense Department.

Mr. GRAVEL. But he was an economist and was working as an economist for the Defense Department?

Mr. PROXMIRE. I am not sure whether he was hired in that capacity. He is an economist, and he was employed by the Defense Department.

Mr. GRAVEL. We do not know his credentials. He could have been working as a broom pusher for the Defense Department and then have gone to college and acquired his doctorate.

Mr. PROXMIRE. He was not a broom pusher. His report was written in January of this year. He was appointed to assist former Secetary of Defense McNamara.

That is all the identification I have.

Mr. GRAVEL. He might have had lunch with and discussed the problem with the Secretary.

Mr. PROXMIRE. I was very careful to identify his qualifications.

Mr. GRAVEL. He is in some American college and has made some statements which the Senator is putting forth as authoritative.

Mr. PROXMIRE. I am specifying what his assumptions are.

We are having a great deal of trouble finding out how many SST's are going to be sold. However, on the basis of his assumptions, which are as good as the assumptions of anyone else, we will sell 139 to 225 SST's, and not anything like 300 or 500.

Mr. GRAVEL. I wonder if he has analyzed the growth of economy in India and in other countries where people 10 years from now might have a great desire for world travel because their economies will be much improved.

Mr. PROXMIRE. He made the assumption that airline travel would increase 10 percent.

Mr. GRAVEL. Is that a correct assumption?

Mr. PROXMIRE. It may not be right. I am not arguing that. I have given the information that I was supplied with. The Senator from Alaska does not feel they are reasonable. However, I feel that they are fairly reasonable.

Mr. GOLDWATER. Mr. President, does the Senator from Wisconsin know why the Defense Department made a study on a domestic airline?

Mr. PROXMIRE. I do not know why that was done. I think it is very useful that they made the study. I think one of the reasons is that they were constantly questioned as to whether this would have

any military advantage or be of any use to the military. The answer we have consistently gotten from every Secretary of Defense has been that this is of no military value at all.

Mr. GOLDWATER. I do not think it has ever been held that it would be. However, the surprising thing to me is that we should be asked to put any credence in a report made by perhaps the noted economist in the country that is prepared for a man only opposed to research in the SST field. He did not develop a single plane when he was in office. He stopped the research on the SST engine and on the only plane that could have helped.

Mr. PROXMIRE. If they want to come up with any kind of documented basis to justify the argument that we would sell 300 or 500 SST's, I wish they would do so. I have come up with an analysis from one whom I believe to be a competent economist.

He is a professor in a college which is accredited. On the basis of his assumptions, we would not sell enough of the SST's for the government to come out on the matter. We would lose money.

Mr. GOLDWATER. I do not question his background. I question the fellow he was working for. However, that is beside the point.

Can the Senator tell me—and I believe he is on the committee—why the committee uses such specific language when they say:

Specifically, if 300 SST's are sold the U.S. Government will recoup its entire investment. If, as anticipated, 500 SST's are sold, the government will earn a billion dollar profit.

I do not know who obtained those figures. However, does the Senator have any figures on that?

Mr. PROXMIRE. I am not on the subcommittee. I have accepted the figures. They are stipulated too.

Mr. GOLDWATER. Does the Senator question these figures?

Mr. PROXMIRE. I have not questioned them at all.

Mr. GOLDWATER. The Senator has two sets of figures.

Mr. PROXMIRE. No. Those figures do not differ from the ones I have given. They say if there is a sale of 300 planes, if there is a sale of 500 planes. That assumption can be made. They do not say 300 planes will be sold.

Mr. GOLDWATER. So the Senator is not in disagreement with the committee report in that area.

Mr. PROXMIRE. No. I think it is perfectly possible that if 300 are sold, the Government will break even, and that if 500 are sold, there will be a substantial return.

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

Mr. PROXMIRE. I yield.

Mr. MURPHY. I am interested in the man who made this report. Had he ever made a similar report having to do with the aircraft industry?

Mr. PROXMIRE. I do not know. I do not know this man. I do know that he was asked by the Secretary of Defense to make a report. He did. He is an economist. He is teaching economics at Wheaton College, and that is all I know about him.

Mr. MURPHY. What is the year of the report?

Mr. PROXMIRE. It was made in January of this year, I believe.

Mr. MURPHY. January of 1969?

Mr. PROXMIRE. Yes.

Mr. MURPHY. And it was ordered by Secretary McNamara?

Mr. PROXMIRE, No. If I said that, I retract it. It was not ordered by Secretary McNamara. What I should say is that he worked in the Department of Defense under Secretary McNamara. Several studies were made at the time. He may have been studying the SST at that time or he may not. But he did make a study which was completed in January of this year.

Mr. MURPHY. Would the Senator's staff be able to supply the information as to whether or not he had been involved in the B–70?

Mr. PROXMIRE. Whether or not he had been involved in what?

Mr. MURPHY. The B–70 program, which the Senator will recall Secretary McNamara objected to, and which was really an experimental program.

Mr. PROXMIRE. No. All I know about this man is that he did make studies of the supersonic transport when he was in the Defense Department years ago, and he completed a paper in January of this year on the supersonic transport, and these were his conclusions.

Mr. MURPHY. I thank the Senator.

One further example: If FAA's assumptions about the value placed on the traveler's time are used—that is, 1½ times hourly earnings rather than equal to hourly earnings—then Walgreen calculates that 225 SST's would be sold. This would result in a net loss to the Federal Government of $552 million. Boeing, on the other hand, would be basking in a $1.689 billion profit from the sale of 225 SST's.

These figures, I believe, make it abundantly clear just how much of a "heads I win, tails you lose" arrangement the Government has let itself in for. The Government is taking virtually all the risk—it will not pass the break-even point until the 300th SST is sold; only the industry has the real chance for a windfall profit. I know of no other industry which has ever had such a gigantic favor bestowed upon it by the Federal Government.

PRESIDENT'S AD HOC COMMITTEE REPORT ON THE SST IS DEVASTATING

Mr. President, I would like to turn now to the President's ad hoc committee to review the SST—its genesis, and its reasons for rejecting every argument advanced in the SST's behalf.

The ad hoc committee was appointed by President Nixon on February 19, 1969, for the purpose of investigating all national interest questions associated with SST will weigh 675,000 pounds and cost report back on the advisability of continuing development of the SST prototype.

The review committee consisted of four working panels: a balance of payments and international relations panel, consisting of representatives from Treasury, Commerce and State; a technological fall-out panel, consisting of representatives from the Office of Science and Technology, Defense, and NASA; an environmental and sociological impact panel, consisting of representatives from HEW, Interior, and the Office of Science and Technology; and an economics panel, consisting of representatives from the Council of Economic Advisers, Labor, and Commerce.

Mr. President, the conclusions of these panels are virtually unanimous: neither by virtue of balance of payments, nor economics and design, nor employment considerations, nor environmental effects, nor passenger safety, nor technological fallout, nor national prestige, can the SST be justified. These conclusions have been buttressed—also virtually unanimously—by the opinions of the various executive departments whose views were solicited on the SST.

I invite the Senate's attention to each of these considerations. Without a doubt, the SST has been given a failing grade on every single account.

Balance of payments: The President's ad hoc panel on balance of payments and international relations was directed to consider the impact of the go-ahead for an American SST on this country's balance-of-payments situation. It was recognized by all that the sale of American SST to foreign airlines would bring capital into the United States, and that this would help the Nation's balance of payments. However, the critical question was: Should travel by Americans abroad—which would undoubtedly increase with an America SST—be taken into account as a negative factor? And, if so, would this offset the positive impact of selling American SST's abroad?

The panel unhesitatingly said "Yes" to both questions.

With respect to its decision to include the offsetting portion of U.S. travel abroad, the panel noted:

The amount of export contribution (a *plus* item) which a U.S. SST makes to the U.S. balance of payments depends in considerable part on the additional U.S. travel abroad (a *minus* item in our balance of payments) *induced by the time savings on an SST*. Since the *plus* item depends substantially on the *minus* item, both (as well as other relevant items) must be considered in appraising U.S. balance-of-payments impact.

Both Treasury, the State Department, and the Council of Economic Advisers concurred that the negative effect of U.S. travel abroad should be taken into account. Having determined to consider this factor, the panel then concluded that not only would this reduce the favorable impact of foreign sales, but would actually wipe it out and leave a negative balance:

If the U.S. over-all balance of payments is considered, there is substantial reason for delay in proceeding to the next stage of the SST project—prototype production. The reason lies in the large adverse effect on the U.S. travel deficit of a U.S. SST in the absence of a commercially viable Concorde *plus* doubt about the Concorde's becoming a commerically viable plane.

Even a more conservative estimate from revised underlying assumptions is likely to

indicate an adverse impact of speed-induced supersonic travel on the U.S. travel account considerably greater than the estimated beneficial impact of supersonic aircraft sales on the U.S. aircraft account.

These conclusions should set to rest the doubt over whether the balance-of-payments argument can justify the SST. Treasury, the State Department, the CEA, and the ad hoc panel agree: It cannot.

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

Mr. STENNIS. Mr. President, I ask for attention for the speaker. I know that no one means to be discourteous, but he is entitled to attention. Let us have better order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, may I ask the Senator to yield on that point?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. What the Senator is saying is that these people have made a recommendation that there is no effect on the balance of payments, because if we do not build it, people are not going to go abroad and spend the money.

Mr. PROXMIRE. May I say to the Senator that the conclusion was that it will have a negative effect, an adverse effect, and the adverse effect could go as high as $59 billion by 1990. It probably would not. That probably was too high, but it would be substantial.

Mr. GRAVEL. Would the Senator not expect that if the American tourist is going to go abroad, he will find a way to go abroad?

Mr. PROXMIRE. The argument was that if the SST is a success, and it may not be, and if it is not a success it would not have an effect——

Mr. GRAVEL. The Russian——

Mr. PROXMIRE. If the SST is a success and the Americans can produce a cheaper, better, more efficient SST than the French, English, or the Russians and can produce them in greater numbers, and if this were the case, because of the time saved, because conceivably you could get the cost down, many more Americans would travel abroad. What would they do when they went abroad? There would not be many Asians coming to this country to buy; nor would there be many French or Russians. These experts in the Commerce Department, Treasury Department, and the State Department studied this for many days and weeks and concluded that we would lose in our balance of payments from the SST, that far more would be spent abroad by Americans.

Mr. GRAVEL. They are wrong, and I think it is misleading, because the American people are going to travel abroad, whether on a French, a Russian, or a British airplane. They are going to spend money abroad, and it is going to be a drain on our balance of payments. But the biggest drain on our balance of payments is going to be when TWA, Pan-Am, and the other American airlines have to take American dollars and spend them in Britain, France, and Russia. I have flown in Russian aircraft, and if that is a fast way to get to a place, I will take a Russian aircraft, and so will many other Americans.

I submit that it is a detrimental factor to our economy. When the theory of balance of payments is advanced that it operates the other way, I think it does not.

Mr. PROXMIRE. The Senator from Alaska may be right. He feels very strongly about this. He is committed to this. But the experts from the Commerce Department, the Treasury Department, and the Council of Economic Advisers, who were selected to give their best objective opinion in this area, concluded that we would have a loss on our balance of payments; and they made a careful analysis of what this would do in increasing American travel abroad. They concluded there would be more Americans traveling abroad.

Mr. GRAVEL. The Senator is saying that the American will not travel abroad if we do not have an American SST, that he will refuse to buy a Russian product or a French product. Is that what the committee is saying?

Mr. PROXMIRE. What the committee, I think, is saying—they found that it would not be commercially viable, it would not be economically attractive; that if we did not build the SST and they had to resort to the Concorde, they would fly the 747, an American plane. If we build our SST transport, more will travel abroad and spend more money.

Mr. GRAVEL. I submit that the committee is wrong. I submit the interpretation is wrong.

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

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. The trouble is there was no real committee. This was a group or a panel of one or two individuals. The Treasury never issued a formal statement on this matter. The Commerce Department never issued a formal statement on this matter. This discussion of balance of payments is the funniest economic discussion I have ever heard. If the plane is going to be so good to cause this problem—the Senator from Wisconsin said it is not going to be this good; there is a contradiction.

Mr. GRAVEL. Neither is the British plane or the Russian plane any good; and nobody is going to want to fly in them at a fast rate of speed to Europe or to any other continent.

Mr. PROXMIRE. I do not think it will work, but I may be wrong. I have been wrong before.

Mr. GRAVEL. If it is, it will be at the expense of our industrial minds and at the expense of our rating in the world as a superpower.

Mr. PROXMIRE. That is nonsense. It will not affect our rating in the world as a superpower. This country has an economy twice as big as the Russians, which is the next biggest. This country has just sent men to the moon, which gives us an enormous advantage.

There is no comparison as far as being ahead in one kind of aircraft and going to the moon and being superior in all other areas; and saying that because they have a certain plane before us we will be a second-rate power.

Mr. MAGNUSON. I remember that the Senator wanted to cut the NASA appropriation every year. I have been the chairman. I do not want to interrupt the Senator because I will put in the RECORD answers to every point he has made. I think they are good answers. I would like somebody to say the committee said this, or the Treasury said this, or the Commerce Department said this. I have never read anything from the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of State. I read one statement by Mr. Houthhaker who said this is going to be a white elephant, but not an airline company in the country said that. The Senator said something about the fact that people would not travel on it. People are going to travel abroad, whether it is on American planes, British planes, or French planes. I have served for many years on the Committee on Appropriations. I think I have some knowledge of all these programs. Some programs are called social programs. Sometimes I wonder what people are thinking when they say, "You cannot do this because you have to do something over here." The Senator knows that all of these things can be cut out over here and because that is done it does not mean that the money can be moved over here. They all have to stand on their own feet.

This is the only thing that bothers me. We just finished with a bill where we were pretty generous in what we were doing. But someone has to pay the taxes to pay for the bill. American air superiority means just that.

The Senator keeps quoting these people—somebody from Wheaton College, but he did not report it to the Department of Defense. But he is against the supersonic transport. I would like to have him give the reasons. The same is true with respect to the Secretary of Commerce.

Mr. PROXMIRE. If the Senator will permit me to answer, the Senator brought up this man Walgreen. I never said he represented the Department of Defense. I said who he was. I said the Treasury Department made an answer to the Council of Economic Advisers. The letter is dated March 18, 1969, Under Secretary Paul Volker said:

> We would be opposed to further heavy commitments of Federal funds at this stage. Proceeding to prototype production would not be prudent at this time.

He has a long letter.

Mr. MAGNUSON. I talked with him. He voted against the Space Agency's appropriation bill.

Mr. PROXMIRE. The Senator is shifting the scenery. He said they do not take a position.

Mr. MAGNUSON. The Senator should ask Secretary Kennedy what he thinks about it.

Mr. PROXMIRE. Mr. Kennedy was not appointed by President Nixon to be on our panel. Mr. Houthhaker is a member.

Mr. MAGNUSON. One member is all you have of the Council of Economic Advisers.

Mr. PROXMIRE. There are only three members. They could not have all three of them working on this. He spoke for the Council of Economic Advisers. He said that in his reports.

Economics and design: In consider-

ing the economics of an American SST, experts have encountered a tremendous amout of difficulty in coming up with reliable estimates. The President's Ad Hoc Economics Panel took note of this, and questioned the feasibility of building the SST, given the enormous amount of uncertainty:

The Economic Subcommittee is struck by the large amount of uncertainty connected with the SST program. Almost every economic aspect of the program reflects unverifiable matters of judgment with great variance in the opinion of experts. Probably the single most uncertain aspect of the whole program relates to the uncertainty as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical.

The Panel observed that the large element of doubt could lead to cost escalation:

These comments do not mean that we believe that the plane cannot be built to meet the specifications at the forecasted costs but simply that there is a large element of doubt. If the forecasts turn out to be incorrect, costs could escalate considerably.

I might reiterate that, given these uncertainties, the cost escalation of which I spoke earlier—escalation which could conceivably drive costs as high as $4 billion—is well within the realm of possibility. I cannot emphasize strongly enough the experience of my own Joint Economic Committee on encountering cost overruns and I strongly urge the Senate to heed the warning of the Ad Hoc Panel on Economics and keep this in mind in considering the SST appropriations requests.

The SST's design and specifications also have an important bearing on whether the Government can recoup its investment in the SST. The contract between the Government and the industrial manufacturers calls for royalty payments to the Government. The Government expects to recoup its investment out of these royalty payments. But the definition of what will constitute a "royalty-bearing airframe" for purposes of recouping the Government investment when and if the SST's go on the market is so worded that the Government might have to write off most of its investment even if the SST is successful.

The SST airframe is defined for purposes of recoupment as one principally of titanium structure and that achieves or is designed to achieve a maximum safe cruising speed of not less than mach 2.2 nor more than mach 3.1.

This section of the contract—entitled "Financial Plan for Future Phases of the SST Development Program"—is directed 10 and 15 years into the future. Suppose another metal is developed with properties making it superior to titanium. In fact, a better alloy may already have been found. The Air Force has been conducting extensive experiments with boron filament. What is to prevent Boeing from abandoning titanium in favor of boron filament, if that proves superior, 1 or 2 years after the production stage of the SST program had been launched?

Similarly, what is to prevent them from trimming here or adding there in order to push the top safe cruising speed a hair above the mach 3.1 specified in the contract?

The airframe definition represents an outrageous blunder on the part of the FAA. It can have nothing but unfortunate consequences. It will result in one of two things: Preventing the contractor from adopting desirable major changes to improve the plane's performance, or bringing about the complete nullification of the royalty plan for repaying the Government investment because the production model airframe is not covered by the narrow definition in the contract.

Finally, another loophole which could hamper the Government recouping on its investment was recognized by the President's Ad Hoc Economics Panel. The Panel noted that Boeing is free to set the price of the SST, and would undoubtedly set the price to maximize its own profits. This might not, however maximize the number of SST's sold. Since Government royalties are based on a per'plane basis, Boeing's pricing policies could well inflict a loss on the Federal Government—while earning a healthy profit for Boeing:

It should be noted that by the terms of the FAA-Boeing contract, Boeing establishes the price of the plane. Given the demand model specified, Boeing . . . could make more money at a price of $40 million than at a price of $37 million. In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the government barely got its money back.

The Ad Hoc Panel's cautionary words are well worth heeding.

Basically, the question is, Will the SST be profitable? It seems to this Senator that we should not have to answer this question. If the SST is profitable, let the airlines develop it themselves. And if it is not, the Government has no business developing it. As matters stand now, if the SST earns a profit, the airlines stand to gain; if it loses, the Government will bear the brunt of the loss.

Employment. Both the President's Ad Hoc Panel and the Department of Labor acknowledge that construction of an American SST would employ thousands of persons. But neither finds this a compelling reason to give the SST the green light.

According to the panel, the sudden demand for as many as 100,000 workers, in a period of relatively full employment such as we now have, could prove inflationary:

Under the FAA base case the SST program may generate total employment, both direct and indirect, in excess of 100,000 workers, an unknown proportion of which will result from relative declines in other parts of the aerospace industry. This employment will be highly concentrated in professional, managerial, skilled, and semi-skilled occupations which in a period of full employment, when these skills are in short supply, may prove inflationary. Very few unskilled workers will be required. However, such employment should not be considered as a justification for proceeding with the program but only as a dividend from it.

The Labor Department concurs, pointing out that the demand for jobs would occur in the professional and technical areas where shortages already exist:

The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hardcore unemployed with low skill level.

Quite clearly, creation of new jobs constitutes no justification for the SST.

Environmental effects: The most obvious impact that the SST will have on the environment is the sonic boom. No solution has been found to this problem. Even the FAA, which is prepared to mask over all the SST's other difficulties, is quite candid on this point:

There is no prospect of construction of a commercially useful SST capable of operating regularly over populated areas in the foreseeable future.

However, the FAA in the past has made statements which demonstrate an incredibe indifference to the magnitude of the sonic boom. The following statement from an FAA brochure suggests that the FAA's attitude is that the public is just going to have to live with the sonic boom, no matter how destructive or disturbing it may be.

Individuals tend to accommodate themselves to an initially disturbing noise once it becomes a pattern of daily life. There are noises today in cities and in small towns that are taken for granted which, if they were introduced as new noises, would cause disturbances for an initial period of time.

The FAA refuses to recognize that there is just no parallel between the loud din of everyday life in the 20th century and the destructive menace of the sonic boom. Unsound buildings in every city would crumble to the ground like the "one-hoss shay" after repeated boomings. Ancient monuments and historic shrines like this honored building would be particularly susceptible. The west front of the Capitol, we have been told by the Architect, is so unstable that it could be demolished by the impact of a crash at National Airport. Imagine what the effect of 10 or 20 loud sonic booms every day, week in, and week out, might be. This is not science fiction. Much damage has already been done by military supersonic flights, yet the planes involved were comparatively small and the areas subjected to the booms sparsely populated. The size and weight of the plane are the primary variables in determining the size of the boom. The prehistoric cliff dwellings in Mesa Verde National Park, as one example, have been seriously damaged by sonic booms, the Interior Department disclosed not long ago.

During the extensive sonic boom tests over Oklahoma City 3 years ago, the average boom intensity reached during any of the 1,253 supersonic flight runs over the city never exceeded 1.6 pounds per square foot, and most of the time not more than 1.2 pounds per square foot. Yet, the FAA, which conducted the tests, received nearly 5,000 formal dam-

age claims and a total of more than 15,000 complaints of all kinds. The FAA said that in an opinion survey it did at the time, 27 percent of the residents polled said the booms were intolerable and that they could never learn to live with them. That 27 percent should be compared with the fact that only 22 percent of our people on the basis of our estimates will use the SST.

However, the SST's proponents say all this is no obstacle. We will simply fly the SST on transoceanic routes.

I am far from convinced that this will solve the problem. For one thing, the bread and butter routes for the major airlines have always been the overland routes. There is no reason to expect the advent of the SST to change this. The President's ad hoc panel on the environment expressed considerable concern over the economic pressure to fly the SST on overland routes if transoceanic routes fail to produce a profit:

The Panel is cognizant of statements and reports to the effect that supersonic flight over U.S. continental land areas is not contemplated at this time and that SST design and development is proceeding on this assumption. However, the Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds.

Second, even with transoceanic flights, the occasional superbooms of two and three times normal intensity that would inevitably be produced by nearly every SST flight might be enough to ban the SST's from flying over heavily traveled sealanes as well. If this happened, the SST would be so restricted it probably would not carry enough payload to buy the chewing gum stewardesses hand out before takeoff, SST advocates who admit the sonic boom effect would prevent flights over populated land areas have been arguing that SST ocean flights would be enough to make the plane a commercial success. The FAA has said that even with boom restrictions on overland flights, 500 SST's would be sold by 1990. They seem to discount any possibility of sealane restrictions. But, if the sonic boom can cause severe damage on land, then it can cause damage at sea, too. The shipping and fishing industry is not likely to accept incessant disruptive booming without protest. And they by no means lack political clout.

Last, even if we assume that the SST could fly the transoceanic routes, and that such routes would produce a reasonable return, what about landing? The SST has to take off and land in populated areas, even if it doesn't have to fly over them at supersonic speeds.

And here, the ad hoc panel on the environment has another discouraging finding to report: on the ground, the SST is significantly noisier than the Boeing 707. A circular contour of 100 PNdb—perceived noise in decibels—extends some 5,000 feet in all directions from the SST as it rolls down the runway. The panel concludes:

On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 PNdb over large areas surrounding SST airports. It can be expected, therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I have great respect for Mr. Schaefer and his findings, but I must say that in this field he is disagreed with more than he is agreed with. This is something that has interested me for some years. The Air Force is very much interested in it, too. None of our scientists have come up with any such predictions. The danger, if there is any danger, from jet engines is not from contrails, which are a result of the condensation of moisture, which disappear, but the discharge of black exhaust that we see around the airports. The scientists I have visited with on this say that we do not have enough aircraft flying in our country to bring about an environmental effect such as the Senator is describing, and Dr. Schaefer has forecast. It is an interesting forecast, but I do not believe, listening to other scientist friends of mine, that we could ever have this come about, especially from high-altitude flying. The particles the Senator speaks of just are not there.

Contrails can be caused at any altitude if there is a sufficient amount of compression. We find it on wing tips, on propeller tips, in the compressors of turbine engines. When they reach the altitude where the moisture will form and be compressed, it goes out. There is nothing dirty about it.

Mr. PROXMIRE. May I say to the Senator that I think that is a temperate and thoughtful statement and I appreciate it. I think, however, that we should be concerned with what was the finding of the expert panel appointed by President Nixon on the basis of the recommendations of Professor Schaefer.

Here is what the panel had to say:

The widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere. . . . The introduction of this additional water vapor into the stratosphere can produce two effects which may be important:

(1) Persistent contrails might form to such an extent that there would be a significant increase in cirrus clouds;

(2) There could be a significant increase in the relative humidity of the stratosphere even if there were no significant increase in the extent of cirrus cloudiness.

Both effects would alter the radiation balance and thereby possibly affect the general circulation of atmospheric components.

Once again, there are exports from the Department of Interior, HEW, and the Office of Science and Technology. These were people appointed by the President, giving their expert and unbiased views, as appointed by President Nixon who is sympathetic with the SST and who favors its development.

Hazards to passengers: The President's ad hoc panel on the environment cited a number of potential hazards facing the would-be SST passenger; among them the stresses associated with rapid accelerations, gravitational changes, and reduced barometric pressure:

There is an urgent need to carefully evaluate the inherent operational and environmental hazards that will be encountered while accelerating from zero to Mach 3 and cruising at supersonic speeds in a hostile environment. Passengers and crew will be vulnerable to a number of potentially serious physical, physiological, and psychological stresses associated with rapid acceleration, gravitational changes, reduced barometric pressure, increased ionizing radiation, temperature changes, and aircraft noise and vibration.

In addition, the panel voiced concern over the very considerable radiation hazard, and the effect of continued exposure upon the SST crew:

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the maximum permissible dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance. The advisability of allowing pregnant women, especially in the first trimester, to travel in these planes, and of limiting diagnostic x-rays for individuals who fly SST's also need to be considered.

Mr. GOLDWATER. Mr. President, if the Senator from Wisconsin will yield briefly again, I think the scientists are doing what a lot of us are prone to do, and that is to take the maximum. I do not believe we could put enough aircraft in the air actually to form cirrus clouds.

In World War II, with the heavy bombers, where we had formations of as many as a thousand pulling contrails, I do not think that anybody made a report that there was any detecting of a layer of clouds formed from them. I do not think anyone made a report that there was any detection of a layer of clouds forming and they were flying at an altitude of above 35,000 feet. We can see these contrails and one might think that they would grow into a cloud, but if there is any wind at all, and there would be great winds in this situation, they would drift off.

I do not attach any danger to that at all. The theory is correct. If a total cloud cover could be collected over the United States, it would change the atmosphere. It would change our climate. It might even bring some water to Arizona. Who knows.

Mr. PROXMIRE. Once again the remarks of the Senator from Arizona are thoughtful and temperate, and I do appreciate what he has said. We ought to recognize that we are taking a risk. We do not know what the answer is. This is a low-priority project if there ever was a low-priority project. Yet we are seeking $80 million to go ahead with a plane that will be able to fly a little faster overseas, for the benefit of only a few. In addition to the tremendous cost to the taxpayer, we have a serious sonic boom. We have a really serious danger. It may be that the chances are only 20 or 30 percent, but there is a serious danger in the pollution of our atmosphere.

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

Mr. PROXMIRE. I will yield in just a moment.

Here is what the panel said as far as the crew is concerned:

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 REM (roentgen-equivalent-man) from this source alone. When this value is compared with the maximum permissible dose of 0.5 REM for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance.

Mr. President, I do not bring this in as any scare finding, but I say once again here is a finding by a panel of competent experts who are warning us that there is a very serious health hazard. I am sure crews would not be allowed to fly under those circumstances, but here is another reason why it could fail and lose us this enormous investment if we insist on going ahead with it without getting more breakthroughs in this area.

Now I yield to the Senator from Arizona.

Mr. GOLDWATER. I may point out that flying in a modern jet transport has health hazards also. Already airlines are having trouble as a result of the experience of people flying in humidity zero, who drink too much coffee. A good friend of mine, a psychiatrist, has been hired by the airlines to make a study of the problem of flying east to west and west to east. In fact, it will be found that most pilots on airlines who are over 40 years old are flying north to south and south to north.

So there are hazards today of an environmental nature because of the problems of aircraft, but they are not problems we cannot overcome.

With respect to the problem of vibration, we cannot have vibration in an aircraft that flies that fast. It would have to be eliminated before it got off the ground.

The noise level of the aircraft would probably be less than the noise level today. If this were turned over to Ralph Nader, he would make a big thing out of it.

Mr. PROXMIRE. The Senator makes a good point. There are dangers in everything we do. There are plenty of dangers in automobiles and flying at subsonic speed, but the dangers here appear to be of a different nature. The effects of 100 times the ordinary radiation exposure on a crew seem to me to justify giving us some concern.

It would be different if it were said that we have to make progress, that we cannot be afraid of what might happen.

The fact is that we are going ahead with the AMSA, the supersonic bomber, in which all this can be studied. Then when we make a breakthrough on the health effects of supersonic speed, we will be in a far better position to proceed with a plane that can solve the problems, and not be faced with the difficult and serious difficulties I have outlined.

Technological fallout: In a number of quarters I have seen it argued that we should build the SST because its technology will improve our national research and development posture. I have always found such arguments totally without merit. Why build one airplane or weapons system for the purpose of developing or doing research or something else?

In any event, the President's ad hoc panel on technological fallout lays this argument to rest:

Although past experience has in many cases demonstrated that predictions of technological fallout can be extraordinarily conservative when projected over a number of years into the future, we nevertheless find claims for technological fallout from the SST Program to be generally unconvincing.

The Department of Labor concurs:

Technological spill over benefits appear to be negligible.

Mr. President, I submit that if the Senate decides to approve funds for the SST, it ought to do it on the basis of the SST's own merits, such as they are, and not on the basis of some hoped-for but unexpected side benefits which developers might stumble upon.

National prestige: I suspect, Mr. President, that national prestige is the real reason for President Nixon's decision to request funds for SST development. Every other possible justification has been thoroughly considered and completely dismissed by the President's ad hoc committee.

The competition is there. Both the Concorde, built by the Anglo-French alliance, and the Russian version of the SST, are already well underway. The challenge to American ingenuity has been made. Can we meet the challenge?

I strongly urge this subcommittee not to be swayed by an emotional argument such as this. A vote against the SST isn't an unpatriotic vote, or a vote against the American industry, or anything of that nature. A vote against the SST is a vote for commonsense.

Mr. President, in response to arguments on behalf of national prestige, I ask—how many times must we prove ourselves? Just 4 months ago, the United States succeeded in landing two Americans on the moon. Yesterday saw the conclusion of another successful American flight to the moon. Our industry is second to none; our standard of living is the envy of the world; our political processes have set the standard for many of the world's emerging nations. But this country must recognize that it cannot be first in everything; our resources are just not infinitely expandable.

The American drive to succeed has brought this country to where it is today. I am all for it. I would not have it any other way. But there are limits. We have to draw the line somewhere.

I am pleased to see that the State Department concurs in this view. In a letter dated March 26, 1969, the Department stated:

It would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like.

Of course, even if we do go ahead with the SST now, it is quite clear that this is a race that we cannot win. The Concorde and the Russian SST are already off the ground, and are expected to be operational by the early 1970's. The U.S. SST cannot be operational until the latter part of the decade at the earliest. Clearly, this is a race that the United States cannot win anyway. Why get into it?

Moreover, there are tangible benefits to holding back development. Developers of the SST say that the American SST is designed to be a second generation SST. If that is the case, logic dictates that we wait until the Concorde—or the Russian version—is developed, and find out how those first generation SST's work out.

Mr. President, American industry can win the SST race, but not with this one kind of plane, which we know now cannot solve the sonic boom problem. As long as we cannot solve the sonic boom problem, as long as we have the sonic boom, we cannot make productive flights. The plane that is going to win, the plane that is going to take the brass ring, the plane that is going to pay off, the plane that is going to beat the French, English, or Russian plane is a plane that is designed in such a way that the sonic boom can be eliminated or greatly reduced.

There are real prospects for that, and many experts feel that we can have that kind of breakthrough and have it in a relatively short time.

For example, a study was made by Dr. Scott Rethorst, president of the Vehicle Research Corp., of Pasadena, Calif., which demonstrates that major reductions in the sonic boom are achievable.

This finding was studied by the SST and Sonic Boom Committee of the National Academy of Sciences and also by the President's Scientific Advisory Committee. Both believed that the Vehicle Research Corp., proposal was promising, and arranged for tests pursuant to a contract with the Air Force. Furthermore, an independent study at Cornell University has also been conducted, and they reached the same conclusion.

But it is too late to incorporate that breakthrough into this SST. All this investment will be lost, so that to go ahead with this supersonic transport now, under those circumstances, will cost the taxpayer billions of dollars and the taxpayer will lose that money unless we have a breakthrough. To go ahead now, it seems to me, is unwise.

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

Mr. PROXMIRE. I yield.

Mr. GRAVEL. Is there any indication at all when they think the time for a breakthrough will be?

Mr. PROXMIRE. There is no way to tell. It could come in a year or two, but we may not have the breakthrough.

Mr. GRAVEL. It might also be in the next 8 years, and of course this airplane will not be operable for 8 years.

Mr. PROXMIRE. Yes, and the finding of the panel is that these so-called competitive foreign planes cannot compete. They cannot fly over land; that American tourists and others who would use the planes will use the 747.

Mr. President, let me just briefly men-

tion one sentence or so from each of the agencies whose views were solicited by the President.

The Council of Economic Advisers said:

We do not believe that our prestige abroad will be enhanced by concentration on white elephants. Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

You can argue all you want to about how the Council of Economic Advisers are not experts on aviation. The fact is that they are the best economists the President of the United States can find, and they are experts on our economy.

Mr. MAGNUSON. Yes, but the Council did not say that. One member said it.

Mr. PROXMIRE. Let me read what Mr. Houthhaker said——

Mr. MAGNUSON. But he is only one member.

Mr. PROXMIRE. He is one member, and let me read what he said:

The opinion of the Council of Economic Advisers on this proposal is determined primarily by the great uncertainties,

And so on. He did not say, "That is what I say." He said this is what the opinion of the Council of Economic Advisers is.

Mr. MAGNUSON. Well, I do not want to argue with the Senator.

Mr. PROXMIRE. He sees the other two members every day, and I do not think he would make that statement without consulting them. He is not irresponsible.

The Department of Labor said:

No case can be made on economic grounds for proceeding with SST development.

The Labor Department, incidentally, is qualified to speak on the impact this would have on the economy, and on employment.

The Treasury Department—and their views have been challenged, but they made the statement:

We would be opposed to heavy further commitment of Federal funds at this stage.

The Office of Science and Technology in the executive office of the President said:

On the whole, I come out negative on the desirability of further government subsidy for the development of this plane, and would suggest that the possibility be explored of turning the remainder of the development and, of course, all other production expenditures, over to private enterprise.

That is Dr. DuBridge, from the Office of Science and Technology.

So here is an extremely risky project, for which the taxpayer is asked to be the patsy. The chance of an overrun is immense. It is more than possible, it is very probable—and a big overrun. The chance of not coming out at all is great. If they sell 139 planes, or 200 planes, or 250 planes, Boeing makes a profit, but the taxpayer loses.

The threat to our environment, even if it succeeds pretty well—as a matter of fact, the more it succeeds, the greater the threat to the environment—in terms of sonic boom and atmospheric pollution, is very serious. The sonic boom problem may be solved with another plane, but not with this one. To the extent that this one succeeds, and preempts the area, we will have to live with the sonic boom.

But above all, Mr. President, on this question of buyers, even if every question is resolved for the SST, what do we buy? We buy a commercial plane. Who benefits? The less than 1 percent of the population who fly overseas regularly. What is the benefit? A few hours saved.

Our other priorities, in housing, in education, in poverty, in tax relief, and the effect this will have on inflation—all of these things, it seems to me, should persuade any reasonable Senator that this is something we can certainly postpone this year.

And, Mr. President, we all know from the editorials we have read in the newspapers, whether conservative, liberal, or middle of the road, that this has become a symbol of waste, a symbol of misplaced priorities. The American people recognize, when you say "supersonic transport," that the Government is foolishly going ahead with a program to benefit a very few people, at enormous cost, for which they are likely to have to pay.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, there are many things I could say in answer to the Senator from Wisconsin, and the committees he refers to, which he did not read at all. There is not one—the committees never did suggest, any of them, that we should stop the production of this airplane, and I will put that in the RECORD.

I do not know anything about Mr. Walgreen, or Mr. Booz, or those people. I suppose they have their own opinions. I did not hear about Booz tonight, or that old report.

But I have some things that the Senator brought up to which I have replied in writing in the form of stating issues and answers, and there are a lot of things that he said that could be possible, and I ask unanimous consent to put that response in the RECORD at this point.

There being no objection, a document entitled "SST Issues and Answers" was ordered to be printed in the RECORD, as follows:

SST. ISSUES AND ANSWERS

President Nixon has announced his strong support for the supersonic transport development program. The appropriations bill to finance the joint government-industry development project is now before the Congress.

The SST program is controversial. It has strong support and considerable opposition. There also is quite a bit of confusion about the U.S. SST program and the operational aspects of the airplane.

Listed below are some of the issues which have been raised against the SST—and the answers relevant to that issue.

THE ISSUE

Pressing social needs in many areas should make the SST program a low-priority item. We should spend the money elsewhere.

The answer

SST proponents are aware of other national priorities. However, the SST program can be a plus factor in providing jobs and a substantial tax base to support other national needs. The prototype development program will provide direct employment for about 20,000 people at peak activity in early 1971, and about half of these people will work for subcontractors and suppliers in states throughout the nation.

The production program for commercial SSTs will employ about 50,000 people at peak production. About half of these will be subcontractor and supplier employees with companies in most of the continental United States. If the secondary—or "multiplier" effects are considered, the SST production program will provide employment at peak activity for more than 150,000 people.

THE ISSUE

The government is giving a subsidy with taxpayer's money to support what will be a commercial venture.

The answer

The money being provided for the prototype production program is *not* a subsidy. It is an investment in the future. The government's share of the development costs will be repaid in full by the time the 300th SST is sold, and when 500 SSTs are sold the government will receive an additional return of about $1 billion on its investment.

THE ISSUE

If the SST program is so promising, why not let private industry finance the program? Why should the government be involved?

The answer

The amount of money required for the development of two SST prototype aircraft will amount to about $1.5 billion, including substantial contributions by private industry. The government's share is about $1.2 billion. Including facilities, Boeing will commit $211 million for the prototype program; General Electric $91 million. The airlines have invested about $60 million at risk, plus an additional $20 million in delivery position payments.

This is a lot of money. No private company has the financial reserves for such a commitment. The $1.5 billion sum (which includes $307 million for the competitive design phase) is an amount equal to twice the net worth of The Boeing Company. By comparison, Boeing's investment in the 707 prototype was $16 million, which seemed like a tremendous risk to the company 15 years ago. The SST program is a joint venture with the government, the manufacturers and the airlines sharing the risks and the rewards if the program is successful.

THE ISSUE

Why do we need an SST? Present subsonic jets are fast enough.

The answer

This same sort of argument was advanced when the first commercial jet transports were under development. History has proved that the traveling public welcomed the new level of speed and comfort provided by jet transports. The 200-mile-an-hour speed increase provided by the subsonics compares with a 1,200-mile-an-hour increase with the U.S. SST. Flight times on long-range, overwater route (where the SSTs will be used) will cut travel time more than half. Time is a valuable commodity. The SST will save huge chunks of time for intercontinental travelers. If one pushed this "who needs it" argument to the extreme, we would still be walking (or perhaps riding horses) and the sail-driven Clipper Ships would remain as queens of the seas.

THE ISSUE

So SSTs are inevitable. Why do we need one now? Why not wait for a few years until our nation's priorities and its bank accounts are in better shape?

The answer

The rest of the world isn't waiting. The technology "genie" isn't native to the United States, and it can't be stoppered in a bottle because we're afraid of it or don't understand

it. The proper utilization of technology is the key ingredient. The French/British Concorde and the Russian Tu–144 are in flight test programs and have flown supersonically. The Concorde will enter the market in 1973, according to French officials. Seventy-four Concordes have been ordered by major airlines, more than half by U.S. carriers. Airlines have to compete, and they *will* compete with the aircraft required. They would prefer U.S. equipment, but they will use what is available.

THE ISSUE

So foreign-built SSTs are flying. What difference does that make? If they're that far ahead why not let them have the market? We can't catch up anyway.

The answer

The most recent government and industry studies indicate that we are talking about a $25 billion SST market between now and 1990. The U.S. SST can capture about $20 billion of this market. We are behind, but if we proceed now we will be competitive because the U.S. SST will carry more than twice as many people 400 miles an hour faster to their destination. The same situation prevailed in 1952 when British Comets introduced jet travel. The Boeing 707 did not enter commercial service until 1958 but within two or three years it (and the DC–8) had taken over a major share of the market. Between 80 and 90 percent of the aircraft flying for airlines of the Western nations are built in the United States. The reasons: the U.S. builds a better, more efficient airplane.

There's another side to the coin. It shows that we should proceed now. The French, British and Russians are gaining valuable experience from their flight test programs. Our present U.S. SST design is far superior to theirs, but knowledge being gained by foreign manufacturers could enable them to develop a second generation Concorde or Tu–144, offering comparable performance to the U.S. product before we are well advanced in our production program. If that were to happen our share of the potential market would be seriously threatened. We can meet that competitive threat if we move forward on our present schedule which would provide U.S. SSTs for commercial service in 1978.

THE ISSUE

The SST will have an unfavorable effect on the nation's balance of payments because U.S. tourists will travel overseas and spend their money.

The answer

If so inclined, U.S. tourists will travel overseas in Concordes (or even Tu–144s) to spend their money. Actually, the foreign tourist coming *to* the United States also spends money, and the number of foreign visitors coming into the United States has been increasing in recent years.

But more important, the *sale* of U.S. SSTs to world airlines will bring in about $12 billion (the sale of 500 SSTs by 1990 includes 270 sales to foreign airlines). If our nation did not have an SST, domestic airlines would be forced to purchase foreign equipment, resulting in a net unfavorable balance of trade amounting to about $16 billion.

THE ISSUE

The SST will create high sound levels around airports and its sonic boom will disturb millions of people every day. The boom will also destroy buildings, etc.

The answer

No one in the United States or other populated areas around the world will hear a sonic boom created by the SST. Secretary of Transportation John Volpe has made that clear. The SST will be flown at supersonic speeds only over the oceans and unpopulated areas such as the polar regions. The entire SST program is based on that premise.

The SST's design is such that it can fly efficiently for hundreds of miles at subsonic speeds. On takeoff from gateway airports the SST will not reach supersonic speed until it is about 100 miles away from the coast. Actually, at the cruise altitude at supersonic flight (60,000 to 70,000 feet) the boom created over the oceans by the SST will not be severe—only about 1/25th of that required to break windows, for example. However, the issue is academic. No one in populated areas will hear the sonic boom.

Now, let's talk about engine noise. The GE engines are by far the most powerful ever built. They will make more noise on the airport than present engines, but this great power will permit them to rise quickly over the community on takeoff and the engine sound will be less than today's jets at the same distance from the end of the airport. Using today's yardsticks for measuring sound, the U.S. SST will be significantly quieter than today's jets on both the climb-out and the approach path. On the airport the "sideline" noise is still a problem. The FAA knows it, we know it and General Electric knows it, and we are devoting intensive efforts on sound suppression devices. We know what has to be done and we believe we can meet the "on airport" noise level requirements for the production airplanes.

THE ISSUE

The SST will cost so much to operate that airlines can't afford it.

The answer

A year or so ago our studies indicated that direct operating costs for the SST would be fairly high. During the past year we have devoted considerable time to an in-depth economic study. We separated out all the cost factors (fuel, maintenance, crew costs, turn-around time, load factors), and developed a mathematical model of world airline operations in the 1980 time period. We fed this information into a computer and "flew" some 500 SSTs on long-range routes, using flight schedules of today's airlines. The results surprised us, because they showed that the *total operating costs* of the U.S. SST were substantially better than the 707-type aircraft, and were competitive with the 440-seat 747 in the early 1980s. In fact, the U.S. SST will be more economical to operate than the 747 in the late 1980s.

THE ISSUE

The SST is an advanced aircraft that is too complicated to build and won't be suitable for today's airports even if we build it.

The answer

The U.S. SST *is* an advanced technology aircraft—the only advanced technology commercial aircraft under design in the United States today. That's why the prototype production program is so important. The prototypes are flying test beds which will demonstrate systems design in actual flight conditions.

Even so, the design itself is simple and straightforward. It will be a fixed-wing delta with a wide wing span and conventional tail. This design makes it possible to utilize high lift devices similar to these in use on other Boeing jets. The Boeing design offers excellent low-speed capability, which is very important for commercial operations. The fixed-wing U.S. SST has behind it more than 2,000,000 engineering man-hours of design analysis in wind tunnels, computers and configuration studies.

The SST is designed for operations from existing international airports. No modifications to runways will be necessary. By the time it enters commercial service in 1978, airports and loading docks will have been developed to take care of the 747 and the other large capacity subsonic jets. The SST will use these same facilities.

RADIATION HAZARDS

Flight crews will be exposed to radiation hazards.

Comment

Passengers will be subjected to less radiation exposure per SST trip than the same trip in subsonic aircraft due to difference in exposure duration.

Radiation exposure levels of 0.5 rem per year are considered by the U.S. Federal Radiation Council to be acceptable for the general public. Study by British Ministry of Technology (RAE TR 68286) concludes that the accumulated radiation dose of Mach 3 SST pilot flying 600 hours/year at high latitudes would be 0.61 rem/year, and at low latitudes 0.25 rem/year. From a practical point of view, normal crew scheduling employed by the airlines results in a given crew flying several different routes in a year, most of which would be in an area of much lower radiation intensity. This operational practice precludes the possibility that an SST flight crew would exceed the radiation level established for the general public.

Reference

Ad Hoc Report of the Environmental and Sociological Panel, Page 14, Paragraph 6 of *Hazards to Passengers and Crew.*

Statement

The radiation hazard would be approximately 100 times greater than at ground level. A flight crew exposed for 600 hours annually will accumulate 0.85 rem (roentgen-equivalent-man) from this source alone. When this value is compared with the Maximum Permissible Dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under close surveillance.

Comment

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Major solar flares can be avoided by the warning provided by existing radiation observing systems associated with the civil and military space programs. As a further precautionary device, or, if deemed desirable, as further backup, cockpit instrumentation can be installed to monitor exposure and for further protection to the crews and passengers from major solar flares. On-board radiation monitoring devices are now in the advanced development stage.

SUPERSONIC NOISE ISSUE

1. Noise level at airport and over community

Comment

Due to the good climb performance of the SST and higher altitudes attained quickly after takeoff, the noise produced over the communities under the flight path during takeoff will be comparable to or less than that produced by large intercontinental subsonic jets such as the Boeing 747 or Douglas DC–8 commercial jet transport. To put this in proper context it should be understood

that a current subsonic jet such as the 707–320B exceeds the 100 PNdB level for a distance of 18¾ miles as compared with 13 miles for the SST.

Similarly, the SST will no more or generally less noisy than today's large subsonic jet airplanes during approach to landing. This is primarily because of the noise reduction provided by the SST engine inlets and the design of its engines.

2. Route restriction due to noise

Comment

As regards sonic boom and the U.S. SST: On September 23, 1969, Secretary Volpe stated at a White House news conference, concerning proceeding with the SST: "May I just say one additional thing in regard to the comments of the President. He has told me, and he wants the American public to know, that this supersonic transport will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits. This is a very important point. We recognize that the state-of-the-art today is such that we are not certain that it could fly over populated areas with a noise factor level below that which we feel is acceptable . . ."

SST program determinations have been based upon the assumption that supersonic flight will be limited to overwater operations.

3. Company efforts on noise

Comment

Both Boeing and G.E. recognize that it is imperative to reduce noise levels both on the airport and out over the community as much as possible for the production SST. Accordingly, the Boeing Company is conducting a noise reduction program which encompasses the total system approach of both airframe/engine design operation in noise reduction. The program is coordinated with the engine contractor to assure compatibility between noise programs conducted by both contractors. The General Electric Company is also conducting an extensive noise reduction and advance technology program directed towards achieving lower engine noise levels.

4. Noise and sonic boom being ignored?

Comment

The SST contracts with both Boeing and General Electric contain, for the first time in aviation history, requirements for noise limitation and advanced study or research and development for noise reduction. To our knowledge, no like contracts for either civil or military aircraft contain such recognition for considering noise reduction throughout design and construction. The U.S. SST program has obtained through many comprehensive study programs and tests, the most extensive and accurate, sonic boom data in the world. Through data thus derived, the policy has been established that the SST will be restricted to supersonic operation over water or uninhabited land areas. All program decisions have been based on this assumption for the past three years.

5. Assure public of sonic boom restrictions

Comment

The United States SST has been designed to permit efficient subsonic flight while it is operating over inhabited land areas. The Secretary of Transportation, Mr. John A. Volpe, clearly stated on 23 September 1969, that commercial supersonic flight will not be permitted until the noise factor can be made acceptable. Similar statements have also been made by other officials and it is now a matter of National Policy that commercial transport aircraft will not be permitted to generate sonic booms over inhabited land masses.

EXCESSIVE NOISE LEVEL IMPACT ON POPULATION

Reference

Report of the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee, Page 13, Paragraph 2.

Statement

On the basis of the information summarized above, the panel is of the opinion that noise levels associated with SST operations will exceed 100 PNdB over large areas surrounding SST airports. It can be expected therefore, that significant numbers of people will file complaints and resort to legal action, and that a very high percentage of the exposed population will find the noise intolerable and the apparent cause of a wide variety of adverse effects.

Comment

Due to the good climb performance of the SST and higher altitudes attained quickly after takeoff, the noise produced over the communities under the flight path during takeoff will be comparable to or less than that produced by large intercontinental subsonic jets such as the Boeing 747 or Douglas DC–8 commercial jet transport. To put this in proper context it should be understood that a current subsonic jet such as the 707–320B exceeds the 100 PNdB level for a distance of 18¾ miles as compared with 13 miles for the SST.

Similarly, the SST will be no more or generally less noisy than today's large subsonic jet airplanes during approach to landing. This is primarily because of the noise reduction provided by the SST engine inlets and the design of its engines.

ROUTE RESTRICTION DUE TO NOISE

Reference

Report of the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee, Page 1, Paragraph 5, Last Sentence.

Statement

For this reason the Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flight over land will not be permitted and that SST design, development, and economic considerations are and will remain restricted to over water routes.

Comment

As regards sonic boom and the U.S. SST:

On September 23, 1969, Secretary Volpe stated at a White House news conference, concerning proceeding with the SST: "May I just say one additional thing in regard to the comments of the President. He has told me, and he wants the American public to know, that this supersonic transport will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits. This is a very important point. We recognize that the state-of-the-art today is such that we are not certain that it could fly over populated areas with a noise factor level below that which we feel is acceptable. . . ."

SST program determinations have been based upon the assumption that supersonic flight will be limited to overwater operations.

DELAY PROGRAM TO DEVELOP NOISE SUPPRESSORS

Reference

Letter from Department of Health, Education, and Welfare, Charles C. Johnson, Jr., Paragraph 2, Page 1.

Statement

The noise problem weighed heavily in the findings of the Panels on Balance of Payments (p. 5) and Economics (p. 8), and Environmental and Sociological Impact (p. 12). Dr. Seamans and Mr. Muse, DOD R&E, believe noise and sonic boom potential are deterrents to the program and should be considered in the decision, not after the program goes forward. They have received approximately two hundred letters from people who think it is a deterrent. Mr. Train states that far more research is needed with respect to engine noise and noise suppressants. Mr. Volcker suggests that over the next year attention should be directed primarily to "the extent to which the noise problem may be resolved satisfactorily" among other things. Dr. DuBridge raises serious questions about the solvability of the noise problem and doubts that any reduction in noise levels which might be achieved would offset more rigid standards which a "more sensitive" public will demand.

Comment

Sonic boom has been considered in the decision to go forward with the program. Secretary of Transportation, John A. Volpe, stated on 23 September 1969 during a White House press conference that because of the sonic boom, the SST now under development would be restricted to subsonic flights over land.

SST noise has also been considered in the decision to go forward with the program. In fact, it has been recognized since the beginning of the program that the SST will probably generate more noise on the airport during takeoff than today's large subsonic jets due to its much more powerful engines. Use of maximum power for takeoff may increase the airport noise over that of today's long range international jets, but coupled with the aerodynamic characteristics of the B2707–300 design it provides the capability to climb rapidly after takeoff. Therefore, in comparison with today's subsonic jets, the SST arrives over the community at a relatively higher altitude where a power reduction can safely be made. This procedure gives a corresponding reduction in community noise.

Both Boeing and G.E. recognize that it is imperative to reduce noise levels both on the airport and out over the community as much as possible for the production SST. Accordingly, the Boeing Company is conducting a noise reduction program which encompasses the total system approach of both airframe/engine design operation in noise reduction. The program is coordinated with the engine contractor to assure compatibility between noise programs conducted by both contractors. The General Electric Company is also conducting an extensive noise reduction and advance technology program directed towards achieving lower engine noise levels.

NOISE AND SONIC BOOM BEING IGNORED

Reference

Letter from Office of the Director of Defense Research and Engineering, T. C. Muse, 20 March 1969, Paragraph 3.

Statement

Also the last Sentence, Page 4, Paragraph 2, implies that we are going to ignore the noise and sonic boom potential in the decision, but will give it consideration after the program goes forward. It seems to me that this is a deterrent to the program and should be considered in the decision. As an indication, I (actually Dr. Seamans) have received a couple of hundred letters from people who think it is a deterrent.

Comment

The SST contracts with both Boeing and General Electric contain, for the first time in aviation history, requirements for noise limitation and advanced study or research and development for noise reduction. To our knowledge, no like contracts for either civil or military aircraft contain such recognition for considering noise reduction throughout design and construction.

The U.S. SST program has obtained through many comprehensive study programs and tests, the most extensive and accurate sonic boom data in the world. Through data thus derived, the policy has been established that the SST will be restricted to supersonic operation over water or uninhabitated land areas. All program decisions have been based on this assumption for the past three years.

ENVIRONMENTAL AND SOCIOLOGICAL PROBLEMS MINIMIZED

Reference

Letter from Department of Health, Education and Welfare, Charles C. Johnson, Jr., 20 March 1969, Paragraph 3.

Statement

The draft report, transmitted with your memorandum of March 18, has just been received. In my opinion the summary does not convey the sense of the Environmental and Sociological Panel report, and does not adequately reflect the concerns of the members of this panel. We will comment further on this matter in a separate letter.

Comment

The above reference by itself requires no comment. However the "separate letter" referred to does. It alleges that environmental factors relating to the SST are not being recognized in the development program. The facts are that the so-called "environmental and sociological problems" associated into the SST are well known. In fact, these alleged problems are the design criteria that are used to design a U.S. SST which is safe for the world's airlines, and whose operating performance is superior to that of any comparable airplane.

The Administrator of the FAA is charged with the responsibility to define aviation standards with respect to aircraft and public safety and to insure that these standards are met. The environmental factors referred to have been, and will continue to be considered in every step of development of the SST.

ASSURE PUBLIC OF SONIC BOOM RESTRICTIONS

Reference

Summary of Report of the Environmental and Sociological Panel, 20 March 1969, Page 1, Paragraph 2.

Statement

The effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected. The Panel is very concerned about the economic pressures that will be exerted if it is subsequently found that the economic success of the aircraft depends on overland flights at supersonic speeds. The Panel believes it is essential that the public be formally assured by appropriate authorities that commercial supersonic flight over land will not be permitted.

Reference

Letter from Office of Science and Technology, Lee A. DuBridge, 20 March 1969, Paragraph No. 4, Page 2.

Statement

The sonic boom problem is, of course, quite unsolved, and even at best will cause enormous public concern. Surely we must have a policy statement that there shall be no supersonic operations by the SST over any populated areas.

Comment

The United States SST has been designed to permit efficient subsonic flight while it is operating over inhabited land areas. The Secretary of Transportation, Mr. John A. Volpe, clearly stated on 23 September 1969, that commercial supersonic flight will not be permitted until the noise factor can be made acceptable. Similar statements have also been made by other officials and it is now a matter of National Policy that commercial transport aircraft will not be permitted to generate sonic booms over inhabited land masses.

POLLUTANTS IN ATMOSPHERE

Reference

Letter from United States Department of the Interior, Russell E. Train, 21 March 1969, Page 2, Paragraph 5.

Statement

It is my understanding that operation at subsonic speeds, including speeds necessary for takeoff and landing, results in inefficient fuel combustion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.

Comment

The combustion efficiency of the SST engines at takeoff and subsonic cruise (as well as supersonic cruise and all other flight conditions) will be over 98 per cent so that there will not be a heavy discharge of pollutants into the atmosphere. Since all the products of combustion will be gaseous, neither atmospheric or ground contamination will result. In fact, due to progress in combustion design, there will be none of the discharges of black smoke currently visible on subsonics.

Mr. MAGNUSON. I wish to comment on some of the things he mentioned here, as to which my experience and my information have been entirely different. I shall put all of my general statement on the supersonic transport in the RECORD, because I do not think there is any use of belaboring this. The panel reports cover about 500 pages in the hearings, and we heard them all. I merely want to say that I am sure the Senate understands what this is all about. There are many things that we could spend all evening here arguing about, in answering some of the statements that were made, and I think I can answer them very successfully, and some of the rest of them. not only me, because I am not an expert on airplanes. I am not an expert on these things.

Mr. President, this country must maintain its superiority in the field of air transportation. This is the reason why this country must proceed with the supersonic transport program. The reasons for maintaining air superiority are obvious.

When President Kennedy first called me to the White House in 1961 to discuss the supersonic transport, he said that we should start on the SST because the British and the French were beginning and he also had word that the Russians were proceeding on a similar program.

The British-French Concorde on October 1, 1969, flew its first supersonic test flight. The Concorde will carry 128 passengers, fly at a speed of mach 2.05—1,350 miles per hour—and has a range of 4,000 miles. The Russian TU–144 had its maiden supersonic flight in June of 1969. This airplane will carry 120 passengers, fly at a cruise speed of mach 2.35—1,550 miles per hour—and has a range of 4,000 miles.

The competition is keen between the Concorde and the TU–144, but it may be that the Russians will be first to fly an SST into Kennedy field. Both planes will be in service 4 or 5 years before an American SST.

Commercial SST travel will soon be a reality. The question is: Will the U.S. SST, the Concorde, or the Tu–144 dominate the air?

The U.S. supersonic transport will be a larger, faster, and a more profitable plane. It will carry 298 passengers, fly at a speed of mach 2.7—1,800 miles per hour—and have a range of 4,000 miles. Airlines would rather fly the U.S. SST since it will be a greater moneymaker than the Concorde. Already, 122 delivery position reservations have been made for U.S. SST's. Of that number, 58 have been foreign-flag carriers and 64 from U.S. carriers. These carriers have made a substantial financial contribution of risk money to the SST development program.

On April 29, 1967, President Johnson authorized the FAA to sign contracts with Boeing and General Electric to begin prototype construction of two supersonic transports. These contracts were signed on May 1 and a budget amendment was forwarded to the Congress to finance construction for fiscal year 1968.

Congress has already appropriated $623 million for the SST. Of that total amount $200 million was appropriated in fiscal year 1967 for prototype construction and in fiscal year 1968 $142 million was appropriated to allow prototype work to proceed. No appropriation was required in 1969 due to delay in the program due to design modifications.

This year's appropriation will allow for continuation of prototype development, construction, and testing. If we proceed we can expect our SST prototype to be in the air in 1972.

To deny this current request would have a serious effect on the SST program. The program slippage would be 12 to 15 months and would add additional millions of dollars in expenses due to the escalation of prices and materials. The market for the U.S. SST would also be reduced since the airlines would be forced to buy more Concordes and, consequently, adversely affect our balance-of-payments position.

As of this date, Boeing has signed agreements with the airlines to contribute risk money. Some $60 million of risk money has been contributed by the airlines. If this year's appropriation should not go forward, it would be a breach of faith with the airlines and any future financial support would be hard to come by.

The SST is a partnership program between the Government, the airlines, and the manufacturers. The manufacturers, Boeing on the airframe and General Electric on the engine, will have nearly $300 million invested in the program during the prototype phase. The basic reason the Government is involved in this program is that it is a high-risk program beyond the financial potential of the manufacturers. This is the first commercial SST to be built in this country and presents certain risks. The effort is large, involving approximately $1,515 million for the construction and testing of two prototypes. This is approximately twice the net worth of the airframe manufacturer. There will be a long dry period before profit is possible.

The SST contracts call for the Government to recoup its investment. The Government will receive a royalty payment on each plane sold and on the sale of 300 planes the Government will receive its investment back; on the sale of 500 planes the Government will receive its investment plus a billion dollars profit from royalties. Contrary to statements of some of the critics, there are no loopholes whereby the Government would never get a cent back.

The sonic boom does present probably the biggest problem in the development of a supersonic aircraft. At this time it is the policy of the U.S. Government to

restrict SST's to subsonic flights over land. The sonic boom will not be allowed over populated areas. Current conservation market projections indicate that a minimum of 500 U.S. SST's will be needed for the over-water market alone. This is merely the projected market for the U.S. share of the SST world market. Charles Rivers Associates reevaluated the previous market forecasts and previous methodology and incorporated more up-to-date statistical information. Their report indicates a very favorable over-water market of 805 U.S. SST's by 1990. Boeing and FAA estimates clearly indicate that a fleet of 500 United States SST's by 1990 is entirely feasible. Boeing indicates that the currently defined SST would not require increases in relative fare structure to produce a reasonable profit for the airlines.

The SST program has many positive factors. The balance-of-payments positions of this country will be enhanced since half our sales are projected to be to foreign buyers. With a market of 500 aircraft this could result in a favorable balance of payments of $17 billion.

The SST will create jobs. There are approximately 50,000 jobs associated with the manufacturers of this plane, and, using the ordinary rule of thumb and multiplier effect, 200,000 to 250,000 jobs would be created by this program.

Mr. President, the SST will be in commercial service in the 1970's. People will ride on the SST in the same way they flocked to jets when they first entered into commercial service. The question is whether they will ride on a U.S. SST, the Concorde, or the Tu–144. We are already behind on this program. To deny this appropriation would put us further behind and cost us a great deal more in the long run.

Mr. President, one of the Nation's most important developmental programs, the civil supersonic transport project has been the object of much criticism. Much of the criticism has been based on misinformation, unsubstantiated charges, a general misunderstanding of the nature of the program.

Many of the critics urge the project be delayed or even permanently shelved. Perhaps unwittingly, these people are actually advocating that the United States relinquish its world superiority in commercial aviation.

A delay in the U.S. supersonic transport project at this point would be a great boost to the British-French combine which will have a plane in service by 1973, 5 years before the American transport will be in service. Currently, 74 aircraft delivery positions have been reserved for the Concorde; 38 of these by seven major U.S. airlines; 36 by nine foreign carriers. It is estimated that the Russians have sold 20 Tu–144's and that they presently are seeking orders in Holland, Pakistan, India, and Japan. Pan Am president, Najeeb Halaby, recently said his company would consider purchase of supersonic aircraft from the Russians if forced by events.

The current market for supersonic aircraft is an estimated $25 billion. The U.S. SST could capture an estimate $20 billion of that market with its superior aircraft if the SST is completed and in service by 1978.

The U.S. long-time domination in this vitally important area of commerce and technology must not be sacrificed simply because some prefer to see the United States stand still and fail to meet the opportunities and challenges of civil aviation in the next decade. Their cries for economy are, in reality, hollow.

Critics fail to realize the undeniable adverse impact on the U.S. economy should the U.S. airlines turn to foreign manufacturers for the transports they will need in the 1970's. They fail to see the consequences of an ailing American air transport industry on employment, tax revenues, and balance of payments. They fail to admit that carriers and air travelers of the future will demand supersonic transportation regardless of whether the airlines are manufactured abroad. But perhaps most importantly they fail to realize the impact of an entirely new technology—developed by American scientists, engineers, and technicians—on the lives of every American in the decades to come.

No; we must not sit back complacently while progress in commercial aviation continues its inexorable advance. Rather, the United States must continually move ahead to maintain its commanding lead in this exciting and challenging project of the future.

The grave issue of priorities has been raised by critics of the SST program. They claim that this money should be spent upon our pressing social needs. I have been voting for the social needs of this country for 33 years. I know of the tragic necessity for solutions to these problems. But I also know that we have to have some economic programs to keep business alive and prospering; to provide new job opportunities and to preserve the health of one of America's great industries.

The SST age is now. It is a question of timing and we cannot control that timing. I personally wish we could have done this earlier when competing requirements were less pressing, but we did not and, therefore, the issue is squarely before us: Can we support our domestic needs and still maintain our world superiority in air transport. I say we can, I say we must.

Have we forgotten that the kind of job created by this program is the type of employment sought after by America's workingmen. Have we forgotten about the great pool of scientific talent in this country which cries out for exciting missions. I say we have forgotten unless we move ahead boldly with the SST program.

Almost 9 years ago our late President John F. Kennedy called upon the American people to land a man on the moon in this decade. Critics thought it impossible but courageous men with great skill and daring accomplished that important goal. President Kennedy at the same time challenged this country to enter into the competition to create a commercial supersonic transport. Today we stand at the threshold of fulfilling this goal—a goal concurred in by former President Johnson and by President Nixon. U.S. superiority in air transportation is dependent on fulfillment of this goal.

Mr. President, I have probably voted and recommended more money for environment than any man in the U.S. Senate, and I am going to continue to do so. There is only one thing that I just cannot understand; if we are going to have to buy $6 billion worth of airplanes overseas, as against the overseas people buying $6 billion worth of ours, I cannot understand why that does not help the balance-of-payments deficit, unless I was not taught good arithmetic.

Then there is the man down at the Treasury Department who says if people are going to travel, they are going to travel anyway. I just cannot understand that. The panel made some reports, the Secretary of the Interior had a man on the panel, and I do not think he knows as much about it—I know very little about air technology, but I am sure he knows less, and he made a recommendation, and the Treasury—that group in the Treasury were the ones who wanted us to pass the bill 2 or 3 years ago to stop people from traveling, and that landed in the Commerce Committee. It never even got on a subcommittee.

Republicans and Democrats alike, Americans are going to travel. That is a part of our balance-of-payments deficit. I do not know how you are going to stop them from traveling, and I think the only question here is whether they are going to travel on an American plane or whether they are going to travel on a French or a British plane.

In the great argument here made by the Senator from Wisconsin—and I want to correct the RECORD on this—he keeps referring all the time to Boeing. Boeing is only half of this contract. He never once referred to General Electric, which is producing a great big engine, which is 50 percent of it. And another thing—just listen to me, he has talked to you long enough—there are over 5,000 subcontracts, in every State of the Union. I do not know what kind of jobs they are going to create, but they are going to create some jobs. Boeing is really the main manager of the airplane. They pick up these things all over; they do not make them all up there.

I never even knew that Boeing was going to get this contract, when President Kennedy called me down there—I have said this many times—and said, "We ought to get going, we are way behind."

And another thing, I hope there will not be any impression that we cannot sell these airplanes. There are already orders for more than 127, now. And all the American airlines—in this same thing the Senator has been quoting, there is letter after letter from them, where they think it is not only feasible, but they are willing to risk their money and pay for it. They are going to pay for it.

Every airline is interested. And we even have orders from Air France on the books to get a position. There are a lot of arguments that could be made.

I wish this could be done privately. No one could do it. It was so big that even one country in Europe could not do it alone. They had to put two countries together to do it. And if anyone has an austere budget, it would be Britain. However, that was their No. 1 priority. And it was the No. 1 priority for France. They want to get back into air priority and create funds for their social needs.

To me it is as simple as that, whether it is Boeing, Lockheed, Douglas, or any other company.

I got sold on the idea a long time ago. President Kennedy after talking with the Senator from Colorado (Mr. ALLOTT) and me, at a time when it was a part of NASA—and it still is in a sense—went to Colorado and made his speech at the Air Force Academy and pulled the figure out of the air that the Government should pay 75 percent. That is about what it means now.

Mr. STENNIS. Mr. President, I make inquiry as to whether we could have a unanimous-consent agreement on time now.

We have had a very good debate here. I want everyone to have an abundance of time in which to make any presentation he wishes. This is a very important matter.

The pending bill contains approximately $6.7 billion. So it is not a minor bill. I think we have all of the items virtually settled.

I commend the Senator from Wisconsin for his very fine presentation. It is well that all the major points be debated again in the pending bill.

Mr. President, I wonder if we are down to the point where we might obtain a unanimous-consent agreement to limit debate on the SST amendment.

Mr. JACKSON. Mr. President, would it be in order to indicate who wants time?

Mr. STENNIS. Mr. President, without having a quorum call, I do not think we ought to trim this down to a matter of a few minutes.

Mr. CASE. Why do we not see what happens? We may be able to have a vote at 8 o'clock.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, I think the Senator from Arizona (Mr. FANNIN) has some remarks to make. Some other Senators want to make some remarks also.

Mr. President, I ask unanimous consent that on the SST amendment, the time be limited to 20 minutes to the side, the time for the amendment to be in charge of the Senator from Wisconsin and the time against the amendment to be in charge of the chairman of the committee.

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

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, I support the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The amendment would reduce the appropriations by $80 million.

I favor the amendment for three basic reasons.

First, I feel that in this time of high inflation we cannot justify an expenditure of $80 million for this SST program.

Second, I feel that the sonic boom problem fully justifies a postponement of the project.

Third, and perhaps more important, I feel that this ratio of 85 percent of the cost to be paid by the taxpayers and 15 percent of the cost to be paid by the private companies is inappropriate. Of the cost of the program 85 percent is to be paid by the taxpayers, and only 15 percent by the private companies.

I do not believe that can be justified. And for these three reasons, I enthusiastically support the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Mississippi for yielding.

No one really doubts anymore that the age of supersonic air transportation will begin in the early 1970's. Fundamental issues once discussed, which arose out of doubts as to whether supersonic travel was wise or necessary, have all been settled, and they need not be debated anymore. The Concorde and the Russian supersonic transport are flying. Thus, if the United States and its industry ever had an opportunity to postpone or slow down the arrival of the supersonic age, that opportunity has long since been lost.

Recognition of these facts tends to clarify, and to provide a firm base for, current public discussion of the U.S. supersonic transport.

Starting from this base, we need to be careful to recognize the supersonic project for what it is, and for what it is not. It was not undertaken to provide a glittering triumph for U.S. industry and Government. It was not undertaken merely for the purpose of maintaining the prestige of the United States. It was not undertaken to provide the airlines of the United States with a fascinating new vehicle. It was undertaken to achieve a very cold and very hard economic objective on behalf of the people of the United States. The judgment as to whether the project should continue has to be based upon these same cold, hard realities. The question that constantly must be before us is whether this investment in the economic future of the United States is a good one or is not. Let us look at the facts:

If the SST program is not pursued and supersonic technology is exploited in other countries, we will lose both new jobs and new tax revenues from the U.S. economic base. U.S. aircraft exports have been running at about $1.25 billion per year—the largest single factor in our favorable balance of trade. Delay in the U.S. offering of a supersonic transport could do irreparable damage to this favorable balance of trade element. With foreign-built-only SST's, the total negative effect on the aircraft import and export account in the U.S. balance of trade could reach $16 billion by 1990.

Former Senator A. S. "Mike" Monroney, who so ably chaired the Senate Commerce Committee's Aviation Subcommittee, has said "you can't calculate how much of a boost to the economy a successful SST program would represent—in terms of employment—in taxes, on the national balance of trade—and all the other economic fringe benefits that come from an infusion of billions of dollars into the economic cycle."

Because the Government faces the difficult problem of setting national priorities, it is only natural that some would urge the SST program be delayed in favor of projects presumed to bring more immediate social benefits. However, social development and technological development are not mutually exclusive. Both are essential for the economic and social health of the nation. Now is the time to invest in the development of the SST if we want to support social programs in the 1970's.

Depending upon the number of SST's built, $20 to $50 billion of economic growth will result over the next 5 to 10 years. To build these new aircraft, 250,000 new jobs will be created. And one of the most important economic facts about the SST investment is that the new jobs will be created just as soon as the prototype development program begins.

The 250,000 new jobs break down as follows: There will be 50,000 for prime contractors and 100,000 for subcontractors. These 150,000 jobs would create another 100,000 jobs in nonmanufacturing industries such as wholesale and retail trade; professional and business services; finance, insurance and real estate; transportation; communication and other public utilities; and agriculture.

These 250,000 new jobs, with an estimated payroll of two and a half billion dollars, are estimated to represent one of every 50 new civilian jobs created by 1975. Few programs can claim so great a contribution to employment.

P. L. Siemiller, president of the International Association of Machinists, has said "the United States supersonic transport program is an investment in the future of America. During the coming decades, it will provide jobs and opportunities for hundreds of thousands of our citizens—not just in the aerospace industry alone, but in all industries."

The question has arisen as to why the Government is participating in the SST program. The answer is that a program of such magnitude cannot be financed by industry alone. It is estimated that the cost of the development of two prototype SST aircraft—the next phase of the SST program—will amount to about $1.5 billion, or just about twice the net worth of the manufacturer of the airframe. Thus, the SST program has been conceived as a joint venture with the Government, the manufacturers, and the airlines sharing the costs, the risks, and the benefits.

The money being provided for the prototype production program is not a subsidy, but an investment in the future.

The Government's share of the development cost will be repaid in full by the time the 300th SST is sold. An additional $1 billion in royalties will be paid with the sale of the 500th SST.

The U.S. SST is a good example of the type of R. & D. which has dramatically stimulated the economy of the last 20 years. It is a program which will help insure our well-being domestically and internationally today and in the decades ahead. It will offer a clear return in terms of employment and in recovery of the investment with interest to the U.S. Government. It meets every test of an essential national undertaking.

Mr. President, I oppose the amendment to delete the provision for the civil supersonic aircraft development.

Mr. PROXMIRE. Mr. President, I do not know whether we have sufficient Senators on the floor, but I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield to the Senator from Washington whatever time he may desire.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, there will be a supersonic transport no matter what is decided here today. However, the question before the Senate and this Nation is whether or not the United States will be in the forefront of this next round of aviation technology.

The age of supersonic transport is upon us, and what we are deciding is whether the United States will move ahead or give up the aviation leadership it has held since the Wright brothers.

The coming together of market and technology have created the SST. Experts see a $25 billion market of overseas and overpolar routes for a faster than sound aircraft over the next 20 years.

The governments of two countries, England and France, have united to produce an entry, the Concorde, which will attempt to obtain a share of that huge market. The government of another, Russia, has developed the Tu–144. Two prototype Concordes and the Tu–144 are flying and have already achieved supersonic speeds. Three American Presidents have supported an American SST. The U.S. version is ready to leave the drawing board and become real.

So there is no question that there will be an SST. Actually, there is an SST. There are three of them, one constructed by Britain, another by France, and a third by the U.S.S.R. They are flying and their makers are learning how to improve them. They are refining their aircraft in efficiency and economy in order to meet what they expect will be the most overwhelming competition either will face—the U.S. SST.

What we are developing in this country is an aircraft capable of flight at a cruise speed of 1,800 miles per hour, covering a range of 4,000 miles and carrying 300 passengers.

It is an aircraft capable of visiting San Francisco, Honolulu, Tokyo, and Hong Kong, and then winging back over the same route all within one 24-hour period.

The SST comes on the scene as demand grows to reach the distant points on the globe. The Los Angeles-Sydney flight, long and tedious in conventional jets, will be trimmed by 9 hours. Seattle-Tokyo will be cut by 4½ hours and the flight from London to Tokyo will be trimmed from 16 hours to 8 hours. New York-Rome is cut by 3½ hours.

The SST by 1990, even though operating under restrictions on overland flight, will be competing for a market nearly twice as large as the total of free world air travel now.

American industry is a leader in most forms of technological activity. In few areas has it proved so dominant as in aircraft. The American conventional jet, although it had been preceded in flight by 5 years by the British Comet, today fills 80 to 85 percent of the market in the free world. Four out of five jet transports in the Western World are made in the United States.

Employing nearly 1½ million Americans, and paying among the highest wages in industry, U.S. aerospace companies have competed vigorously with Government-financed foreign companies and claimed the market in subsonic jets. U.S. aircraft exports of $1.25 billion are the largest single factor in our balance of trade.

In moving from propeller-driven aircraft to jet transports, the intercontinental traffic in the 1950's flowed to the new, faster aircraft just as it will to the SST. The experience at that time was that passenger demand produced such high load factors that the economic success of this transportation innovation was quickly assured.

Why is the U.S. Government involved in the production of the SST?

As we stated above, our competitors are totally federally financed, the Tu–144 by the U.S.S.R. and the Concorde by two governments.

The cost of the prototype development of two SST's is $1.2 billion.

No U.S. firm has the financial capability of financing through private borrowing such an investment. Yet, the American contractors are contributing more than $300 million to the cost of the prototype construction, and the airlines are contributing $80 million as downpayments toward purchases.

American industry has faith in the success of this program to the tune of an investment of some $350 million in risk capital.

The Government, incidentally, has first call on return of its investment. The private companies must wait to get their money back. Full Government recovery will occur when the 300th aircraft is delivered, and the Government will continue to pick up royalties in excess of its investment. If the market is in the range of 500 aircraft, as indicated by current economic studies, the Government stands to receive about $1 billion in excess of its invested funds.

Considering that a preponderance of the jet transports flying in the free world today are made in this country, our abdication of leadership in this exciting next round of jet technology would be an enormous windfall for our foreign competitors and would do enormous economic harm to ourselves. We would be handling over a $17 billion plum. Instead of entering a market of sales of 300 to 500 aircraft—at a cost of some $40 million each—it is estimated that U.S. airlines would be importing at least $12 billion in SST's from foreign manufacturers by 1990. We would be underwriting advanced technology abroad at our own expense.

I do not think that the Senate wants to be making decisions here today that will leave our country at the short end of these economic odds in the years ahead.

In the context of our balance-of-payments situation, the export of one SST equals:

The importing of 20,000 Volkswagens.

The importing of 10 million transistor radios.

And the expenditure of 23,000 U.S. tourists in Europe for 1 month.

And we are talking about selling abroad at least 270 of these aircraft.

The sincerity and the enthusiasm of our foreign competitors can not be overstated. A group of American air executives visited Moscow last summer where they got their first look at the Soviet SST, the Tu–144. They also received an earful of the Soviet sales pitch. They came home frankly impressed by both. One U.S. airline official announced that he would begin negotiations for a Soviet SST if our country does not enter the market.

The visitors to Russia were quite convinced that the Russians are itching to enter into the highly competitive multibillion dollar international aviation business. They believe that their SST is the instrument to put them into the jet transport field that has been dominated so long by the United States.

It is believed by many experts that the Soviet Union will put out such bait for foreign SST purchases as favorable financial terms and more importantly, traffic rights over the Soviet Union. The shortest route between Europe and the Far East is over the Soviet Union, and that alone is quite an incentive to purchase the Tu–144 or its follow-on, the Tu–244.

The Soviets are pressing for foreign sales and are talking particularly to such international carriers as Japan Air Lines, Air India, Pakistan Air Lines and KLM, the Dutch airlines. Some 20 Tu–144's have been ordered already by Iron Curtain countries.

The Anglo-French Concorde has buyers for 74 aircraft, including orders from seven U.S. airlines.

While the Americans in Moscow describe the Soviet jet as a "good representative SST prototype," the U.S. air leaders think we can outdistance the field just as we did in the subsonic competition.

Applying the added speed, range and size of the American SST to the international routes, it is estimated that this Nation can obtain at least $20 billion of the $25 billion world market.

This program has come under close scrutiny of Congress on many occasions over recent years, and only this month received the approval of the Transportation Appropriations Subcommittee and

the full Senate Appropriations Committee.

Those who are rightfully concerned with the priorities of this Nation have reviewed this program. They have seen that scientific innovation in this country is a major employer. The aerospace industry is the largest single production element in our economy with a total national working force bigger than the automobile industry or steel.

The SST building program itself at full production lends an estimated 150,000 jobs in this country directly and indirectly.

Certainly jobs are an important part of our social concerns and the enhancement of employment opportunity must rank high in the priority of our tasks. The SST offers much in our efforts to obtain equal opportunity jobs and for job training. It promises to produce tax revenues of some $7 billion to pour into other priority Government programs.

The SST will repay its taxpayer investors in both dollars and in jobs. The SST investment is "seed" money for the future.

In maritime and rail transportation the United States does not hold the world leadership it enjoys in the air. Our merchant marine has slipped badly. Foreign nations have been the leaders in railroad ingenuity and accomplishment.

In air transport, we have built a better product and sold it at a competitive price. Our national security as well as our commerce has been enhanced by our genius in the aerospace field.

The investment proposed today is small indeed in relation to the return to this Nation in dollars, jobs, leadership, and security.

Mr. STENNIS. Mr. President, I yield to the Senator from Alaska. How much time does the Senator desire?

Mr. GRAVEL. Five minutes.

Mr. STENNIS. I yield 5 minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I think all the issues have been covered in the debate and in the exchange with the Senator from Wisconsin. I should like to make one statement, in addition.

In my mind, the only possible legitimate argument we can have in this area is one of priorities. Those who say that the SST program should not be high on the list of priorities say it because it affects only a few people, supposedly—the few people who can afford to travel to Europe, to Asia, and can afford to cross the large bodies of water. That is misleading, because the SST does not affect only a few people. It affects many people. That is why it should be high on the priority list of this Nation.

This is how it affects many people. It is part of the aerospace industry, a substantial part of the aerospace industry. We have put a man on the moon, and we have gone through a great deal of soul-searching as to what we are going to do next with this aerospace industry, because the people want to change the tilt and bring it down to a greater benefit for the people. That is true.

What are you going to do with this gigantic industrial infrastructure that has been built up? Put them all out of work?

If that is the case, then I submit that those who pursue social causes now for the poor and the hungry will have many more people for whom to pursue it.

So, if we realize that we are talking about sustaining national industrial capacity and not a chauvinistic feeling that the United States must feel superior to other nations in air travel, our argument is not that flimsy. Our argument affects thousands and millions of people who live off this. Without this program, these people will not have employment.

The argument of inflation has been made, that this causes inflation. My theory of fighting inflation is not under the misery and unemployment of people. I think we are sophisticated enough in our economy to fight inflation with other methods, and I think that using the argument of inflation to say that this is going to cause employment and some wealth in circulation is no argument at all.

I submit—and I stated this earlier in our colloquy—that if this Nation veers away from this program, there will be SST's in the world, but they will not be American SST's and Americans will not be employed in building them. They will be Russian, French, and British. If we have any foresight at all, we must realize that this priority, for those reasons, is a proper priority, alongside of hunger, housing, and the others.

Mr. STENNIS. Mr. President, I do not know of anyone else who wishes to speak in opposition to the amendment.

Does the Senator from New Jersey wish to say anything?

Mr. CASE. Mr. President, I think the Senator from Mississippi has been most generous, and I think he has handled this matter with skill, diplomacy, and style. I would be very happy to have him yield his time, if the Senator from Wisconsin would do so, also.

Mr. STENNIS. I have a brief summary.

Mr. President, I do not know of any item that has been debated more or more thoroughly investigated by the Scientific community, by three presidents who have passed on this matter, and by many Senate and House committees.

I have already given one of the major points as to why it was decided that the Government had to go into this matter. I wish it did not. I wish it could be private enterprise altogether. But our absence of research in this field by the military in the last 8 or 10 years has created this void.

This was recommended by the late President Kennedy. It went over into the Johnson administration, where it was considered two or three times. President Nixon came into office in January, and he ordered a thorough, complete, and exhaustive reconsideration—investigation of everything that had happened and reconsideration from the standpoint of the economy, science, and technology, all the items that we ordinarily classify as science. Then he had a number of experts make judgments and, finally, the recommendation came to him, and he gave a very firm recommendation in October of this year.

So the Nixon administration had this matter under advisement for almost 9 months. With this $80 million we will pass the half-way mark with this appropriation. We have spent approximately $623 million already. As I said this bill provides for an appropriation of $80 million. The current estimated total cost to the Federal Government is $1.285 billion.

Something has been said about the estimates of our selling 300 SST's. If this plane turns out to be a success, according to the testimony, it would certainly have a high probability of the sale of as many as 300; 127 already are on order. It is estimated that the sale of 300 would recoup the Government investment. We do not know whether it will be a success. No one knows. We do not know whether there will be 300 ordered, but those things are strong probabilities.

I think we have had a splendid debate on the matter.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator from Wisconsin has made the case. There is very little additional substantive information I could give. The Senator from Wisconsin has spent a great deal of time on this matter, not only this year, but last year. I wish to associate myself with his conclusions about the urgency and the priority for this plane.

Mr. President, if we had no problems in the great cities, and I speak not only of New York, but also Newark, as revealed today, and in other of our cities, and if we were looking for something to do with excess funds, this would be a good project. This would be a good project for the man who has everything. This is the kind of gadget for a nation which has everything and cannot think of anything it needs. If we did not have polluted air, polluted water and political systems in our big cities, as revealed today, I think I could support the SST.

But I think we have many problems, a great many problems, not only in my State, but in nearly every State in the Union, and they are problems which have greater priorities than this.

This is the gadget which would enable the Senator from Alaska to get home 1 hour or 30 minutes before he would in a DC–6. It would be helpful, but I am not about to authorize $1.2 billion for his convenience. It takes me 4 hours to get to Arkansas because I have no nonstop flights; which is about the same time it takes him to get to Anchorage in a 707 today. It takes him about the same time it takes me to get to Little Rock, and I do not expect to go to Little Rock in an SST. About the only time I have an opportunity to read a book is when I go by plane. I never get the time around here.

In any case, it seems to me this is the ultimate in the degeneration of modern technology. It will be a contribution to the pollution of the air. It is like other planes. It will have a thrust of three or four times as much which will mean it will discharge three or four times as much unconsumed carbon products. This is a luxury the country cannot afford.

Mr. President, I am not going to re-

peat all the arguments about what some committee or subcommittee did. The arguments are there. We know the difficulties which may be overcome technologically, but in the meantime we continue to neglect far more important problems in this country.

I feel very sad about this country. I have done all I know how to do in my limited intelligence to help this country. We have another problem following this one which only emphasizes our problems, foreign and domestic.

Here we have an instance of a highly developed internal lobby which can overcome the interests of the general public. With reference to our balance of payments, we will have a $10 billion deficit this year and nobody can understand why. A special interest group or a lobby then comes in and they write off this approximately $1.5 billion.

Wait until Senators see the foreign aid appropriation that will come into this Chamber, probably after the completion of this bill.

We have a far greater need in connection with the rehabilitation of cities, with the control of air and water pollution, with the development of adequate programs for education. All of these funds have been cut back.

Mr. President, I am opposed to it. This is an extravagance I cannot afford. It is a tragedy to keep going down that road. If this were the only pipeline to the Treasury without a constructive purpose, that would be one thing, but there are too many. We only got 19 votes against this last time; tonight I hope we get 20. I hope Senators will take these matters a little more seriously because accumulatively they are ruining this country.

Mr. PROXMIRE. Mr. President, I wish to summarize my position very briefly but before I do I want to say that one point that has not been made here is that the overwhelming majority of American people in every State, on the basis of every poll I have seen, oppose this project. The Educational Television Network made a survey. They tried to frame the question objectively, and the vote was 86 percent opposed and 14 percent in favor. Most of the States are listed. They found the people in California, for example on the SST were 784 against and 84 in favor; Florida had 143 against and 18 in favor; Illinois had 249 against and 26 in favor; Massachusetts had 248 against and 125 in favor; New York had 549 against and 45 in favor. In the State of Washington there were 81 against and 52 for. In other words, the reaction in the State of Washington in spite of the noble right of the Senators from Washington is that they do not want the SST. I have here a petition signed by 300 people from the State of Washington.

I ask unanimous consent that this survey and the Washington State petition be printed in the RECORD at this point.

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

THE NATION RESPONDS TO THE ADVOCATES ON THE SST

In response to the nationwide public television broadcast debating the question, "Should Congress Provide Funds to Develop an American Supersonic Transport," the Advocates heard from 4323 individuals from 46 states. Of the people writing in: 14 percent favored building an SST, 86 percent were opposed.

During the October 26 broadcast Assistant Secretary of Transportation Paul Cherington, Pan Am President Najeeb Halaby, and CAB Chairman Secor Browne as witnesses in favor of an American SST, while Prof. William Baxter of Stanford University, formerly of the FAA, and Prof. Lester Lane of Carnegie-Bellon University spoke for the opposition. Senator Frank E. Moss, as yet uncommitted, was the principal guest to whom the arguments were addressed.

The Advocates, a new, live, Sunday evening public affairs television series (10:00 p.m. EST), seeks to bring people into politics. Each week arguments are heard on both sides of an important "decidable question." At the end of each broadcast, viewers are encouraged to act on the question. The Advocates' staff has undertaken to tabulate views received and pass them on to the respondents' elected officials. The Advocates, as a program, takes no position on any issue debated.

The following is a detailed breakdown of the mail response to our SST broadcast:

State	Pro	Con	Total
Alabama	7	7	14
Arizona	14	70	84
Arkansas		2	2
California	84	784	868
Colorado	8	43	50
Connecticut	6	30	36
Delaware	5	7	12
Florida	18	143	161
Georgia	1	15	16
Illinois	26	249	275
Indiana		15	15
Iowa	3	26	29
Kansas	1		1
Kentucky	2	14	16
Louisiana	4	10	14
Maine	2	22	24
Maryland	23	47	70
Massachusetts	125	248	373
Michigan	11	50	61
Minnesota	3	110	113
Mississippi	3	3	6
Missouri	5	37	42
Nebraska	1	44	45
Nevada	4	6	10
New Hampshire	1	16	17
New Jersey	11	90	101
New Mexico	4	13	17
New York	45	549	594
North Carolina	6	17	23
North Dakota		7	7
Ohio	11	93	104
Oklahoma	8	41	49
Oregon	15	148	163
Pennsylvania	30	184	214
Rhode Island	4	12	16
South Carolina		7	7
South Dakota	2	12	14
Tennessee	4	27	31
Texas	11	52	63
Utah	1	26	27
Vermont	1	4	5
Virginia	12	17	29
Washington	52	81	133
West Virginia	1	8	9
Wisconsin	10	196	206
Wyoming		7	7
Washington, D.C.	12	16	28
Unknown	24	98	122

CITIZENS LEAGUE AGAINST THE SONIC BOOM,
Cambridge, Mass. December 11, 1969.

DEAR SENATOR PROXMIRE: Will the enclosed letter from Seattle and 364 signatures on a STOP THE SST petition (also from that Boeing region) be helpful to you in your all-out fight?

(Note the editorial from the *UN. of Washington* DAILY . . . entitled the SST).

Dr. Shurcliff is out of town at the moment, and will find and read your Dec. 8th letter when he returns.

Sincerely,

SARAH S. INGELFINGER.

SEATTLE, WASH.,
December 5, 1969.

Dr. WILLIAM A. SHURCLIFF,
Citizens' League Against the Sonic Boom, Cambridge, Mass.

DEAR DR. WILLIAM A. SHURCLIFF: Please find the enclosed a petition to halt development of the SST for use in your campaign. This petition was circulated at the Environmental Learn-In Fair held November 25 on the University of Washington campus because I felt that Seattle residents who oppose the SST should have an opportunity to express their feelings, particularly since many local and state government officials and leaders, including Mayor Wes Uhlman, Representative Brock Adams, and Senators Warren Magnuson and Henry Jackson, seem to assume that their constituents will automatically favor construction of the SST as a boon to the economy of the Puget Sound region.

As you can see, the petition has 364 signers, 296 of whom are residents of the state of Washington. These signatures were obtained in the course of a single day.

I am also enclosing a copy of an editorial opposing the SST which recently appeared in the University of Washington DAILY.

I hope these provide sufficient evidence that not everyone in the Pudget Sound area, which stands to gain the most economically from the SST, is in favor of the project.

Best of luck in your efforts.

Sincerely yours,

JOHN LANDAHL,
Ecology Action of Puget Sound.

[From the University of Washington Daily, Nov. 20, 1969]

THE SST

This state's senators and representatives, local business figures and Seattle's two newspapers have been enthusiastic the last few days over the probable passage of the Nixon administration's appropriation for the Supersonic Transport plane (SST).

This is not surprising, as the Boeing Company is one of two prime contractors on the project. The SST is expected to create many new jobs in the area and give Boeing a much needed economic boost.

But there is another aspect to the SST question.

Nixon's request for an additional $662 million (the Kennedy and Johnson administrations had already spent some $500 million) followed by only a few weeks an "economy drive" by the administration in such areas as education, welfare, housing, and health.

Pleading poverty, the administration ordered cuts in all domestic programs. School aid was cut, as was assistance to libraries, housing, medical research, college construction.

The SST venture also represents a new relationship between the government and industry. In a speech to the National Space Club, Air Force Maj. Gen. J. C. Maxwell, director of the SST project of the Federal Aviation Agency, said, "What makes our SST program unique is that the government is, perhaps for the first time, acting in what the classical economists call the role of the entrepreneur. The government is organizing the undertaking and assuming risks in the expectation of getting its money back and sharing in profits should they be significant."

The government is paying nearly all of the initial costs of the SST. Of the $1.51 billion needed for initial research and development, the federal government will be paying $1.29 billion, 90 per cent of the total. The remaining 10 per cent will be paid by the aircraft manufacturers—principally Boeing and General Electric—and the airline companies.

Actually, the 10 per cent will be smaller, since the aircraft manufacturers can deduct

it from their income tax and the airlines, principal beneficiaries of the project, can deduct payments under special tax breaks.

The Nixon SST program can be best called corporate welfare, welfare for the rich. For in effect the U.S. government is giving Boeing an interest free loan for $1.5 billion.

Supposedly, the government will receive royalties on each plane Boeing sells starting with plane 101. According to its figures, the government will get back its initial investment after 300 planes are sold. But there's a further catch.

Boeing may not be able to sell 300 SST planes. Federal laws prohibiting the SST from flying over the continental U.S. (because of sonic booms) are a strong possibility. This has already had an effect on the market for the SST.

In the last years of the Johnson administration a blue ribbon committee, headed by Secretary of Defense Robert McNamara, concluded that it would be a mistake to build the giant plane. A study by the U.S. Treasury showed little confidence in the economics of the SST and likened the project to "wild-cat oil-drilling venture."

These factors make it unlikely that the $1.5 billion interest free loan will ever be paid in full. If this is the case, the taxpayer will have to pick up the tab. If the market predictions for the SST have been over-optimistic, if an airline is unable to meet its payments or if Boeing gets into financial trouble, then the taxpayer will also pay the bill. There's one more catch.

The total cost of the SST before one airplane is built will be some $4–5 billion. The $1.5 billion is only for research and development. Boeing is supposed to raise the additional $2.5–$3.5 billion for production facilities, equipment and raw materials. That figure is many times the Boeing Company's assets and most likely the government will have to help raise the additional money.

As the situation stands now the Nixon administration has taken money from much-needed domestic programs in order to help a single corporation build an airplane which is of doubtful commercial value.

Indeed, the SST program will create more jobs, but just as many jobs would be created if the Nixon administration would spend the same amount on much needed housing, health care facilities and public transportation in the Seattle area.

But, the government can't do that. That would be welfare and that's not good, unless it's welfare for giant corporations.

STOP THE SST

We hereby state our opposition to the development and operation of the SST on the grounds that such an aircraft will create intolerable noise pollution (thereby endangering our mental and physical health), pollute the upper atmosphere with combustion products (which threaten to alter global weather patterns), and hasten the exhaustion of our already-depleted supplies of aviation-grade kerosene (because the SST will burn 40% more fuel per passenger-mile than conventional jet airliners), while aggravating rather than reducing our nation's airport congestion and ground transportation problems.

To avoid any adverse effects on the economy of Seattle, we suggest that Boeing be given the money saved by not building the SST to use to develop means of controlling technology and solving urban and environmental problems (such as transportation problems).

William J. Berngen, Paul Waggoner, Christine M. Grubb, Karen Wipried, J. A. Wagan, Khesroal Salime, Janvaor Neil, Frederick L. Campbell, Fred H. Pallod.

Peggy Groth, Victor A. Nelson, Helen E. Maneao, Allison J. Fowler, Julie Perkins, Gary S. Salagaws, Bruce A. Menge, Edward O. Guenard, Jr., Scott Keesling, Arnie Gooder, Bryon Fiyita.

Gert Gruenwoldt, Deborah Seymour, George E. Rennar, Daniel M. Warner, John Z. Landahl, Richard J. Thomas, Dave Miller, Ron Tachell, Edith Walden, John Mallon.

Fred Dables, Larry Porter, Fannie Canall, Carolyn Raleigh, Steve Rowland, Paul Nelsen, Tom Larsen, Charles E. Ross, John B. Caskey, Jack Atulxon.

Fedel Rorend, Deborah Ashby, Tom Hinckley, Dern A. DiRosa, G. Edward Quimby, Chrystal Brand, Wendy Wasnor, Barbara Garner, John T. Gaspurach, Jeff Hurlow.

Evet L. Gaydin, Mark F. Gailrock, George T. Ulberg, J. R. Henrve, Tana Quigley, Paul Leirten, John R. Dick, Raull T. Williams, Ronald K. Sipherd, Francie Symond.

Michael M. Morton, Bob Corpuz, Sidney Sherbon, Woodruff Benson, Kent Daniels, Patricia Cole, Tim Gaby, James L. Skutz, Bob Towner, Malcolm Taran.

Margaret Pelz, Bob Clifford, Robert Koski, Sue Pickard, Elizabeth V. Rietson, Mary S. Hartsborn, Joanne H. Williams, William E. Mitchell, Georgette M. Michks, Michael N. Dole, Frank E. Brown.

James Russell, Gene P. Wood, Steve Hudjiak, Ann Gilbert, Maria Bold, Katherine Arnold, Ralph D. White, Okie Cooley, Earl Bennett, Wayne Weiss.

Gary Schwartz, David Loring, Daniel Karpen, M. Raberry, Carolyn Platt, Peggy Duban, Philip Johnson, Doug Jawbrum, David McMustrie, Richard Registry, Jr.

Jerry Wetzel, Sherry Ford, Jonathan Gaye, William C. Taylor, Dennis Clark, Mike Duroveckie, Jan Moline, Jane Wickman, Ben Waxler, J. S. Bradshaw, David Staffings.

Rev. R. Kenneth Sethway, Dawn Dovtrich, Linda Anderson, Dennis Shanhan, Scott Breen, Lesley Keaton, Virginia Jorgensen, Richard L. Messinger, Gayle Countryman, Mary L. Davis.

Judith Cousineau, Richard Brinkman, Anne Saperstein, Kristie Fleiders, Christina Kahn, Ric Cocke, Arthur K. Krautz, Ronald E. Gill, Rojas Kane, Evan C. Brown.

John Kupersmith, Richard Sharp, Don Newman, Vonda Schellsberg, Michael Mandealte, Wanda Braithwaite, Barbara Heinrich, Keith Sauer, James B. Callis, Charles Phistan, Garland Bellamy.

Debbie Fisher, Susan P. Shenn, Louise A. Dunlop, Pat Kielberg, Patty Sims, George Fenk, John S. Schultz, Milane Sutinen, Cosandra Appuari, Jeff Yuser.

Meryl Gonnasor, Robert Bydyl, John J. Russell, William Nim, David G. Colewell Jr., Richard A. Croley, James H. Banker, Kathy Husbaud, Thomas Allison, Patty West.

Robert O. Myler, Bruce Palmer, Rochelle Brisots, Kenneth A. Kishputnik, Willard Sohniodas, Marty Hedman, W. J. Van Folken, Andrea Hammond, Jack A. Dalon, Scott E. Warren.

Shirley Entwistle, Mike Entwistle, Doug Dipple, Janet Dipple, Arthur C. Achitt, Frank V. Westerlund, Karen Heintz, Barb Clements, Pia Lonbardo, Juanita Collins.

Gregory L. Branch, Mike McMossengle, Homer E. Spruce, Richard M. Arout, Jim Williams, Rachel Martin, Neil C. Johannsen, Susan G. Meyers, Barbara Whitson, Joan Reid.

Richard D. Conway, Robert A. Mowrey, Holly Worten, Greg Albertson, Peter Tromp, James P. Wimbish, Tim Herron, Brian Daverki, Charles L. Smith, Suzanne Smith.

Martin Haggland, Michael S. Johnson, Peggy Heironimus, Richard N. Carter, Mary Paramore, Susan Swenson, Dauna Koval, Elizabeth J. Perry, Mercer J. Lindemaier, Richard A. Hunter.

Deborah Gage Halsey, B. Ronald Frost, Kerry J. Acher, Pamela Roe, Valerie Brackett, Ralph M. Becker, Susan E. Burnett, Elzelvia J. Callis, Ralph Hagerd, Harold Strong.

Koon Woon, Mike Peiffer, Susan Baer, Larry Murphy, Blair Knudsen, Kristin Nicholls, Peter Nicholls, Larry DeCalla, Joanne Hedland.

Joyce Micell, Richard Smith, Melissa Gorman, E. R. Thorson, Constance Miller, Gene T. Arnold, J. L. Goltz, B. Phillips, Mary Louise Crosby, Dave Haiann.

Charlotte Fox, Jeffrey Wilson, H. S. Sandstone, Glen Oliver, Jacque Beechel, Floyd Nance, Karen Ranheim, Jane Melton, Jeffrey J. Casey, Merryl Casey.

Earl L. Montgomery, Stephen Adams, Richard C. Armstrong, Frederick J. Neumeyer, Lawrence H. Mattes, Philip E. Haley, William E. Hallren, Kim Lazare, Peter Barnes, Lawrence Stone.

Sue R. Samson, Lorin Macke, Slangve Bayless, Bill Rubin, Carolyn A. Marble, James A. Booze, Mike Russell, Mark Tilton, Gail Irvine, James V. Mohalt.

Michael Brunson, Lawrence E. Goss, Jr., Hazel Wolf, William Bergson, Greg Cox, Jacque Yetter, Sandra M. Frost, Frank D. Moore, Florence D. Kent, David L. Kent.

Janine Clock, Thomas R. Eaton, Carol Eaton, Rachel Evans, John Stater, Robin T. Wallis, Jerome Parker, Nancy Allen, Maurice E. DeVois, Dan Smith.

Dennis E. Pitman, Beth Stevenson, Digne B. de Lorez, Jane Goldsworthy, Barbara Shaw, Wendy Klee, Leann Schneider, Sandy Brown, Mike Fried, Michael Toner.

Darlyn Rundberg, Mina Oisianalec, Robert French, Victor A. Williams, Dwight Lee, Donna Anderson, Donna M. Gordon, Daniel E. Parthlen, Martin Passionore, James Knudson.

J. Ladington, Kathy Franz, Phyllis J. Senter, Brian, Backus, William Mackey, Roger Almsham, Patty Chatburn, Robert J. Morgan, Bob Pyle, Mona Hidwall.

Tom Benson, John Alcock, Elsie Ehlers, Olga Gull, Kim Gill, Tom Matterson, William W. Restow, Susan M. Williams, Jill Rutherford, Ivan M. Brown, III.

Michael L. LaPlatney, Lucretta A. Chadwick, JoAnne Pife, Janet Randall, Janet E. Edbaugh, Dennis Des Chene, Dennis R. Paulson, Patricia Brooks, A. A. Cunningham, Mary Lynn Paulson.

Douglas W. Potte, Sharon M. Potter, Elizabeth Morrison, Susan C. Palmer, Alan W. Ginsberg, Pauline T. Dyer, William G. Clark, Casey Cannody, Edward R. Dougherty.

Edward T. Mossman, Jerry Katz, Charles B. Jones, Jr., John Troberg, Mr. & Mrs. E. T. Toy, Clare Bucher, David Thomson, Richard M. Emery, Elizabeth Clark, Laura Wright, Laura Stanley, John G. Moore.

Mr. PROXMIRE. Now, Mr. President, I would like to conclude by pointing out that this is the first time we have had a debate on the SST after a panel of experts has been appointed by the President to make recommendations with regard to the problems involved in connection with the SST.

I submit those recommendations are overwhelmingly against our further funding this project and for this amendment. The experts conclude the SST would not help but hurt our balance of payments; that it would be uneconomical. They found that under the contract the Government would probably lose and the Boeing Co. and General Electric would get even if only 239 or 250 planes were produced. They found that the atmosphere can be and will be polluted, in addition to the sonic boom. They found it would not give us additional prestige.

Mr. President, I conclude by saying, as the distinguished Senator from Arkansas concluded, that what this really comes down to is a matter of priorities. Where should we spend the taxpayer's money? We know there has been a taxpayer revolt in this country and there is great concern about waste in Government.

At a time when we are trying to hold down spending, for us to go ahead with a $1.285 billion project, the benefit of which would be only to the people who fly overseas in order to save a few hours, would be an unfortunate and tragic waste.

If the Senator from Mississippi is prepared to yield back his time, so am I.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Montana.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 16, 1969, be approved.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that later this evening there may be a period for the transaction of routine morning business.

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

UNANIMOUS CONSENT FOR H.R. 9366 TO LIE ON THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 9366, an act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes be permitted to lie on the desk.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. The pending question is the amendment of the Senator from Wisconsin to strike from the bill $80 million for the SST. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. This is a direct vote for or against the amendment.

The PRESIDING OFFICER. Up and down. A vote "yea" would strike it from the bill.

Mr. TOWER. Mr. President, I urge Senators to leave in tact in the appropriations for the Department of Transportation funds marked for further development of the supersonic transport plane.

Congress first appropriated money for development of the SST some 8 years ago. To date $623 million has been appropriated for the project. We are at a watershed point now with an expenditure of $662 million necessary to see the project through to fruition. By continuing now, we will be able to demonstrate the SST in its first flight sometime toward the end of 1972, just 3 short years from now. Construction of two prototypes is scheduled to begin in 1970.

If we fail to appropriate funds sufficient to support the project we risk abdicating the market to our competitors: the British and the French, with their Concorde. The impact on our balance of payments would be adverse and substantial. On the other hand, if we provide the funds requested by President Nixon, the airlines of the world will be able to place their orders with an American firm and expect delivery sometime in 1978. Our competitors already enjoy a 4-year lead and to delay further would be to forfeit the market with an estimated minimum potential of $25 billion by 1990. I am informed that American producers hope to hold their foreign competitors to sales of about $5 billion of that market.

I think it should be kept in mind that while the use of Government funds is required simply because of the sheer size of the undertaking, this is not a grant situation whereby the Government is not reimbursed. By delivery of the 300th SST, the Government will have been repaid in full and it will continue to receive royalties on each SST delivered. Depending on sales this will amount to between $1 billion and $3 billion of added revenues flowing into the Treasury. By way of comparison, to date there has been an initial order of 122 SST's by the world's airlines.

Initially, I had some questions, which I think were shared by some Senators, concerning how perfectly the SST would integrate into present traffic patterns, how great would be the demands made on our pre-SST airports, how competitive fares would be on the SST versus the 747's. Evidence that has been presented to me has removed any initial doubts I may have had.

I have heard evidence presented that the SST can be integrated into any traffic control pattern existant now or which may be developed in the future. The total operating costs of the SST will be completely competitive with operating costs of the 747—making it possible to have identical fare schedules on both types of flights, if that is deemed advisable at the time they are put in operation.

Furthermore, as my colleagues are well aware, air traffic congestion for flights between domestic points, is at its zenith evenings between the hours of 5 and 7 o'clock. This happens to coincide with the optimum hour of departure for most Europe-bound flights for over-night service. With the new supersonic transports cutting travel time between east coast and European points to, roughly, 2 hours there will not need to be the customary evening jam-up and the conflict between embarkations for domestic and foreign points. The SST will allow travelers to depart virtually at any time throughout the day.

Mr. President, we have a sizable commitment in the SST program. We are at the halfway point on this project, and I believe it to be a worthwhile project. I shall support the project by my vote here today.

Mr. SPONG. Mr. President, on the basis of an extensive review of the findings of the administration's SST Ad Hoc Review Committee, I have concluded that I cannot support continued appropriations for the development of a supersonic transport.

Misgivings over continued SST development are expressed throughout the report of the President's committee. The views expressed in the report effectively answer the argument in support of the program.

The report casts serious doubt on the contention that the SST would have a favorable impact on our balance of payments. In addition, it asserts that the sonic boom from the aircraft is likely to be considered intolerable by a high percentage of the people affected. While supersonic flight over the continenal United States is not contemplated at the present time, the committee expressed concern over pressures which might be exerted if it is found that the economic success of the aircraft is dependent upon overland flights at supersonic speeds.

The reports suggests there would be only minimum beneficial side benefits, described as technological fallout, from SST development. The committee panel which investigated that aspect of the program said:

> We believe technological fallout to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program.

A representative of the Department of Labor who served as a member of the committee commented that the net employment increase from SST production would likely be negligible. Significantly, he said any increase in employment—

> Would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

The airlines themselves, who have contributed many millions of dollars to support SST research and development, now seem unwilling to venture any additional risk capital on the program. Their skepticism is based on the apprehension that they would have to charge premium fares for SST travel, that the final cost per aircraft will range in the $40 to $50 million bracket, that flights will be restricted to overwater operations, and that the aircraft could not meet existing or proposed airport noise criteria.

Mr. President, a nation which has landed four men on the moon need have no fear of losing its prestigious position as the world's leader in aviation. The sole advantage of the SST is speed. In my view, the disadvantages of continued development at this time far outweigh the justification advanced by the administration.

Accordingly, I support the amendment of the Senator from Wisconsin (Mr. PROXMIRE) to delete the $80 million recommended by the Appropriations Com-

mittee for SST development in fiscal 1970. I hope the amendment will be adopted.

Mr. McINTYRE. Mr. President, at a time when we hear discussion of national priorities, I am especially aware that too many worthwhile programs compete against one another for Government funds. In all too many cases, the choice of which one gets the money is based on traditional vested interests rather than true national need.

This is especially true in the area of military spending, where I think we are finally coming to grips with the problem and beginning to evaluate these programs reasonably. I have been particularly active in this area, making a special effort in my capacity as a member of the Senate Armed Services Committee, and the chairman of its Research and Development Subcommittee, to scrutinize the military budget to make sure that the money we spend on military programs is absolutely necessary.

At the same time, I think it is important to note the crucial difference between SST and military programs. The SST is truly a peaceful enterprise which can have a beneficial effect on the Nation in several ways.

It will help solve our balance-of-payments problem. If we build the SST, we will be able to save $6 billion in what our airlines would be forced to spend on buying supersonic aircraft overseas. In addition, through the sale of our SST overseas, we would earn more than $11 billion on the credit side of our balance of payments. The program will provide more than 50,000 direct jobs to American workers and, indirectly, in excess of 150,000 jobs.

While the British-French combine and the Russian airplanes are fully subsidized by their governments, U.S. Government participation in the American program is in the form of a loan. As the aircraft are produced, royalties will be paid to our Government so that when 300 planes are sold, the government will have all of its money back; and when 500 planes are sold, the Government will earn about $1.1 billion on its investment. It is estimated that there is a minimum demand for at least 500 of these planes for use in supersonic overseas flights and subsonic flights over land. While this is going on, the economic activity generated will produce close to $7 billion in State, local, and Federal taxes.

Perhaps the most compelling argument for going ahead with the program—which has been approved by three successive Presidents—is that the market for aircraft could well be lost to American industry and workers if we do not proceed. The British-French and the Russian planes are well advanced and will be flying in the very near future. If we don't meet the competition, we could lose our markets in areas, where we have been preeminent for many years.

While I am critically aware of the need to assign our national priorities and have taken a very searching view of the military budget, I have to conclude that, in view of the above cited considerations, we would be extremely short-sighted if we dropped this program in midstream. We will lose the many benefits it holds for our economic and employment picture.

Mr. METCALF. Mr. President, we are considering the SST appropriation today. We are again being asked to approve a very sizable appropriation—this year it is $80 million for an undertaking whose merits have been severely criticized by scientists, economists, and top Government officials. At every stage of its development, the wisdom of proceeding with this gigantic commitment of governmental resources—amounting to at least $4 billion before the plane is commercially viable—has been questioned. Yet we proceed mindlessly on, committing ourselves to a program which presents grave technological problems which according to the Council of Economic Advisers probably cause an adverse impact on our balance of payments, whose financial projections shift constantly from from year to year, and which will benefit a handful of people compared to those who will share the burden of its expense, discomfort, annoyance, and further invasion of their peace and quiet.

One can only wonder why we persist in the face of all the very substantive objections which have been raised to this project. If it is "for the prestige of the United States," that is a shibboleth I, for one, would like to dispose of once and for all: in a report to the President's SST Ad Hoc Review Committee the State Department stated in no uncertain terms that "it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like." If the worldwide prestige of this country is going to turn on the technical gadgetry of the SST then we and indeed the world, have lost our way in the wilderness.

In defending the SST, its advocates always invoke "the idea of progress." "One cannot turn back the clock," they assert pragmatically, while all doubters are likened to foes of the industrial revolution. I think it is time that this argument was met squarely, and raise some fundamental questions as to the direction of our technological development and the attitude and standards with which we evaluate such development.

At this point, I would just like to say a word about an organization which supplied much of the technical material to which I will be referring. The Environmental Defense Fund is an organization, composed of scientists and lawyers, which is devoted to protecting our environment from deterioration and degradation through active participation in the legal process. EDF has managed to put together a working alliance of scientists who are deeply concerned with and sensitive to environmental problems and environmental lawyers who translate those scientific concerns into effective theories. The field in which EDF has done the most effective job, although one that is not yet completed, is in achieving rationale control over pesticides.

Basically, what we are discussing in the SST controversy, is the impact of technology on man's environment. And we are slowly coming to realize—perhaps too slowly for our own survival—that this planet's environment is truly a seamless web in which the effects of any one dislocation or disruption are felt, ultimately, throughout the whole. This realization is perhaps just another variant of what has been called the ecologic ethic: namely, that we can never do merely one thing. Every single action that we take in this technological age reverberates throughout the environment. And we can no longer fool ourselves that any single intervention in the fantastically complex system which constitutes our world's ecology can be focused exclusively on only one element of that system.

Thus, whether we are talking about a manufacturing plant which will pollute the atmosphere, or an airplane which will fly through the air at 1,800 m.p.h., we must recognize that the fruits of such technological sophistication will have a multifaceted impact on a complex ecological system.

This is not to say, by any means, that every innovation is to be rejected, or that we must search until we discover the slightest effect of every new project being contemplated. But what is necessary is a different philosophical framework for all the new machines, processes, and projects being offered by science and technology. I think we must discard what have been our presumptions in favor of "newness" and innovation. We must adopt a far more critical and searching attitude toward what is presented from what has been up to now our passive acceptance: do we really need food additives that are nonnutritive but make food last longer or look more colorful; oil drilling in hazardous areas really more efficient in terms of other damage they may do; is it necessary to spend $4 billion so that a small number of businessmen and vacationers can fly at 1,800 miles per hour—at the expense of the taxpayer.

Given the overcrowdedness of our world, the pollution of our waters, air, and countryside, and the depletion of some of our most precious natural resources, we must reverse the presumptions and put the burden of proof on those who seek to introduce new products of their technology. Every proponent of new technology must be able to prove, on the basis of thorough and extensive research, that no negative or detrimental effect will flow from the technology he is proposing. Thus, he must satisfactorily demonstrate at the outset that a given food additive will have no harmful long-term effects on humans; that a new method of undersea oil drilling will not disturb surrounding marine life, among other things; and that the 1,800 m.p.h. SST will not cause environmental effects which far outweigh any benefits to be realized.

Let us examine, in detail, the very serious environmental problems caused by the SST. To my knowledge, not a single one of them has been solved and some have not even been sufficiently explored so that we know the dimensions of the problem.

The most serious environmental problem—that we know about—associated with the SST is that of sonic boom. As one of the working panels of the President's SST Ad Hoc Review Committee understated the issue:

All available information indicates that the effects of sonic boom are such as to be considered intolerable be a very high percentage of the people affected.

The most graphic description I have seen of the concept of "sonic boom" is contained in the excellent "SST and Sonic Boom Handbook" prepared by Dr. William A. Shurcliff of Harvard who has labored to apprise the public what is involved in the SST. He describes it this way:

The sonic boom is a sudden pressure disturbance, or shockwave, in air. When an SST flies at great altitude over a house, the pressure near the house remains normal for awhile . . . As the shockwave strikes the house, the pressure increases almost instantaneously—in about 0.003 seconds—buffeting the entire house and knocking it sidewise . . . jarring everything in the house. The pressure wave actually enters the house and is reflected back and forth within each room. Within about 0.020 second the pressure decreases smoothly, and indeed becomes somewhat below normal pressure. Then, again very suddenly, the pressure rises. It rises to the normal pressure, and remains normal thereafter.

* * * * *

Because the plane is traveling at a speed faster than sound can travel in air (faster than the typical air molecules travel), the air in front of the plane does not know the plane is coming: there is no gentle advance pressure to signal its approach. Even when the plane has advanced to within one-half inch of a given bit of air, this air does not know the plane is approaching, and remains motionless. Then, suddenly, the plane arrives: this air must move out of the way in a few millionths of a second. Its motion is extremely energetic; enormous local compression and heating occur; and a highly energetic shockwave spreads out in a cone behind the advancing plane. The energy in the shockwave from the plane as a whole is enormous; the power radiating outward in this wave amounts to approximately 10,000 to 50,000 horsepower, comparable to the power requirement of an ocean liner such as the Queen Elizabeth II.

This shockwave travels far, jolting everything it strikes. It continually spreads outward, always with the SST at the apex. The cone is invisible, is constantly and rapidly spreading, and has a diameter of about 40 to 60 miles before it becomes spread so far that the pressure rise is no longer significant.

What does this mean to the American public? It means that when the SST and the Concorde are fully operational, about 65 million people in the United States would be exposed to an average of 10 sonic booms per day—26 million people receiving 10 to 50 booms, and 39 million receiving 1 to 9 booms. The reason for this is that the area struck by sonic booms is not confined to the region directly below the flight path of the plane but rather that it extends to about 25 miles on either side, and this 50-mile area is called the sonic boom carpet.

I am not sure that anyone can describe a sonic boom, because the intensity and so-called "startle effect" can simply not be simulated. However, the loud, sudden sound, which characteristically makes everyone jump in reaction, has been compared to a present-day, four-engined turbofan jet at an altitude of about 200 feet during approach to landing or at 500 feet with takeoff power, or the noise from a truck at maximum highway speed at a distance of about 30 feet. If you have ever tried to sleep in a motel several hundred feet from a busy highway, and multiply that annoyance severalfold coupled with the abrupt suddennness, you may get some idea of what a sonic boom is like. Dr. Kryter of Stanford, in an article published in Science has, based upon testing predicted that 25 percent of the people subjected to sonic booms would resort to other than legal means of redress.

Among the adverse physiological reactions caused by booms are: increased heart rate, secretion of gastric fluids, irritability and excitability, glandular trouble, and "chronic noise syndrome." Moreover, studies at the State University of New York have shown that repeated random and unpredictable noises produce irritation, frustration, and dramatic declines in work efficiency even after stopping of the noise.

A few limited, and much criticized, studies have been conducted among test population. The conclusions, as summarized by the report of the Special Study Group on Noise and Sonic Boom in Relation to Man, of the Secretary of the Interior, are, and I quote:

Extensive research at Edwards Air Force Base, Oklahoma City, and in France, shows that, even after some years of continued exposure to sonic booms, 30% of the people exposed to booms at levels anticipated for the SST would find the booms to be "intolerable" or "unacceptable" and an additional 50% would find them "objectionable".

In addition to the above, there have been other disasters which could not be compensated in money. In 1966, a boom from an Air Force plane struck the Canyon de Chelly National Monument in Arizona, loosened an estimated 80 tons of rock which fell on ancient Indian cliff-dwellings and caused irreparable damage. In France, there has been serious damage to many historic chateaux, basilicas, and stained glass windows which dated back hundreds of years: masonry was cracking and collapsing; stained glass windows were breaking and loosening or bending outward from their sashes; and in several instances roof covering materials were blown away.

While it is very difficult to estimate what amount of damages would be caused by regularly scheduled commercial SST flights, some very rough estimates have been made. The Department of the Interior's study concluded that the damage might exceed $80,000,000 per year, and Senator Proxmire has previously given a figure of $3,000,000 per day.

Much of the defense given by SST proponents to the sonic boom problem—for which admittedly there is no satisfactory technological solution yet—is that FAA constantly assures us there will be no overland flights of SST. Frankly, I cannot accept this answer. At best, it is completely unrealistic and naively underestimates the incredible economic pressures which will be exerted to extend the SST's operations to overland flights. From every recent economic analysis I have seen, and they are not all totally consistent, the SST will have serious financing problems even after the prototypes are constructed. Obviously, restriction of SST to flights will greatly reduce the potential markets to be served, will reduce if not wipe out any operating profits, and will also eliminate government recoupment of its investment through royalties. Thus, pressure will come from economy-minded officials as well as profit-oriented businesses to extend the SST's routes. And who at that point in the 1970's will be exerting pressure on behalf of the beleagured citizens who will have to be suffering through sonic booms every day in a world grown ever noisier? If we cannot now, at this early stage, when there has been a "minimal" investment in this plane, successfully press our case demonstrating the horrors of the boom, do we really think we'll do any better after an investment of several billions?

While I wish to discuss certain other environmental problems, I have purposely put so much emphasis on the boom because that, more than any of the other difficulties posed by the SST, seems to symbolize the truly terrifying assault which modern technology is making on man and his environment. To never escape from the constant cacophony of everyday life—to be deprived of the serene joy of total silence—that is a form of psychological punishment and invasion of individual privacy far more fearsome than "loss of prestige" or refusal to accept "progress at any cost."

The radiation hazard on SST flights is estimated to be approximately 100 times greater than on ground level. Ionization from cosmic radiation is at a maximum at the very 60,000- to 80,000-foot altitudes where the SST will cruise. Because the skin of an airplane is not a protection against ionization from cosmic radiation, rather it is just the reverse since the plane causes multiplication of the damaging particles by the process of shower production, the radiation levels within the SST cabin will be very high. At cruising altitudes, the radiation levels have been set at 1 or 2 millirems per hour, whereas the usual limit on dose allowed to the public is 500 millirems in an entire year. Moreover, as one of the working panels of the President's SST Ad Hoc Review Committee pointed out: a flight crew exposed for 600 hours annually will accumulate 0.85 rem from this source alone; when this value is compared with the maximum permissible dose of 0.5 rem for the general public, the question arises whether SST crews should be placed in the category of radiation workers and kept under surveillance. Several years ago, the Chief of the FAA Aeromedical Applications Division indicated that SST crews would run the risk of shortening their lifespan 5 to 10 percent because of radiation exposure, a particular hazard for pregnant women, expecially during the first few weeks of their pregnancy when it is often not yet discovered. With the ever-increasing levels of radiation in our atmosphere, should we now be developing a plane which will subject passengers, and especially crew, to significantly increased radiation exposure?

Another environmental problem raised by the SST, and one on which we have woefully inadequate data is the effect of water vapor in the stratosphere. It is acknowledged that widescale commercial

use of supersonic transports will release great quantities of water vapor into the atmosphere. One estimate of the results of this situation is that with 300 SST's operating over the United States and North Atlantic flying as low as 60,000 feet, which is possible for the SST, the tails of the continual contrails might produce a 100-percent cloud cover in certain areas.

Apart from the issue of cloud cover, the release of so much water vapor could significantly increase the relative humidity of the stratosphere. Both these effects, in turn, could affect the general circulation of atmospheric components, including dispersion of pollutants from SST engine discharges as well as higher levels of contamination from the ordinary run of local pollutants.

The final serious environmental factor which must be considered in weighing the utility of the SST is the very great problem of airport noise—as distinct from sonic boom. There is general acknowledgement of the fact that the engine noise of SST's at takeoff and landing will be far louder than from any other commercial planes, except the Boeing 707.

Thus according to estimates provided by the FAA itself, a community directly under the flight path of the SST will be assaulted with noise of 111 PNdB—perceived noise in decibels—on takeoff and 109 PNdB on landing. To give some standard of comparison, aircraft noise in the vicinity of 100 PNdB is considered unacceptable in the areas surrounding metropolitan airports. A noise level of 100 PNdB is the approximate noise level 50 feet from trucks or motorcycles at maximum highway speed or in the course of acceleration, or 200 feet from a diesel train going 30 to 50 miles per hour. Moreover, Professor Karl D. Kryter, of the Stanford Research Institute, a worldwide authority on noise and sonic booms, has pointed out that "after an initial adjustment, a person becomes less, rather than more, tolerant of continued exposure to aircraft noise."

Intense noise, over a prolonged period of time, can have all sorts of detrimental physical and physiological effects. In addition to permanent hearing loss, bodily fatigue, irritability and nervousness, reduction in job efficiency because of disruption and interference, there may be adverse effects upon other organic, sensory and physiologic functions. And in the simplest of human terms—why are we going to subject our citizens to this kind of environmental harassment, especially when just last year this Congress passed legislation requiring FAA to set acceptable noise limits for airport noise? This question is particularly relevant in light of the fact that there seems to be no technological solution to the airport noise problem. The pallid answer offered by one of the President's Review Committee Working Panels is that "land use planning in the vicinity of airports is the only satisfactory solution to this problem." This is no more than an admission of defeat, and is not going to bring much satisfaction to the many, many thousands living and working in the vicinity of airports whose land use has not been programed into the existence of SST travel.

Again, let me return to the basic issue presented to us: are we going to adopt an extraordinary costly new program—one of extremely doubtful commercial and international necessity—when the proponents of that program have completely failed to carry their burden of proving its harmlessness, of proving that its many so-called "side-effects" will not cause extensive damage and discomfort to Americans, and of proving that its operation will not bring about all sorts of unknown dislocations in our cloud cover and atmosphere. Only after these questions have been answered fully and affirmatively should we consider going ahead with this program and examining whether, in the scheme of urgent priorities facing this Nation, a $4 billion commitment for international travel can be morally justified.

Mr. CANNON. Mr. President, I must agree with Representative CONTE'S statement when he commented on President Nixon's Ad Hoc Review Committee's report on the SST. He said:

If I had stopped my research there, I would have come out against the SST.

I must emphasize that the President not only named this committee, but also overruled it, and for many very good reasons.

As a start, it was written before any of the presently flying SST's had gotten off the ground. I believe the ad hoc committee did not believe the Concorde would be commercially viable. I think it, as well as the Russian SST, will be viable.

I understand that most, if not all, of us recently received a letter setting out detracting statements from members of the committee that at first blush would make it appear rather foolish to go ahead with this aircraft.

Let us consider some of these statements.

The Council of Economic Advisers:

We do not believe that our prestige abroad will be enhanced by a concentration on white elephants . . . our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

I would define a white elephant as something of little value or use. Without belaboring this statement, airlines who concede that the Concorde and the TU-144 are economically inferior to the U.S. SST advise they must purchase and operate these aircraft in order to meet competition.

The Department of Labor:

No clear case can be made on economic grounds for proceeding with the SST development.

The complete sentence this is taken from reads:

The range of uncertainty with respect to the economic benefits from the SST is such that no clear case can be made on economic grounds for proceeding with the SST development.

The Department of Labor ended its letter by recommending that available funds be applied to "further refinement of the economic and market studies."

I think that translates into something like: "We do not have enough information to make a judgment."

Further, there can be anywhere from 50,000 to 100,000 jobs from this joint Government-business venture. The Labor Department is afraid these will all be concentrated in professional, managerial and skilled occupations.

Mr. President, there will be those kind of jobs in the program, but lots of others, too. When the so-called "multiplier effects" results in around 100,000 jobs, they will include substantial numbers of semiskilled and unskilled workers.

The Department of Interior:

The justification for proceeding with the program is not now apparent.

In the same paragraph that includes the above you will find the following:

The Department of the Interior has no special capability for evaluating such matters as the technological fallout resulting from the program or its implications for balance of payments.

That is quite a statement, but it did not stop them from trying to kill the whole program.

They finally say they are worried about environmental impact of the SST and urge continuing research.

That is fine; I am for continuing research and continuing efforts in this field. In fact, we must have such efforts to survive. But let us fit the SST into this problem.

The Ad Hoc Committee worried about the effects of water vapor on climate. The National Academy of Sciences reported:

Our tentative conclusion based upon four flights per day for 400 supersonic transport airplanes is that neither additional cloudiness (contrails) nor water vapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties or the large-scale circulations that are influenced by its thermodynamic state.

Further, you will note discharges of black smoke currently visible on the subsonics. The discharges from these new engines will be gaseous, so there will be neither atmospheric nor ground contamination.

As to the sonic boom, Secretary Volpe has stated all overland flights would be subsonic.

The Treasury Department:

We would be opposed to heavy further commitment of federal funds at this stage.

I might only add here that the Treasury Department is usually against "heavy further commitment" at any stage.

The Treasury Department discloses the basis for its concern in the same report by stating:

While we are not competent to make a technical judgment, our convictions on this score are reinforced by what appear to be substantial doubts that the Concorde will prove to be an economically viable aricraft.

They thought risks to U.S. leadership offered by the Concorde appeared small.

I will just say that two Concordes are flying, as is one Russian SST.

The Office of Science and Technology, Dr. DuBridge:

On the whole, I come out negative on the desirability for further government subsidy for the development of this plane and would suggest that the possibility be explored of turning the remainder of the development

and, of course, all of the production expenditures over to private enterprise.

This is the kind of a subsidy, if that is what it should be called, that we can stand more of. If all goes well, the Government will get its money back plus a nice profit.

On completion of the initial testing of the prototypes, which will be in 1972, the two principle contractors, Boeing and General Electric, will have more than $200 million invested in the risk part of the program plus another $170 million in plant and equipment. The airlines at the same time will have invested approximately $80 million for 122 reserve delivery positions of which almost $59 million will be at their risk. This totals $459 million.

By the completion of 100 hours of test by the prototypes the Government will have put into the venture $1,200,000,000, so at this stage we have totaled $1,659,000,000. In addition, and this figure does not show in the total, since 1958 Boeing has put in $20,000,000 of its own funds in development costs.

By contract, the Government's prototype investment should be recovered by means of royalty payments on the sale of production articles. The royalty rates are fixed to accomplish full return to the United States by the sale of 300 airplanes. Delivery of 500 airplanes in accordance with program estimates will produce royalty returns approximating $1 billion in excess of the original investment. Sales beyond 500 will, of course, provide further returns at a rate of 6 percent running for 15 years after the start of delivery. The Government also acquires some rights in that they may elect to license the design of the aircraft for second source manufacturing.

The potential dollar benefits to the United States by 1990 is estimated to reach $7.6 billion as follows: $2.2 billion through royalties on the 500 airplane program, $2.9 billion through corporate and personal income taxes and $2.5 billion through income taxes of secondary employment through the multiplier affect. The venture should also generate $1.3 billion in State and local taxes and an international balance of payment gained of $16 billion. These, of course, are estimates.

State Department:

It would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like.

They are entitled to their opinion. The British, French and Russians are already buying first generation SST prototypes. Airlines of the world are committed to operate them in the mid–1970's. If the United States fails to compete for this market it would sacrifice 50 years of world leadership in this field and pay a fearsome economic penalty.

Mr. HARRIS. Mr. President, I have listened earnestly to the arguments concerning the supersonic transport.

This decision is one which cannot be made in a vacuum; it must be made with a full understanding and consideration of other matters, including the present state of the American economy and other calls upon our revenues and resources.

During the first 8 months of this year, the Consumer Price Index on meat, fish, and poultry went up almost as much as in all the previous 8 years combined. Inflation must, therefore, be a foremost consideration for each of us, and we must continue to do everything we can to hold down Government expenditures wherever possible, so as to produce a surplus in the budget which fiscal responsibility requires.

Moreover, each of us surely is increasingly conscious of the burden of responsibility each of us bears for the crying needs of this country, as for example in the fields of education and health, so basic to the future and well-being of so many Americans and of America itself.

With those considerations in mind, and having listened to this discussion very attentively, I am compelled to decide to vote for the pending amendment. The total Federal investment required for the supersonic transport, according to page 8 of the committee report, would be $1.285 billion. The pending amendment would strike this year's recommended appropriation of $80 million.

I believe that we can take another look at this matter later and make another judgment about it, considering the economy and other revenue needs at that time. Those considerations now as well as others—require support for the pending amendment, in my opinion, and I hope the amendment will be adopted.

THE SST, THE PUBLIC HEALTH, AND SONIC BOOM

Mr. NELSON. Mr. President, I support the amendment to the Department of Defense appropriation bill—H.R. 14794—proposed by the senior Senator from Wisconsin (Mr. PROXMIRE). My colleague's amendment would delete from the bill the $80 million appropriation for the development of two supersonic transport prototypes. I most heartily agree with the Senator's judgment that the public interest would be better served by delaying for at least a year, and perhaps forever, the building of an American SST.

The SST, while in supersonic flight at the altitudes now feasible and contemplated will create shockwave "carpets" at least 50 miles wide at the earth's surface along its flight path. Too little is known about the effects of these "carpets" of sonic boom on persons, animals, and property, when experienced on a recurring basis over long periods of time. Enough is known, however, to have caused even the stanchest proponents of the SST to concede that the aircraft cannot initially be operated over populated areas.

My concern, Mr. President, is that we also do not know enough about the implications of SST operations over the oceans and polar regions. What will be the effect on polar wildlife? What will be the effect on surface navigation and the health and comfort of all those who use ships?

And what will be the eventual impact on populated areas? All Senators are familiar with the pressures that build up to place considerations of economics and technology ahead of environmental quality. I profoundly mistrust the supposition that a nation which has permitted the gross degradation of its air and water quality by industrial interests will forever—or even for very long—be resolute in protecting itself from the further environmental intrusion the SST's sonic boom will present, once the aircraft are flying.

Therefore, the time to protect ourselves is now, before the aircraft are flying, before the big investments are made, before the economic interests are coalesced, and the political lobbies and mindsets are cast in concrete.

Mr. President, we should build no prototype SST until we are far more certain than anyone now can be that the environmental costs of regular supersonic flight will be bearable. We should also be sure that all the economic and social costs of the SST will be fully internalized—that is, that the fares will fully reflect all costs, including full and prompt compensation for everyone on the ground who is injured by sonic boom. The machinery for such compensation, much less the disposition to pay it, is not now in evidence.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

On this question yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON (when his name was called). On this vote I have a pair with the Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. RIBICOFF (when his name was called). On this vote, I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of Ohio (when his name was called). On this vote, I have a pair with the Senator from New Mexico (Mr. ANDERSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SPONG (after having voted in the affirmative). On this vote, I have a pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ERVIN (when his name was called). On this vote I have a pair with the Senator from South Carolina (Mr. HOLLINGS) who, unfortunately, is confined to a hospital by illness. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea"; if I were

at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MATHIAS (after having voted in the negative). On this vote I have a pair with the Senator from New York (Mr. GOODELL). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness and his pair has been previously announced.

The Senator from New York (Mr. GOODELL) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 22, nays 58, as follows:

[No. 251 Leg.]

YEAS—22

Allen	Fulbright	McGovern
Brooke	Gore	Mondale
Burdick	Harris	Muskie
Byrd, Va.	Hart	Nelson
Case	Hartke	Proxmire
Church	Hatfield	Smith, Maine
Cook	Holland	
Eagleton	Hughes	

NAYS—58

Aiken	Gravel	Pearson
Allott	Griffin	Pell
Baker	Gurney	Percy
Bayh	Hansen	Prouty
Bellmon	Hruska	Randolph
Bennett	Jackson	Saxbe
Bible	Javits	Schweiker
Boggs	Jordan, N.C.	Scott
Byrd, W. Va.	Jordan, Idaho	Smith, Ill.
Cannon	Magnuson	Sparkman
Cotton	McClellan	Stennis
Curtis	McGee	Stevens
Dodd	McIntyre	Talmadge
Dole	Metcalf	Thurmond
Dominick	Miller	Tower
Eastland	Montoya	Williams, Del.
Ellender	Moss	Yarborough
Fannin	Murphy	Young, N. Dak.
Fong	Packwood	
Goldwater	Pastore	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—8

Cranston, for.
Ribicoff, for.
Young of Ohio, for.
Spong, for.
Ervin, for.
Tydings, for.
Mansfield, against.
Mathias, against.

NOT VOTING—12

Anderson	Inouye	Mundt
Cooper	Kennedy	Russell
Goodell	Long	Symington
Hollings	McCarthy	Williams, N.J.

So Mr. PROXMIRE's amendment was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McINTYRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, for the information of the membership, I believe that is the last amendment that will require a rollcall vote, but there are other amendments that will require short explanations, and perhaps one voice vote. Several Members have matters they want to mention.

Mr. President I yield to the Senator from West Virginia (Mr. RANDOLPH), who has a matter of concern to his committee.

Mr. President, I believe, if we may have order, we can move along better. I expect to ask for a rollcall.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate will be in order. We would like to move along. The Senate is not in order. Senators will please come to order.

The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I respectfully request the Chair to bring order to the Chamber before I speak briefly.

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

Mr. RANDOLPH. Mr. President, the able chairman of the subcommittee, the Senator from Mississippi (Mr. STENNIS), earlier this evening, in bringing before us matters of importance connected with appropriations for the Department of Transportation, discussed the emphasis and a very proper emphasis, on continuing the highway programs of the United States.

As we meet here this evening, there are recurring rumors, which are beyond just the category of rumors, that the administration, at least in some quarters, and possibly there will be an announcement from the White House itself, indicates it wants a cutback in the highway programs in the respective States.

Mr. President, the appropriations approach in the measure before us has been stated by its chairman in a very factual and helpful way, but because of the situation which I have just mentioned, it is important, I think, for States to realize that the proposal contained in the House passed version of H.R. 14794, to cut the fiscal 1970 fiscal year appropriations from the highway trust fund by $100 million below the estimate would be unwise.

Not only would such action seriously damage the highway program, it is uncertain that this reduction in highway spending would contribute toward anti-inflationary efforts.

It could even contribute to more inflationary pressures in the long run.

The 1970 budget estimate of $4,530,000,000 from the highway trust fund is derived from the need for money to pay for road construction which has already taken place.

The Federal Aid Highway Act of 1968 expanded the scope of our vital highway construction program, especially in the area of relocation assistance for those displaced by new roads. This enlargement, of course, made additional expenditures from the highway trust fund essential. In addition, any spending cutback now would further delay completion of the entire program.

If we are to seriously and effectively act to reverse the inflation that is weakening our economy, the need is for measures that will have an immediate and noticeable result. A reduction of $100 million in the funds available to pay bills coming due would have little, if any, immediate consequence. It would only place an added burden on the States to carry the cost of our national highway program.

In addition to the very serious economic implications of this proposal, we also should consider the impact of the resulting unemployment of construction crews and the disruption that would be felt in State highway departments where schedules and plans would have to be discarded and redrawn.

Mr. President, there are ample opportunities for cost cutting by the Federal Government. Such reductions can contribute to stopping inflation, but they should not be on a wholesale, across-the-board basis. More specifically, programs of broad significance domestically, such as those financed through the highway trust fund, must be allowed to continue functioning smoothly.

The House of Representatives has approved the $100 million highway reduction, with the belief, as expressed by the Appropriations Committee, that no serious damage would result to the construction program.

Even if this is true, there are other serious aspects. The language of the House committee report constitutes a concession by the Congress that the President has the authority to withhold money from the highway trust fund.

As I explained on December 1 in a letter to my distinguished colleague from Mississippi (Mr. STENNIS), this is a situation that concerns me, for it is in conflict with section 15 of the Federal Highway Act of 1968 expressing the sense of Congress against the impoundment of apportioned funds.

I urge the Senate to approve the action of the Committee on Appropriations which reinstated the $100 million. Condoning this cut in the highway trust fund would have set an unfortunate precedent for the future with far larger sums held back in later appropriations bills.

The Congress has made clear its opposition to the withholding of money from the highway trust fund. I am confident that it does not desire retreat from this position—a right position, Mr. President.

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

Mr. STENNIS. Mr. President, I have some promises out, on other amendments. Did the Senator from Indiana want to say something on this issue?

Mr. BAYH. If the Senator will permit me to compliment my committee

chairman for 1 or 2 minutes, I should like to do so.

Mr. STENNIS. I hope the Senator can be brief.

Mr. BAYH. I appreciate the Senator's permitting me to put this in the proper perspective in the RECORD.

I compliment the Senator from West Virginia. As a mere novitate member of the Public Works Committee, I have sat by his side as we have seen a previous administration attempt to manipulate highway construction, in an effort to cause some unexplainable impact on the economy.

I concur in the Senator's assessment. If he will recall, I introduced—and we ultimately obtained, in 2 weeks' time, some 52 cosponsors—a Senate resolution which I think had something to do with turning the attitude of that previous administration around, and I would concur in his advice as to the proper course when this administration comes to that point. I think his argument is valid. As to dipping into a trust fund which is assigned and paid for with every gallon of gasoline and every purchase of highway equipment, I think the Senator is aware of the tremendous burden this imposes on contractors, particularly small contractors who are just getting by and cannot afford the suspension.

I should like to make one further observation. We as a nation have become tolerant—I think that is perhaps the best word—of an annual loss of some 50,000 lives on our highways, every year. Tens of thousands of people are injured, some of them permanently. It costs us $9 or $10 billion in property damage and medical costs every year, and we have ample proof that the best way to stop this carnage on our highways is to build better highways.

I think that is a better reason than any other for proceeding, and I pledge my support in any small way or large way that I can offer it, and compliment the Senator for bringing this matter to the attention of the Senate.

Mr. STENNIS. Mr. President, we have a matter of unfinished business; before we get to other amendments, we have an amendment by the Senator from Florida, that I believe we can settle. It has already been discussed. The Senator from Michigan is interested in it, and if we may have his attention, I yield to the Senator from Florida for the purpose of proposing an amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, earlier in the day I called attention to the fact that I had sent to the desk an amendment to section 309. I ask that it be reported at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Florida (Mr. HOLLAND) proposes an amendment as follows:

On page 21, beginning on line 9, strike out all through line 15.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. HOLLAND. Mr. President, I think this matter has been worked out, but I want the background to appear in the RECORD at this point. Section 309, hastily written on the floor of the House of Representatives, does a very grave injustice to the State I represent in part. That section reads:

SEC. 309. None of the funds provided under this Act shall be available for the planning or execution of programs for the construction of any airport in the State of Florida until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades.

Mr. President, I have learned from my own delegation members in the other body that what the author of the amendment intended to do was cut off any construction funds for airports that were sought to be constructed that would in any way adversely affect the ecology of the Everglades National Park—though the wording found in section 309 is simply "the Everglades."

I thought that the best way to handle this would be to strike section 309 and let the matter be handled by the able conference committee, with a full statement by me on the floor that I expected them to work out the best wording possible to completely protect the Everglades National Park from any adverse effects from airport construction.

I still have that motive, and I have therefore asked that this amendment be reported.

I should say to the Senate, however, that the distinguished Senator from Michigan and other Senators who are interested, as I am, in protecting the Everglades National Park, have joined with representatives from my office in drafting an amendment or a substitute for my motion, which I think adequately cares for the situation.

I ask that my distinguished friend, the Senator from Michigan, at this time, if he cares to do so, offer his substitute.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Michigan. This concerns a matter of a floor amendment in the House. We did not realize how exclusive it was. It excluded everything in the State of Florida.

Mr. HART. Mr. President, I send an amendment to the desk on behalf of myself and the able Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The bill clerk read as follows:

On page 21, strike line 11 and insert in lieu thereof "for any further construction of the Miami jetport or of any other air facility lying south of Lake Okeechobee in the drainage basins contributing water to the Everglades National Park."

The PRESIDING OFFICER. Is this a perfecting amendment?

Mr. HART. It is a substitute if, in fact, the Senator from Florida has called up his amendment, and I understood he has.

The PRESIDING OFFICER. It is not a proper substitute. It may be offered as a perfecting amendment if it is acceptable to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am willing to accept it as either a substitute or a perfecting amendment for this reason.

I do not have complete assurance that this will take care of the situation. I am perfectly willing, however, because it seems to me that this is the best that has become available at the present time with the knowledge we have to take care of an objective that is as dear to me as it is to the Senator from Michigan or the Senator from Wisconsin.

This is to protect the Everglades National Park from any adverse affects from airport construction in the area that contributes water to the Everglades National Park.

Mr. President, as I understand it the modification, substitute, or perfecting amendment would make it clear that there was not to be any additional construction out of Federal funds for the Miami jetport, out of the funds appropriated by this bill, and likewise that if there were any other airport construction planned in the drainage basin immediately north of the Everglades National Park which contributes water to that basin, it also would be banned from the application of any funds made available by the act for airport construction. The purpose of all of us is to protect the park from adverse effects from airport construction.

I am not sure that this meets all the requirements we are interested in. For that reason, I want to make it clear that I agree to this with the complete understanding that if there be discovered between now and the conference, reasons why this substitute does not completely protect the Everglades National Park——

The PRESIDING OFFICER. If I may interrupt, I have discussed this matter with the Parliamentarian.

The amendment of the Senator from Florida seeks to strike the language of a section in the bill. And the amendment offered by the Senator from Michigan is to interject some language in that section.

So the proper procedure would be for the Senator from Florida to withdraw his amendment and permit the Senator from Michigan to offer his amendment. And the Senator from Florida might renew his amendment later in case the amendment of the Senator from Wisconsin does not carry.

Mr. HOLLAND. Mr. President, I shall certainly do that. I want to make it clear for the RECORD as to why I object so strenuously to section 309 as it came from the House.

We have some 30 or 40 airports in the State of Florida—I do not know how many—which are entitled to Federal funds and have used Federal funds. They extend all the way from Pensacola, some 700 miles away from the basin which affects the Everglades National Park, through such areas as Panama City, Tallahassee, Jacksonville, Gainesville, Ocala, Daytona Beach, Orlando, and others which I cannot now recall.

We also have a considerable number of airports in south Florida which are not affected in the way that we are trying to protect against, because they are east of the dikes that cut off the Everglades National Park from the east coast

of Florida. And they are west of the divide which cuts off part of the Great Cyprus Swamp from that part that drains into the gulf.

I just want to make it very clear that there are 35 airports in Florida now applying for some Federal aid, mostly for improvements, and they lie literally all over the State.

The amendment written into the bill in the House with a limited objective affects every airport in our State.

I think the Senators agree with me that the amendment was unnecessary and completely unfair, and that it should be greatly limited by whatever measure is enacted here.

Mr. President, I withdraw my amendment so that the Senator from Michigan can offer his perfecting amendment.

The PRESIDING OFFICER. The amendment is withdrawn. And the amendment of the Senator from Michigan is before the Senate.

Mr. STENNIS. Mr. President, it is abundantly clear as to what the objection is. And it is abundantly clear that the language in the bill is too broad. The matter has been worked on, and the committee will be ready to accept the amendment if the gentlemen agree on it.

Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized. His amendment is before the Senate.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. CASE) be added as a cosponsor of the amendment.

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

Mr. HART. Mr. President, I concur with the Senator from Florida. Our objective is to assure that there is no environmental damage to the Everglades National Park by the interjection of airport facilities close by or a proposed site anywhere else in the drainage basin.

I ask the Senator from Florida if he does not agree with me that if in conference it is clear that this objective requires language stronger than the amendment I have offered, that language should be offered in conference.

Mr. HOLLAND. Mr. President, I certainly do, because as the one who conveyed 850,000 acres of land belonging to the State of Florida to the Federal Government for the Federal Government to set up the Everglades National Park and as one who has steadfastly supported that park throughout my 24 years in the Senate, I think I have as much interest in its preservation as any other Senator or any other person.

If the language is not strong enough, I think it should be strengthened.

I have made it abundantly clear that I doubt the wisdom of trying to write an amendment on the floor to cover such a complex situation.

I hope that we have been successful in meeting our objective. If it proves that we have not been, I have asked the chairman of the committee in conference to make sure that this objective is observed.

Mr. STENNIS. Mr. President, what the Senators have said about the amendment is very relevant and important. However, the committee cannot guarantee what will come back from conference. We just do the best we can to carry out these objectives.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART).

The amendment was agreed to.

Mr. STENNIS. Mr. President, I yield to the Senator from Rhode Island (Mr. PELL), who has a matter of importance.

Mr. PELL. I thank my gracious colleague and friend, the Senator from Mississippi.

Mr. President, I send to the desk an amendment in behalf of the senior Senator from Massachusetts and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 15, line 5, strike out "$12,000,000", and insert in lieu thereof "$20,640,000".

On page 15, line 7, immediately after "Airport," insert the following: "and of which $8,640,000 shall be available only for road bed improvement for the Boston-New York demonstration project,".

Mr. PELL. Mr. President, this amendment adds a certain sum of money to the high-speed ground transportation program. Specifically, it adds $8.64 million to this program.

We have heard a great deal this afternoon and this evening about men going to the moon. We have heard about the high speeds they will be going—supersonic speeds, in fact—all at the expense of courtesy of the unfortunate American taxpayer. But the taxpayer always gives himself the short end of the stick.

Throughout the country we have developing megalopolises, developing areas of population concentration, where the average person who foots the tax bill is moving back and forth to his place of work or for pleasure; and as he travels on our railroads, he is buffeted about often on tardy, filthy railroads, discouraged by the management, who do all they can to get him off them. But he persistently wants to travel by railroad. He has to do so in some areas, because the population concentration is such that it is not worthwhile to take a plane for 100 or so miles.

What we seek to do here is to provide the money that would straighten out some of the rails of one portion of the megalopolis, on the northern portion, between Boston and New York. By doing this, it would automatically add speed to the railroads. It would add a saving of some 320,000 passenger-hours to the time of commuters in a single year.

In offering this amendment, I do so not as a parochial matter, because the problems of megalopolises all over the country which will come in 10 or 20 years will be solved or not solved as to how good a job we do in the Northeast. So far, we have done a pretty poor job when it comes to really giving people the kind of travel that our technology is able to provide and that our people deserve. Moving one step ahead in this direction would be the adoption of this amendment.

Studies by the Office of High Speed Ground Transportation in the Department of Transportation indicate that an expenditure of $8.64 million for roadbed improvement will reduce the actual running time of the Turbo train by a total of 13 minutes and increase estimated passenger revenues by an estimated $19.6 million in a 10-year period.

The approximately 1.6 million passengers who travel between Boston and New York annually would receive the benefits of those expenditures.

The appropriations for the high-speed ground transportation, as reported to the Senate by the Appropriations Committee, now stands at a level of $12 million. The authorization for 1969 is $21,200,000.

An expenditure of $8.64 million would also greatly increase the safety and comfort of all trains traveling the Shore Line route. It would not only aid the Turbo train demonstration, but it would do much to reduce the danger of further derailments, such as have occurred in the recent year along the Shore Line route.

Consequently, I would ask that the 1970 appropriations for the Office of High-Speed Ground Transportation program be increased by $8.64 million for road bed improvements. The magnitude of the safety, the economic, and engineering benefits of such a small expenditure would far outweigh the budgetary costs of that expenditure for the Federal Government.

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

Mr. STENNIS. I yield.

Mr. PASTORE. I would hope that the chairman of the committee, who is a very understanding man and has been very generous with the whole program of high-speed transportation, would take this amendment to conference.

This is tied in with the whole program of high-speed transportation. You cannot develop a fast train unless you develop the proper kind of trackage. Certain curves must be eliminated.

This is not a budgeted item—we discussed it in committee—and for that reason, of course, it was not included in the bill. I realize it is not budgeted, but it has been studied by my junior colleague, and I think it is a fair amount. I would hope that the chairman of the committee would see fit to take this amendment to conference.

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

Mr. STENNIS. I yield.

Mr. SCOTT. Mr. President, I am well aware of the very diligent work and the very great amount of time the distinguished junior Senator from Rhode Island has put into the whole question of rapid transit, particularly in the improvement of the unfortunate rail systems which exist in many parts of the country.

I thought the other day, when I heard how much materiel of war comes down from China to North Vietnam over the railroads, that perhaps the way to stop that would be to send some of the former management of the New Haven Railroad up there and put them in charge. [Laughter.]

But, short of that, I cannot imagine what that particular management could accomplish.

In any event, what the Senator has proposed is urgent; and while it is not budgeted, it has been discussed in committee. It is desirable that we move rapid transit along the way as rapidly as we can, because the problem of moving people in and out and to and from the cities is rapidly becoming nearly insoluble.

I am happy to support the Senator's amendment.

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

Mr. STENNIS. I yield.

Mr. MURPHY. Mr. President, I congratulate my distinguished colleague, the Senator from Rhode Island, and the minority leader.

In my opinion, this is without question, one of the most important problems that must be solved. In California they have been working very hard on a rapid transit to bring people from the outer areas into the city of San Francisco. They have made great progress. They have done great research. I think it is possible and plausible and feasible. It not only must be done, but it can be done.

I think the recommendation by the Senator from Rhode Island is modest and practical, and I associate myself with his amendment.

Mr. STENNIS. Mr. President, this is an important matter, but we have not had 1 minute of hearings. Also there is no budget recommendation by which to be guided. The Department has not developed the facts about this matter.

In spite of the fact that the Senator from Rhode Island has studied this matter a great deal and knows something about the subject, we have had nothing before the committee from the Department of Transportation.

I have been a strong supporter, as has the entire committee, of the Metroliner and the other high-speed projects for the Northeast corridor, and we have learned to look to the junior Senator from Rhode Island and the senior Senator from Rhode Island on these matters.

The senior Senator from Rhode Island was a member of our subcommittee for a time, and he contributed to the subject. The element of changing the roadbed and paying the cost of it is new. There is some question about the authorization.

Mr. PELL. We checked it out, and the authorization is still a half million dollars or more.

Mr. STENNIS. We do not know what we are getting into; how much is involved. The whole subject of these train experiments has been going on for years.

I believe the Budget Bureau ought to submit this item in next year's budget. There is not much time now. The conference has to be held tomorrow or the next day.

I think it is more prudent to give this matter favorable, warm praise now, but not to have a vote—with the promise to give it our utmost consideration next year to find out where we are going and how much will be involved, and how much this $8 million would impliedly commit us to in additional amounts. I say that with great deference to the Senators who live in the area of the northeast corridor.

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

Mr. STENNIS. I yield.

Mr. CASE. As the chairman knows, my State and our part of the country needs this sort of thing very much. If it were possible to have an early consideration of it by our subcommittee, after report from the administration and the agency, I would certainly be willing to do that. Personally, I would like to vote tonight, but I understand the chairman's responsibilities. Therefore, I think it might be better to defer the matter.

Mr. STENNIS. I think it is important. I say to the junior Senator from Rhode Island that if he gets together the strong proof I have mentioned, there will be supplemental bills in January and February; and, for my part, I would be willing to vote to submit it on a supplemental, with the Senator's proof.

Mr. PELL. I appreciate very much the advice, kindness, and courtesy of the Senator from Mississippi, and I will follow his advice on the belief and trust that it will be considered shortly.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of the legislative discussion, a table showing the actual savings in hours as related to the expenditure in dollars.

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

POSSIBLE ROADBED IMPROVEMENTS

	Cost	Track miles	Minutes saved
Welded rail:			
Woodlawn, New York to New Haven, Connecticut	$9.23	141	16.3
(A) Woodlawn, New York to New Rochelle	2.08	32	3.9
(B) New Rochelle Junction to Rye, New York	.910	14	1.7
(C) Rye, New York to New Haven, Connecticut	6.24	96	10.7
Curves:			
Kingston, Rhode Island	.6		
East Greenwich, Rhode Island	.2		
Total	.8		.7
Foxboro, Massachusetts to Sharon, Massachusetts	1.6		1.7
Total	2.4		2.4
Suggested packages:			
(A) Welded Track—Rye, New York to New Haven, Connecticut	6.24		10.7
(B) Curves—Rhode Island and and Massachusetts	2.40		2.4
Total	8.64		13.1

Mr. PELL. Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, the Senator from Nevada has a matter for discussion.

Mr. CANNON. Mr. President, I am very happy to see that the committee recognized the problem we have had in the shortage of air controllers in the past few years. I would like to ask the chairman this question. As I understand it the original request approved by the Bureau of the Budget was for 2,800 air controller positions, and the committee increased that number to 3,800 for the coming year. Is that correct?

Mr. STENNIS. The Senator is correct. There was a late budget estimate on the last 1,000.

Mr. CANNON. The administration recognized that this was a critical problem and requested an additional 1,000 slots so that we would have in training this year 3,800 air traffic controllers to alleviate this serious problem.

Mr. STENNIS. The Senator is correct.

Mr. CANNON. The training location has been in Oklahoma City. I wonder if the committee provided for adequate facilities so they can handle the load to train these additional controllers that are so urgently needed.

Mr. STENNIS. The Senator is referring to the Oklahoma City facility?

Mr. CANNON. There is a training facility in Oklahoma that has been operating at full capacity. I want to be sure the committee has provided that they will be able to expand their facility and take care of the training of these air controllers so that they can alleviate the shortage.

Mr. STENNIS. The Senator is correct. There was no specific budget request in the bill for the Oklahoma City facility. We did discuss a new lease that will be coming up soon. I am glad the Senator is interested in this matter. He is most knowledgeable on this subject matter. I thank the Senator.

Mr. CANNON. I thank the Senator and I am grateful that the committee has taken care of this serious problem.

Mr. STENNIS. Mr. President, I wish to recognize the Senator from Indiana, who has a matter concerning highway safety that I think is important.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

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, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 12 line 14 strike the figure "$30,-550,000" and insert in lieu thereof the figure "$31,050,000".

Mr. HARTKE. Mr. President, this amendment would increase the appropriation for the Department of Transportation appropriation bill to increase the appropriation for the traffic and highway safety program by $500,000. The purpose of this amendment is to enable the National Highway Safety Bureau to add an additional 25 new employees above the level authorized by the Appropriations Committee in the

Washington, D.C., Office of the Bureau.

Originally, I had requested 50 new employees but I had a discussion with the Senator from Mississippi and he persuaded me that maybe we could compromise this matter at 25 new employees.

Last month the Senate passed a bill which would authorize the appropriation of $23 million for the implementation of the National Traffic and Motor Vehicle Safety Act of 1966. This bill also contained a provision which would earmark $2.8 million of the sums appropriated in fiscal 1970 for the employment of additional personnel. It was the committee's intention that this sum would be adequate to pay for the hiring of approximately 150 new employees. However, the appropriations bill presently before the Senate would add only an additional 61 new positions in the National Highway Safety Bureau. My amendment would increase that figure to 86.

The Commerce Committee's report on the authorization bill documents the urgent need for additional funding and personnel for the Highway Safety Bureau. That report cites the following examples:

First. Since the initial new vehicle safety standards were issued in 1967 there has been only one major new car safety standard issued each year during 1968 and 1969.

Second. The uniform tire quality grading system required under title II of the act to be established by September 9, 1968, is still at least 1 year away from completion.

Third. The experimental safety car program authorized under section 106 of the act is limping along with only two professional employees. The first vehicle is still at least 2 years away from completion.

Fourth. Only one professional employee is presently assigned to develop used motor vehicle safety standards. No used car standards have been issued to date, even though the act specifies that the initial standards were to be issued prior to last June.

Fifth. Only nine engineers are monitoring the entire defect notification program in which 14 million vehicle owners have been notified of safety related defects over the past 3 years. There are over 50 pending investigations of vehicles which may contain safety related defects or failures to comply with the safety standards.

Sixth. Only one professional employee is assigned full time to schoolbus safety programs.

Seventh. Only one professional employee is assigned to the field testing of the highly promising air-bag restraint system.

The report goes on to state that these examples are "merely indicative of the disturbing lack of emphasis that has been given to a program that could undoubtedly return a spectacular payoff in the saving of lives, the reduction of injuries, and the lessening of property damage." I would hope that my amendment, which in a modest fashion attempts to give our highway safety program higher budgetary priority, would be favorably acted upon. The annual toll of 55,000 persons killed and 2 million injured in motor vehicle accidents must be reduced.

Mr. President, I have discussed this matter with the Senator from Mississippi and I think it is a measure that is worth the consideration of the Senate.

Mr. STENNIS. Mr. President, on the matter of the proposal of the Senator from Indiana that $100,000——

Mr. HARTKE. I beg the Senator's pardon. This is the $500,000 for the National Highway Safety Bureau. It would increase the number of employees by 25 rather than 50 as was stated in the original amendment.

Mr. STENNIS. Mr. President, this is a very important matter. The committee gave it a full review. With respect to these 25 new employees I believe it would be worthwhile to review the positions a second time. I am going to ask the Senator from Nevada and the Senator from Kansas, who are members of our committee, to try to make a quick review in regard to the 25 new employees, if this amendment is accepted.

On the other item——

The PRESIDING OFFICER. The Senator has only presented one matter.

Mr. STENNIS. The Senator has another item for $100,000. The committee is willing to take that to conference but there is a complication parliamentarywise. The Senator from Connecticut has an amendment that is within this same body of money. If the amendment of the Senator from Indiana is adopted now that would preclude him from having any consideration. I thought maybe they should be considered together and if we reach an agreement it would avoid a parliamentary situation.

The PRESIDING OFFICER. There is one amendment before the Senate now for $500,000.

Mr. RIBICOFF. Mr. President, I move to substitute my amendment now on the desk and add it to the amendment of the Senator from Indiana, which is in connection with the same line, in the same budget item.

Mr. HARTKE. Mr. President, to clear the matter up, I ask unanimous consent that if the amendment which is presently before the Senate is adopted it not preclude the Senator from Connecticut from proceeding with another amendment in the same line in the bill.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, we should have some explanation before we agree.

The PRESIDING OFFICER. The Senator from Indiana presented his explanation.

Mr. STENNIS. That was the unanimous-consent request; that one would not preclude the other.

The PRESIDING OFFICER. That is the request.

Mr. STENNIS. It has not been adopted yet.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, these 25 additional employees would be used in the District of Columbia office of the Bureau. That is where the deficiency is. I want to make that clear and that they will not go into the field.

Mr. JORDAN of North Carolina. May I ask the Senator, Are they needed? They do not do anything over there now but mess around with some figures and draw pictures. [Laughter.]

Mr. STENNIS. Mr. President, the committee will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At title II, related agencies, for the NTSB, for salaries and expenses, at page 18, line 3, strike $5,000,000 and insert in lieu thereof $5,100,000.

Mr. HARTKE. Mr. President, this is the matter which the Senator from Mississippi previously referred to, which is within the budget. Basically, the situation is bad enough without cutting back on the budget figure. This would provide for an additional three members for the National Transportation Safety Board, which is doing an outstanding job in safety, and through this provision would make it possible for the Board to make surface investigations, especially on the handling of hazardous materials.

We have reached an agreement with the Senator from Mississippi that this is certainly meritorious, and accordingly, I ask for its immediate consideration.

Mr. STENNIS. Mr. President, let me ask the Senator a question on the last item. Was it authorized by the Commerce Committee?

Mr. HARTKE. Authorized. The difficulty we are faced with is that the authorizations will go up according to the action of the committee but that has not been taken into account. All that is in this amendment is the amount which was originally in the budget submitted by the President and was cut back by the House, but it is authorized.

Mr. STENNIS. The question was raised concerning the additional employees the Senator is talking about. Were they authorized?

Mr. HARTKE. No. Not authorized in the final legislation. Authorized in the measure. The fact is, there is authorization for 150 new employees in the measure which has already passed the Senate but it has not been reported back from the conference.

Mr. STENNIS. If it passed the Senate, then we will take those to conference and give them a quick, hard look; but we do not feel bound to fight for them unless there is strong supporting proof.

Mr. HARTKE. I shall be glad to submit all the proof the Senator needs. I will get it from the Commerce Committee which held the hearings. I am certain there will be enough proof for the Senator.

Mr. STENNIS. I thank the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in

the RECORD an article published in the Wall Street Journal for today entitled, "Safety Road Block—Federal Effort To Cut Highway Toll Hindered by Money, Staff Pinch," and written by Albert R. Karr.

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

SAFETY ROADBLOCK: FEDERAL EFFORT TO CUT HIGHWAY TOLL HINDERED BY MONEY, STAFF PINCH—SOME GAINS MADE, BUT PLANS FOR TOUGHER RULES FALTER; NEW CHIEF MAY GET ACTION—DETROIT CITES OWN PROGRESS

(By Albert R. Karr)

WASHINGTON.—In 1965, the year before national vehicle and traffic safety laws were passed with much ballyhoo, there was a record-shattering 49,000 deaths and 1.8 million disabling injuries in traffic accidents.

Since then, a batch of vehicle safety standards have been put into effect, 14 million cars and trucks have been recalled by manufacturers to repair defects and the Federal Government has prodded states to buttress their driver and highway safety programs. The upshot?

This year the National Safety Council looks for new records. Despite a modest drop in the death rate per 100 million miles of auto travel, more than 56,000 traffic fatalities and more than two million disabling injuries are expected.

What happened to the war on highway tragedy promised by the 1966 laws resulting from nagging by Ralph Nader and seeming alarm in Congress and the Johnson Administration? The Government performance since those days, snaps one Congressional motor-safety expert, has been "scandalous."

"There's tremendous potential for saving lives and reducing injuries at a manageable cost," he asserts, "but this just hasn't emerged." He and others contend the vehicle safety standards written so far have been largely weak, auto recalls haven't touched major safety problems and state response to Federal prodding has been spotty.

IMPACT OF BUDGET HOLD-DOWN

From the start, Congress was reluctant to furnish money and people for the National Highway Safety Bureau. This year President Nixon's budget hold-down hit the young agency especially hard.

The 20 original passenger-car safety standards, considered modest by many, were written early in 1967 and were expected to be only the forerunners of a massive improvement program. But they constitute the bulk of the bureau's standards-drafting accomplishment.

Without more money and manpower, safety advocates say, the agency had been ill equipped to cope with the auto industry's horde of engineers in trying to hammer out stronger vehicle safety requirements. At other times, as the critics see it, agency officials have been too deferential to a balky industry.

Plans for major advances like auto speed governors and vehicles structures that won't crush in a collision, promised in the early days of the Safety Bureau, have lain dormant. Still far from attainment are other goals like used-car safety standards (due by law back in September 1968) and a comprehensive crash-testing program to provide a comparison of how each make of car will come through an accident.

NEW DIRECTOR

But now the highway safety program may be shifting into higher gear. Transportation Secretary John Volpe is moving the Safety Bureau out of his department's Federal Highway Administration, where it has been a stepchild in an agency largely concerned with building roads. And after drifting for 10 months without a director, the bureau will soon be taken over by Douglas W. Toms, head of Washington state's Motor Vehicle Department and an enthusiastic safety advocate. He has big plans—whether or not he can execute them remains to be seen.

Mr. Toms wants to speed up the bureau's standards-writing and compliance program. He'll seek a "quick payoff" in such areas as better "packaging" of auto passengers. Among the possibilities are car structures that prevent passengers from being crushed in a collision or roll-over; bumpers that absorb crash impact better; wrap-around seats and extensive interior padding. Mr. Toms also aims to reduce drunk driving, said to cause nearly half of all traffic deaths. "There's no doubt in my mind that we can rapidly accelerate the safety program," he says.

To be sure, there have been some highway safety gains in the past three years. Government safety experts say a few features now required on autos have clearly saved lives; among these are headrests, seat belts and windshields that won't shatter so completely that occupants can be thrown out and that reduce head cuts. Steering columns that collapse in an accident, rather than remaining rigid and possibly crushing the chest, also have prevented some driver deaths.

DEATH RATE SLIPS

The downtrend in the overall highway death rate also offers some encouragement. With more people traveling more highway miles, the rate this year has declined to 5.2 deaths per 100 million miles of travel from the 5.5 rate in 1965.

Beyond that, the Government's safety push has persuaded auto makers to work more vigorously to build safer cars.

Most General Motors and a few Chrysler Corp. cars now have a rail inside the door to protect passengers from side collisions. Ford has developed an antiskid braking system, Chrysler an automatic rear window defroster. And auto makers are working with the Safety Bureau to find ways to install "air bags" that will automatically fill with air and protect passengers from colliding with steering wheels or dashboards in a collision.

Thomas Mann, president of the Automobile Manufacturers Association, contends that there has been "a whole lot more progress in the last five years in improving the safety of the vehicle" than in increasing the roadway driver and pedestrian contributions to safety. He adds: "Nearly every innovation that I know of in automotive safety came from the industry."

Nonetheless, Government testing of cars, tires and replacement equipment, which in recent weeks began to disclose manufacturers' failures to meet standards and brought moves toward legal penalties, has been helpful, says Francis Armstrong, head of the bureau's compliance-testing activity. "Now they know we're looking over their shoulder, they're making a determined effort to make sure we don't find too much wrong," he says.

But most Government highway safety advocates agree that the safety program has not lived up to its advance billing, and crusader Nader has called for "more rigorous oversight by Congress."

The critics say scarcity of funds looms large in the record so far. The Safety Bureau's annual budget is about $25 million; the Defense Department spends that much on public relations. The bureau's financing does seem small against the scope of its assignment: More than 50,000 traffic deaths a year, easily exceeding total American war deaths in Vietnam, now just under 40,000.

DEATHS BY "ONES AND TWOS"

For its efforts to cut the highway toll, the Safety Bureau has a staff of 518; by contrast, the Federal Aviation Administration, for which safety is a major concern, has a staff of 48,000. (Total aircraft deaths last year were 1,750.) One explanation of the difference may be that the public is less aroused about the piecemeal death that occurs on the highways.

"Inconveniently . . . the children and adults already killed died by ones and twos instead of in crowds," says Dr. William Haddon Jr., former Safety Bureau director. "It is not macabre to prefer that they had been smashed down in headline-grabbing groups of 100 or 300, because when patterns for that sort of mass tragedy emerge, as in airline crashes, public reaction can be fierce and sustained, bringing pressure on Government for well-funded programs to prevent future deaths."

When the Safety Bureau was set up, its plan was to have a staff of 2,000 by now; instead, it has a fourth of that figure. "The law was one of the best consumer safety laws ever devised, but it's just never been properly funded or manned to do the job," says a Senate aide.

The bureau's staff has a four-year backlog of work in writing new and revised safety standards. It is still checking initial test failures of 1968-model cars and equipment, while only lately starting 1969 and 1970-model testing. Only 25 persons handle the entire compliance-testing program. Says Mr. Armstrong, the program's head: "We're monitoring the largest individual segment of American industry with a handful of people."

INSPECTIONS AT PLANTS

Bureau officials say they should be testing far more cars and components for safety, operating plant-site inspection stations and doing their testing early in the model year to cut off unsafe production as it occurs. The Government should have its own testing facilities, they add, rather than relying on outside contractors to run the tests.

The safety program's money difficulties increased when President Nixon imposed general budget curbs. In the early days of the new Administration, Secretary Volpe sent Federal Highway Administrator Frank Turner a memo saying "proposed personnel increases, particularly in the NHSB, should be reviewed carefully."

Mr. Volpe says now that he wasn't singling out the Safety Bureau for emphasis in curbing expenses. He also contends it has been adequately financed, observing that it hasn't had a permanent director or otherwise been organized to make good use of any added money. "We're determined to stop this slaughter on the highways," he vows.

But Mr. Nader and other critics contend the safety program hasn't received enough backing from either Mr. Volpe or Mr. Turner, and one Safety Bureau official says its efforts have suffered from the need to go through "two staff levels" higher up.

Critics say the most notable example of the problem created by layers of bureaucracy involved reports of wheel failures on certain 1960–65 General Motors trucks, resulting in some injuries. After investigating, the Safety Bureau was ready to demand that GM notify purchasers of a safety defect, in a recall action. But Mr. Volpe held up the move, and the Transportation Department and GM agreed to a compromise: GM would pay only for replacement of the wheels on some 50,000 trucks whose owners had campers or other special bodies attached, on the reasoning that such customer "overloading" was responsible for the wheel failures and that the wheels posed no danger on other trucks.

BUREAU ENGINEERS DISSENT

Safety Bureau engineers insisted that the wheels were inherently defective, that many failures occurred without overloading and that GM should notify all 217,000 owners that the wheels had a safety defect and should recall all of them. The final agreement permitted GM, in a letter to owners, to stick by its contention that customer overloading was to blame.

Mr. Volpe and Mr. Turner argue that there's doubt as to whether a safety-related wheel defect existed and that any order directing GM to notify all the truck owners of a defect was open to challenge that could have tied up the matter in the courts for years.

Top-level backing aside, auto safety is turning out to be an elusive goal. "We're 30 years late in getting to the problem, and I don't think anyone really understood the magnitude of the job," says Robert Brenner, acting Safety Bureau director. One obstacle: Lack of hard data on crash and death causes.

The core of the auto safety program is still the 20 standards drafted in early 1967. Though they were regarded as only a first step, the further requirements written since then have largely involved tinkering with such things as door latches and auto hoods, or extending car standards to trucks and buses.

Not all these rules have been to the liking of auto manufacturers, of course. They objected to some of the standards originally proposed as unworkable and won some compromises. But outside Detroit safety advocates deem the present requirements rather mild.

"The standards we've issued without question have been easy ones," says Mr. Brenner. A source close to the bureau is less charitable. "All the standards the bureau has written are junk," he says. "Its job for the past six months has been cleaning up the junk."

FAILING A SECOND TIME

In testing vehicles and equipment, the bureau is discovering "ambiguities" in the standards that make some requirements useless. In several instances, parking brakes failed to hold the car being tested on a grade as the brake standard requires. The parking brakes were usually applied with foot-pedal force of 160 to 180 pounds, which the bureau and testing contractors considered reasonable. But the car makers said their own tests have not shown any failures, noting they had set the brakes with much greater force. The stickler: The standard doesn't say what force should be used to set the parking brakes, so the bureau had to go back to the drawing board.

While critics consider many of the original standards mild, testing against even these modest requirements is yielding a failure rate that Mr. Armstrong calls "sufficient to cause us concern." By the bureau's complex system of recording test results, roughly 10% of all 1968 model vehicles, tires and other equipment tested failed to meet the Federal requirements. Of 25 car failures, 14 are under investigation for possible penalty action or recall. And in retesting of those tires that failed the first time, 23% failed again.

Even where the standards are strong and fully met by manufacturers, advancing the cause of safety can be slow going. An important feature like the collapsible steering wheel takes five to seven years to get installed on half of all the vehicles on the road, Mr. Brenner says. That particular item, required on new cars as of Jan. 1, 1968, is on only about 10% of U.S. cars and trucks today, he adds. Ultimately, advocates say, this improvement could save 12,000 lives a year.

Critics contend the Safety Bureau has been far from venturesome in pushing tougher requirements on the auto manufacturers. Mr. Brenner admits the bureau has been ready to accept a quick, if modest, step forward instead of holding out for broader, slower advances. "I'll take a quarter of a loaf if I can get it today, even though I get a lot of brickbats for not going after the whole loaf," he says.

Officials say one reason their rules lack clout is that manufacturers often put up a wall of objections buttressed by complicated technical arguments, and the thinly staffed Safety Bureau isn't equipped to assess Detroit's contentions.

Moreover, bureau men complain, manufacturers don't provide enough data for use in drafting standards. "The industry doesn't furnish it, and we don't have the authority to demand it," one official says.

For about two years, the bureau has been trying to develop a standard requiring installation of governors to prevent cars from being able to travel at the high speeds that increase fatality rates, along with another standard to eliminate dangerous spear-like protrusions on the outside of cars. Both of these have met opposition from auto makers and their allies as entailing a host of difficulties.

The speed-control proposal brought 147 negative replies out of 150 comments. Some who objected raised the question of whether a malfunctioning governor might dangerously lock a car at top speed or whether a speed control might limit a car's ability to accelerate when necessary in passing. As for exterior protrusions, no meaningful standard can be written until more research is done, GM said.

Mr. RIBICOFF. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 14, in lieu of "$31,050,000" insert "$3,550,000".

On page 12, line 16, strike out the period and quotation marks and insert in lieu thereof quotation marks and ": *Provided*, That $7,000,000 of this appropriation shall be available until expended only for the development and testing of a prototype safe highway passenger vehicle pursuant to section 106 of the National Traffic and Motor Vehicle Safety Act of 1966."

Mr. RIBICOFF. Mr. President, this amendment would add $7 million to the appropriation for the Highway Safety Bureau and specify that it would be used for the development and testing of a prototype safe car.

The Traffic Safety Act of 1966 authorizes the Secretary of Transportation to develop and test prototype safe cars. To date, one-half million dollars has been spent on the project, which is insufficient. The prototype safe car program should be given top priority. I understand that in the pending appropriation the Department of Transportation intends to use $1 million for further work on a prototype safe car, which could be very important in the field of highway safety.

The Department estimates that the $7 million is needed to complete the entire project, the construction and testing 14 family sedans. This will take 3 years. The amendment would provide full funding and would give the department a green light to go ahead as rapidly as possible and would signify our intention that the Department give this project much greater emphasis and attention.

I see on the wire services today where the President's Air Quality Advisory Board and the Secretary of Health, Education, and Welfare intend to ask for $45 million next year to test pollution devices on cars. It would seem to me that this effort could be combined with the Safety Bureau's work on prototype vehicles.

Mr. MURPHY. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. MURPHY. Do I correctly understand that we are now asking for taxpayers' dollars to build and test an automobile?

Mr. RIBICOFF. In 1966, Congress authorized the building of prototype safe cars for the purpose of testing and experimenting with important safety features in automobiles; $500,000 has already been expended for that purpose; $1 million is now intended to be used out of the $30 million in the appropriations.

To complete this work will take $7 million. It will not be spent next year. It will take a period of 3 years to expend the entire $7 million.

But by funding it now, we give assurance that the Bureau of Traffic Safety may proceed with its plans. Seventy-five percent of the deaths and serious injuries take place in automobiles going less than 60 miles an hour. The purpose of these prototypes is to develop and engineer safety features which could be used, and should be used, to cut down such casualties. Once the safety features are developed, they will be made available to all the manufacturers, and will be used, to develop safety standards for the automobile manufacturers.

Mr. STENNIS. I would stress all the automobile manufacturers.

Mr. RIBICOFF. Yes.

Mr. MURPHY. May I say that work in this field is going on and has been going on. Just last month, in my office, I saw a new bumper which has been developed by an aircraft manufacturer. It was a very excellent idea. My point is, do we need the Government to give this the impetus it needs, or can we accomplish this needed job without Government funds? I believe we owe it to the taxpayers to make certain that, in this difficult period of inflation, that these funds are essential.

Mr. RIBICOFF. Respectfully, sir, having worked in this field since 1955, as Governor, as Secretary of Health, Education, and Welfare, and as a U.S. Senator, may I say that outside of the pressure put on the automobile industry by Government, the automobile industry has not become involved, and refuses to become involved with regard to safety developments? They became concerned about safety only after pressure by Congress and a set of hearings were held, under the chairmanship of the Senator from Washington (Mr. MAGNUSON), and the laws were passed in 1966.

Now we are moving forward. When you talk about the airplane manufacturers, it could very well be that the prototype safe car will be contracted out to an airplane manufacturer, because there are many safety features in an airplane that the automobile could well adopt, and should adopt.

So it will be private industry that will do the work, but the discoveries made and the knowledge gained about safety features will be made available to all the automobile manufacturers.

Mr. STENNIS. Mr. President, this prototype car project is different from the

other one. This car has already started.

I feel we can take this amendment to conference with the understanding that, unless the Secretary gives a prompt, firm recommendation on it, under his responsibility, we will not move any further on it, or if he wanted to apply $1 million or $2 million, that would be the end of it so far as the Senate would be obligated.

If the author of the amendment is willing to have the amendment adopted on that basis and if the Senate is willing, we can take it to conference on that basis, particularly on the ground that it is already started.

I am not too knowledgeable on the subject. I am interested in highway safety, especially since I was once a district attorney and a judge, and tried so many automobile accident cases. Highway safety seems to be getting worse instead of better.

Mr. RIBICOFF. Mr. President, the Senator from Mississippi is most fair. It should be left to the Secretary of Transportation. He has just appointed a safety director. Mr. Toms, of the State of Washington, is most capable.

Mr. President, I would be willing to take my chances on this amendment.

Mr. STENNIS. Under the circumstances, Mr. President, I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut (putting the question).

The Chair is in doubt. Those in favor will please stand and be counted.

Mr. COOK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. WILLIAMS of Delaware. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from New York (Mr. GOODELL) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator of Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL) and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 52, nays 29, as follows:

[No. 252 Leg.]

YEAS—52

Baker	Hart	Muskie
Bayh	Hartke	Packwood
Bible	Holland	Pastore
Burdick	Hughes	Pell
Byrd, Va.	Jackson	Prouty
Byrd, W. Va.	Jordan, N.C.	Proxmire
Cannon	Jordan, Idaho	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Sparkman
Cranston	Mathias	Spong
Dodd	McClellan	Stennis
Eagleton	McGee	Stevens
Ellender	McGovern	Talmadge
Ervin	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Fulbright	Mondale	Yarborough
Gravel	Montoya	
Harris	Moss	

NAYS—29

Aiken	Dole	Saxbe
Allen	Dominick	Schweiker
Allott	Fannin	Scott
Bellmon	Gore	Smith, Maine
Bennett	Gurney	Smith, Ill.
Boggs	Hansen	Thurmond
Brooke	Hatfield	Tower
Cook	Miller	Williams, Del.
Cotton	Murphy	Young, N. Dak.
Curtis	Pearson	

NOT VOTING—19

Anderson	Hruska	Nelson
Cooper	Inouye	Percy
Eastland	Javits	Russell
Goldwater	Kennedy	Symington
Goodell	Long	Young, Ohio
Griffin	McCarthy	
Hollings	Mundt	

So Mr. RIBICOFF'S amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, as far as I know there are no other amendments.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14794) was read the third time.

EXECUTIVE REPORTS OF A COMMITTEE

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

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

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia; and William M. Johnson, of Georgia, to be U.S. marshal for the southern district of Georgia.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session for action on a nomination which has just been reported.

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

U.S. MARSHAL

The assistant legislative clerk read the nomination of Anthony E. Papa, of Florida, to be U.S. Marshal for the District of Columbia for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, are there further nominations at the desk?

The PRESIDING OFFICER. There are no further nominations at the desk.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. SPONG. Mr. President, I am pleased to note that this transportation appropriations bill earmarks $150,000 for a feasibility study of rapid rail transit service to Dulles Airport.

I believe the chairman of the Transportation Appropriations Subcommittee—Senator STENNIS—and the other members of the committee are to be congratulated on their farsighted recognition of the value of this project. As the sponsor of the amendment to the subway bill which authorized this study, I would also note with satisfaction that the project has the personal endorsement of Transportation Secretary John Volpe.

The study will consider the feasibility and cost as well as some preliminary engineering questions of constructing a Dulles Airport extension of the main

metro system, utilizing the median strip of the Dulles access highway. This is right-of-way already owned by the Federal Government, a factor which should substantially reduce construction costs. The study would also consider the question of providing local commuter service along the line.

I am confident that this study will show that a rapid rail extension to Dulles Airport is not only feasible, but would be a substantial spur to the development of that facility and of the surrounding communities.

At the present time, Cleveland, Ohio, is the only city in the United States with such an airport transit line. For the benefit of the committees considering this legislation, I asked a member of my staff to meet with transit officials in Cleveland and to prepare a brief report on the results of their first year's operation of the airport line. I ask that that report be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPONG. Mr. President, briefly, the report indicates that use of the line is exceeding the highest expectations of its planners. According to preliminary passenger figures, it is operating today about 80 percent above the feasibility level or the level necessary to meet maintenance and operating costs. In short, it appears the new service has been a very profitable investment for the Cleveland transit system, and is more than paying its way.

Beyond its feasibility and value as an extension of the metro system, a Dulles Airport rail transit line could be expected to yield other benefits not available to Cleveland. With only one airport—Cleveland Hopkins International—passengers have little choice about where they will catch their flights. The transit service makes it more convenient for them to get there but it is not likely to influence in any way their decision to use the airport.

The situation in the Washington metropolitan area, of course, is different. Here a passenger can choose among three airports—National, Friendship, or Dulles. Given the transportation problem involved in traveling to Dulles, about 65 percent of the passengers each year choose to use National.

Dulles International Airport was constructed in 1962 at a cost to the Federal Government of about $110 million. Although it was intended to be the major jet port for the National Capital region, the failure to provide adequate access facilities has prevented it from realizing more than a fraction of its potential.

This year, Dulles will accommodate less than 12 percent of the total air carrier passengers in this area—1.7 million—as compared to about 67 percent for National—9.9 million. By 1975, Dulles' share of the area's air traffic will still be less than 20 percent.

These passenger figures are reflected in the sizable deficits the Federal Government has had to underwrite each year at Dulles. Since its opening, the airport has operated at an average annual loss of about $7 million, and as far ahead as projections are made the losses will remain substantial.

I believe that an extension of rapid rail service to Dulles will substantially improve its utilization and hasten the day when that facility begins to realize its enormous potential.

Again, I want to congratulate the Senator from Mississippi and the members of his committee for their favorable consideration of this study.

EXHIBIT 1

REPORT ON CLEVELAND AIRPORT RAPID TRANSIT EXTENSION

BACKGROUND

In 1961, the Cleveland Rapid Transit System undertook a study of the feasibility and cost of extending its service an additional four miles to Hopkins International Airport. The study (updated in 1965) showed that with 8,010 one-way, daily passengers the extension would return sufficient revenue to meet maintenance and operating costs. Of this number, it was estimated that only 3,303 would be new passengers; the rest would be old riders who would find it more convenient to continue on to the airport or to one of the two local stops on the line.

Capital costs including purchase of right-of-way and equipment and construction of track and stations was set at $18.6 million. Two-thirds of this ($12.4 million) was financed by an Urban Mass Transportation Act grant from the Department of Housing and Urban Development. The remaining cost was shared by Cuyahoga County ($5.1 million) and the City of Cleveland ($1.2 million).

Groundbreaking took place on June 30, 1966. The line was constructed on right-of-way purchased from the New York Central Railroad for approximately $500,000. In addition to the airport station, two local stations (Puritas and Brookpark) were constructed along the four-mile route, each with parking spaces for 1250 cars and loading areas for feeder bus service. The line was opened for service on November 21, 1968.

DESCRIPTION

With the completion of the airport extension, airport users are able to travel from downtown Union Station to the airport—a distance of 11.5 miles—in about 20 minutes for a cost of 40 cents. The same trip by taxi would take 45 minutes in rush-hour traffic and cost about $6. Limousine fare is $1.60.

Originally, the airport line was served by 20 new Pullman stainless steel cars, but this number was increased to 30 to accommodate the unexpectedly heavy demand for the service. The cars seat 80 passengers and are equipped with baggage storage racks at both ends. Their maximum speed is 60 m.p.h.

Trains depart from the airport and from the downtown terminal every ten minutes and operate between the hours of 5:30 a.m. to 12:30 a.m. the next morning. There are 8 local stops between the terminal and the airport each averaging less than 30 seconds. Airport passengers emerge from the train only a few steps away from the main ticket counters.

FIRST YEAR'S OPERATION

Turnstile counts indicate that over the first year's operation the number of passengers is running about 40 percent above the breakeven figure of 8,010 cited in the feasibility study, or approximately 11,300 passengers a day. As the new service established itself, the average climbed significantly. Thus, through November of 1969 the daily count stood at about 14,400 or 80 percent above the feasibility figure.

About one-third of the traffic on the extension was generated by the airport itself, with the remaining two-thirds divided between the two local stations. The estimated passengers using the stations were:

Airport: 1,427,880 or 3,912 a day.

Locals: 2,704,650 or 7,410 a day.

There is some imprecision about these figures since they are based on turnstile counts only at the three stations on the airport extension. No counts have been made of passengers paying their fare at the terminal end of the line. To compensate for this, the turnstile counts have been doubled. This is not an entirely satisfactory procedure, but it should yield a reasonably valid approximation of actual traffic.

A more detailed study of the operation has been conducted by the Department of Transportation; and, its report is expected to be released in the Spring of 1970.

CONCLUSION

As the first airport rail transit line in this country, Cleveland's experience will be closely studied by other cities interested in improving transportation to their own airports. The consensus of all those who have knowledge of the first year's operation seems to be that the line has been highly successful both in terms of serving the airport's needs and the needs of surrounding communities and industries.

Mr. HART. Mr. President, it has been said, with a certain amount of truth, that the economy of this Nation literally and figuratively rolls on the wheels of our vehicles.

Today, there are more than 100 million vehicles on our highways, a figure which indicates that our motor vehicle industry is a major national resource.

Let me cite some figures, and I do so with a good deal of pride for they reflect the considerable achievements of an industry based in my home State.

Seven of every 12 jobs in our Nation are directly related to the automobile industry.

Last year, the industry's retail sales totaled $90 billion. The annual sales of car dealers alone came to $52.8 billion.

There is one passenger car for every 2.34 persons in the United States. By 1980, it is estimated that there will be one car for every two people or 128 million passenger cars on our highways.

In short, the auto industry's contributions to economic growth, transportation and raising the standard of living is probably unmatched by any other industry in our Nation.

And as the motor vehicle industry has grown, so too has the importance of the privately owned vehicle. Now such vehicles are the backbone of our national transportation system, and for many people, a car is a necessity, not a luxury.

When a product moves into the necessity class, its impact affects individual pocketbooks as well as society as a whole.

This is true of the increased use of auto vehicles.

For example, in 1968, the national cost of vehicle accidents was 55,300 killed, 10,000 injured each day and an economic loss of $11.3 billion.

This toll is 10 times greater than the toll from all crimes of violence, three times greater than the total of U.S. servicemen killed in Vietnam in 1965, 1966, and 1967.

The cost of these accidents was almost one-half the Pentagon budget for the Vietnam war.

What factors affect these costs? The Senate Antitrust and Monopoly Subcommittee during the past 3 years has attempted to evaluate some of them.

We examined oil import quotas and learned that 5 cents may be added to the cost of each gallon of gasoline because of this system. We looked into some of the reasons for the rising costs for automobile repairs. We are currently studying the increasing premium rates and availability of automobile insurance.

I do not think it is necessary for me to remind the Members of this body or the millions of vehicle-owners about the frustrations they face daily in operating their private vehicles: highway congestion, inadequate parking, air pollution that has risen to dangerous levels, faulty repairs and a consistently rising cost which seems to be aggravated by the inflationary squeeze.

All of these things require that we reassess the allocation of our national resources. We must put into perspective our total effort to deal with these costs. Certainly, our first priority must be the deaths and injuries which are a national disgrace. But as the consumer feels the inflationary pinch, we must make every reasonable effort to deal with the escalating costs associated with our transportation system.

Mr. President, I look forward to the Department of Transportation and all other responsible governmental agencies, Federal and State, to undertake vigorously appropriate steps to reduce all those costs associated with this industry.

It is important that we give the Department of Transportation the funds it needs to tackle these pressing problems.

Mr. YARBOROUGH. Mr. President, I am much pleased that the Senate version of the Transportation appropriations bill retains the sum of $4 million to complete the construction of the Chamizal Memorial Highway which is located along the border between Mexico and the United States at El Paso, Tex. This important project was first authorized in 1966 for the purpose of constructing a border highway in the city of El Paso along the international border to the international bridge which separates the United States and Mexico. This highway is a very important part of the Chamizal settlement. The $4 million contained in the appropriations bill will complete this highway.

Mr. President, upon its completion, this highway will serve as a vital link between our country and Mexico. I commend the Senate Appropriations Committee and particularly the chairman of the Subcommittee on Transportation, Senator STENNIS, for retaining these funds in this bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? 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. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from New York (Mr. GOODELL) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. JAVITS and Mr. GOODELL), and the Senator from Nebraska (Mr. HRUSKA) would each vote "yea."

The result was announced—yeas 80, nays 1, as follows:

[No. 253 Leg.]

YEAS—80

Aiken	Fong	Murphy
Allen	Fulbright	Muskie
Allott	Gore	Packwood
Baker	Gravel	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Harris	Prouty
Bible	Hart	Randolph
Boggs	Hartke	Ribicoff
Brooke	Hatfield	Saxbe
Burdick	Holland	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Maine
Cannon	Jordan, N.C.	Smith, Ill.
Case	Jordan, Idaho	Sparkman
Church	Magnuson	Spong
Cook	Mansfield	Stennis
Cotton	Mathias	Stevens
Cranston	McClellan	Talmadge
Curtis	McGee	Thurmond
Dodd	McGovern	Tower
Dole	McIntyre	Tydings
Dominick	Metcalf	Williams, N.J.
Eagleton	Miller	Williams, Del.
Ellender	Mondale	Yarborough
Ervin	Montoya	Young, N. Dak.
Fannin	Moss	

NAYS—1

Proxmire

NOT VOTING—19

Anderson	Hruska	Nelson
Cooper	Inouye	Percy
Eastland	Javits	Russell
Goldwater	Kennedy	Symington
Goodell	Long	Young, Ohio
Griffin	McCarthy	
Hollings	Mundt	

So the bill (H.R. 14794) was passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH of Maine, and Mr. ALLOTT conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I must say that the distinguished Senator from Mississippi (Mr. STENNIS) has served this body far beyond the call of duty during these past few weeks. Steering first the immense Defense appropriations measure both through committee and on through the Senate followed by the funding bill for the Department of Transportation and related agencies, he deserves the highest commendation of the Senate. Both of these measures required the highest degree of care and diligence—the degree applied so characteristically by the Senator from Mississippi on all proposals to which he lends his support and leadership. Evident today in the discussion of the Transportation measure was the same able and outstanding advocacy that has become the trademark of Senator STENNIS in this body. the Senate again is deeply in his debt.

Equally to be recommended for his outstanding support and cooperation on this proposal was the distinguished senior Senator from New Jersey (Mr. CASE). His strong and able efforts assured the efficient disposition of this bill this evening.

Notable also was the contribution of the distinguished Senator from Wisconsin (Mr. PROXMIRE). His own strong and sincere views are always most welcome.

I know the hour is late but I simply wish to extend my gratitude to the entire Senate for joining to assure the disposition of this bill this evening.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on proposals for improving internal audit in the Department of State dated December 16, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for savings and better service to map users through improved coordination of federally financed

mapping activities, Geological Survey, Department of the Interior, dated December 17, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CLAIM OF ANTHONY P. MILLER, INC.

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Anthony P. Miller, Inc., against the United States, dated December 16, 1969 (with an accompanying report); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

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

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, signed by Walter S. Sheppard, of Jamaica, N.Y., praying for a redress of grievances; to the Committee on Post Office and Civil Service.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 15209. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-616).

BILLS INTRODUCED

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

By Mr. MUSKIE:

S. 3250. A bill for the relief of Jerzy Kasmala; to the Committee on the Judiciary.

By Mr. DODD:

S. 3251. A bill for the relief of Iraj Gozarkhah; to the Committee on the Judiciary.

By Mr. TOWER:

S. 3252. A bill to amend the Internal Revenue Code of 1954, as amended; to the Committee on Finance.

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

By Mr. PERCY (for himself, Mr. AIKEN, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GOODELL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. PACKWOOD, Mr. PEARSON, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH of Maine, Mr. SMITH of Illinois, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS of Delaware, Mr. YOUNG of North Dakota, Mr. BAYH, Mr. BIBLE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HOLLAND, Mr. HUGHES, Mr. JACKSON, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. STENNIS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 3253. A bill to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

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

S. 3252—INTRODUCTION OF A BILL TO AMEND THE TAX CODE TO INCREASE THE CORPORATE SURTAX EXEMPTION

Mr. TOWER. Mr. President, the President of the United States has shown a great determination to curb inflation. I have been pleased to join in the fight with him because I feel that there is no more serious problem in our Nation today than the steady erosion of the purchasing power of the dollar.

But one segment of the economy is bearing a particularly harsh burden in the inflation fight. The small businessmen across the land have suffered more from the monetary restrictions which have characterized the Government's efforts to curb inflationary demand than any other group. While a prime borrowing rate of 8½ percent is enough to dissuade almost any business organization from borrowing, it is particularly onerous to the small businessman. It is a particular problem to him, Mr. President, because a high prime rate goes hand in hand with scarce money, and when there is not enough lending money to go around, it is the small businessman who gets cut off first.

The large banks give preference to their largest customers. Now, I do not suggest that this is an unnatural or a wrong course of action on the part of the bank. No, it is simply economic reality. But we should recognize that reality, Mr. President, and realize that it forces the small businessman to bear a proportionate share of the costs of the war against inflation.

This does not mean that we should abandon the war or that it is being waged incorrectly. But it does mean that we should attempt to give the small businessman an opportunity to survive. We can best do this, Mr. President, not by instituting a massive new Federal program, but by simply updating a provision of the present tax laws. That provision is the corporate surtax exemption.

In 1938, Congress recognized that corporations should have the benefit of at least a portion of their earnings before they began paying full corporate taxes. At that time, the amount of earnings which would be taxed at lower rates was set at $25,000. Thus, small corporations earning less than $25,000 were better able to compete with larger ones because of a tax advantage.

Mr. President, the bill I now introduce would simply update that 1938 provision by increasing the corporate surtax exemption to $100,000.

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

The bill (S. 3252) to amend the Internal Revenue Code of 1954, as amended, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, Mr. BAYH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MANSFIELD, Mr. MONDALE, Mr. MOSS, Mr. PROUTY, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, Mr. KENNEDY, Mr. CHURCH and Mr. TYDINGS be added as cosponsors of S. 3151 to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

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

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA—AMENDMENT

AMENDMENT NO. 434

Mr. MOSS. Mr. President, in September of this year I introduced a bill S. 2893, to help preserve historical and archaeological data.

The bill amended the 1960 act, which provides for the salvage of historical and archaeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government. The bill extends coverage to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archaeological data.

S. 2893 is sponsored by the Society for American Archaeology and the Committee on the Recovery of Archaeological Remains. Early in November my office made arrangements for a series of meetings between the principal Federal agencies affected by this proposed legislation and representatives of these two groups. These meetings revealed some misunderstanding about the intent of the legislation.

As a result, I am today submitting an amendment in the nature of a substitute for the original bill. The amendment makes it clear that agencies may take the

necessary steps to conserve archaeological resources within the framework of their own administrative procedures rather than being required always to work through the Secretary of the Interior. If an agency wishes to utilize the resources of the Secretary of the Interior, it is authorized to transfer funds—not to exceed 1 percent of its total program—to that Secretary to cover archaeological costs. The only substantive change in my new bill raises the maximum transfer limit to 1 percent rather than one-tenth of the 1 percent in the original bill. I feel that 1 percent is a more realistic figure.

It is my understand that these changes meet most of the questions raised by the archaeological community and the Federal agencies concerned and will provide a more effective and more readily administered law.

I am gratified that the same Senators who cosponsored the original bill have agreed to cosponsor the substitute: Mr. ALLEN, Mr. BIBLE, Mr. CRANSTON, Mr. EAGLETON, Mr. FANNIN, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARTKE, Mr. HATFIELD, Mr. KENNEDY, Mr. MCCARTHY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. SCOTT, Mr. THURMOND, Mr. YOUNG of Ohio, Mr. BAYH, Mr. MCGEE, Mr. CHURCH, Mr. GOODELL, and Mr. WILLIAMS of New Jersey.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 434) was referred to the Committee on Interior and Insular Affairs.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 435

Mr. FULBRIGHT (for himself Mr. AIKEN, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. PELL, Mr. MANSFIELD, Mr. SPARKMAN, and Mr. WILLIAMS of Delaware) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. FULBRIGHT when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

GEN. GEORGE H. DECKER'S SECOND RETIREMENT

Mr. MANSFIELD. Mr. President, the trade associations which represent the wide range of American business have a vital role to play in our economy and in the processes of Government here in Washington. Their leaders therefore bear a very considerable responsibility for the effective functioning of our democratic free enterprise system.

I wish to commend a public-spirited American who has ably discharged that responsibility on behalf of a great American industry. I speak of Gen. George H. Decker, the retiring president of the Manufacturing Chemists Association.

During his 6 years with the association, General Decker has given it inspiring and forward-looking leadership. He took office at a critical time for the industry, a time of widespread apprehension about the overall effect of chemicals on our environment.

General Decker and his associates have recognized that there are serious problems in this field, which urgently require attention. They have worked with us in Congress in seeking to evolve measures and methods which will meet these problems, while at the same time making it possible for the chemical industry to push forward with its dazzling technological progress, which has yielded such rich dividends for America and Americans.

In the effort to safeguard the quality of our water, our air, and our soil, the chemical industry, under General Decker's leadership, has made a vital contribution—both for the cooperative spirit it has shown and the essential technical expertise it has contributed. If that effort succeeds—and it must—a good share of the credit should go to General Decker and the statesmanlike course he set for the industry.

This is, of course, General Decker's second retirement. Seven years ago, he retired as Army Chief of Staff, and on that occasion was awarded the Distinguished Service Medal. That is indeed a high honor. But equally significant, I believe, is the high regard in which he is held by all those who served under him in uniform and all those who have come to know him in civilian life. They would want, I am sure, to join me in wishing him many happy and healthy years to come.

DANGEROUS TIGHT MONEY POLICY

Mr. HARRIS. Mr. President, as I have said before, this administration is steering an alarming and dangerous course with its continued tight money policy which has driven interest rates upward to intolerable levels.

An article written by Richard F. Janssen and published in the Wall Street Journal on Tuesday, December 9, 1969, and an article written by Hobart Rowen and published in the Washington Post on the same day report in some detail about the fact that two members of the Federal Reserve Board believe that this tight money policy must be loosened up.

These articles concern the viewpoints and votes of Sherman J. Maisel and George Mitchell, members of the Federal Reserve Board, who, it is reported, have been dissenting for some time from the current highly restrictive money policy of the Board, backed by the Nixon administration.

In the hope that Senators will find this information useful in continuing to work to reverse the high interest rate program now in effect, I ask unanimous consent that the two articles be printed in the RECORD.

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

MAISEL SAYS RESERVE BOARD MAY PROVOKE "FINANCIAL CRISIS" UNLESS POLICY IS RELATED

(By Richard F. Janssen)

WASHINGTON.—The Federal Reserve Board majority is risking a "financial crisis" that could upset its anti-inflation effort, dissenting member Sherman J. Maisel said in an interview.

Mr. Maisel said the board would be able to follow an anti-inflationary policy longer if it would make a "mid-course correction" that ends the rapid shrinkage of financial liquidity.

It is in hopes of winning public understanding for his view that the board could ease money market conditions without abandoning the anti-inflation fight, Mr. Maisel explained, that he decided to respond to previous requests to elaborate on his opposition to prevailing board policy.

Mr. Maisel and board member George W. Mitchell, as the board reported yesterday, dissented for the second consecutive time at the Sept. 9 Open Market Committee meeting. At that time, the policy-setting committee decided "to maintain the prevailing firm conditions in money and short-term credit markets," and there are indications that there hasn't been any change made at more recent meetings.

THIRTEEN LINES FOR DISSENTERS

Mr. Maisel, stressing that he is speaking only for himself and not for Mr. Mitchell, noted that the official report of the Sept. 9 meeting devotes about nine pages to the majority view and only 13 lines to the dissenters.

Through "more public debate," Mr. Maisel asserted, the board "can get rid of the box" he finds it getting deeper into—prolonging the present policy for fear that such evidence of ease as lower interest rates would touch off a new surge of borrowing and business expansion. The board would have to support such extra lending by being more generous with new reserves, he reasoned, thus making it difficult for the board to avoid underwriting a new round of inflationary overheating.

A key factor in his difference with the majority, Mr. Maisel made clear, is disagreement over how to measure the impact of monetary policy. The majority, he observed, stresses such money-market-condition factors as the interest rates on "Federal funds," or excess reserves that banks borrow from each other, and "net borrowed reserves," a measure of the extent to which banks resort to borrowing from the Federal Reserve System.

SIZE OF "MONETARY AGGREGATES"

Because these indicators have remained roughly the same, he notes, the majority reasons that its policy has neither tightened nor loosened credit for several months. But in his own view, Mr. Maisel says, the board has actually been causing "a continued increase in the restrictiveness of monetary policy." This is shown, he argues, by the "monetary aggregates." These include the narrow money supply of cash and private checking account deposits, the broader money supply which includes bank time deposits, bank reserves and the deposits of all financial institutions.

These aggregates are either growing at far less than their normal pace or decreasing, Mr. Maisel observes. Since the overall economy is still expanding, he adds, its "liquidity," or readily available cash, is becoming precariously low. These measures would have to "come back up considerably," he argues, if the Government is to attain its goal of having the gross national product, or total output of goods and services, climb at about 5% to 6% annual rate.

If the majority continues to prevail and the aggregates don't move up, Mr. Maisel suggests, four possible situations could de-

velop. The possibility of a "severe recession" isn't very likely, he says. But he cautions that there could well be "a financial crisis" in at least some credit markets, "high sectoral costs" such as a housing slump so severe that shortages drive up prices and rents more steeply, and confirmation of the "standard forecast" of a downturn for portions of the economy subject to monetary influence.

Any of these situations could be overcome, Mr. Maisel figures, by a big enough change in Federal Reserve policy. But if the board waits until they occur and then continues to focus on money market conditions, he warns, "it is likely to overshoot" by easing credit too massively.

The longer the board continues its current course, Mr. Maisel contends, the harder it will be to make a "mid-course correction," and the more likely it will be that the board will "go to the opposite extreme." The board ought to be willing to leave the money markets less certain about day-to-day fluctuations, he said, and "try to increase certainty that you're going to stick with a logical policy for an extended time."

If his own approach were adopted, Mr. Maisel said, the economy's liquidity might still decrease slightly, but not as rapidly as it has been. Interest rates might even come down some, he suggested, if the fear of a financial crisis were removed.

In voting eight to two to retain a firm credit policy at the Open Market Committee's Sept. 9 meeting, the majority noted indications "that the rate of real economic growth was slowing, but it was agreed that the persistence of strong inflationary pressures and expectations militated against a relaxation of monetary restraint at present," the statement said. But the committee's report noted that "a number of members emphasized the desirability of avoiding any (further) firming" in this policy.

Reports on the committee's deliberations are issued about 90 days after each meeting. To ease credit, the Federal Reserve generally buys existing Treasury securities on the market with newly created funds; when tightening credit, the system typically sells such securities from its portfolio, thus leaving commercial banks with less lendable cash.

MONEY MANAGERS SPLIT ON MONETARY POLICY—MINORITY FEEL IT'S TOO TIGHT

(By Hobart Rowen)

A basic policy split among the 12 men who manage the nation's monetary policy has emerged, and is likely to grow deeper in the next several months.

The 12 includes the seven governors of the Federal Reserve Board and five regional Federal Reserve Bank presidents who on a rotating basis represent all 12 presidents. This group forms the Federal Open Market Committee that meets in Washington about every three weeks.

A minority of the OMC feel that existing monetary policy is excessively tight, and could even lead to a financial crisis—although they think odds are against that.

But even more significantly, there is a growing belief that in deciding whether money policy should be tightened or loosened, the OMC should pay more attention to the big monetary aggregates (money supply, demand deposits, total reserves, and bank credit), and less to the traditional federal reserve concern with short-term interest rates and money market conditions.

It is a bow in the direction of Milton Friedman, but short of his single-minded focus on the sole importance of the money supply to the exclusion of other considerations.

The argument surfaced anew yesterday with publication by the Fed of OMC minutes for Sept. 9, which showed Governors Sherman J. Maisel and George Mitchell for the second month in a row dissenting from the current highly restrictive money policy.

These minutes are published with a 90-day lag. It was learned, however, that there has been no change in Fed policy—or in the majority and minor views—in the most recent sessions.

Many economists, in and out of government, and many business analysts have suggested lately that an overly tight monetary policy as being pursued by the Fed will lead to a recession in 1970.

SUPPORT FOR EXISTING POLICY

Except for Governors J. Dewey Daane and J. W. Robertson, who were absent, all of the others voted in September to continue—but not make firmer—the then existing policy. (In August, Daane and Robertson voted with the majority along similar lines of division.)

Maisel and Mitchell, argued, however, that monetary restraint in effect was actually tightening up, if the key aggregates were taken into consideration. Maisel yesterday elaborated by citing figures showing sharp contradictions in the growth of the aggregate measures. For example, the most inclusive definition of money supply is showing a contraction (minus 3.1 per cent) for the second half of 1969. (See table.)

Taking the monetary aggregates as a group, Maisel pointed out (along with the fact that long-term interest rates have been rising, these figures show that monetary policy has really grown tighter.

WANTS RESTRAINTS EASED

He advocates easing restraints to a level of about two-thirds the 1957–67 average, which he would label "normal." Thus, in terms of the narrowly defined money stock, he would permit a growth of about 3 per cent, then watch it closely for any necessary adjustments.

Maisel and Mitchell fear that if the Fed keeps to present policy, it makes it more probable that when an attempt is made to reverse direction, the Fed will once again "overshoot" the necessary target and reinflate the economy.

Maisel feels that the private markets tend to get carried away after a turn in Fed policy; in 1968, for example, actual reserves were enlarged by 50 per cent more than anyone at the Fed envisaged.

The dissenting governors think that the risk of an over-reaction would be mitigated by making the turn now, instead of engaging in a game of "chicken" with financial markets, in which the Fed says that it will not loosen up until there is a financial crisis, and the market says, in effect, that it doesn't believe the government would permit one.

There are indications that some of the presidents of the regional Fed banks, who until now have been following the course set down by Chairman William McC. Martin, are shifting their ground toward consideration of the aggregates.

It is possible that the drift may become more pronounced after Martin leaves his post in January, after 18 years at the helm. Obviously, much will depend on the new stimulus injected by his successor, Arthur F. Burns.

Maisel said that it was possible to find four basic reasons for the Fed to shift from a sole focus on money market conditions and short-term interest rates to include more attention to the monetary aggregates: 1) the general Friedman view that insufficient weight has been given to money supply; 2) the Keynesian view that over-reliance on money policy may lead to a recession; 3) the squeeze developing on liquidity means that a prospect of a financial crisis exists; and 4) even without a general recession, monetary tightness may be causing crises in various sectors of the economy, such as housing, and state and local ability to finance necessary projects.

ALREADY GONE TOO FAR

Because there is probability that all of these arguments are true to a degree, Maisel has been insisting in private, the Board's existing policy has already gone too far. He would guide money market operations so as to pump more reserves into the system.

But the OMC so far has been focusing on the inflationary expectations in the economy. The OMC minutes for September noted that there were indications "that the rate of real economic growth was slowing, but it was agreed that the persistence of strong inflationary pressures and expectations militated against a relaxation of monetary restraint at present."

The opponents of this policy suggest that although few will say it openly, a free translation of the OMC majority's words is that a depression will be necessary to reverse inflationary expectations and to reduce prices. They (the minority) say that that is a "bad target for monetary policy."

In essence, then, the debate is over what should trigger Fed decisions to pump up or restrict the supply of money and reserves. The conventional wisdom, still being followed by the Fed, relies largely on "conditions" in the short-term money market, and on price developments; some policymakers also take balance of payments considerations into account.

MAISEL-MITCHELL ARGUMENT

The Maisel-Mitchell argument is that this standard has proved to be inadequate. More attention must be paid as well, they say, to the actual supply of money and credit in various forms.

In a speech yesterday in New York to a Business Week conference, Mitchell said "there is no doubt, in my opinion, that financial aggregates will steadily become more useful in guiding policymakers and the judgments of those who are searching for clues to policy changes."

Like Maisel, however, he rejects the Friedman notion of tagging the money supply alone as the single determinant of policy: "I believe we are a long way from being able to specify a particular aggregate as a 'North Star' for monetary navigation."

U.S. POLICY IN THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, on December 12 I placed in the CONGRESSIONAL RECORD the speech of Secretary of State Rogers on U.S. policy in the Middle East. That speech was delivered on December 9 to the 1969 Galaxy Conference on Adult Education.

I again put the speech in the RECORD on December 15, in order to provide a basis for the insertion also in the RECORD of a press report from Israel indicating that Israeli Premier Golda Meir had accused the American Secretary of State of "moralizing" on the subject of the Middle East peace. I also placed related news articles in the CONGRESSIONAL RECORD at that time, commenting that I thought the attack on our Secretary of State was "rather unseemly" when at the same time the United Jewish Appeal is reported to be seeking to raise $500 million of tax deductible funds in the United States for the use of a foreign government.

I raise the subject again at this time in order to note that the silence of supporters of Secretary Rogers' "balanced" policy in the Middle East is deafening.

The vigor with which the administration's policies in Asia are supported—policies about which I have many doubts—is not noticeable in support of the Secretary of State's carefully developed remarks in trying to promote peace in the Middle East.

I am pleased to find myself in agreement with the Secretary of State, and to report that agreement publicly. Yet, strange as it may seem, I suspect that this public endorsement of Secretary Rogers' remarks will make me a target for attacks as reprehensible as those directed at the Secretary.

It is shocking to find that the subject of peace in the Middle East is one upon which American citizens are not viewed as either patriotic or unbiased unless they endorse and even embrace the policies of a single foreign government.

Secretary Rogers is to be commended for his balanced statement. I hope he will not be intimidated in pursuing policies in the Middle East which seem to most objective observers to be without prejudice to either of the warring parties there.

It is regrettable that the Israeli are no more even-handed or balanced than the Arabs—or vice versa.

Unnecessary though it may seem, but partly to rebut the criticism I know I will be subjected to for making this statement, I want it clearly understood that I support the existence and independence of Israel. Indeed, I believe the interests of the United States would be served by a settlement in the area which would assure firm and stable boundaries between Israel and her Arab neighbors and thus provide opportunity for the people in the area to develop.

THE HUNGER-MALNUTRITION PROBLEM

Mr. PERCY. Mr. President, from December 2 to December 4, 3,000 people with greatly divergent backgrounds—black Americans, Mexican-Americans, Indians, doctors, social activists, representatives of industry, the hungry, and the professionals who work with them—assembled in Washington. They were called together by President Nixon to participate in the first White House Conference on Food, Nutrition, and Health.

It was a controversial conference which generated heated emotions both from those who chose not to believe that hunger existed amidst our affluence and from those who knew from the emptiness in their stomachs that it did. It was praised as a positive step in focusing attention on the problems of the hungry and malnourished and in developing solutions to them. And it was criticised as more talk and no action, just another diversion to forestall feeding the poor. Finally, it was a potentially explosive conference rife with dissent and the threat of confrontation.

Yet, to the credit of the administration, Dr. Jean Mayer and his staff, and the invitees, out of this White House Conference came numerous solid recommendations which could fulfill the President's call "to put an end to hunger in America for all time." These were recommendations proposed and adopted not just by a vocal group of radicals but by the majority of the highly knowledgeable invitees who composed the Conference panels and task forces.

They ranged from concrete proposals concerning the safety of food additives and the relationship between nutritional deprivation and intelligence to a dramatic plan for combating hunger and poverty now. This plan was adopted as the conference action statement and provided the following:

First. The President is called upon to declare a national hunger emergency and to use his executive authority to distribute food to the hungry.

Second. The remedy for hunger and malnutrition is a minimum guaranteed level of cash assistance along with the provision of meaningful jobs with living wages.

Third. As interim measures only, present food programs must be reformed and immediately expanded.

Fourth. A national free lunch and breakfast program must be available to schoolchildren through secondary school.

Fifth. All responsibilities for hunger and malnutrition relief must be shifted from the Department of Agriculture to the Department of Health, Education, and Welfare with corresponding shifts in congressional committee responsibilities.

I endorse the principles and priorities outlined by the White House Conference in this platform. The scope of the recommendations indicate that those who lauded the calling of the conference were right; something of value has emerged from it. It is now up to us in the Congress and the President to insure that the criticism of the conference is rendered invalid. We can only do so by acting, by working now for the implementation of many of these proposals.

There are several ways in which Congress can meet its responsibility to the poor and the hunger. The first is by extending the school lunch program which currently provides less than half of the 7 million eligible children with a free or reduced-price meal. For far too many of these children, it is the only hot meal they receive all day.

In conjunction with this legislation, the Congress must expand the food stamp program along the lines of the substitute bill passed by the Senate. It is imperative that the most needy in every county receive free food stamps. Finally, the Congress should give early consideration to the welfare reform proposal submitted by the President during the next session.

The President too has a responsibility for eradicating hunger, malnutrition, and their debilitating effects. His response to the White House Conference in ordering the operation of a food program in every county by June indicates his cognizance of this responsibility and his commitment to meet it. So does his family assistance plan which would provide every family with a guaranteed level of family assistance. These are major steps, but many more must be taken. I urge President Nixon to continue his efforts by careful consideration and implementation of priorities established by his White House Conference on Food, Nutrition, and Health.

Mr. President, we must remember that the hunger-malnutrition problem is a future national hazard with profound effects upon the development of our sociey and our economy. An infant suffering from severe malnutrition can fail to synthesize protein resulting in up to a 20-percent loss in his brain cell growth. This may result in irreversible retardation that may confine him to a lifetime of welfare dependency, a lifetime of adding to the burgeoning welfare roles.

A child who comes to school hungry may not suffer from a diminution of intelligence; he may well be unable to pay attention and learn. This too will diminish his potential productivity and contribution to society.

It is estimated that it would cost the government approximately $475 to feed his child properly while it would cost nearly $1,516 to pay for his welfare expenses and hospitalization if his hunger were not alleviated. I for one would rather make the $475 investment which can only provide a substantial long-run return.

Finally, the hunger-malnutrition problem is a national disgrace. That a country with nearly a trillion-dollar economy with a $4 billion expenditure to insure that food will not be grown has hungry men, women, and children is shameful. It is our shame and we must act now to erase it.

NEW COMMITTEE ESTABLISHED BY BERNARD FENSTERWALD, JR.

Mr. BAYH. Mr. President, Mr. Bernard Fensterwald, Jr., a former longtime and well-known Senate staff member, has established a new organization which has the objective of conducting an independent investigation into political assassinations. Largely at his own expense he has launched a widespread and exhaustive search from a Washington, D.C., based office into the background factors and intricacies involved in the series of untimely and tragic murders of prominent figures which have plagued the United States in recent years.

Recently the Washington Post published a most interesting article describing "Bud" Fensterwald's new activities and outlining in some detail his previous career as a Senate employee during much of the past decade. Because of the widespread interest in this unhappy facet of American politics and as a tribute to the dedicated service he has rendered to the Senate, I ask unanimous consent that the article, which was written by Shelby Coffey III, be printed in the RECORD.

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

[From the Washington Post, Nov. 23, 1969]

BUD FENSTERWALD: HE RUNS THE TOWN'S OTHER CIA

(By Shelby Coffey III)

There have been periods when Bernard Fensterwald, Jr. has stood near the hot center of power in Washington, when he was quoted and sought by an admiring press corps. Back in 1965, when Fensterwald was general

counsel of a Senate subcommittee investigating the abuses of government invasions of privacy he and Bobby Kennedy lashed out at each other in public and in private.

Now Bud Fensterwald's pale eyes narrow slightly when he says "I know what I'm doing is unpopular." What he is doing, aside from private law practice, is pursuing a pastime that has sometimes come to be associated with a legion of fools and opportunists: he is investigating the assasinations of Robert and John Kennedy and of Martin Luther King.

But Bud Fensterwald is no ordinary conspiracy-seeker, looking to turn a fast review of flaws in the Warren Report into an instant paperback and cheap publicity.

These days, he tries to arrive at his offices on 15th street at about "7 o'clock in the morning when things are quiet" to pore over documents addressed to his own CIA—the Committee to Investigate Assassinations. CIA is a loose confederation of people who have written or worked on the various conspiracy theories.

At his own expense Fensterwald took an "8,000 mile junket" last May, traveling to Los Angeles, Dallas, New Orleans, Atlanta and Memphis among other locations. He talked with James Earl Ray's lawyers, examined slides of John Kennedy's assasination, visited with the controversial Jim Garrison, and dozens of others, either fascinated or peripherally (or not so peripherally) connected with the three major political murders of the Sixties.

In a recent brief, breezily-styled "progress report" to his fellow CIA members ("There is no implication at all in the title," says Fensterwald with a bit of a wry grin), the Executive Director declared that funds were "Generally non-existent!!" and that the venture needed angels but none had materialized.

As the report mentions the assortment of famous and obscure Fensterwald had talked with, an optimism emerges—there were a number of "fascinating leads" to be chased after and explored and not enough time to do it all in. But there is always a chance "next trip."

To friends and acquaintances who find Fensterwald's recent activities strange, he replies with the certainty of a man who is utterly convinced of not only the correctness but the need for his work.

He feels there may be more political assassinations if the earlier ones are not solved. He resents the statement of former Chief Justice Earl Warren that there will be things that we will not know about the death of John Kennedy until 2039. "My people don't go in with any preconceived notions," says Fensterwald. "We just look for the inaccuracies." To document them he traveled to London early in November to look into the stay of James Earl Ray in that city.

He does not feel that there is any immediate physical danger in his consuming avocation; but he has set aside a sum of money for the investigation into his death should he vanish someday. He has also placed copies of his most important evidence in "places that would be very difficult to get to."

This kind of talk upsets some people, particularly those who know of Fensterwald's background—an impeccable blend of a proper Southern Jewish family, trips to Europe as a child, Harvard, Harvard Law, a good World War II record as a Naval Lieutenant and the makings of a creditable career at the State Department.

"I guess part of it is that I'm a rebel," says Fensterwald, who has had several political horses shot out from under during his career of public service.

Beginning in 1961 Fensterwald was staff director of the Subcommittee on Antitrust and Monopoly and as such assisted the late Sen. Estes Kefauver (D-Tenn.) in the hearings which sent several top electrical company executives to jail for price-fixing. (Today, a Herblock cartoon depicting Kefauver as a sheriff in a cathouse full of sinning electrical companies decorates a wall in Fensterwald's smallish offices.)

He also helped conduct Kefauver's inquiries into excessive profits of drug companies, coordinated the "first last and only" liberal filibuster against the government letting AT&T take over Comsat, and gained a considerable audience among civil libertarians when, as chief counsel for a Senate Judiciary sub-committee, he led a series of investigations into Government invasions of privacy.

Post Office mail surveillance, Internal Revenue Service eavesdropping and illegal wiretapping were probed, partially denied by officials, partially admitted by officials. It was during this period that he clashed with the late Sen. Kennedy over whether or not the latter had authorized certain wiretaps as Attorney General. The hearings aroused furious controversy at times and finally were "the ones that did us all in," as Fensterwald puts it these days, only a trace of edge ramrodding through his professionally modulated, slightly Southern-accented voice.

That part of Fensterwald's career is not a totally uncommon one in the lunges, escapes and clawings of Capitol Hill. It is the almost ritual tale of the relentless, perhaps somewhat obsessed, investigator bloodhounding after one or another of America's malefactors (in this instance, certain government agencies themselves). The tales filled columns of newspapers and magazines, sometimes making a few minutes of the prime-time evening news, and all the while building the career of the sponsoring senator. First comes that sort of power and publicity, then the fall. The plummet may come from the quiet guillotine of an offended Power or it may come in the 180-degree reversal of the voracious lights of the media. The investigators become the suspects; their idealism smacks of decay before an intrigued national audience. On such events are journalistic prizes won and careers shattered or drastically altered.

These were two of the results when *Life* magazine printed an article in 1967 portraying then-Sen. Edward Long (D.-Mo.) as linked to the Teamster Union. Long at the time was chairman of the Senate subcommittee on Administrative Practices and Procedures (which Fensterwald heads) and the implication was that the hearings had been held as a circuitous method of building a case to free teamster chief Jimmy Hoffa.

The investigation lost much of its press coverage as well as its momentum. Long was defeated the next year in his bid for reelection and the *Life* author, William Lambert won the Worth Bingham Investigative Reporting Medallion. Bud Fensterwald retired the next year to private law practice—which both he and several friends say he had intended to do anyhow.

Naturally enough,—since he feels that certain damaging material was illegally leaked to *Life*—he continued work on a book on "the way the Government railroads certain people" into jail or disgrace. The book was originally called *"Big Brother Is a Mother"* and is now tentatively titled simply, *Big Mother*. Fensterwald says he is having some trouble finding a publisher.

In his office where pictures of the famous line 16 walls, (Senators Kefauver and Long in the places of honor; Birch Bayh, Phillip Hart, Ted Kennedy, Everett Dirksen and Ambassador Sargent Shriver on the far wall), Bud Fensterwald leans back, a glass of beer in hand and says no, he isn't bitter about the *Life* article, that you have to expect these turnabouts in political work.

Without a trace of inflection his dry voice concludes that it was ironic that he had gone to such pains to avoid working on matters that would be a direct help to Hoffa's case as well as to several other politically explosive cases. A little later he says he has not become cynical about our form of government; it's just that certain parts and certain agencies have "corrupt, venal and vindictive" elements. Then the middle-aged father in him emerges—"some of my own children are talking anarchy," he says.

His reddish face twists a little in puzzlement and concern and the man who has given nearly 20 years to public service declares: "Sometimes I think I'm one of the few people around who does believe in our system of government."

Bud Fensterwald has always been well-endowed to be one of the elite who not only believes in but leads certain parts of the American government.

Fensterwald grew up in Nashville, Tenn. the son of a wealthy family of clothing merchants and this factor of possessing an independent fortune has played an important part in his career. As one of his assistants on the Judiciary Committee recalls, "working for Bud was not like working for an ordinary boss. He was not involved in jealously guarding his prerogatives; he allowed a lot of freedom for his staff to move into new areas on their own."

The assistant feels that his relaxed attitude was due in part to the fact that Fensterwald did not have to worry with the harsh choices involved in getting and spending while trying to carve out a career in government. He did not have to scramble after a well-fortified niche in the Civil Service.

Another factor was the honed and polished intellect that Fensterwald brought to his tasks. This could be seen in his Harvard years, when, as an ill-prepared freshmen, he was told by a kindly Dean that he might as well take his clothes home with him as the Christmas break. "I was failing everything," Fensterwald recalls.

But Fensterwald's parents had seen his departure for college as the necessary flight "from the nest" and had in fact forbade him to take the accepted route of many sons of Nashville upper-middle class—that of attending Vanderbilt and living at home.

Fensterwald declined the Deans' invitation to tumble back into the nest and instead drudged and toiled through the rest of the year. It is a measure of his determination as well as his brillance that when he graduated from Harvard in 1942, it was *magna cum laude* in International Law.

Like many of his classmates, Fensterwald chose the Navy during World War II. He was the officer who went in with the first wave of landing craft in several amphibious invasions in the Southwest Pacific. When he describes those days, he does not dwell on the excitement and fear and humor—the more typical sort of war remembrances—but rather on the mechanics involved setting up amphibious operations in the dark, on the logistics, methods and problems. One senses a mind concerned with machinations and methods.

Fensterwald joined the post-war stampede back to the campus and into marriage: He returned to Harvard Law School and married a Wave he met in Washington.

He again concentrated in International Law while in law school and in 1949 went on to receive a Masters degree in the same vast subject from the School of Advanced International Studies.

Thus primed and groomed for a career in international affairs, secure in the connections that Harvard, an excellent academic record, and a private income bring, and couched in the idealism that many bright young war veterans of the time brought to government in those days, Fensterwald joined the legal staff of the State Department in 1950. It was an auspicious start.

For the State Department as a whole, how-

ever, the early Fifties were a period of painful ferment and criticism; and Bernard Fensterwald became involved in some of the more harrowing trials of the department.

When the Bricker Amendment (which would have returned almost all foreign policy decisions to Congress) was introduced, Fensterwald was one of State's men assigned to Capitol Hill to help defeat the bill. There he met and worked with Sen. Kefauver, who was one of the few outspoken opponents of the bill. Fensterwald counts it as one of his proudest moments when the Bricker Amendment failed to pass the Senate by an extraordinarily small margin. "It would have passed the state legislatures like . . . through a tin horn," says Fensterwald today, "It would have returned us to an era like that under the Articles of Confederation."

He was also involved in work at the United Nations, for which he held great hope. When speaking of his feelings then, a weariness tinges his voice—the failure of the UN to become the dynamic force in world politics has been part of the disillusioning of Bernard Fensterwald.

Another part of that process was his view of the bitterness and what he calls "terror" summoned forth during the heyday of the Joe McCarthy investigations. Fensterwald was assigned to help read classified documents for some of the State Department career men whose security clearances had been suspended. He passed on the information to aid suspended officials in their defense. "A lot of the old China hands had written the very reports they were not cleared to read. It was a very ironic situation . . . I imagine they thought of me as some sort of a pimp for the work I was doing."

In 1956, discontented at the State Department, still savoring the acid aftertaste of the McCarthy years and interested by his contact with life of Capitol Hill, Fensterwald decided to join the Vice Presidential campaign of Estes Kefauver as a speechwriter on foreign affairs. It was, he realized from the start, an almost hopeless campaign. Still, "something might have happened," and of course then, recalls Fensterwald, "I would have risen" at the State Department.

After something did not happen, Fensterwald's boss asked him to return to the State Department, but Secretary of State John Foster Dulles blocked his re-entry.

Fensterwald says he expected not to be able to return but it must have been something of a blow to a man who had spent so much of his life in preparation for a career at State. He decided to move to the Hill as the Administrative Aide to the late Sen. Thomas C. Hennings (D-Mo.). He was happier in 1959 when he moved to be the Chief Counsel of the Subcommittee on Constitutional Amendments. "That's very high-toned work for a lawyer," says Fensterwald, who is very proud of the three amendments which he worked on and who is helping Sen. Birch Bayh work on the amendment to abolish the Electoral College. He still relishes discussing the implications and possibilities involved in various proposed amendments.

In 1961 Fensterwad was not selected for a top job at State and the implication was later made by *Life* that this had embittered Fensterwald against the Kennedys. "A lot of baloney," is the way Fensterwald talks about the allegation today. "A lot of people wanted jobs down there . . . Each major Democrat on the Hill was supposed to get one major appointment; and it was obvious that Kefauver's was going to be Rand Dixon, a good friend of mine." Dixon took over as head of the Federal Trade Commission and Fensterwald took Dixon's place as Staff Director of the Senate Antitrust and Monopoly Subcommittee.

This was a crucial turn in the career. Now Fensterwald speaks a little wistfully about going back to State; he says he keeps close contact with a lot of old friends there and that he has "talked over" a couple of different posts but none that quite fit, and these days he doubts that he will ever get back to State since he is pursuing the assassination investigation so diligently. "They don't like controversial people down at State; and that's as it should be."

After moving over to the Senate Subcommittee on Administrative Practice and Procedure, Fensterwald burrowed into the work on government invasions of privacy. He hired a top accounting agency to do all of his tax returns since he expected and says he received a very thorough check of his income tax returns after starting to investigate Internal Revenue "snooping" practices. During the period, says one reporter who followed him, he did an awful lot of good work . . . maybe he got a little obsessed with what he was doing . . ."

After the Warren Report came out, Fensterwald began keeping a file on the matter, but he feels that it was the assassinations of Robert Kennedy and Martin Luther King which mobilized him to the extent he is today. He can't exactly put his finger on the wispy "why" of what he is doing except that he feels he is a serious investigator and "someone has to."

So Bud Fensterwald spends his time and personal fortune tracking down both the gossamer and what he is convinced is the reality of undisclosed conspiracies in the three assassinations.

He ponders, broods, spills over with examples of inconsistencies, tries to keep the phone bills down. He sends reply forms with carbon papers attached to various correspondents so that he will have file copies immediately upon return of the reply. He says a large anonymous network of informants—"many of them great admirers of the Kennedys"—report to him each day as he sits in the sixth floor of the office building which has an all-weather "Offices for rent" sign outside.

One friend and admirer of Fensterwald's abilities puts it this way: "Yes, he is obsessed with the investigation, but in the best sort of way. I always felt like he had scattered his talents . . . perhaps because he was wealthy . . . But I think if anybody can crack this thing, it's Bud . . . I've never seen a more brilliant man when he sets his mind to something."

STRENGTHENING LAWS AGAINST PORNOGRAPHY—STATEMENT BY SENATOR GOLDWATER BEFORE A HOUSE SUBCOMMITTEE ON THE JUDICIARY

Mr. GOLDWATER. Mr. President, it was my pleasure to testify this morning before a subcommittee of the House Committee on the Judiciary holding hearings on the subject of pornographic material going through the mails. The chairman of the subcommittee is the distinguished gentleman from Wisconsin, Mr. KASTENMEIER.

I feel certain that the subcommittee will propose legislation for this now vacant field.

I ask unanimous consent that my remarks, prepared by my able legal assistant, be printed in the RECORD.

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

STRENGTHENING THE LAWS AGAINST PORNOGRAPHY

(Statement by Senator BARRY GOLDWATER, December 17, 1969)

Mr. Chairman and Members of the Subcommittee, it is a privilege to have the opportunity to appear before you today to discuss the ways in which Congress can strengthen the nation's laws against the distribution of pornographic materials in the mails and other channels of commerce. I am very encouraged by the willingness of the subcommittee to come to grips with this problem, and I only wish that my colleagues in the Senate would become as active in this field as you are.

Mr. Chairman, the first thing I want to do is to reject as utter nonsense the ridiculous idea promoted by a few self-styled trend setters who claim that all legal barriers against pornography have been removed in Denmark and that this proves such controls are not needed here. These spokesmen for absolute permissiveness make the further allegation that Great Britain is about to follow the Danish example by repealing its obscenity laws too. The implication is that we should get with it by doing the same in this country.

Mr. Chairman, these statements are nothing short of being bald-faced distortions of the truth, not to say poor jobs of journalism.

This tripe has been printed by the liberal press in such articles as the one entitled "Sex Seems Routine at Pornography Fair," which appeared in the Washington Post on October 22nd. The story contained the flat, unqualified statement that "the last antipornography laws were repealed July 10th" in Denmark.

The word has also been picked up as gospel truth by liberal commentators such as Lawrence Speiser, Director of the American Civil Liberties Union, who told the House Subcommittee on Postal Operations that "it might take comfort in knowing that Denmark recently repealed all of its obscenity laws."

Mr. Chairman, these people simply don't know what they are talking about. In the first place, the law that went into effect in Denmark last July restated and reaffirmed a broad prohibition against the sale of pornographic pictures and objects to minors who are under 16 years of age. The provision has been construed so tightly that the automatic vending of sexual materials is banned in Denmark since there is no way to determine the age of the buyer in such transactions. The law to which I am referring is set forth in section 234 of the Danish Penal Code, as amended June 4, 1969.

In addition, Article 232 of the Danish Penal Code, which establishes the punishment due for violations of public decency, can be used against persons who force obscene material on others and against persons who mail obscene letters. A major purpose of this law is to prevent publishers from sending illustrated pornographic advertisements to people who have not requested them.

Furthermore, the new Danish law has left untouched the network of stringent local controls that apply throughout the cities and towns of Denmark.

For example, article 10, section 3 of the Police Regulations of Copenhagen contains provisions forbidding the delivery of offensive publications and pictures to persons other than those who have expressly ordered them. Similar prohibitions are set forth in the authoritative Model Regulations for the Municipalities, which is the Danish guidebook to municipal laws.

These ordinances restrict the distribution of offensive advertisements. The sender may be convicted whether he has used a special messenger or the regular postal services. He is guilty even if the outside cover is inoffensive so long as the contents are pornographic.

Thus, we can see that far from there being no legal restraints on pornography in Denmark, the true state of the law there actually confirms the need for passing criminal statutes of the type which this subcommittee has before it.

The facts are equally revealing when we examine what has occurred in Britain. What has happened is that a working committee of the government subsidised Arts Council has urged Parliament to repeal many of the British controls on pornography.

What has not happened is this. The report has not been endorsed by the Arts Council itself. Nor has it been approved by any branch of the government. In fact, the British Embassy reports that "the Home Secretary is very unlikely to take any action" on the report.

Nor have the recommendations made in the report been accurately portrayed. For even though the membership of the committee was heavily weighed with publishers and writers, the committee decided that Britain should not repeal the Children and Young Persons Act of 1955, which protects minors from exposure to harmful publications.

What's more, the committee found that Britain should keep its laws against unsolicited mailings and blatant street displays. The Chairman, John Montgomerie, has explained the committee's position by saying that people should be protected against having "pornography thrust upon them."

Mr. Chairman, herein lies the core of the American public's anger against obscenity. People sense that unless action is taken—swiftly and effectively—to help them "turn off" the unsolicited filth which is being thrust upon them in their own homes, the very quality of their lives will be endangered.

The threat which provokes citizens across the land is one that strikes at the very heart of each individual's last fortress of personal liberty—his right and his ability to prevent the entry into his home of intrusions that shock or offend himself or his family.

There is no question that most Americans are deeply concerned by the outpouring of indecent materials that bombards their homes.

In the last three years alone more than a half-million persons have filed complaints with the Post Office Department specifically objecting to unsolicited obscene mailings.

The latest quarterly statistics reveal that these protests have jumped to a projected total of a quarter-million annually. This stands as the highest figure ever received by the Postal Service since it started keeping records of such complaints.

The actual number of Americans who demand action against the smut peddlers can only be estimated. But, the results of a recent Gallup poll give us a pretty good clue. According to this poll, 85 out of every 100 adults say they favor stricter laws dealing with obscenity in the mails. Translated into population figures, this means that one hundred million Americans are dissatisfied with the existing obscenity control laws.

Mr. Chairman, one hundred million Americans can't be wrong. In fact, the problem is greater than most people imagine.

Smut has become a major industry. The traffic in pornographic books, magazines, films, and cards exceeds a billion dollars in a single year. By comparison, the total business of the United States Government Printing Office is only $17 million annually.

According to Assistant General Wilson, who is in charge of the Criminal Division at the Department of Justice, the smut market is dominated by approximately 15 to 20 large dealers.

The Chief Postal Inspector confirms this finding. He estimates that 95% of the complaints which the Post Office Department gets about obscenity in the mails is caused by the unsolicited mass mailings of fifteen distributors.

A really ominous development that is just coming to light is the entry of organized crime into the field of hard-core obscenity. A newly formed Joint Strike Force that was set up in July among Federal, State, and local law enforcement officials in New York City has uncovered convincing evidence showing the infiltration of the big crime mobs into the smut market.

Daniel Hollman, the aggressive young Justice Department attorney who is in charge of the Strike Force, tells me that the United States has won two indictments in April and November of this year against several close associates of the New York mob family who are accused of shipping pornographic films, playing cards, pamphlets, and drawings across State lines. In the February case alone more than $1 million worth of obscene material was seized by the F.B.I.

Mr. Chairman, it is clear that the problem is nationwide. It is also one which involves a major traffic in the channels of interstate commerce. The problem is so massive and grave that individual citizens must seek assistance at the national level.

Today, I would like to focus my attention on one of the areas where I think Federal help is called for—the protection of children from exposure to material which is obscene as to them.

Mr. Chairman, in my opinion, the present situation represents a clear and present danger to the young people of America. The record is clear that the channels of commerce are being swamped with pornographically and sexually-oriented material which is knowingly sent to minors or is sent with a reckless disregard as to whether or not, it will get into the hands of minors.

There are children under 18 living in six out of every ten American homes. Nationwide there are 71 million children in this age group. And yet, there is no national law which is now aimed squarely at protecting minors from obscenity.

That society has a legitimate interest in regulating the dissemination to children of material which is objectionable as to them, but which could not be regulated as to adults, has been decided by the second *Ginsberg* case in 1968 (390 U.S. 631).

That a legislature may properly determine that children need protection from obscene matter has also been settled by the *Ginsberg* decision. The Court looked squarely at the question whether a State can reasonably find that obscene matter will impair the moral, ethical, and mental health of children and concluded that "The possibility of harmful effects to youth cannot be dismissed as frivolous."

Common sense will tell most people that the exposure of young children to material that portrays sexual promiscuity or abnormal behavior might undermine their normal development.

The record contains persuasive statements that confirm this danger. For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail, in which it said that the reading of salacious literature "encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex."

Mr. Chairman, I am aware that the medical profession does not adhere to this view universally. I have also noted the conclusions set out in certain law review articles and medical journals that not much research exists to show what effect pornography has on the social actions of individuals.

However, what these articles fail to consider is the wealth of expert testimony which is available from psychiatrists, law enforcement officers, and other professionals who have had contacts with consumers of obscenity.

The prevalent view held by these persons has been succinctly expressed by Doctor Donald Hammersley, Chief of the Professional Services Wing of the American Psychiatric Association, who has kindly prepared a bibliography at my request covering some studies in the obscenity field.

Doctor Hammersley commented on this research material as follows:

"I don't believe any of these references offer positive proof that pornography has a bad effect on children. I believe psychiatrists would agree that, in general, glorification of perverse, sadistic, and anti-social activity in material available to children could adversely affect a child's psychological development."

This pretty well sums up the generally accepted view that the potential for corruption is definitely present in obscene materials. Clearly, none of the sceptics can point to any emperical evidence that would prove the opposite.

Mr. Chairman, with your consent, I will offer for the record the instructive bibliography which the American Psychiatric Association has compiled on this point.

Mr. Chairman, at this time I would like to emphasize my belief that Congress is not limited to one ground alone in order to act on legislation to protect children.

Whether or not we conclude that pornography is harmful to children, there is a second concept which I believe offers a strong basis for enacting a special law with respect to minors. This is the power of Congress to protect the Constitutional guaranty of freedom of privacy.

To my mind, privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life. In short, it stands as the bulwark of a man's right "to be let alone."

The right of privacy has been distinguished as a distinct and separate right in American law for the past 80 years and is regularly gaining expanded interpretations.

The reason for this is easy to see. As rapid improvements in the means of communications and transportation have continued to bring people closer and closer together, these same developments have made it increasingly simple for each person's life to be intruded upon by others who seek to exploit by unfair means.

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria*, 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going uninvited upon private residences to solicit orders for the sale of magazines. The Court upheld the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

A major doctrine announced by the Court is that when the right of free speech collides with the personal right of privacy, there has to be an adjustment of both rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

The most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider section 4009 of title 39, the pandering advertisement law. In upholding the power of Congress to restrict mailings of pandering advertisements, the Court said:

"To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to 'turn off' pandering advertisements which may be erotically arousing or sexually provocative to him and his family."

Mr. Chairman, I am convinced that the right of parents to raise children in their own way will be recognized as being one of the

important dimensions of the right of privacy. There is no question that the indiscriminate distribution of smut to minors is undermining the ability of parents to educate their children in a decent way as to the purpose and meaning of sex. Nor is there any question that the vast majority of parents seek and need our help in shielding their families against the massive sales efforts of a billion dollar smut industry.

With this said, Mr. Chairman, I would like to turn to an examination of the specific provisions which it would be appropriate to include in a child-oriented statute. I have sponsored a bill, together with the Senator from Alabama (Mr. ALLEN) and nineteen other Senators which I believe would make a significant dent in the illicit traffic generated by the smut peddlers.

But rather then describing the features of our proposal, I believe the best way to approach the subject would be to discuss the provisions of related bills which are pending in this Committee. H.R. 11009, by Mr. CELLER, and H.R. 11031, by Mr. MCCULLOCH, both are intended to control the distribution of smut to children and I will direct my remarks to these bills in the remainder of my statement.

Mr. Chairman, the first suggestion I have to make is that the definition section of the bills should be tightened up so that it follows the standards applied by the New York State statute that was upheld in the second *Ginsberg* case.

Unfortunately, the provision set out in subsection (a) of each bill omits certain essential elements that have been traditionally required by the courts as a test of obscenity.

For example, the statute would allow the material under question to be considered standing alone, although the usual court standard is to view the objectionable matter "taken as a whole" in the setting in which it appears. Obviously, the omission of this element can cause a significant difference in the decision of whether or not an item is obscene. Looked at by itself, one picture in a magazine or one line in a book may appear indecent. But when taken in the context of the article or story to which it belongs, it may seem proper.

For this reason, I am afraid that unless the proposal is changed it will be applicable on its face to many legitimate magazines, newspapers, and books that no one wanted to cover.

An even greater oversight than this has been made, for whoever put the definition language together has left out what has to be the truly basic standard applied in every court decision on obscenity. I refer to the absence of any requirement that objectionable material must appeal to the prurient interest of the consumer.

Consequently, I suggest that the subcommittee adopt an amendment that will make the bill conform to the standards set forth in the New York statute.

In my view this change is absolutely crucial to the validity of the entire law. I urge my friends to read the case of *Interstate Circuit* v. *Dallas*, 390 U.S. 768 (1968) if there are any doubts about tampering with the Constitutional definition of obscene matter.

In this case the Court held that an ordinance of the city of Dallas was invalid because the standards used to define restricted matter were not definitely and narrowly drawn. The Court decided that this was so even though the law had been adopted for the purpose of protecting children.

The Court made a distinction between the New York Statute and the Dallas one, noting that the New York statute had been drawn "in accordance with tests this Court has set forth for judging obscenity."

That this approach will be effective is proven by the fact that the conviction upheld in *Ginsberg* involved the sale to a youngster of four "girlie" magazines. If the Court is unwilling to find that pictorial magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Mr. Chairman, the second amendment I suggest for your consideration is designed to keep the impact of the bill on target. Remember that the source of national outrage about smut is caused by a few major dealers engaged in commercial exploitation.

But the way subsection (b) is now worded, it would bring within its reach the case of relatives or friends who use the mails and interstate carriers without any purpose of material gain.

To close this loose provision, I recommend that the proposed law be amended to hit at persons who distribute illicit products for compensation or other commercial gain. This would be similar to a requirement in the New York statute and would meet the suggested form included in the Model Penal Statute drafted by the American Law Institute.

The third change which I hope the subcommittee will consider is whether the criminal sanctions of the bill should be expanded to reach the manufacturer and producer of pornographic materials.

The only person who is covered by subsection (b) is the one who deposits matter in the mail or transports merchandise in commerce, for delivery to a minor. This means that the film maker or printer who really turns out this stuff will not be covered by the law if he contracts with a separate publisher or distributor who handles the mailing or shipping of his product.

There is a major smut mill in Phoenix that performs just this kind of service on behalf of distributors in many different States, and I think the law should be stretched far enough to reach its kind of operations. I am referring to the Valley Paperback Manufacturers, Inc., which is engaged in a $4 million annual business printing indecent books by the ton for 14 United States publishers.

According to the Phoenix police department's special investigation bureau, Valley Paperback takes completed printing plates from the publishers, runs off an estimated 35,000 sex books each day, and ships them back to the publisher by truck, mail, and REA. The publisher then panders the items to the public.

Saul Simkin, president of the company, bragged to an Arizona Republic reporter that "I have the most beautiful operation of its type in America today . . . Sex is here to stay and nobody is ever going to tell me what to print, ever."

In order to shake up the brazen activities of operators of this kind, I feel the subcommittee should examine whether it is feasible to expand the scope of subsection (b) by making it a crime to print or manufacture lewd material if the accused knows or intends that such material will be deposited in the mail or transported in commerce in violation of the statute.

The next amendment I would like to discuss again involves the inherent Constitutional validity of the proposed statute.

Mr. Chairman, in my opinion subsection (c) of the proposed law is incapable of passing muster in the courts.

This provision says that indecent matter which is sent to a household where a child resides shall be considered as having been intended for delivery to a minor. An exception is granted only when the material is sent in an envelope or wrapper that "completely conceals the contents" and is "clearly, specifically, and personally addressed to an adult."

Frankly, Mr. Chairman, I cannot see how the courts will allow the lawmakers to pull themselves up by the bootstraps in this manner, and I must caution the subcommittee against adopting the provision.

It must be remembered that we are not talking about situations where the dealer can actually see the customer. Here where the business is conducted through the mails or in interstate commerce, the distributor does not see who his customer is.

Therefore, he cannot be charged with knowing the age of the person who opens the mail unless there is additional, reasonable proof of this presumed fact.

Mr. Chairman, I must inquire, how is the sender supposed to keep up the running account of each birth and change in age of family members that he must be aware of in order to know at which homes children are residing? And, if a minor does live at a residence where a dealer sends his product, can it fairly be said that the item is designed for delivery to him if he is only ten months old?

There is only one conceivable way in which subsection (c) might make sense and that depends on whether it will meet the criteria laid down by the Supreme Court for statutory presumptions. On the basis of the high court decision in the recent case of *Leary* v. *United States* (89 S. Ct. 1532), I fear that subsection (c) will not make it.

The Court announced in *Leary* that it will not uphold a statutory presumption unless the presumed fact is more likely than not to result from the proved fact.

Applying this test to subsection (c), the proved fact would be that lewd material was sent to a home where a child resides. The presumed fact would be that the product was meant to be delivered to the child.

In order for this to be a rational inference, it must be shown that most mailings and interstate shipments of smut are in fact received by persons who are younger than 18.

Next it must be shown that most dealers in smut are aware of this fact and have deduced that unless their product is mailed in the exact form described in subsection (c) it will be delivered to a child.

Mr. Chairman, after a long study of existing materials, I am persuaded that there simply is not any direct or circumstantial data available from which either of these conclusions may follow.

In the course of my search for evidence, I have been in touch with the Bureau of the Census, the Post Office Department, the Justice Department, the Commission on Obscenity and Pornography, and the Library of Congress to learn if they have any information bearing on whether most smut mail and deliveries are intended for or opened by children. In each instance the reply was negative. Mr. Chairman, I ask that these replies be printed at the end of my statement.

The result is the same if we turn to private sources. This is the conclusion which I reached after discussing the question at length with officers of two national associations representing firms active in the mail advertising industry.

Again, I must report that the response was negative. Neither the Mail Advertising Service Association nor the Direct Mail Advertising Association knew of any evidence from which it may be concluded that most mail of a commercial advertising nature is opened by minors.

In fact, the only information that came to light points the opposite way. According to a National Consumer Survey made for the Direct Mail Advertising Association in 1964, mail advertisements are opened by the head-of-the-family in 75% of American homes. This certainly refutes the idea that children open most of such mail.

Mr. Chairman, I wish to underline for the record that the member firms of these two associations are reputable companies, who refuse to have anything to do with the smut trade. They do possess a world of expertise about the direct advertising field and have been very generous in helping me pursue this investigation.

Even if the evidence had been different, there are other problems which might crop up. For example, I suspect that the United States attorneys would be hard put to explain to a court the difference between the requirements that an envelope or wrapper be "clearly, specifically, and personally" addressed. I assume that for an envelope to be "personally" addressed, it must show the name of the person to whom it is directed. But what reasonable distinctions in construction can the court give to the other terms?

Webster's defines "specific" to mean "precise" or "accurate." Applying this usage to the bill would mean that a person can be liable for conviction because of a misspelled name or an erroneous initial.

What then of "clearly?" I wonder what could be more clear than the personal name of the addressee. In his search for a distinct interpretation, perhaps the judge looking over this word will decide that the only meaning left open is for all envelopes or wrappers to be free of smudges and marks.

In any event, I feel it is apparent that the use of this triumvirate of requirements is open to challenge on the ground of vagueness.

Mr. Chairman, the final amendment that I wish to propose is the inclusion of a provision which preserves concurrent jurisdiction for the States in the anti-obscenity field.

The question of whether Congress intends to occupy the field to the exclusion of State and local laws should not be left for the courts to interpret. Congress has chosen to add a nonpreemption feature in fifteen of the Federal criminal statutes it has enacted during the past five years, and I suggest that similar language be put in the pending legislation.

Mr. Chairman, I would like to offer for the record a list identifying these fifteen statutes.

Mr. Chairman, this concludes my statement.

FISH-FARMING IN ARKANSAS

Mr. FULBRIGHT. Mr. President, probably the fastest growing agricultural industry in Arkansas is fish farming. Recently released figures show that gross sales of fish produced in the State this year totaled $16.1 million.

Government-supported research and technical aid have helped to make this rapid growth possible and I am pleased to have sponsored and supported some of the legislation which brought this about.

Fish farming was still virtually unknown when the Fish Farming Experimental Station at Stuttgart, Ark., began operation in 1961. Operated by the Department of Interior, work at the station is concentrated on broad, applied research to obtain practical information on the raising of food fish and bait fish.

A second unit, at Kelso, Ark., is being developed to test, prove, and demonstrate research findings at the Stuttgart and Marion, Ala., laboratories.

Technical assistance provided by the stations' staffs has been a major factor in the development of fish farming. Advice on spawning, stocking rates, feeding, disease control, and water management are provided at the Stuttgart laboratory. An extension biologist answers requests for information and assistance. A free diagnostic service provides assistance in disease control problems and each year a training course is provided for State and Federal biologists whose work is related to fish culture.

Mr. Leland DuVall, of the Arkansas Gazette, has recently written an article on the continuing growth of commercial fish farming, particularly catfish farming. It is an unusual and rare pleasure these days to be able to report some activity that is going well and in which our Government is playing a constructive and useful role.

Mr. President, I ask unanimous consent to have Mr. DuVall's article printed in the RECORD.

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

[From the Arkansas Gazette, Dec. 13, 1969]

CATFISH FARMING GROWING RAPIDLY

(By Leland DuVall)

Even though "fish farming" still is an unidentified business species—no one seems to know whether it should be classified as agriculture or recreation—there is no mistaking the growth rate. Figures released this week by the Soil Conservation Service show that fish production is expanding rapidly and may turn out to be the fastest growing crop in the state.

Dr. Roy Grizzell, SCS biologist, said gross sales of fish produced in Arkansas this year totaled $16.1 million. All segments of the business registered significant growth.

Even though fish has not gained a listing in the farm crops for which the Statistical Reporting Service keeps figures, the $16.1 million in sales would give the commodity 12th spot in the standing. Wheat, which is in 11th place, had sales last year of $16.5 million.

Grizzell's figures indicate that fish had a value almost double that of "farm" chickens—not to be confused with commercial broilers—for which sales were $8.8 million. Tomatoes for the fresh market were valued at $4.3 million and stood 13th; oats ranked next in line with $3.1 million and corn was 15th at $2.4 million. Hogs ranked 10th, just above wheat, at $18.9 million and the present expansion rate in fish would indicate that the product might move up to that spot in a couple of years.

The report showed that 394 commercial producers shared the sales. Total land area devoted to all types of fish farming rose to 29,110 acres from 22,782 acres in 1968.

Commercial catfish production expanded faster than any other segment of the business. The land area used for the "crop" increased 80 percent to 10,749 acres and gross sales rose from $3.1 million to $4.5 million. Sales of catfish alone—if the Statistical Reporting Service chooses to break the figures down to species—would have ranked 13th, slightly above the volume of tomato sales.

Minnow production still accounts for a major part of the income and sales this year totaled $9.1 million from 18,361 acres, compared with $7.3 million from 16,844 acres last year. The value of minnow sales exceeded that of farm chickens.

The production of catfish fingerlings for stocking purposes also expanded significantly this year. The sales volume was $2.4 million from 1,602 acres, compared with $1.5 million from 1,025 acres in 1968.

Lincoln is the leading fish producing county in Arkansas. This year, the county had 1937 acres stocked to catfish and 369 acres in minnow production. For minnows alone, Lonoke County was the leader with 10,213 acres stocked to the crop. Ashley County had 889 acres in catfish production and Lawrence County grew the crop on 677 acres.

Six catfish processing facilities are in operation in Arkansas and Grizzell said all except one of them were installed in the last 14 months.

The rapid expansion of catfish production can be attributed to the oldest of all economic reasons: The demand simply exceeds the supply and growers are struggling to restore the balance.

Persons familiar with the business have warned repeatedly that fish farming is not a short-cut to riches. The initial investment can be rather large and the growing and marketing process can encounter hazards. At this point in the development many questions still are unanswered and many problems have not been solved. Relatively little work has been done on breeding and science of genetics has not been applied on a significant scale to the task of improving fish. It seems fair to say that fish farmers still are producing "wild" catfish that are not significantly different from those that live in streams and lakes around the state.

At this point, however, no one can predict accurately just how many clean, high-quality dressed catfish could be sold in the regional and national market. All the producers know is that they have encountered no difficulty in disposing of their harvests and many markets still cannot be supplied.

So long as this condition exists, we can expect catfish production to continue to expand.

THE AMENDED PAY BILL

Mr. MOSS. Mr. President, late on Friday evening the Senate passed the amended pay bill for the postal workers and the classified civil service of the Federal Government under the able leadership of the senior Senator from Wyoming (Mr. MCGEE), chairman of the committee, and the senior Senator from Hawaii (Mr. FONG), the ranking Republican member of the committee. I wish to commend these two able Senators for the long, devoted, and intelligent effort that they made to work out a compromise bill which gives prospect of a salary adjustment at once where it is so sorely needed, and a promise of a further adjustment on the first of July in an attempt to bring the Civil Service and postal employees up to comparability.

It was necessary to compromise the bill in order to avoid a threatened presidential veto. Of course, we are not certain now that a veto has been avoided, but the bill has been brought into a position where it is believed that the President will now accept it. The adjustment is made largely at the lower-income levels, where the impact of inflation is most severe. Most important, the classified Civil Service has been included to avoid the criticism of discrimination of one classification of workers against another classification. Although the amount involved for each of the workers is far too small, and I certainly would have supported a greater increase, I am convinced that this is the best we can get without a Presidential veto. It is more important to get a pay raise through than to try to gain a political advantage of quarreling about who cut off the increase. So I associate myself with the chairman and with the Senator from Hawaii and commend them highly.

OIL ISSUES

Mr. PROXMIRE. Mr. President, for the first time in a long time the oil industry is going to have some of its many subsidies examined and changed.

Congress has modified, albeit in a minor way, some of the oil industry's tax subsidies and the Cabinet Task Force on Oil Import Control apparently is going to modify the oil import quota program subsidy.

I think it is important that we are all aware of the issues involved in the proposed changes and, therefore, ask unanimous consent that a series of articles by David Francis be printed in the RECORD at the conclusion of my remarks. These articles were published in the Christian Science Monitor, which has a well-deserved reputation for fairness.

When the pressure comes from the oil industry to protect its many subsidies we ought to be prepared with all the facts, not just the "facts" from those who are seeking to retain their subsidies at the expense of the American taxpayer and consumer. I commend these articles as being fair and impartial and urge that they be read by every Senator because, as sure as I am standing here, the proponents of oil subsidies will be inundating Congress and the Nation with carefully prepared presentations of those "facts" they care to recognize. I ask that everyone compare the facts, measured and quantified in these articles, with the emotional arguments of national security, and so forth, of the oil subsidy seekers. After comparing these two "fact sheets," I think only one conclusion can be reached.

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

SENATE LIBERALS ZERO IN ON TAX LOOPHOLES OF OIL INDUSTRY

(By David R. Francis)

WASHINGTON.—There was no room for latecomers in the Senate Finance Committee hearing room Oct. 1. It was jammed with oil lobbyists and other observers.

The topic of a long parade of witnesses was taxes on oil and gas production.

They were a concerned lot. Not since creation of the oil-depletion allowance in 1926 has there been such a strong possibility that the oil industry will lose a portion of its extraordinary tax privileges.

"This is the first time we are really looking down their throats . . .," quipped Martin Lobel, legislative assistant to Sen. William Proxmire (D) of Wisconsin.

Senator Proxmire is one of a group of liberal senators attempting to reduce the size of the tax loopholes benefiting the oil industry.

In testimony to the Finance Committee Sept. 30, he described the tax privileges of the oil industry as "the most glaring inequities in the entire tax structure."

Even the oil industry expects to see its taxes go up. One oil lobbyist guessed that the Senate Finance Committee might reduce the infamous 27½ percent depletion allowance to 23½ percent. The House has already passed legislation trimming it to 20 percent.

THREE-TIER ALLOWANCE?

The "ringleaders" of the liberals in the Senate, in addition to Mr. Proxmire, are Sens. Edward W. Brooke (R) of Massachusetts, Edward M. Kennedy (D) of Massachusetts, George McGovern (D) of South Dakota, Thomas J. McIntyre (D) of New Hampshire, Walter F. Mondale (D) of Minnesota, Edmund S. Muskie (D) of Maine, Gaylord Nelson (D) of Wisconsin, Claiborne Pell (D) of Rhode Island, and Stephen M. Young (D) of Ohio.

They have proposed a three-tier depletion allowance. This would allow the full 27.5 percent depletion allowance on the first $5 million of gross income from oil and gas properties, 21 percent on the gross income from $5 to $10 million, and 15 percent for everything over $10 million.

The goal of this proposal is to protect the small, independent oil producers. They have been doing most domestic exploration, if the continental shelf and Alaska are excluded.

At the same time, stated Senator Proxmire, it "would require the major oil companies that have been enjoying fantastic profits to pay their fair share of the tax burden."

ASSOCIATION SPLIT HINTED

Cleverly, this proposal also has split the oil industry. It has received the backing of the Kansas Independent Oil & Gas Association, the second largest state association of independents with 1,300 members.

The even more important association in Texas, the Texas Independent Producers and Royalty Owners Association, has taken no position on the Proxmire proposal. It is reportedly split. Some of its members are executives with major oil companies and would naturally oppose such a sliding scale.

With this division in the oil industry and the enormous pressures on Congress for tax reform, Senator Proxmire's office reckons his proposal already has the solid backing of 34 senators. Twenty other senators are ranked as "doubtful." And the remaining 46 are not necessarily all opposed. So his proposal has a chance.

Mr. Lobel figures it depends partially upon what the Finance Committee proposes. If the committee cuts back the depletion allowance by a modest amount—say to 23.5 percent—it may present a "low enough profile" that Senate liberals will have a more difficult time cutting it further.

Chairman of the Senate Finance Committee is Sen. Russell B. Long (D) of Louisiana. With major oil interests active in his state, the Southern Senator is an open defender of the status quo in oil taxation. He is expected to work for as small a reduction in the federal tax privileges as he thinks possible.

A majority of his committee in the past has voted against reduction of depletion allowances.

OPPOSITION RECALLED

Only three of the 13 committee members who were in the Senate in 1964, when the last vote on the oil-depletion allowance was taken, voted against depletion. They are Abraham A. Ribicoff (D) of Connecticut, Albert Gore (D) of Tennessee, and John J. Williams (R) of Delaware.

Senator Long personally has financial interests in various oil investments. But he maintains that these personal interests parallel the interests of his state.

Noting that the gas-and-oil industry is the largest employer in Louisiana, he said in a Senate speech last year: "If I were against the oil and gas industry, I suppose I could expect the strongest kind of opposition, because after all, that industry involved a lot of jobs and a lot of investments in the state."

Senator Long has promised to report the tax-reform bill out of committee by the end of this month. But the seven Republicans on the 17-man panel are reportedly opposed to that schedule, hoping to delay the bill until 1970.

In any event, when it does reach the floor of the Senate, Mr. Proxmire is expected to offer his proposal as an amendment.

Then a new test of the power of the oil lobby, once regarded as one of the most powerful in Washington, will occur.

According to the Congressional Quarterly, oil companies have spent more than $500,000 on a newspaper-advertising campaign to try to convince the American people that the oil industry pays its fair share of taxes and that oil imports quotas are justified.

With the disappearance from the Senate of some of the oil industry's most powerful protectors—Lyndon B. Johnson, Sam Rayburn, and former Sen. Robert Kerr of Oklahoma—the oil interests must seek more public support. But the oil-depletion allowance has become such a symbol of tax privilege, the advertising campaign undoubtedly faces rough going in changing people's minds.

HOW "TEX SMITH" HELD HIS INCOME TAX TO $397

(By David R. Francis)

WASHINGTON.—This is an actual case from the files of the Internal Revenue Service. A taxpayer, let's call him "Tex Smith," has an income of $924,722 one year. But he paid only $397 in taxes.

That's the same amount of taxes a single man with a salary of $3,400 would pay.

How did Tex manage to pay only .04 percent of his income in taxes?

Primarily, he took advantage of the excess percentage depletion allowance on his oil and gas operations.

Tex declared a salary of $50,000, dividends of $1,022,312, interest of $676, capital gains of $26,519, a farm profit of $10,683, and a loss of $185,468 on his oil and gas operations before excess depletion.

PERSONAL DEDUCTIONS

However, excess percentage depletion for Tex amounted to $862,042. And he had personal deductions such as contributions, interest, state and local taxes, and medical bills totaling $41,141.

As a result, Tex made a contribution to the United States Treasury of only $397 that year.

Here's another example of the impact of tax loopholes for the oil industry. Atlantic Richfield Company earned over $465 million between 1964 and 1967. Yet it did not pay 1 cent in federal income taxes.

"Imagine," exclaimed Sen. William Proxmire (D) of Wisconsin at Senate Finance Committee hearings last week, "gigantic Atlantic Richfield paid less in federal income taxes than the janitor who cleaned this room last night!"

It is this type of extreme case that arouses the emotions of ordinary middle-class and poor taxpayers. It appears enormously unfair.

Yet, without blushing, the oil industry defends these loopholes as necessary incentives for assuring the nation adequate supplies of oil and gas. It argues that state and local taxes make the industry's total taxes about average for all industry.

Critics, in effect, term these defenses "rubbish." Some say the incentives are so generous they have attracted an excessive amount of capital into the oil industry. They maintain there could be much cheaper ways of providing incentives for oil exploration. And they dispute the tax claims of the industry.

These arguments will be discussed in more detail in subsequent articles in this series.

First, look at the cost of the oil and gas loopholes to federal revenues. Former Undersecretary of the Treasury Stanley S. Surrey called these "tax expenditures"—government expenditures made through the income-tax system.

For all extractive industries—oil and gas plus the mining industry—the revenue loss to the American taxpayer as a result of the percentage depletion allowance was $1.3 billion in 1968.

Most of this tax expenditure benefited the oil and gas industry.

CAPITAL COSTS RECLASSIFIED

Another loophole permits certain capital costs necessary to bring a mineral deposit into production to be deducted as current

expenses rather than spread over the useful life of the property. This cost another $300 million.

State Senator Proxmire: "This money was spent by the American taxpayers just as surely as if Congress had appropriated the money—with only one important difference: No one examined the expenditure to see who was getting it and whether it was worth the cost."

This year, a Treasury study indicates, the back-door spending of these two loopholes will amount to $1.7 billion.

That is some three times what was budgeted in fiscal 1969 for federal law enforcement. It is 15 times as much as the cost of running the federal judicial system, 3 times the budgeted amount for school-lunch and food-stamp programs, and 5 times as much as is budgeted for low-rent public housing.

ADVANTAGES ITEMIZED

The more important tax advantages provided the oil industry are these:

1. Intangible drilling costs.

These include such costs of developing a well as wages, fuel, repairs, hauling supplies, and other expenses that do not have a salvage value. These "intangibles" may be deducted from gross revenues the first year.

In other industries, firms must capitalize such expenses and write them off over a number of years.

2. Percentage depletion.

Businesses in the extractive industries may deduct a flat percentage of gross revenues of each property before paying taxes, unless this figure totals more than 50 percent of the net income of the property before deducting the depletion allowance. In the case of the oil and gas industry, this percentage is 27.5 percent. It ranges down to 5 percent for other minerals.

Unlike ordinary depreciation on machines and buildings in other industries, the depletion allowance goes on as long as the life of the mine or well even when it far exceeds capital costs.

There are other tax gimmicks that are used by oilmen. Here's an example.

Suppose a corporation derives all its income from an oil well, a gusher that produced revenues of $1 million the first year. But it was deep and cost $800,000 to drill.

Intangible expenses amounted to $700,000. Production expenses were $20,000. These are immediately deducted from the revenues, leaving $280,000 in profits.

The oil company would not pay income taxes on $280,000. He would pay them on $140,000.

OIL SOLID IN ADVANCE

This is because of the 50 percent net-income limit on the depletion allowance. Without this limit, his depletion allowance would have been $275,000.

This being a waste of a good tax break, the tax lawyer uses a technique known as "carved out" production payments to save more tax money.

He knows that next year, assuming revenues of $1 million again and production expenses of $20,000, the oil company could take the full percentage depletion allowance of $275,0000. Its taxable income would be $705,000.

So it sells most of the second year's production in advance. during the first year. Thus it boosts its first-year revenues to, say, $1.9 million, from which can be deducted $720,000 of intangibles and operating expenses. This leaves a net income of $1,180,000.

On this, the tax lawyer can claim the full depletion allowance of $522,500, since the 50 percent ceiling amounts to $590,000.

Next year the oil company will have relatively little income and it can claim against this its full operating costs. In some cases—not this example—the result might even be a loss.

A Treasury study under the aegis of Mr. Surrey asserted that this gimmick "produced tax benefits that are far in excess of the advantage Congress intended to grant."

The comment also applies to an even more complex form of production payment called the "ABC deal."

Other tax provisions, such as foreign tax credits, are involved in the current controversy over tax reform. They apply to other companies besides those in the oil and gas industry.

DOES OIL PAY ITS SHARE IN TAXES?

(By David R. Francis)

WASHINGTON.—Since July the oil industry has spent more than $500,000 to persuade the public that the percentage-depletion tax loophole is justified.

The money has been poured into a series of advertisements in 135 newspapers across the country.

One of the key arguments in the ads is that the total taxes of the oil industry—federal, state, and local—are more than proportionate to those paid by other industries.

But are they?

The ads are carefully worded. Says one: "The oil industry pays not a smaller but about a 20 percent greater share of its gross revenues in direct federal, state, and local taxes than the average for all industry. And that doesn't include the heavy gasoline taxes you pay at the pump."

This figure was obtained from a study by the Petroleum Industry Research Foundation, Inc., New York. It is financed by the oil industry, with seven independent oil marketers on its board.

TAXES TALLIED

The study found that in 1966 the industry paid a total of $2.5 billion in domestic taxes. These include federal income, state income, severance and production, property and ad valorem, payroll, pipeline, and miscellaneous.

The figures, as far as one can tell, are probably reasonably accurate.

But then the foundation study compared these tax totals with gross domestic revenues of the oil industry.

"That," says Martin Lobel, legislative assistant to Sen. William Proxmire (D) of Wisconsin, "is really fallacious. It is very misleading."

Adds Arthur W. Wright, economics professor at the University of Amherst: "It is an irrelevant thing to compare."

COMPARISON USED

According to these two, the proper comparison would be the proportion total taxes are of domestic net revenues when these net revenues are computed with ordinary cost depletion.

Gross revenues are the return from total sales, investments, fees, etc. By using this comparison, the level of taxation for the oil industry appears to match that of other industries.

Net revenues equal gross revenues minus the ordinary costs of doing business (operating income before taxes).

Although admitting that the federal tax burden is relatively low, the foundation study maintains that total domestic taxes averaged 5.1 cents per dollar of gross revenue for the years 1964 and 1965. The tax burden for all United States business corporations was about 4.5 cents per dollar of gross revenue in both these years.

Professor Wright likened this comparison to ranking an industry on its profit margin on sales. From an investor's standpoint, the only useful comparison is profit as a percentage return on net worth or investment.

Chain food stores, for instance, received only a 1.1 percent return on sales last year, but a 11.5 percent return on net worth. They depend on high turnover and low margins on sales for their profits.

By comparison, the oil industry has a very high percentage return on sales. According to figures of First National City Bank, it got 9 percent in 1968. Drug companies got 9.5 percent. Mining companies (which also enjoy percentage depletion) got 12.6 percent and public utilities 13 percent.

All other industries had a lesser return on sales. The average was 5.4 percent.

The oil industry's high profit on sales is a result of its relatively low unit labor costs. Since taxes are to some extent based on profits, oil industry's taxation over gross revenue figure works out relatively high.

This correspondent has not been able to find any study which compares total domestic taxes and net domestic revenues for the oil industry.

It would be a difficult task. Most international oil companies do not separate their domestic and foreign revenues in their public financial statements. The Petroleum Industry Research Foundation had to get these figures in confidence.

CASH FLOW PROVIDED

Oil companies do, however, keep two sets of books. They use one for tax purposes and a second set for public consumption. In the public statistics, they use ordinary depletion.

Mr. Lobel worked out the total tax burden—federal, state and foreign severance, production, and property taxes—of Atlantic Richfield. It came to 27.1 percent of net income in 1967.

That compares with just the federal tax borne by the average manufacturing company of more than 40 percent. They too pay state and local taxes.

Atlantic Richfield paid no federal taxes in 1967. This makes it exceptional among the major oil companies. Yet it seems unlikely that other oil companies pay more in total taxes as a proportion of net revenues than other industries, considering the low level of federal taxation.

Senator Proxmire asserts that the oil industry pays less in total taxes than most industries pay in federal taxes alone.

Relatively low taxation does not necessarily mean that the oil industry makes extraordinary profits, though it does provide huge cash flows. With this money the industry has been able to expand rapidly into the chemical industry, and the majors have bought up many of the independents.

INVESTMENTS INVOLVED

But profits in 1968, as measured by First National City Bank, were 12.9 percent of net worth. That is slightly less than the 13.1 percent for total manufacturing.

This, however, does not surprise the economist. Prof. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told a Senate antitrust subcommittee last spring:

"The effect of favored tax treatment is to reduce tax costs for oil companies relative to firms in other industries. These measures taken together substantially raise the expected after-tax profit rates on oil-industry exploration and development investments in what would otherwise be submarginal uses of scarce capital. Investment in petroleum exploration and development is indeed expanded to the point where the after-tax return is approximately equal to that which may be obtained on alternative uses of capital. . . ."

The question is whether these tax subsidies misallocate investment resources.

No one disputes the fact that the oil industry pays less federal taxes than industry as a whole. A Treasury study found that in 1965 the oil industry paid 21.1 percent of its total net income to the United States and foreign governments in taxes. That compares with 37.5 percent for all industry.

And that total industry figure would be dragged down slightly by the inclusion of the oil industry in it.

The Internal Revenue Service reports that only 44 to 51 percent of the oil industry's actual income (depending on how one treats the tax loopholes) is considered to be taxable income. That compares with an average of 97 percent for all manufacturing concerns, excluding the refining industry.

"OIL STATES" BENEFIT

To the extent that citizens of Texas, Oklahoma, Louisiana, and California, the chief oil states, benefit from the tax loopholes, they are being subsidized indirectly by the taxpayers of the states with little or no oil production.

Knowing this, oil-state congressmen aren't about to give up the depletion allowance and other loopholes without a fight.

And the oil industry benefiting from tax loopholes worth about $1.7 billion a year to it and other extractive industries, figures $500,000 of defensive advertising a sound investment.

Like many advertising claims, however, the oil industry's ads may be factually the truth, but not the whole truth.

CRITIQUE STRIKES SPARKS—OIL FIRMS DEFEND SECURITY ROLE

(By David R. Francis)

WASHINGTON.—When the oil industry defends its federal tax privileges, its key argument is that they serve to promote national security.

Thus it was a major shock to the industry last winter when a Treasury-sponsored study concluded, in effect, that the percentage-depletion allowance and the expensing of intangibles are a waste of federal tax expenditures. Any increase in security, the study indicated, is marginal.

The study, by the CONSAD (Research Corporation of Pittsburgh), was first referred to in supplementary material to the tax-reform studies and proposals of the Treasury under President Johnson.

The Treasury tax-reform studies were never endorsed by President Johnson, but they were forwarded to Congress and printed Feb. 5.

COMMITTEE SET UP

The press then smoked out the CONSAD report, using the Freedom of Information Act. It was printed by Congress March 11 as the fourth volume of the Treasury tax-reform studies.

Immediately the oil industry, through the Mid-Continent Oil and Gas Association, set up a committee of economists and econometricians to review the report. By April 25, the association submitted its critique to Rep. Wilbur D. Mills (D) of Arkansas, chairman of the House Committee on Ways and Means.

The critique concluded that the CONSAD report could be given "no credence."

In turn, the 41-page Mid-Continent critique came under fire, Dr. William A. Steger, president of CONSAD, told this correspondent he regarded the critique as "unprofessional." He added that it is "so replete with inconsistencies and out-of-context references that it appears to be an outright attempt to obfuscate, confuse, and mislead."

Government officials say the Mid-Continent critique is "nit-picking."

A prominent oil-industry economist admitted privately that the critique was "not very impressive."

INDUSTRY COUNSELED

Dr. Arthur W. Wright, a professor of economics at the University of Massachusetts, told the Senate Finance Committee Oct. 1: "It is to be regretted that this task force [the Mid-Continent economists] did not attempt to set forth a reasoned justification of the petroleum industry's traditional arguments in favor of percentage depletion and other special tax benefits enjoyed by the industry."

Professor Wright held that rather than merely criticizing the CONSAD report, the industry should accept a major share of the "burden of proof" that the tax benefits are justified.

However, Thomas A. Martin, executive vice-president of the Mid-Continent Oil and Gas Association, said that the industry had no plans for doing its own economic study of the rationale of the national-security argument. He argued that the industry, with its thousands of decisionmakers, does not lend itself to this sort of evaluation.

The CONSAD report was about 18 months in preparation. It cost the Treasury about $130,000. It is basically econometric, combining mathematics and economics.

It is one of the first major intellectual studies of the national-security argument of the oil industry.

The heart of this argument is that the nation needs extra productive capacity or "reserves" as security against the risks of war or other emergencies. It is assumed that special tax benefits are needed to encourage the creation of such reserves.

At the Senate Finance Committee hearings Oct. 1, oil man after oil man trotted forth this security thesis.

The CONSAD report, however, held that complete elimination of percentage depletion, which is equivalent to a reduction of nearly 12 percent in the wellhead price of oil from the point of view of oil producers, would lead to a 3 percent reduction in the level of reserves producers would wish to hold.

Knocking out another tax privilege, the expending of intangibles would be the equivalent of a 15 percent increase in the cost of replacement reserves. This would lead to a further reduction of 4 percent in the reserves producers would wish to hold.

CRITIQUE ANALYZED

Thus the long-run effect of removing the tax loopholes would be reduction of 7 percent in the level of reserves held by oil producers. If, under present conditions, oil producers hold reserves equal to 12 times current annual production, under normal income-tax treatment, they would strive to hold only slightly more than 11 times current production.

Since no emergency is likely to last 11 years, let alone 12, the CONSAD report hits the security argument hard. A modern nuclear war might not last 12 days.

Of course, the oil industry generally refers to some Middle Eastern crisis when it speaks of the security problem.

Curiously, the Mid-Continent critique maintains that the level of reserves desired by the industry is fixed technologically by the level of production. If this is so, it becomes difficult for the industry to argue that tax loopholes build reserves relative to production.

Comments Professor Wright: "The critique . . . actually has the effect of denying the traditional national-defense argument . . ."

Actually, Congress shows no sign of wiping out the oil industry's tax advantages. If the Treasury's current proposals were adopted in total, it would raise industry taxes by $600 million.

The major oil loopholes will cost the government about $1.7 billion this year. This amount is increasing by about $200 million each year with the growth of the oil industry.

Unless signals change, it is unlikely that Congress will knock out even the $600 million in loopholes suggested by the Treasury. It probably will be considerably less than that.

To some extent the industry may be moving away slightly from the defense argument. With the Alaska oil find and major oil strikes being made in other parts of the world than the Middle East, it is more difficult to argue that the United States must pay $1.7 billion in tax incentives each year for the sake of security.

In addition, the tar sands in Canada, oil shale in this country, and the use of coal to make liquid gasoline are coming closer to the realm of economic feasibility. These resources will provide reserves for many hundreds of years.

But even if the more narrow issue of the adequacy of liquid petroleum reserves is considered, the CONSAD report casts considerable doubt on the contention that tax incentives increase reserves.

OIL FIRMS LINK TAX CHANGES TO GASOLINE PRICES

(By David R. Francis)

WASHINGTON.—Will the price of gasoline go up if the oil industry's tax advantages are reduced?

If oil import quotas were not relaxed to let in more cheap foreign oil, the answer is probably "yes."

Nothing is free in economics. If the industry, to take the extreme, were to lose all its tax privileges of nearly $1.7 billion this year, that amount would have to come out of someone's pocket.

It could come out of the profits of oil companies or individuals investing in oil ventures. It could reduce the level of royalties oil companies are willing to pay for leases, including the leases granted by state and federal governments.

Or, the higher tax costs could be passed along to the consumer in higher prices.

MIXTURE MOST LIKELY

Probably, economists figure, the results would be a mixture of these effects.

Profits of the oil companies would come down somewhat for a while until they succeeded in hiking prices sufficiently to restore their profit margins.

Individual oil entrepreneurs would lose their tax shelters. They would probably be hit hardest.

Oil industry critics, such as Dr. Arthur W. Wright, professor of economics at the University of Massachusetts, Amherst, argue that the present system creates a lack of fairness in the tax system.

"Taxpayers with similar incomes should bear similar tax burdens," he maintains. "The effective tax rate should not depend on the source of one's income: earnings from minerals and earnings from other sources should be taxed alike."

TAX SYSTEM AT STAKE

If the unfairness of the system is not corrected, he continued, "We run the risk of undermining the faith of the American people in their self-assessment tax system."

In the case of individuals, use of tax loopholes for the production of natural resources can circumvent the progressivity of tax rates. Some wealthy oil men, instead of paying a greater proportion of their income in taxes on the basis of their ability to do so, will pay little or no federal taxes. In other words, they may pay less taxes than a poor man.

The industry, in its current advertising campaign, makes a point of noting that higher taxes "might very well result in consumers having to pay more for gasoline, heating oil, and other petroleum products."

Presumably, however, those not benefitting from the oil-industry tax privileges would save on their tax burden.

ROYALTY REDUCTION POSSIBLE?

The Treasury has reckoned that gasoline prices might go up by 0.5 cents a gallon if Congress approves the House bill plus the changes suggested by the Treasury in oil taxation. That compares with a boost in

prices of about 0.6 cents per gallon last spring when the oil companies boosted the domestic price of crude.

This calculation assumes that some of the industry's increased taxes might be paid through a gradual reduction in royalties. The state of Alaska, for instance, might have got less than the approximately $900 million it got on the sale of North Slope oil leases. Private land owners would also receive reduced royalties on new agreements.

A Treasury tax-reform study published last winter reckoned that complete abolition of percentage depletion would result in extra costs to drillers of about 70 cents a barrel. If tangibles were not deductible immediately, another 25 cents a barrel would be added to the oil producers' costs.

$29 A YEAR AVERAGE

If this increase were spread over all products, the price of gasoline might rise by 2.5 cents per gallon, the Treasury figured. Since people can't easily do without gasoline or find substitutes (in the terms of the economist, the demand is relatively inelastic), oil companies might boost gasoline prices more than 2.5 cents and other products proportionately less.

But this is a maximum figure and assumes that oil companies make no attempt to reduce other costs (royalties, etc.) or profits.

The Treasury figures are fairly close to those of an industry source. The Petroleum Industry Research Foundation calculated that the abolition of percentage depletion, if passed on completely into gasoline prices alone, would hike the price by 2.5–3 cents per gallon.

In 1967 that maximum figure worked out to an average of $29 a year for each of the 47 million car-owning families in the United States. Since these families account for 78 percent of all United States families, the price increase would be widely distributed.

Then the study went on to argue that any increase in gasoline prices would have a regressive effect—it would hit lower-income groups more than those with higher incomes. This is because lower-income groups tend to spend a larger proportion of their income on gasoline for such necessities as driving to and from work.

The foundation worked out a table finding that those with incomes of $3,000 before taxes pay 2.7 percent of their income for gasoline. For the $3,000 to $5,000 group it is 3.4 percent, and the $5,000 to $7,500 group it is 3.3 percent.

PRICE MOVES POSSIBLE

For those in the $7,500 to $10,000 group the percentage is 2.8. For the $10,000 to $15,000 group it is 2.3 percent and for those above $15,000 only 1.4 percent.

However, this mildly regressive feature should be more than offset by the progressive side of the tax reform bill. The legislation would make the rich (including the oil-rich) pay more taxes. And the revenues resulting from loophole-closing would enable the bill to remove the federal tax burden from 5.8 million poor people.

Of course, any tendency for prices to rise could be quickly blocked by letting in more foreign oil or dropping federal support for market prorationing by the two key oil states.

Nor does Congress show any indication of removing all the oil industry's tax advantages. Up to now, the tax privileges have been sacrosanct. If a change is made and the disaster forecast by the industry does not come about, it will be even harder to argue against further reduction in the loopholes.

'There is the psychological impact," a witness for the industry, William J. Spencer, executive vice-president of First National City Bank of New York, told the Senate Finance Committee this month.

"Once the gate to change has been opened, investors become increasingly nervous. These tax changes are not only retroactive; they cast shadows before them."

INVESTOR EFFECT CITED

He concluded: "Any undermining of the existing tax structure will inevitably have a more than proportionate effect on investor expectations, and therefore on capital availability."

Mr. Spencer and other industry witnesses often spoke of the special risks involved in the oil industry.

Professor Wright rebutted: "Most pleas from oil and mineral producers for tax assistance show a disturbing lack of faith in the ability of market processes to adapt to risks.

"What is needed is more faith in the American market economy, and less reliance on public expenditures through the tax system."

TREASURY TOOK WRONG CUE—OIL-FIRM TAX PLEA BACKFIRED

(By David R. Francis)

WASHINGTON.—In battling to retain the tax privileges of the oil industry, the Independent Petroleum Association of America really led with its nose on one occasion last spring.

It submitted to the Treasury Department an analysis of the impact of the so-called "limit on tax preferences" on 56 individuals, trusts, and estates heavily using percentage depletion and intangible drilling costs. These are two tax loopholes of particular value to the oil industry.

The intention was to show that the group's taxes would increase so dramatically they would do less drilling for oil.

But it backfired. What struck Treasury officials was the small amount of taxes this relatively wealthy group paid.

The group had a total income of $35,340,000. (It may have been somewhat more or less, as the computation left out long-term capital gains and net operating loss carryforwards.) But they paid taxes on only $1,145,000 of that sum.

TAX BENEFITS ADDED UP

Various tax loopholes enabled the group to escape from paying taxes on the remainder. The right to deduct intangible drilling and development costs immediately eliminated $18,433,000. Percentage depletion in excess of cost knocked out $13,849,000.

Three other tax loopholes saved a smaller amount of income from federal taxation.

Then the group noted that the Treasury's proposal for a limit on these tax preferences would mean they would have to pay taxes on $15,065,000 of a total of $34,195,000 in tax preferences. That would increase the tax burden of the group decidedly. (But that tax load would still not approach that of individuals with similar income from non-preferential sources.)

From here the group went on to argue that the reduced income of the group, particularly as a result of being unable to deduct intangible drilling costs at once, would have reduced drilling by the group drastically.

ARGUMENT SUMMARIZED

The arguments of the independents for their tax breaks were summarized by H. A. True Jr. head of True Oil Company, Casper, Wym., before the Senate Finance Committee Oct. 1. Speaking for the IPPA, he stated:

"The domestic industry's activities in searching for and developing United States petroleum resources have declined to inadequate levels, imperiling the nation's economic progress and future security. Assurance of adequate oil and gas supplies to meet future requirements requires much more—not less—domestic exploration and drilling.

"If proposed tax changes were approved, total expenditures for United States exploration and development would decline to only $2.4 billion by 1980, compared with a required expenditure of $8.3 billion—a deficiency of $5.9 billion yearly or more than 70 percent.

"These tax changes would have a devastating effect on independent producers, many if not most of whom would be forced to liquidate their properties and discontinue exploration and drilling. Competition and the multiplicity of effort that has been a key factor in discovery of new resources would be seriously lessened.

WARNING DISCOUNTED

"The resulting 1980 deficiency in United States crude oil production would result in the United States being dependent on foreign sources for over 50 percent of the nation's requirements—an intolerable situation from the standpoint of national security."

Commented one government official: "According to the Independent Petroleum Producers Association, the sky is always on the verge of collapsing."

There is a tendency of any group threatened with loss of its tax privileges to predict catastrophe.

The IPPA prediction took the House proposals for tax reform, figured out how much more taxes the oil industry would have to pay, added to this an extra amount for the psychological impact on investors, and concluded that oil and gas exploration and drilling would decline by that amount. Then it applied those figures to projections of domestic demand and supply of crude oil. It assumed new oil reserves would be related to the amount of money spent.

Dr. Wilbur A. Steger, president of Consad Research Corporation of Pittsburgh, regards this method of analysis as "naïve." His firm did a study on the impact of a complete loss of tax privileges for the oil industry on reserves of oil and gas. It found the impact rather minor.

The IPPA analysis, Dr. Steger noted, does not look at prices, royalties, and other factors.

OTHER CHANGES POSSIBLE

But the research economist admits that the Consad economic model examined the total industry and not the impact of tax changes on segments of the industry.

There may be a tendency for the big oil companies to get bigger at the expense of the small firms. The big companies have extra tax benefits on their overseas production and financial advantages from the use of all import quotas.

The loss of tax privileges could hurt marginal oil producers.

A study by the Bureau for Business and Economic Research at the University of Oklahoma concluded that reductions in the tax privileges, especially the ability to write off intangible drilling costs immediately, "Will lead to a severe curtailment of exploratory drilling activities of the independent oil operators in Oklahoma, and in turn, will hurt the Oklahoma economy considerably."

The study was financed by the American Petroleum Institute.

SHARP QUESTION POSED

If the independents are right in claiming to be hit especially hard by loss of their tax privileges, the question remains for Congress: does the national interest require tax protection of the independents? If so, does that protection need to be granted to the whole industry? Is there a more efficient way of encouraging exploration?

The wife of one independent oil operator writes from Texas: ". . . the United States is now on the road to an eventual oil famine." She argues, like Mr. True, that unless the independents find more domestic oil, the nation will be overly dependent on foreign oil.

Says economics professor Arthur W. Wright of the University of Massachusetts: "There is an attempt to play on this emotion over small business—that the independent is some ideal American type. I can't see any intrinsic reason for keeping a lot of small firms in business."

He added: "People who worry about the amount of oil reserves in this country are charlatans. It is like worrying about the earth falling out of orbit."

Professor Wright was referring to the fact that the domestic industry has a surplus of capacity at present and the potential of drawing upon enormous reserves of shale oil and coal for petroleum at some point in the future.

INEQUITIES SEEN—CRITICS QUESTION PRIVILEGES OF OIL-INDUSTRY LAWS INCLUDING FOREIGN-TAX-CREDIT PROVISIONS

(By David R. Francis)

WASHINGTON.—Proposition 1: Tax advantages are given to the petroleum industry to encourage domestic exploration and development for the sake of national security of this nation's chief source of energy.

Proposition 2: "It seems clear that the future security of the United States and the free world will depend on ready access to diverse and growing foreign sources of oil. In the case of the United States, the best way to provide future access to sufficient foreign-source petroleum is to encourage U.S. companies to continue to search for and develop these resources in diverse foreign areas."

The latter proposition is a quote from the testimony of Emilio G. Collado, executive vice-president of Standard Oil Company of New Jersey, before the Senate Finance Committee Oct. 1. The first proposition is the standard argument of oil men for their tax breaks.

Mr. Collado was defending the extension of tax privileges to the foreign operations of U.S. oil companies.

The problem is that the two propositions don't square with each other.

PROXMIRE RAISES ISSUE

Sen. William Proxmire (D) of Wisconsin says: "If national security is really the basis for all the tax incentives enjoyed by the oil industry, I cannot understand why the Internal Revenue code gives greater tax incentives for foreign exploration and development than it does for domestic exploration and development."

In this country the ownership of land generally includes the rights to any minerals under the surface. Thus oil companies pay royalties to the landowners for the right to extract the oil.

These royalties are deductible as business expenses. So they cost the companies, in effect, about 50 cents on the dollar.

In the major oil lands abroad, the oil below surface usually belongs to the state. Thus payments for the right to extract oil (and other minerals) can be made in the form of taxes. According to U.S. tax law, these payments to foreign governments can be offset dollar-for-dollar against U.S. taxes owed.

FOREIGN ADVANTAGES SEEN

Other factors being equal, it is far more advantageous from a tax viewpoint for a major oil company to explore and produce oil abroad than in the United States.

Dr. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told the Senate antitrust subcommittee last spring: "In effect, the American Government pays about 100 percent of the foreign royalty charges."

Added Dr. Mead: ". . . If the purpose of depletion allowance was to stimulate domestic production, that purpose is partly nullified by the second tax gimmick, that of U.S. credit for foreign taxes paid."

Queried Senator Proxmire: "Why should U.S. taxpayers be required to pay taxes to these foreign governments, just because of a quirk in these foreign governments' law?"

He said that these tax laws had made "a monster" that in the name of national security provided greater tax incentives to explore for foreign oil sources.

As with most tax problems, the situation is even more complex.

INTERNATIONAL COMPLEXITIES

There are international complexities. The United States claims tax jurisdiction over its citizens (corporate or individual) on their operations abroad. Some nations, such as the Netherlands and France, do not, at least in the case of direct investment.

There are financial oddities. Because U.S. oil companies operating abroad can claim percentage depletion and intangibles in reckoning their U.S. tax base, they attempt to switch as much income as possible to their producing operations.

This means they declare losses or minor profits on their refining and marketing subsidiaries in Europe. In effect, they overcharge these subsidiaries for their oil and for shipping. The shipping subsidiaries use tax havens, such as Panama, where they generally escape all corporate-income tax.

From 1963–67, for instance, the relatively small German oil company, Wintershall, paid more in taxes to the German Government than the subsidiaries of four majors marketing in West Germany—Esso, Mobil, British Petroleum, and Shell.

The majors could shift their profits back to the producing companies where they could use the depletion allowance and intangibles. Wintershall did not have this possibility. It even uses more expensive domestic oil to a large extent.

Because of this tax situation, it is virtually impossible for independent refineries—those not owned by the majors or national oil companies—to do business in Western Europe.

Another assertion of the tax critics is that the tax situation operates to the disadvantage of the independents.

Tom L. Schwinn, executive vice-president of the Kansas Independent Oil & Gas Association, complained to the Senate Finance Committee: "Because of the relative profitability of foreign oil, the major international companies are spending ever-increasing percentages of their exploration dollar in foreign countries."

His group has advocated the elimination of tax privileges for overseas production.

COMPANIES LINKED

But this is a minority of the independents. One factor is that the independents are really not that independent. They mostly sell their crude to the majors. The majors are participants in a large number of the wells drilled by the independents.

Thus it is difficult for the independents to take a strong stand against the interests of the majors, some oil experts contend.

Finding a solution to the tax differential is not easy, tax officials admit.

The House-passed tax-reform bill made two changes in the foreign tax credit.

One change was designed to assure that oil companies and others could not deduct losses on overseas operations against income earned in the United States in one year, and then use the foreign tax credit to avoid paying U.S. taxes on that operation in succeeding years.

For instance, an oil company might spend a lot on exploration and development when it first moves into a new territory. Using the intangibles provision permitting the deduction of most drilling expenses in the first year, it could declare a loss that could be applied to U.S.-earned income.

DOUBLE BENEFIT?

In succeeding years it would be producing and subject to foreign taxes. These could be claimed against United States taxes dollar-for-dollar.

The House and the Treasury held that this confers a double benefit on the oil companies. In effect, the foreign-tax credit would be larger than the United States tax in a similar domestic situation.

Another provision of the House bill was designed to disallow foreign credit on the portion of foreign taxes regarded as "disguised royalty." That portion would be allowed only as a deduction.

Another provision of the House bill eliminated percentage depletion with respect to foreign oil and gas production.

All three of these measures were knocked out of the bill by the Senate Finance Committee.

However, a group of liberal senators led by Senator Proxmire will try to restore on the floor the House provision regarding first-year operating losses. They also will attempt to substitute a Treasury proposal for the second provision dealing with the foreign-tax credit. This proposal would try to prevent the oil companies from using excess tax credits in their oil production for sheltering income from such other operations as shipping, marketing, chemicals, and refining.

The revenue gains from these two provisions would be minor—perhaps $50 million.

The Proxmire group also intends to restore the House provision wiping out percentage depletion on foreign production. According to Senator Proxmire's office, the group includes 34 hard-core supporters plus possibly 20 others.

Because the oil companies have such large excess foreign-tax credits, tax officials maintain that elimination of the depletion allowances would not increase the taxes of United States oil companies by much. It would just decrease the excess.

The cost of producing oil in the Middle East may run about 12 cents a barrel. But taxes on this could amount to 85 or 90 cents a barrel. Thus the tax credits become enormous.

In individual cases, where loss of the depletion allowance did increase United States taxes, the oil-producing nations would just step up their tax until the foreign-tax credit again offset any United States taxes due, the Treasury argues.

The Treasury is planning a major study of the problem of taxation of foreign income. It is due sometime next year.

Senator Proxmire's group plans to again tackle the problem at that time to see if it can get more revenues from U.S. firms operating abroad. At present, the billions of dollars of direct investment abroad produce perhaps only $100 million or so of U.S. tax revenues, it is estimated at the Treasury.

UNEASY WAIT—WHILE CABINET TASK FORCE READIES RECOMMENDATIONS, U.S. PETROLEUM INDUSTRY SORTS OIL-IMPORT RUMORS

(By David R. Francis)

WASHINGTON.—The oil industry is waiting for the report of the Cabinet task force on oil imports.

Since the present import quotas help keep the domestic prices of crude oil far above the world price, the task force recommendations will be of vital importance to the industry.

The staff of the task force is working on the final sections of its report. Some major decisions on reform of the quota system have yet to be made by the Cabinet group. The goal is to have the work completed by next Thursday.

The President will make the final decisions.

The task force has been keeping its work under tight security controls. Its library, for instance, lately has been closed while por-

tions of the report are prepared in that room.

"Everyone wants to know what the report will contain," says Minor S. Jameson Jr., executive vice-president of the Independent Petroleum Association of America (IPAA). "You get a new rumor about it every hour."

With billions of dollars at stake, the industry is understandably nervous.

MINOR CHANGES SEEN

The trade press has had reports that the task force will suggest only minor changes in the program, responding to intense pressure from the oil industry for maintaining the status quo.

Such reports apparently stirred a group of 17 senators and 76 representatives to put their signatures to a letter demanding substantial liberalization of the quota system, if not its abolishment. Led by Sen. William Proxmire (D) of Wisconsin, the group this week sent the task force chairman a letter citing "nationwide popular demand for this change" and "concentrated efforts on the part of major oil companies and their representatives to persuade you to support the status quo."

However, the staff of the task force expects the Cabinet members to do more than that, and the staff is submitting studies highly critical of the present system of import controls. Staff members have analyzed many alternatives to quotas and suggested variations on the quota theme.

It has not been decided what proportion of the staff studies will be incorporated in the task-force report. Some may be used as appendixes. Since the staff includes some academics, it seems likely that any significant material left out of the report would eventually appear elsewhere.

Under these circumstances, an attempt by the administration to maintain the status quo would prompt intense criticism.

Chairman of the task force is Secretary of Labor George P. Shultz. Other members are the Secretaries of State, Defense, Interior, Treasury, Commerce, and the director of the Office of Emergency Preparedness.

Other rumors say the group will recommend a system for auctioning of "tickets" allowing a refiner or other user of cheap foreign oil to sell to the highest bidders.

NUMEROUS CHANGES SUGGESTED

Another says that the task force will suggest a "preferential tariff." Presuambly this would permit western-hemisphere oil to enter this nation freely with a low duty. Oil from less "secure" parts of the world would face either quotas or much higher tariffs.

These are but rumors. The task force isn't about to scoop itself even if all decisions have been made.

The existing quota system has come under intense fire. It is attacked for sheltering gross inefficiencies in the domestic oil industry. Its administration has been arbitrary, with officials having the power to dispense huge fortunes to individual companies. The system tends to have oil-producing states constantly fighting with nonoil-producing states.

A spokesman for the task force insisted the body was trying to examine the issue "on its merits."

Petrochemical companies have put themselves against quotas because they mean higher costs for their "feed stocks."

Not even the oil industry is fully satisfied with the quota system. Its submissions to the task force suggest numerous changes, though retention of the basic system is sought.

Last spring the Senate antitrust and monopoly subcommittee held the first indepth Congressional analysis of the import-quota program since it began 10 years ago. Chairman of the subcommittee, Sen. Philip A. Hart (D) of Michigan, concluded that the program could be criticized on these grounds:

"It has destroyed competition. It has brought about much higher prices than would prevail under free competition. It has failed in its stated purpose of stimulating discovery and enlarging our domestic reserves. And it has worked serious economic hardships on important geographic areas of our country."

FIRM SELLS DOCUMENT COPIES

Senator Hart held that without the quota system consumers would be paying close to 5 cents a gallon less for gasoline and 3 to 4 cents a gallon less for home-heating oil.

By contrast, the IPAA in its submission to the task force stated: "Expansion of the domestic industry by limitations on imports is the most efficient, practical, and reliable means of achieving petroleum self-sufficiency in the interest of national security."

Some 10,000 pages of submissions have been filed with the task force. Much of it is old hat to the oil industry. But there is sufficient interest that one firm, Eastern Photoprint Company, has been busy selling copies of the documents at 12 cents a page.

Since the value of oil-import allocations, or "tickets," comes to about $1 million a day, payment of $1,200 or so for a full set of the task force submissions may not be expensive for an interested firm.

PRODUCERS FELT SQUEEZE

These tickets are dispensed by the Interior Department's Oil Import Administration. The value of tickets has been running about $1.25 a barrel—the approximate difference between domestic and world prices for crude oil.

Until the mid-1950's, state limitation of crude production had managed to maintain the price of oil at a level fairly satisfactory to producers. About that time, however, imports from low-cost sources in the Middle East and Venezuela were beginning to squeeze domestic producers.

Politicans from the oil states exercised their muscle in Washington. At first President Eisenhower tried to curtail imports on a voluntary basis. Instituted on July 1, 1957, the program required existing importers (under the threat of a mandatory program) to accept quotas established by an oil-import administration. Newcomers had to apply for permission to import.

The voluntary program broke down because of loopholes for unfinished oils and finished products and a lack of workable standards for the admission of newcomers.

"AN ECONOMIC DECISION"

Thus, in March, 1959, President Eisenhower imposed mandatory controls under an obscure section of the 1958 Trade Agreements Act that authorized such action if imports threatened to impair national security.

Actually, as his aide Sherman Adams recalls in his memoirs, Mr. Eisenhower's action "was primarily an economic decision brought on by an economic emergency."

Though modified somewhat since, the various provisions of the quota program indicate that its purpose remains primarily protectionist.

For instance, the import ceiling of 12.2 percent of domestic production of crude oil and natural-gas liquids for the area east of the Rockies embraces overland imports from Canada and Mexico.

These overland imports are free of licensing and company allocation requirements, but they are within the overall ceiling. It is difficult to argue that crude oil being piped from Canada is less secure than oil being shipped from the Gulf to the East Coast and thus subject, theoretically, to submarine attack.

About 21 percent of this nation's crude-oil requirements come from other countries, mostly from Canada, Mexico, and Venezuela. Not even 3 percent comes from the volatile Middle East.

Even the Department of the Interior, regarded by some as the pawn of the oil industry, proposes that national security would permit free access for western-hemisphere oil to United States markets and would allow the rest of the world access to the extent of 10 percent of demand.

OIL-IMPORT QUOTA COSTS DEBATED—ESTIMATES OF ANNUAL PRICE TAG RANGE FROM $0 UP TO AS HIGH AS $7.2 BILLION

(By David R. Francis)

WASHINGTON.—How much does the oil-import system cost?

Well, it costs either nothing, $1 billion, $2.2 billion, $6.2 billion, $7.13 billion or $7.2 billion per year.

These are all answers to the question reached by various economists. The conclusions reflect the bias and assumptions of the source.

For instance, the conclusion that there is no net economic cost to the United States from the oil-import quota program was reached in a study by Sherman H. Clark, director of energy and resources economics of the Stanford Research Institute.

But it was paid for by Louisiana Land & Exploration Company, an oil firm, and it has been rejected by academics as of little value.

SOME DOUBT OBJECTIVITY

The $1 billion figure was suggested by Secretary of the Interior Walter J. Hickel in a speech last month as the "net cost to the nation." The $2.2 billion was proposed by his staff in the submission of the Department of Interior to the Cabinet task force on oil-import control.

Many consider the Interior Department to be the voice of the oil industry in Washington.

To continue through the list, the $6.2 billion amount was estimated by Charles River Associates of Cambridge, Mass., an economic research firm, in a study for the Office of Science and Technology.

The $7.13 billion sum was reached when economists at the Bureau of Mines applied Charles River methodology to projections by the Interior Department of expected domestic production, consumption, and imports of oils and natural gas liquids in 1975 with and without the quota program.

Thus, curiously, one division of the Interior Department came up with a much higher estimate than official cost figure.

PRICE MAKES A DIFFERENCE

Finally, the $7.2 billion figure was calculated by Dr. John M. Blair, economist for the antitrust subcommittee of the Senate Judiciary Committee. That subcommittee held extensive hearings this spring and summer on the oil-import quota program and other government involvement in oil marketing.

These differences are more than academic. If the cost of the quota system is nothing, there is not so much point in reform. If it is $7 billion, that is a lot of money to pay each year for "national security" or to subsidize oil interests. With the higher figure, the interest in cheaper alternative ways to provide security or assist the oil industry becomes more intense.

Recognizing this point, the Charles River Associates report stirred up a storm when it was submitted to the task force. Several of the oil companies or associations offered rebuttals.

James Burrows, a research associate at CRA claimed that only the Standard Oil Company (N.J.) rebuttal was "intelligent," though, in his view, it did not refute the CRA conclusions.

"The other ones were so awful they weren't even worth looking at," he commented.

INDUSTRY COMMENT SOUGHT

The Office of Oil and Gas at the Department of Interior also criticized the CRA re-

port, saying it "does not provide an adequate base for the determination of United States oil-import policy."

The task force, however, regarded the CRA report as important enough to ask for comment from the industry. Indeed, some of the task force staff believe the CRA figures are a good approximation for the cost of the import program.

One important reason for the differences in the cost figures is that there are two ways of looking at cost.

The first way is the cost to the consumer. This is measured by the increased price the consumer of oil products must pay because of the import-quota system.

Dr. Blair, for example, used the East Coast value of import tickets (the paper authorizing a firm to import so many barrels of oil) as the basic savings per barrel on imported oil. Then he multiplied this per barrel figure times the basic quantity consumed in the nation (domestic consumption of crude oil and natural gas liquids less consumption of residual oil, which is imported now without quota limitations).

In figures, Dr. Blair multiplied a savings per barrel of $1.75 times consumption of 11.85 million barrels per day, less $.09 from savings per barrel to account for pipeline charges on imported oil. The total was $7.2 billion.

ALTERNATE MEASURE POSSIBLE

The other way of looking at the cost is to calculate the "resource cost." This measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States because of the import program.

Noting this distinction, Mr. Hickel maintained that only the resource cost was relevant in determining the most efficient program to achieve national security. This, he reckoned, was about $1 billion annually.

Martin Lobel, a staff assistant to Sen. William Proxmire (D) of Wisconsin, commented: "This is an absurd way of looking at it. If you use that way, public welfare programs cost nothing."

Senator Proxmire wrote Dr. Paul McCracken, chairman of the Council of Economic Advisers, to ask if consumer costs should be considered. Dr. McCracken replied in the affirmative.

Mr. Hickel admits that consumer costs are important from the point of view of "fairness."

INEFFICIENCY A FACTOR?

Another major weakness in the Hickle figure, according to Mr. Lobel, is that it does not include the cost to the nation of the inefficient use of resources resulting from market-demand prorationing—the allotment of production among wells by oil states in order to maintain high prices for crude.

The Charles River Associates report put this cost in 1968 at $2.3 billion. It calculated the total resource cost at $3.9 billion.

CRA assumed that prorationing by states could not survive if imports were admitted freely. Standard Oil Company (N.J.) maintained prorationing costs should not be included. Academics generally agree with CRA.

The most important way prorationing fosters economic inefficiency is by allowing marginal, high-cost wells to produce as much as they desire while restricting the output of efficient low-cost wells. As a result, average costs per well are much greater than they otherwise would be.

VAST WEALTH INVOLVED

There are several other ways it adds to the cost of producing oil.

On the equity side of costs, the import-quota system means immense transfers of wealth within the nation.

CRA figures that the $3.9 billion of the extra cost of domestic oil as compared with world petroleum prices went to domestic oil producers last year. Some $500 million went to refiners, who get the "tickets" to buy cheap imported crude and which they can sell or refine for the higher-priced domestic market. About $200 million is transferred to Canadian producers because they, too, benefit from high domestic prices.

Much of the money going to producers may be passed on to the owners of oil-producing property, rather than labor in the oil industry, CRA says.

LOW TAXES AT STAKE?

Another consumer impact of the quota system is a geographic redistribution of income from the East Coast and the Midwest to the Gulf Coast states.

In a sense, the high costs of electricity and fuel oil in New England have enabled Texas and Louisiana to keep their property taxes relatively low. Much of the cost of schools and other services in these states comes from various taxes on oil production. If the price of oil in the United States was at the world level, the oil-producing states could not tax their oil properties as much.

This is why the quota issue tends to put congressmen from non-oil-producing states against congressmen from oil states.

The CRA report admits that "the adjustment of the industry toward free trade might cause severe hardships to some geographical areas."

Under such circumstances, it seems unlikely that the task force will recommend an immediate change to free trade in oil. It will likely urge a moderate shift in that direction.

PROBING THE OIL-IMPORT QUOTA SYSTEM—WASHINGTON EXPOSED TO ALTERNATIVES TO PROTECTIVE PLAN—PROBABLY FOR FIRST TIME SINCE IT WAS ADOPTED A DECADE AGO

(By David R. Francis)

WASHINGTON.—For the first time since the oil-import quota system was instituted some 10 years ago, the government has taken more than a fleeting glance at alternatives.

The Cabinet task force on oil-import control has available some moderately comprehensive studies of the costs and other factors involved in alternative means for providing "security" for the nation's largest source of energy.

Since 1959, the quota program has cost some $40 to $50 billion, it is estimated. They have paid this much more than world prices for the oil products they consume.

There have been numerous assertions about alternatives. For instance, in its submission to the task force, the Standard Oil Company (N.J.) stated: "Practical lower cost alternatives to import controls do not exist." Apparently, however, such claims have been largely a matter of faith or bias, with little engineering or economic evidence to back them up.

Thus the oil industry was shaken this year when two studies calculated the costs and other pros and cons of various alternatives. One was done for the Office of Science and Technology by Charles River Associates, Inc., a Cambridge economic research firm. The other document was a series of papers done by the staff of the Bureau of Mines.

CHANGE SEEN POSSIBLE

Though many of the alternatives appear undesirable, some are quite attractive. It may well be that the task force will suggest an alternative method for keeping a reasonably safe supply of oil.

Some of the alternatives that have been discussed follow. They are listed according to their feasibility and desirability as judged by a few economists not in the pay of the industry:

A program that gives free access for Western Hemisphere oil to United States markets.

In effect, this would completely open the American market to oil from Venezuela. Canadian oil already enters freely, though under some informal growth restraints.

Venezuelan oil would be no more subject to submarine attack than oil being shipped from the Gulf Coast to the East Coast, and less than tanker oil from the North Slope in Alaska. Chances of both the Middle East and Venezuela shutting down production at the same time are considered slim.

Such a new system could be accomplished by exempting all Western Hemisphere countries from a quota. Or the government could introduce a preferential tariff for imports from the hemisphere.

With a tariff system, the government could virtually establish the price of crude oil by setting the level of tariffs.

According to the Interior Department, Venezuelan oil has about a $1 advantage over the domestic price of oil; Canadian oil 50 cents. Thus Canadian oil would suffer to some extent.

PRODUCER REACTION A QUESTION

With a quota system that permitted free entry of hemispheric oil, the price probably would depend on what the major oil-producing states do with their prorating system. They likely could tighten production limits to offset the increased flow of oil from Venezuela.

A Western Hemisphere system might delay the end of prorationing. The Interior Department has been expecting demand for domestic crude to catch up with supply by 1972 if the present rules stay in effect. North Slope oil isn't expected to be a major factor until at least 1975.

ENLARGE THE QUOTA FOR IMPORT OIL

This might be combined with a free market or preference system for the Western Hemisphere. The Interior Department suggests that as much as 10 percent of the nation's petroleum requirements could come from outside the hemisphere without great security risks.

The oil companies themselves reckon that the quotas will have to be enlarged because of insufficient domestic supply.

The effect on domestic prices of enlarged quotas would depend on the rapidity and size of the change.

Total elimination of the quota is considered unlikely. It would have too great an impact on the industry and oil states.

Construct an emergency storage capacity sufficient to replace imports should these be cut off.

A study by the Bureau of Mines calculated that the cost of building and maintaining in salt-dome storage a 6- or 12-month strategic supply of crude oil would be 39 cents per barrel per year.

Reckoning on providing 5 million barrels of crude oil daily from this underground storage by 1975 and 6 million barrels daily by 1980, the total cost for a six-month supply for the 10 years from 1971 to 1980 would be $1.1 billion and $2.3 billion for a 12-month supply.

COST DEBATED

This is far less than the cost of the quota system. But it would mean direct appropriations by Congress. And Congress is much more willing to spend the public's money indirectly than directly.

Aboveground storage in steel tanks would be considerably more expensive.

The Charles River Associates report reckoned that without North Slope oil and without any rationing of oil products, and storing enough oil to help out, Western Europe too, the cost would be 54 cents per barrel per year of $2.7 billion a year. That is still less than the cost of the present program.

Standard Oil Company (N.J.) says it would cost more, though it doesn't say how much more.

A study by the Bureau of Mines puts the price at 98 cents per barrel per year.

The Bureau of Mines thus reckons the

total cost at $6 billion for a six-month supply deliverable at a rate of 6 million barrels per day by 1980 or $12 billion for a 12-month supply. That is also far cheaper than the import quota program.

CONSTRUCT PLANTS CAPABLE OF CONVERTING COAL TO FLUID FUELS

A Bureau of Mines paper notes that recent studies indicate that producing costs of synthetic crude from coal are now only slightly higher than from crude petroleum. Various technical advances could close the gap "sometime in the near future."

The bureau estimated it would cost $400 million to build a plant with 100,000 barrels per day capacity. By 1980 some 10 could be completed. The later ones might be profitable.

Since coal reserves are adequate to provide oil for hundreds of years, it is within reason that the task force might recommend increased government efforts to make coal conversion plants economical. However, such plants would not offer much relief to the security problem for several years.

THE EXTRACTION OF OIL FROM OIL SHALE

Various studies indicate this is a more costly process than conversion of coal into oil, and thus a less likely solution.

REPLACE THE QUOTA SYSTEM WITH EITHER DIRECT SUBSIDIES FOR EXPLORATION OR SPECIAL TAX INCENTIVES TO ENCOURAGE EXPLORATION FOR NEW RESERVES OF CRUDE OIL

These are considered relatively expensive if the percentage of imports is to be maintained at the same level as today.

However, total industry expenditures for oil exploration plus development in this country amount to about $3.3 billion a year. This is less than most estimates of the consumer cost of the oil-import quota program.

In other words the government could pay for the entire exploration and development of oil and the people would be better off as a whole than under the import quota system. Reduced oil product prices would more than offset the extra tax bill.

Most independent economists reckon that the security risk has been grossly exaggerated by the oil industry. Middle East countries could not survive economically for long without oil revenues. More and more oil is being discovered in various parts of the world—Indonesia, West Africa, Latin America, perhaps the Yellow Sea and offshore New Zealand, the North Sea, Australia, and so on. Such diversity reduces the risk of being cut off totally from foreign crude supplies.

Yet it is generally acknowledged that it would be wise for both economic and security reasons (and perhaps to help the balance of payments) to limit imports of crude to some extent.

Presumably in the next few days or weeks the task force will suggest a new limit line on imports and spell out how this should be done.

YEAR-OLD NEWS FROM TIME MAGAZINE

Mr. GOLDWATER. Mr. President, for Senators who have not yet read the December 19 issue of Time magazine, I invite attention to an article appearing on page 17, in which I and six other Senators are referred to as members of the "Stingy Silent Seven." I might point out that this is not an extremely serious matter with me, but it comes under the heading of assisting the publishing business by helping a news magazine correct its more glaring errors.

Mr. President, we are all aware of how zealously Time magazine and other periodicals keep watch over everything we say or do and call attention to even the smallest of our mistakes.

It strikes me then that it is about time we put the shoe on the other foot for a while. Time's story says that, while most of Washington worries about inflation, seven Senators found a miraculous way to beat it. The article goes on to say—and I quote it directly:

Each reported to Congress last week that he had spent absolutely nothing getting elected in 1968. Such a feat of legerdemain is not restricted by ideology or party; the Stingy Silent Seven include Arizona's Barry Goldwater, Georgia's Herman Talmadge, California's Alan Cranston, Arkansas' J. W. Fulbright and South Dakota's George McGovern.

Mr. President, if any legerdemain is involved in this situation, it resides in the magazine's own bag of tricks. For example, there is no requirement of any kind for senatorial candidates to file reports with Congress a year after they are elected. What the magazine was referring to is the fact that the seven Senators listed did not spend any of their personal funds on their campaign for election in 1968. This they made known to the Secretary of the Senate, not last week but 1 year ago. Why it took Time magazine a full year to catch up with these reports is not explained. However, I believe the answer may be that Time depends on Congressional Quarterly to do its research, and Congressional Quarterly only recently got around to publishing its full report on the statistics of the 1968 senatorial elections.

Time's story makes no mention of the amounts of money that were expended in the election of the seven Senators by campaign committees which reported in detail to the proper State officials.

Mr. President, these snide little stories which carry an erroneous impression are all too numerous in the newspapers and so-called news magazines of the day. I, for one, plan to make it a practice to call attention to these cases when and where they occur.

GREAT LAKES SHORELINE EROSION

Mr. NELSON. Mr. President, a front-page article in today's Wall Street Journal tells of several homeowners who are losing the battle to protect their homes and land against rising water on the Great Lakes. It is clear that there are no feasible courses of action open to these citizens. Ironically, the only source of aid is Federal assistance after the damage has been done and the area has been declared a disaster area.

To alleviate the problem, I have introduced a bill that authorizes the Corps of Engineers to provide matching funds to assist private property owners in coordinated erosion control projects, such as construction of seawalls and jetties.

Hearings have begun on a companion bill introduced in the House, and I am hopeful that hearings will begin on my bill some time in the first few months of next year.

I ask unanimous consent that the article be printed in the RECORD at this time.

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

RISING WATERS: LEVEL OF GREAT LAKES MOVES SHARPLY HIGHER, PERILING THE SHORELINE—EROSION RUINS SOME HOMES; BEACHES DISAPPEAR FAST; PROTECTION OFTEN COSTLY—BUT EXTRA DEPTH AIDS SHIPS

(By Lewis M. Phelps)

SOUTH HAVEN, MICH.—The view of Lake Michigan from the living room of Michael Blake's two-bedroom house on a bluff here is about the most panoramic that any homeowner along the eastern shore can boast.

Trouble is, the view is not through a window but through the wall and part of the floor. The west half of Mr. Blake's living room crumbled off the bluff into the lake this fall, and there's every likelihood that more pieces of the house will take the plunge in coming months.

Mr. Blake is just one of a growing number of losers in a battle against rising water on the Great Lakes. Homes, highways and beaches have been flooded or nibbled away, causing property damages that experts say are already much higher than the $62 million loss in 1952, the last time the lakes went on a high-water rampage.

The Great Lakes' water levels fluctuate unpredictably from year to year, depending on precipitation and evaporation rates. Surveys by the U.S. Army Corps of Engineers show variations of four to six feet in lake levels. This year rain-swollen Lake Erie rose a record 4.05 feet above the level officially regarded as "normal," and Lakes Michigan and Huron, now three feet above normal, are at near-record levels.

What's worse, Army engineers say, the water in these lakes probably will rise even higher next spring and summer. (Lakes Superior and Ontario have locks that help control the water level, so they aren't causing any problems.)

ERODING THE SHORELINE

Last spring Lake Erie flooded several hundred homes in Eastlike, Ohio, three times. In July, Lake Michigan surged up the mouth of the St. Joseph River at Benton Harbor, Mich., and destroyed a 100-ship marina; it is costing the owners $100,000 to rebuild.

But the biggest problem is erosion, since most of the shoreline around the Great Lakes consists of sandy beaches and soft clay bluffs. As lake waters rise, they cover offshore sand bars that normally impede waves and thereby offer some protection to the shore. When storms come up, as they do with particular ferocity in the fall and early winter, the high water waves now crash directly ashore, gnawing the ground out from under whatever is built there.

That's what happened to Mr. Blake's house. He bought the place in July 1968, assured that the 90-feet-high bluff on which it stood hadn't eroded at all in the last 18 years. No sooner had he finished a $6,000 remodeling job late this summer than the 30 feet of land between his house and the edge of the bluff peeled away, along with his west wall.

Mr. Blake, a 50-year-old engineer, didn't even have a chance to move into his new home from the modest white-board cottage he owns in South Haven. "I'd like to sell that lake property," he says, "but that half a house out there is a symbol of doom."

Some beaches are disappearing with startling rapidity. Chicago beaches shrink 25 feet for every foot that Lake Michigan rises, says a parks engineer. The Rev. Gordon L. Ingram, a Presbyterian minister in a Chicago suburb, wistfully recalls sunning himself just six months ago on a 150-foot beach in front of his summer home in Winthrop Harbor, Ill., near the Wisconsin border. Today the beach is gone and the lake is swirling ominously around the foundation of his A-frame cottage.

BREAKWATERS ARE COSTLY

One cure for shoreline erosion is a concrete and rock breakwater, if it's made big enough. But construction costs can be staggering. The Michigan Highway Department will soon let bids for a seawall to protect one mile of Interstate 94 near St. Joseph; the estimated cost is more than $2 million.

Homeowners are trying less expensive solutions. In the resort community of Palisades Park, Mich., Emerson Welles recently paid $8,500 for a structural steel seawall to backstop an inadequate concrete retaining wall that he built several decades ago to keep his summer cottage from falling into the lake. Solid as the steel wall may seem, storm-powered waves have ripped away its top section twice since Labor Day.

Other lakefront residents are trying different tactics. Carl Kuyat of St. Joseph, Mich., bought 600 truckloads of rubble at $10 each from an old county courthouse that was being razed and spread the stuff over the bluff in front of his home in hopes of slowing erosion. Two of his neighbors have covered their bluffs from top to bottom with junked cars and trucks, stirring complaints from more fastidious but equally vulnerable nearby residents.

Another St. Joseph resident, a music teacher named Mrs. Genevieve Rae Hahne, is spending $10,000 to move a duplex apartment building she owns away from the bluff edge. She now is worrying about losing her $50,000 combination home and music studio on an adjacent lot. She shows a visitor one corner of her home that now has just one inch between it and the drop of the bluff; a year ago there was 75 feet of ground between them.

Homeowners in Kenosha, Wis., Willowick, Ohio, and other Great Lakes communities have built jetties extending into the water to deflect the currents and allow sand beaches to build up in the still water. But the jetties collect the sand only on one side, leaving the shore on the other side more barren and susceptible to erosion than normal. Other defensive measures, such as offshore construction of elaborate louvered steel walls that are supposed to keep beach sand from washing away or the planting of deep-rooted trees by the shore, also have proven inadequate.

Homeowners are on their own in fighting high water. Insurance companies "won't touch" flooding or erosion coverage, agents say, and the Great Lakes area isn't under consideration for inclusion in the Federal flood insurance program now being developed.

The Corps of Engineers will offer only advice, unless public property is threatened by the lakes. Only Ohio among the eight Great Lakes states offers financial help—one-third of the cost of private protective projects and two-thirds the cost of public undertakings. Local governments in troubled areas plead lack of funds for assistance, though some cities occasionally lend heavy equipment to homeowners shoring up their beaches.

Nor is there much comfort for imperiled shore dwellers in a long-range proposal to control the levels of all the Great Lakes. A Federal study that originally was supposed to be finished in 1973 is a year behind because of financing problems, says Leonard J. Goodsell, executive director of the Great Lakes Commission, an eight-state organization that studies Great Lakes problems. Interim reports indicate that controlling high water on Lakes Michigan, Huron and Erie would cost $20 billion. Mr. Goodsell says he doesn't expect construction of control systems could start before 1985.

Not everyone is unhappy with the sudden rise in water levels. Steamship operators, in fact, are delighted. They can load about 125 extra tons of cargo on a typical ship for every inch the lake rises and still not run aground along the most shallow parts of their routes.

Inland Steel Co. has been loading its ore carriers to full capacity since spring, says Riley P. O'Brien, fleet manager. Five years ago, when lake levels were low, his ships were running at 20% below capacity and he had to charter extra vessels to make up the difference, he says.

MANDATORY OIL IMPORT QUOTA SYSTEM

Mr. TOWER. Mr. President, the December issue of Legion, the official publication of the American Legion, contains comments by the distinguished Senator from Alaska (Mr. STEVENS), on the mandatory import quota system. As a Senator from the State which replaced my own State of Texas as No. 1 in size and may one day replace it as the No. 1 petroleum-producing State in the United States, the Senator from Alaska has had ample opportunity and reason to appreciate the need for the retention of the quota system. I found his comments in Legion to be accurate and persuasive. So that all Senators will have an opportunity to read them, I ask that they be printed in the RECORD.

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

VIEWS BY A CONGRESSMAN ON THE MANDATORY IMPORTS QUOTA SYSTEM

(By Senator Ted Stevens)

Our national security requires that we have ready access to a dependable, secure and long-term supply of energy at minimum cost. At present, and for the foreseeable future, the single largest and most important domestic energy source is petroleum. It is essential that our future supply of petroleum be secure. History proves that foreign sources of supply are not.

In the years following WW2, many United States oil interests were appropriated in Iraq, Argentina, Cuba and other countries. And in 1957, when the Suez Canal was nationalized by Egypt, our supply routes were jeopardized. In 1967, during the Arab-Israeli war, there was a cutoff of petroleum supplies to Europe, which resulted in immense damage to the British economy. This year, U.S. oil holdings in Peru were seized.

In 1959, President Eisenhower issued a proclamation which commenced a program to balance the importation of less expensive foreign crude oil with the assurance of a dependable domestic reserve. This proclamation had one main purpose, that of national security. It is my firm opinion that world affairs have not stabilized sufficiently in the decade between 1959 and today, particularly in the oil-rich Middle East, to justify the abandonment of this program which is so essential to our national security.

The economic justification of maintaining a reliable oil import quota system is especially illustrated in my own state of Alaska. Presently, the oil industry is engaged in an incredibly expensive program on the North Slope of Alaska. The 800-mile main pipeline alone will cost almost $1 billion. The petroleum industry's payroll in my state in 1969 is estimated at $90 million. When production reaches its capacity in Alaska, more than one-quarter of a billion dollars will be received annually by our state in royalty income.

These investments by our domestic oil industry are not unique to Alaska. This industry could not have undertaken such huge investments if the possibility of continuous change in the oil industry were likely. The oil import program and the depletion allowance are the main threads of the economic fabric of this industry. Without them, the industry must readjust, and, in the end, the consumer will pay if these incentives are altered.

Without the oil import quota, foreign oil production and manipulation of supply will drastically affect our domestic market prices, and, if this occurs, the price of gasoline for your car will go up and up and up.

The maintenance of a stable quota level insures a high level of domestic exploration in production activity on the part of the oil companies in this country, and further insures this nation the capability to meet its needs without dependence on foreign nations.

WCBS–TV, CHANNEL 2 IN NEW YORK CITY, ADVOCATES USER TAX ON POLLUTERS

Mr. PROXMIRE. Mr. President, WCBS–TV, channel 2 in New York City, recently made some very interesting comments on the water pollution bill that I introduced 3 weeks ago. In an editorial, WCBS–TV stated:

Every time you pay a toll on a highway or pay a federal gasoline tax, you are paying a user tax. The logic behind such a tax is this: those who use up public facilities and resources should bear the burden of financing and maintaining them.

A similar approach is now being proposed as an answer to our growing water-pollution problem. Senator William Proxmire, Democrat from Wisconsin, has introduced a bill—S–3181—that would tax industries according to the amount of wastes they dump into streams, lakes and rivers.

In other words, industries would have to pay a user tax on water. The more they used our waters for dumping waste products, the more tax they would have to pay.

My bill would impose effluent charges upon industries that pollute the water. Imposing these charges would give industry an incentive to cut down on the waste it discharges. The desire to keep the cost of doing business to a minimum would encourage business to keep its wastes to a minimum.

The effluent charge theory, then, is similar to that of a user tax. Those who pollute should pay.

I ask unanimous consent that the WCBS–TV editorial of December 1, 1969, on the subject "Environment 23" be printed in the RECORD.

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

ENVIRONMENT 23

(By Peter Kohler)

Every time you pay a toll on a highway or pay a federal gasoline tax, you are paying a user tax. The logic behind such a tax is this: those who use up public facilities and resources should bear the burden of financing and maintaining them.

A similar approach is now being proposed as an answer to our growing water-pollution problem. Senator William Proxmire, Democrat of Wisconsin, has introduced a bill—S–3181—that would tax industries according to the amount of wastes they dump into streams, lakes and rivers.

In other words, industries would have to pay a user tax on water. The more they used our waters for dumping waste products, the more tax they would have to pay. The revenue thus raised—an estimated 1.5 billion—would be used to finance waste treatment plants and other pollution control measures.

In the opinion of WCBS–TV, this is the most sensible legislative approach yet suggested for reducing water pollution, because

it does more than just raise revenue for sewage treatment plants. By taxing those who pollute streams, substantially taxing them, we hope, Senator Proxmire's bill could discourage inefficient waste-disposal practices. Pollution would hurt profits.

Now, a good example of the kind of pollution problem the Proxmire approach could improve is the Passaic River Valley in New Jersey, a river so polluted that federal officials have called it a disgrace to the United States. The Passaic River basin is little more than a sewer line for more than a million people living in Newark and other municipalities and for some 700 separate industries.

Should the Proxmire bill become law, these 700 industries would be faced with additional pollution tax and thereby would be encouraged to reduce the amount of wastes they discharge. And the money thus raised would help the Passaic River Valley Sewerage Commissioners improve inadequate waste treatment facilities.

In my opinion, the Proxmire bill should be enacted by Congress because it provides an effective approach not only for handling water pollution, but also for curbing solid wastes and air pollution as well.

The principle here is simple and sound. Those who pollute our environment should pay for cleaning up the damage they do.

FORMER MARINE CORPS CHAPLAIN

Mr. DOLE. Mr. President, we hear many accounts these days of occurrences and developments among our fighting men in Vietnam. There are some stories of savagery, reports of compassion and dispatches concerning a variety of human experiences and involvements. An article published recently in the Topeka State Journal relates the story of a former Marine chaplain, Davis Thomas, which I feel illuminates the often-clouded realities of the Vietnamese involvement.

Mr. President, I ask unanimous consent that the article written by Charles Zin, be printed in the RECORD.

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

LIFE WORTH LITTLE—CHAPLAIN TELLS OF RED TERROR

(By Charles Zin)

A former U.S. Marine Corps chaplain said this week that "fast and easy solutions to the Vietnam war scare me."

Chaplain Davis Thomas, who served in the Marines as an enlisted man in World War II, then, after 10 years schooling as a civilian, returned to the corps as a chaplain, said an immediate withdrawal of troops would not bring peace to Vietnam.

Chaplain Thomas is a Seventh-Day Adventist minister who this year is participating in the Pastoral Care and Counseling program at the Menninger Foundation. He also is serving as chaplain at Brewster Place.

The chaplain said the "meaning of life" sought by college youth in campus demonstrations has been found by many young men after they arrived in Vietnam.

MEANING DISCOVERED

"As a chaplain, I saw kids who were bored to death in the United States come alive and discover what living is all about when they began working with the Vietnamese people," he said.

Chaplain Thomas said the young men found, while helping the Vietnamese improve their living conditions and health facilities, "what the college kids have been seeking. They found a meaning in life," he said.

"What worries me about the campus unrest is this," he said. "Do these kids really understand the terrorism inflicted on these people by the Viet Cong Communists?"

Thomas, who has been a chaplain in the Marines for 12 years, said he was confused about what the war was all about when he first went to Vietnam.

He said he was attached to an aviation unit and "wherever there were Marines on the ground, we went to serve them."

"I learned quickly what the war was about when I went out on a new operation with an outfit of Marines," he said.

He said the unit had set up a command post in a village surrounded by the Communists.

"Intelligence had told them the village was completely controlled by the Communists," he said. The information also described several underground storage bunkers in the village."

Chaplain Thomas said the Marines discovered in the village that the Communists had built the bunkers and had imposed a "tax" of 50 per cent of the neighboring farmers' rice crop to fill them.

CHILDREN MAIMED

"They used terrorism to enforce their demands," he said. "If a farmer did not deliver the grain they demanded, the Communists would take his child out in front of the whole village and cut off the child's arm. If the farmer still did not deliver what they thought he should, the Communists then would kill him in front of the whole village," the chaplain said.

"I immediately saw a parallel between the Communist operation in Vietnam, and the operation of the big crime syndicates here in the United States," he said.

He said Communist agents had begun, 20 years ago, to go into the villages and "buy off" village leaders.

"They would tell them, 'Now look, we're the good guys, see? You support us, and we'll take care of you'," he said.

"Then they made it a case of do as they said, or else!" he added.

Chaplain Thomas said the biggest job a chaplain has in Vietnam is to bring about tolerance by Americans of Vietnamese living standards that, to the Americans, is almost intolerable.

"It is very difficult to understand the Asian mind," he said. "Their respect for human life is much less than ours. They wouldn't hesitate to take a man's wife out and cut off her arm just to emphasize a point they wanted to make," he said.

"The real immorality of the war, and it began about 1965, was the fact we didn't go in to clean up the area as quickly as possible and then help the people rebuild their country, as we have in every war the United States ever has fought.

"Part of the immorality is in the fact we stayed in South Vietnam, without ever trying to get South Vietnamese forces into the north," he said. "They could have done a lot of good with frogman raids on North Vietnamese harbors that would have reduced the intensity of the fighting, and consequently have reduced the casualties," he said.

MODERN ARMS SUPPLIED

"When I went over there the Communists were fighting with makeshift weapons, had no replacement parts, and little means of getting supplies," he said.

"Within a year, the picture changed. Ships from Communist China and Communist Russia brought in new arms and sophisticated weapons for the Viet Cong Communists," he said.

"This Vietnam situation is a highly complex thing. It is not easy to come up with an answer," he said. "I do know one thing. Pulling the troops out immediately is not the answer. That would result in a bloodbath in which millions of people would be killed."

EXPERIENCE NEW

Chaplain Thomas said his most vivid memory of Americans at war in Vietnam was not of the battles or the fighting.

"Vietnam is the first war the Marines ever were in where Marines went into a country, sat down and lived among the people," he said. "It has been a new experience. I have seen Marines pitch in and help clean up villages and build sanitary facilities, distribute tons of clothing, soap, and other things we take for necessities, but which were unknown to the Vietnamese before the Americans arrived."

PETITION FOR PRAYER IN PUBLIC SCHOOLS AND SPACE

Mr. TOWER. Mr. President, recently I received from 1,630 taxpaying citizens of the Brazosport region of Texas a petition in support of nondenominational prayer in public schools and in space. I believe that this is an expression of opinion which is shared by many citizens. Accordingly, I recently submitted a concurrent resolution regarding prayer in space. I ask unanimous consent that the petition be printed in the RECORD.

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

The Congress of the United States,
Washington, D.C.

HONORABLE SIRS: As taxpayers, we demand our civil rights and freedom to have nondenominational prayer and Bible reading in our public schools and in space.

Sincerely,

1630 Taxpayers (individual signatures)
Brazosport Area, Freeport, Clute, and Lake Jackson, Texas.

VIETNAM: AN OPEN ENDED COMMITMENT?

Mr. GOODELL. Mr. President, I welcome the President's announced withdrawal of 50,000 more troops.

The President's announcement confirms, however, that the timing of American withdrawals remains at the mercy of Hanoi and Saigon.

I remain steadfast in my belief that all American troops should be withdrawn from Vietnam by December 1, 1970.

Today's editorial in the Washington Post entitled "Vietnam: A Winning Position?" contains an excellent analysis of some disturbing implications of the President's statement. The editorial points out that some of the President's assertions suggest, in the Post's words, that—

> We are engaged in an open-ended exercise in confidence building which will end, presumably, only when we are absolutely positive that the South Vietnamese have acquired the capacity, with or without a formal settlement, to guarantee their own salvation, free of Communist influence, forever.

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

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

VIETNAM: A "WINNING POSITION"?

For President Nixon to summon Britain's Sir Robert Thompson as a witness on behalf of his war policy is not quite like the British

Government, in the dark days of World War II, citing the counsel of the retired commander of the U.S. Marine detachment in Nicaragua. But it is not all that different either, meaning no disrespect to Sir Robert, a legitimate authority on counter-insurgency, the very model of a British military officer, and a dogged sort of chap who made a brilliant reputation as a leader of the British effort to put down the insurgency in Malaya in the 1950's. Sir Robert knows a lot about Vietnam as well as the Malaya of a decade ago—more than enough to appreciate the differences. A state of emergency was first declared in Malaya in 1948 and ended 12 years later in 1960—which is more time than most Americans, if we are any judge, are prepared to give to even a modest, and gradually declining effort in Vietnam. All told, some 40,000 British forces engaged in the Malayan campaign at the peak of the fighting in the mid-fifties, and only about half of these were ground forces. The enemy numbered 8,000 insurgents in Malaya and they were mostly Chinese, which is to say distinguishable; in Vietnam's insurgency, friend and foe are counted in the hundreds of thousands and the indigenous forces are all Vietnamese. And so it goes; the British were hardened to this sort of thing; Americans are not—leaving aside the vast discrepancy in cost and casualties between the British effort in Malaya and the American effort in Vietnam.

So it is at least a little puzzling, in one sense, that the President should be offering as his chief witness at this stage of the game a British expert whose last major published work on the matter at hand was a deeply pessimistic book entitled "No Exit From Vietnam." True he has since reviewed the war on the ground at the President's request and returned "cautiously optimistic" (Mr. Nixon's words), so perhaps he sees an exit for us now. But the President conspicuously omitted any indication that Sir Robert has changed the view that has been regularly attributed to him—that it is going to take another 10, or maybe 15, or perhaps even 20 years of American effort in one form or another, however diminishing, to put this thing right. All the President told us is that Sir Robert's report is "in line with my own attitude" and in this sense the report, and Mr. Nixon's use of it, are not just puzzling; they are deeply disquieting.

It is disturbing not only because it suggests a timetable far longer than most Americans are likely to tolerate, even with a limited commitment of "residual forces" in Vietnam. The President is noncommital on timing, of course, and he has decided to withdraw another 50,000 troops by next April, which is all to the good, even when coupled with ominous reports of a significant increase in the number of enemy replacements now heading down through North Vietnam to the South. On the critical question of what he will do if this infiltration becomes more than the forces at hand can deal with, we have no answer, only a reiteration of an earlier warning to Hanoi that if "increased enemy action jeopardizes our remaining forces . . . I shall not hesitate to take strong and effective measures . . ."

That is one cause for disquiet. Another is the curious quotation from Sir Robert: "A winning position in the sense of obtaining a just peace (whether negotiated or not) and of maintaining an independent, non-Communist South Vietnam *has been achieved, but we are not yet through.*" What is that all about? If the first part of the sentence is to be taken literally, we ought to be able, finally, to adopt Senator Aiken's celebrated formula—Declare Victory, and come home. But obviously it is not to be taken on its face, because Sir Robert, whose views, remember, are in line with Mr. Nixon's attitude, goes on to say:

"We are in a psychological period where the greatest need is confidence, a steady application of the 'do it yourself' concept with continuing U.S. support in the background will increase the confidence already shown by many South Vietnam leaders."

So we are engaged in an open-ended exercise in confidence-building which will end, presumably, only when we are absolutely positive that the South Vietnamese have acquired the capacity, with or without a formal settlement, to guarantee their own salvation, free of Communist influence, forever. That is a tall order, in our view—as witness Laos. It is also beyond anything we ought reasonably to be expected to do, however low the cost. For this way we perpetuate a commitment which will always be subject to call at increased cost if things go awry. There are some things these countries have to do for themselves, President Kennedy used to say, and so did President Johnson in the early days, and this is a first principle which Mr. Nixon ought to cling to if he is serious about American disengagement from the war.

It is all very well to argue about tactics: about a more adventuresome negotiating effort on our part, about putting more pressure on the Saigon government to broaden its base. There is also something to be said for going hard the other way and working for "Vietnamization," under the existing government. But there is hardly any point in arguing these tactical alternatives until we have decided what the ultimate aim is supposed to be. If we are not going to be prepared to say to the South Vietnamese at some point, and at some risk, that we have done all that an outside power can do and the rest is up to you—which is oddly enough what Sir Robert is almost saying—then he may well have been right the first time and there is no safe exit from Vietnam.

PROPOSED AMENDMENT OF RANDOLPH-SHEPPARD ACT FOR THE BLIND

Mr. TOWER. Mr. President, I have recently joined with the Senator from West Virginia (Mr. RANDOLPH) as a cosponsor of S. 2461, a bill to make certain improvements in the Randolph-Sheppard Act for the blind. This legislation was signed into law more than 33 years ago, and under its provisions, the blind have been given the opportunity to rise above their handicap and to prove to others that they can be capable, self-supporting, taxpaying citizens.

The opportunity for blind persons to operate vending facilities on Federal Government property has been a classic example of the mutual benefit derived by bringing together two groups in need.

Since the enactment of the Randolph-Sheppard Act in 1936, the vending stand program has been amended only once. It is now again time to make revisions in this program to meet the needs of a changing situation. I am happy to support the changes recommended in Senator RANDOLPH'S bill.

DEDICATION OF A GIANT RESERVOIR ON MOLOKAI, HAWAII

Mr. FONG. Mr. President, on the island of Molokai in the State of Hawaii, we have just completed and dedicated the world's largest nylon-reinforced butyl rubber-lined reservoir. The economy of labor, time, and money in this type of installation offers new hope for water-poor countries all over the world. Rain harvesting becomes a practical reality at manageable cost. Water itself becomes a money crop.

When filled, in about 2 years, the Kualapuu Reservoir will contain 1½ billion gallons of water. It will irrigate 16,000 acres for the growing, not only of our State's famous pineapples, but also such crops as potatoes, tomatoes, and mangoes. With food for consumption and export, with the creation of many farm jobs for its citizens, Molokai's agricultural economy should flourish. It is additionally visualized that an expansion of the Molokai irrigation project would make possible a tourist, residence, and business development on the island's western tip supporting an eventual population of 30,000.

The reservoir represents the final construction phase of the Molokai irrigation project which began 10 years ago as an effort to harvest the rain which falls, not on the plain where it is needed, but on the coastal side of the mountains. Instead of draining into the ocean as before, much of the rainfall will now be channeled through a 5-mile tunnel and 4.4 miles of transmission pipeline through the mountains and to the reservoir.

The project has been a cooperative effort from conception to completion. A project of the Department of Land and Natural Resources, State of Hawaii, it has been financed by $5.4 million in State of Hawaii funds and by $4.5 million in a loan from the Federal Bureau of Reclamation. The loan will be repaid through the sale of water.

The project has received strong and generous support from Congress which had to first enact legislation authorizing the project and then approve appropriations so the loan could be made by the Bureau of Reclamation. In 1962, when the application for the Molokai project was before the Senate Interior Committee, I testified for it. In the same year, I also asked the Senate Appropriations Committee for funds to proceed with the project.

There has also been close cooperation between the individuals involved, particularly in the marshalling of skills and technologies from the companies of different industries which developed the lining for the reservoir. It is the unique construction of this lining that makes the reservoir practical.

Because it is only 1/32-inch thick, and so is light enough for easy handling, the 104-acre lining was installed in less than 2 months. Its toughness and durability, deriving largely from a specially woven nylon-reinforcing scrim, ingeniously sandwiched in butyl, permitted the contractor to guarantee its life for 20 years.

As one marvels at the creation of this huge reservoir, where everything is manmade but the water, one asks about the creator. He is David F. Wisdom of Honolulu. Head of his own firm, which contracted for the installation of the reservoir, he has been the driving force behind it. He personally trained the work force. He invented much of the equipment used. He was the catalyst who brought together the skills of the companies which provided the components of the lining.

Working with Mr. Wisdom, who has installed more than 80 smaller reservoirs in Hawaii and other Pacific islands, and who understands the chemistry and unstable nature of volcanic soil, J. P. Stevens & Co., Inc., developed a nylon weave which would permit the finished lining to give, but not tear, under the tremendous pressure of 50 feet of water. This weave: 210 denier warp, 22 threads to the inch; 420 denier fill, 14 threads to the inch; prevents vertical or horizontal stretch but permits the lining to give diagonally under pressure without tearing. The nylon yarn was made by Allied Chemical Co., the butyl rubber by Enjay Chemical Co., and the laminating was done by Hodgman Rubber Co. of Framingham, Mass.

Hawaii is proud of this example of how Federal, State, and private resources have cooperated in a wholly new technique for the harvesting and husbanding of irrigation water.

TRIBUTE TO DR. DONALD MARK CHANG

Mr. FONG. Mr. President, I wish to pay tribute to one who was formerly a member of my staff and who is now minority counsel of the Judiciary Subcommittee on Refugees and Escapees. He will leave Washington after adjournment to return to his native Hawaii.

When Dr. Donald Mark Chang returns to the State of Hawaii, he will become a vice president of the First Hawaiian Bank, one of Hawaii's two largest banks. He will be responsible for economic analysis, legal work, legislation, and legislative liaison with both Federal and State governments, and in planning and development.

Dr. Chang is leaving Washington only because of his intense devotion to his native State. I can understand that the time comes when a man must go home, and Dr. Chang feels he has reached that time.

Dr. Chang has performed an outstanding task in helping me on such issues as the various civil rights bills, the important gun control bill, the major reforms I have helped to effectuate in immigration policies, and economic analysis.

Dr. Chang's interests have been wide ranging. Admirably equipped by education and training, as he is a graduate of Yale Law School and has a doctorate in economics and Christian ethics, Dr. Chang has rendered me invaluable assistance during the last 7 of my 10 years in the U.S. Senate.

I know I will miss him deeply, for he has been a loyal staff member and a meticulous worker. I know also that Capitol Hill will miss him, for he has a legion of friends here.

I realize, of course, that we part only temporarily. I know he will always be an advocate for the State of Hawaii with a real concern for the welfare of his State and the Nation.

In view of the fact that Dr. Chang is well known by many Senators and their staffs, I am making this statement for the RECORD to acknowledge his faithful and valuable service to me, to the Judiciary Committee, and to the Senate.

As he leaves Washington to assume his new duties in Honolulu, which I know he will perform well, I extend to him and his charming wife, Millie, my personal best wishes for much success, happiness, and Aloha.

OPERATION BREAKTHROUGH HAS A LONG WAY TO GO

Mr. PROXMIRE. Mr. President, during Senate consideration of the landmark 1968 Housing Act, I proposed an amendment that HUD construct 1,000 units each of at least five different housing prototypes over a 5-year period—or a total of 25,000 units—to test whether new housing construction techniques could bring substantial reductions in housing construction costs. The amendment was agreed to, and the funding for the units was provided in the bill.

My proposal was based on a unanimous recommendation of the Douglas Commission, officially called the National Commission on Urban Problems, which had both done detailed work on housing needs and which in its hearings and studies had been dismayed at the lack of housing production and the absence generally of modern techniques and mass production methods in housing.

SECTION 108 AND OPERATION BREAKTHROUGH

When Secretary Romney and Assistant Secretary Finger came into office, they proposed to carry out the substance of the Proxmire amendment through what is now called "Operation Breakthrough." They have combined section 108 with funds appropriated for housing research and development and have received more than 200 proposals from planning and industrial groups. Yesterday the Secretary announced that some 37 organizations who had submitted proposals would enter into final negotiations for production in eight cities throughout the country.

The point is, of course, that if significant reductions in housing costs can be brought about through industrialized housing under mass production conditions in Operation Breakthrough, there is then a vast potential market under the goals of the Housing Act of 1968 which call for 26 million new housing units over a 10-year period.

Thus, a significant point was reached yesterday in the Secretary's announcement.

NO HOUSING YET BUILT

However, before we let our optimism outrun our judgment, let me point out that no housing under the program has yet been built. In the past, the programs for new technology have almost universally ended in failure. Real cost cutting has not been accomplished. No mass production has taken place. They usually end up with a few prototypes at very high costs.

This program is still in the planning and negotiation stage. Costs have not yet been reduced. Housing production this year is down. The need for low and moderate income housing has, in fact, gotten worse.

The real test will be when we actually get volume production of decent housing in a suitable environment at reduced costs. The test is whether our housing goals are actually achieved.

This will take a change in the nature of the building industry, the introduction of mass production techniques, and the end to restrictive building codes and practices, restrictive zoning ordinances, and land limitations.

MONETARY AND FISCAL AUTHORITIES MUST CHANGE, TOO

It will also take a vast change in the attitude of the Federal Reserve Board, the Treasury Department, and the Budget Bureau. I say that because housing, and almost housing alone, has been forced once again to carry the brunt of the anti-inflation policy.

The most restrictive housing practices in this country are not those of labor or industry. The most restrictive housing practices in the country, measured by their stifling effect on housing production, are the policies of the Federal Reserve Board, the Treasury of the United States, and the Budget Bureau who have constantly failed to put housing production and housing goals on the economic front burner where they belong. Their policies have not merely been neutral. Their policies have had antagonistic and hostile to housing production and housing goals.

NEED TO MEET HOUSING GOALS

Before our housing goals can be met we must not only shift to more efficient production methods, but we must change, once and for all, the policies of the fiscal and monetary authorities in this country who are primarily responsible for the fact that the richest country in the world still needs 11 million new housing units to meet the minimum housing needs of the people of the Nation.

I ask unanimous consent that an article on yesterday's "Operation Breakthrough" announcement, published in the Wall Street Journal, be printed in the RECORD.

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

ROMNEY PICKING 20 FIRMS FOR HOUSING JOBS IN "BREAKTHROUGH" DRIVE; EIGHT CITIES NAMED

WASHINGTON.—Secretary Romney of the Department of Housing and Urban Development announced the start of final negotiations with potential participants in "Operation Breakthrough," the Nixon Administration's major program designed to solve the nation's housing needs.

Mr. Romney termed the announcement a "significant" step from planning toward production of more housing of low and moderate cost. He said the first prototype units under the program may be completed by the end of next year.

Operation Breakthrough seeks to accelerate subsidized housing production by bringing together new technology, such as factory-built housing, and large land areas aggregated by state and local officials.

Out of 218 site proposals received, Mr. Romney selected for final negotiation land areas in these eight cities: Indianapolis; Jersey City; Kalamazoo, Mich.; Macon, Ga.; Memphis; Sacramento, Calif.; St. Louis, and Wilmington, Del. Sites will be chosen later in the state of Washington and in Texas.

THIRTY-SEVEN SELECTED

Of 236 housing-system proposals submitted, HUD selected 37 organizations for further negotiations. From these, 20 will be chosen for contract awards by the end of January. The 37 named by HUD are:

Alodex Corp., Memphis; Aluminum Co. of America, Pittsburgh; Ball Bros. Research Corp., Boulder, Colo.; Bechtel Corp., San Francisco; Henry C. Beck Co., Atlanta; Boise-Cascade Corp., Boise, Idaho; Christiana Western Structures, Los Angeles; Descon-Concordia, Montreal; Development Corp. of America, Boston, and Dow Chemical Co., Houston.

Also, Forest City Enterprises Inc., Cleveland; General Electric Co, Philadelphia; Hercules Inc., Wilmington, Del.; Home Building Corp., Sedalia, Mo.; Housing Development Co., Cleveland; Keene Corp., New York; Levitt Tech. Corp., Lake Success, N.Y.; Martin Marietta Corp., New York; Material Systems Corp., Washington, D.C., and Mid-City Developers Inc., Washington, D.C.

Also, Module Communities Inc., Yonkers, N.Y.; National Homes Corp., Lafayette, Ind.; Omniform Inc., Hartford, Conn.; Pemtom Inc., Bloomington, Minn.; Redman Industries Inc., Dallas; Relbec Corp., Rio Piedras, Puerto Rico; Republic Steel Corp., Youngstown, Ohio; Ring Bros.' Consortium, Los Angeles; Rouse-Wates, Columbia, Md., and Schultz Homes Inc., Toledo.

Also, Sectra America, Cambridge, Mass.; Shelley System, San Juan; Sterling Homex Corp., Avon, N.Y.; Techcrete Consortium, Cambridge, Mass.; TRW Systems Group, Redondo Beach, Calif.; U.S. Steel Corp., Pittsburgh, and Urban Systems Development Corp., Arlington, Va.

COMMENT ON FANNIE MAE

Mr. Romney said 365 proposals in another category—individual components of a housing system, or ideas that aren't yet ready for prototype construction—were still being evaluated. But he did mention these organizations as being under consideration for contracts: Habitat Group, Rio Piedras, Puerto Rico; Aitken, Collins & Associates, Berkeley, Calif.; Dano Modules Inc., Chicago; George Washington University, Washington, D.C., and Ross, Hardies, O'Keefe, Babcock, McDugald & Parsons, Chicago.

The Secretary also discussed the future of the Federal National Mortgage Association, currently involved in controversy. Fannie Mae President Raymond Lapin, recently fired by President Nixon, is fighting in court his dismissal.

"There is absolutely no question about our proceeding on schedule" with the transfer of Fannie Mae from Government to private status, Mr. Romney declared, in an attempt to reassure jittery stockholders in the association. This transfer is supposed to be completed next spring.

He also expressed the view that it would be "entirely wrong" for the HUD Secretary to undertake to run Fannie Mae. But he did say that even when the agency achieves private status there must continue to be "an effective working relationship" between it and HUD. And Mr. Romney emphasized that despite the controversy over Mr. Lapin's dismissal, there will be "no change in the basic program of Fannie Mae support of the housing market."

CLASHES BETWEEN POLICE AND BLACK PANTHERS: THE SITUATION MUST BE DEFUSED

Mr. MUSKIE. Mr. President, in the days which have followed the deaths of two leaders of the Black Panther Party in Chicago, many black and white leaders in America have called for investigations by responsible Government agencies. The Justice Department has responded with an announcement of a "preliminary investigation," and a number of private groups have announced their intentions to conduct inquiries of their own.

The Justice Department may help provide some much-needed answers to the allegations which have been made concerning the Chicago incident, but the questions, doubts, and suspicions raised by more than 2 years of battles between the Panthers and the police demand much more searching inquiries.

Each time shots are fired between the police and the Panthers, the polarization between black and white widens. Violent confrontations, provoked by either side, drive us further away from a society where Americans can trust each other and live together in peace.

We cannot afford to waste any time in defusing this confrontation and stepping away from the brink—not only by determining what happened in Chicago, but also by finding ways to prevent what has happened in Chicago, New York, Cleveland, and Los Angeles from happening again.

I hope that the gravity of this situation will not be dismissed with preliminary investigations and inquiries.

All Americans must make a real effort to restore peace and security to our cities. Dr. Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence, has said that the internal threat of violence to American society is as great as it is from "any possible combination of external forces." We must communicate our differences to one another, explain our disagreements, and find ways to bring out the best in America without yielding to the worst.

AN EXAMPLE THAT WILL POINT THE WAY

Mr. PROXMIRE. Mr. President, in his proclamation that declared December 10 to 17 Human Rights Week, President Nixon stated what I consider to be the best reason that the Nation has for ratifying the Human Rights Convention on Political Rights for Women, on Genocide, and on Forced Labor. The President's words were:

> Let us act so as to provide an example that will point the way in the struggle to promote respect for human rights throughout the world.

The key phrase in this statement, I feel, is "an example that will point the way." The Nation has for years served as an example of what freedom and liberty stands for. With few exceptions, the Nation has not only affirmed these rights through rhetoric, but through action. In other words, the Nation has served as an example to the rest of the world on the true meaning of human rights for all its people.

Our example to the world on human rights, however, is deficient in one major area, that of affirmation of these rights through ratification of the international treaties. Many nations have placed their name on these conventions, but we have not. For this country to consider and ratify the Human Rights Conventions on Political Rights for Women, on Genocide, and on Forced Labor will, as the President said, "provide an example that will point the way in the struggle to promote respect for human rights throughout the world."

THE PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. CANNON. Mr. President, I regret that, due to a prior commitment of long standing, I was unavoidably absent when the Senate considered H.R. 6543, the Public Health Cigarette Smoking Act of 1969.

I supported the bill in committee and am in full accord with changing the date when the Commission could take action from July 1, 1972 to July 1, 1971, with a provision that Congress would be informed of any proposed action in advance.

In committee I also opposed the insertion of the word "excessive" in the warning on the package and am pleased that the Senate removed it.

When we consider that cigarette smokers have a 70-percent higher death rate from coronary heart disease, a 500-percent higher death rate from bronchitis and emphysema, and a 1,000-percent higher death rate from lung cancer than do nonsmokers, it is no wonder the bill passed.

SENATOR HART INTERVIEWED

Mr. HARRIS. Mr. President, this morning on the NBC "Today" show, the distinguished Senator from Michigan (Mr. HART) was interviewed concerning the urgent need to pass an extension of the Voting Rights Act of 1965 in preference to the bill recommended by the Nixon administration.

In this very excellent and informative interview, Senator HART pointed out the great impact for good the Voting Rights Act of 1965 has had in helping to make democracy real for hundreds of thousands of black people in this country. Senator HART made clear what a terrible and sad step backward it would be if this act, the most effective civil rights bill in history, is not extended but is allowed to expire or to be watered down and confused, as would occur with the adoption of the administration's position.

Senator HART has done an excellent service in setting forth these matters in the "Today" show interview. I ask unanimous consent that it may be printed in the RECORD.

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

THE "TODAY" SHOW INTERVIEW OF SENATOR PHILIP A. HART, DECEMBER 17, 1969

HUGH DOWNS. In 1965, Congress passed a Voting Rights Act that applied to states where less than half of those eligible were actually registered to vote in 1964. In practice, this meant Louisiana, Mississippi, Alabama, Georgia, North and South Carolina and Virginia.

Today, there is a fight in Congress over whether to extend this act or to substitute a new law favored by the Nixon Administration which would apply to all fifty states.

The Administration Bill passed the House by a close vote. But its critics say that it would be less effective than the 1965 Act in guaranteeing the voting rights in the six states just mentioned where the right to vote was restricted for many years.

But today, we've asked Senator Philip A. Hart, a Democrat of Michigan, a member of the Judiciary Committee and an opponent of the Administration's bill, to talk about voting rights.

He's in Washington with "Today" editor, Bill Monroe.

Gentlemen.

BILL MONROE. Good morning, Hugh.

Perhaps it should be said that Senator Hart, as you've noted, is on one side of a two-sided question, and we had hoped to have somebody opposing Senator Hart's viewpoints here today. And over the past two days, we've asked a number of senators, who might have been appropriate opponents, to be here, but none of them could make it this morning.

This might possibly be due to the fact that the senators have been kept busy this week, but we're glad to have Senator Hart. And I'll try to ask him one or two questions that his critics might ask him.

Senator . . .

Senator PHILIP A. HART. Maybe the critics felt that you would be an even more effective debater than even they.

MONROE. Senator, what main provisions are in the 1965 Act that apply to these seven states?

HART. A device that triggers automatically the suspension of literacy tests and other tricky devices . . .

MONROE. In those states?

HART. In those states, or in any state. They call this a regional bill. It really isn't a regional bill. It would apply in Michigan if Michigan had literacy tests, and if less than fifty percent of the age group eligible to vote neither voted nor were registered to vote in 1964.

It just so happens that the states that were enumerated—the seven of them—fall below that fifty percent measure.

MONROE. Of course, everybody knew what states would be affected before the law was passed.

HART. Yes, everybody knew where the problem was. And that was the way that the law was designed to respond to a problem . . .

MONROE. What else does the bill do in solving . . .

HART. It triggers it, and then it requires that those states come to a federal court and prove that any new law that they want to write with respect to registration or voting procedures is not discriminatory.

It suspends the right of a state to enact a new law until it's established that it is not one more step in a hundred year pattern of discrimination against the blacks.

These two things would go out the window with the Nixon Bill. And our argument is "why repeal success?" Of all the civil rights bills that Congress ever passed, the most effective one is the 1965 Voting Rights Act. And that's the one they'd torpedo.

MONROE. Wouldn't you feel some sense of resentment if you were an official, or perhaps a citizen, of one of these southern states and knew that a law was directed at your state, particularly in view of what Congressman Gerry Ford has said, that five of these states have since brought their eligibility quotient up above the formula of 1964. And yet, you would continue to apply the law to them.

HART. They brought it up as a result of the 1965 Voting Rights Act in 1968. Now you're going to repeal the act that was the prod. That doesn't make sense.

MONROE. But don't you . . .

HART. Now, would I feel resentful? I suppose it would depend.

We are all the captives of geography and history. Maybe if I was resentful of the efforts to make real the Fifteenth Amendment promise that no state will deny or abridge one's right to vote—if I felt that the Fifteenth Amendment was undesirable, then, sure, I'd be offended if the federal government tried to deliver the promise of the Fifteenth Amendment.

If I thought it made good sense, if I thought it was helpful to the general community good to make sure that black and white alike had every right to vote, then I would not at all be offended: I would welcome the assist.

MONROE. Of course, the '65 Act was passed on a formula that more or less expressed reality at the time, that some southern states had less than half of the eligible voters registered.

But in five of those states in 1969, more than half of the eligible voters are registered; and yet you would continue to apply the '64 formula.

HART. For two reasons. When the 1965 Bill was first written, it was based on a recommendation of the Civil Rights Commission which urged that we make this triggering device applicable for ten years. You see, you're attempting to undo historic attitudes. The registration rolls may have changed, but have the attitudes changed?

And we thought that ten years would be a useful device to insure that there was sufficient strength in the minority group on the voting list to prevent the recurrence of discriminatory, regressive practice once the trigger was gone. That's one reason that I think the 1968 ought not be adopted.

Second, once the 1965 Bill is washed out, then it again can become a game of chasing the legislatures. The pattern is very clear. The imagination is limitless when it comes to figuring out ways to make it tough to register and to vote. And to suspend the right of a state, even though the formula has been met in '68, to change the law, I think, still makes sense.

I again repeat, why repeal the success. For years the Congress has been pursuing the goal of delivering the promise of the Fifteenth Amendment by telling the government to go to court if there is a discriminatory device or a pattern—go to court, get it corrected. We did that in the Acts of 1957, 1960 and 1964.

The end of all that effort from 1957 to 1965: only thirty-six thousand new registrants had occurred in the seven states among minority groups.

Since 1965, we have added 800,000 registrants, from twenty-nine percent, I think it was, to fifty-two percent of the adult population: but only because of the 1965 Act. And the 1968 election was the first such election subsequent to that act.

The act has driven the registration up, but I insist that it has not changed the basic desire among influential people to have some regression if we get rid of the '65 law.

To argue that it is directed at a region, and therefore is wrong, is technically not true. It's directed at Michigan, too.

Second, it permits a state to come in and get out of the automatic suspension if it can prove that it is not a device that is being used to discriminate. Alaska got out. Alaska was under the formula of the bill when we wrote it. Alaska came to court, got out. Counties in Arizona and Idaho got out. I think a North Carolina county got out.

It doesn't lock them in if in fact they can prove that they weren't shortcircuiting the Fifteenth Amendment.

MONROE. Senator Hart, Senator Scott has suggested that a possible compromise might be to extend the 1965 Act in regard to certain of its features that would apply to these seven states only; and at the same time to make the ban on literacy tests a national ban affecting all states, and to include from the Administration Bill in the compromise a provision in the Administration Bill to allow people to move from state to state and still vote in presidential elections if they're in their new location by September 4th.

Would you approve of this general idea?

HART. I think the idea of insuring that a person, simply because he's moved just before a national election, would nonetheless have a right to vote is a good one. Fine. And it responds to a problem.

Lifting literacy tests across the country—well the truth is there's never been a single complaint that literacy tests, except in these seven affected states, were used to discriminate because of race, color, or previous condition of servitude. If you want to lift them, all right.

Recognize that the Administration Bill lifts them automatically so a state cannot reestablish them on proof that they're not used to discriminate, whereas in the '65, as I've mentioned, states can come in and prove that they were not being improperly used.

MONROE. Are you going to wind up with a filibuster on this Voting Rights Bill?

HART. Well, if the track record continues, yes. I think that we've never had a civil rights bill which wasn't filibustered. And it's a constant worry. It inhibits a majority in making its answer. You may have a majority, and that's the answer that the majority would give you. But if you know that you need two-thirds in order to get it to a final vote, then you have to trim back. And this is unfortunate.

MONROE. Thank you very much Senator Philip Hart of Michigan, a member of the Judiciary Committee.

OIL IMPORT TASK FORCE STUDY

Mr. HANSEN. Mr. President, only last week we were debating an amendment to the tax reform bill which would give the President authority to impose quotas and nontariff barriers to the importation of any commodity from a foreign country at such levels that were found to disrupt the domestic market or cause injury to industries, firms or workers in the United States. I noted in that debate and the vote that followed to give the President that authority by 65 yeas to 30 nays, that several of the stanchest advocates of doing away with oil import quotas, rose in support of tightening quotas on imports of shoes and textiles that affect employment in their States.

Among these were two distinguished Senators, the junior Senator from Maine and the junior Senator from New Hampshire, who have decried the evils of the oil import quota program but praised the efforts of the senior Senator from New Hampshire and supported his amendment.

I could not agree more with Senator MUSKIE's comments in support of American policy which he said, "also ought to be concerned with import competition in our own markets when that competition promotes disruptive conditions which are destructive to the health and survival of American industry."

He had particular reference to shoe and textile imports and I was also happy to support the amendment on the same policy principles when he said:

We are talking about a policy which will enable American industry to adjust to import competition in our own markets when that competition is disruptive, when that com-

petition takes place under conditions in which foreign imports are given a better break, in our own market, than our own goods.

I hope that those who cry out for cheaper heating oil and gasoline from cheaply produced foreign crude oil will heed their own warnings about the dubious blessings of cheap imports.

It seems entirely inconsistent to me that we should have minimum wage laws on one hand and cheaply produced foreign imports displacing our more highly paid workers on the other.

It does not make sense to spend Federal funds for unemployment to the workers of an industry that has been disrupted or displaced by imports when a realistic approach to the problem such as that proposed in the Cotton amendment could prevent such disruptions.

I commend the junior Senator from New Hampshire for his continued efforts on behalf of the domestic shoe industry and his support of the Cotton amendment in saying that he thought that it is time we realized that the United States cannot be the world's consumer any more than we can be the world's policeman.

Another important factor that I hope the Cabinet members of the task force will carefully consider in their examination of the task force report and recommendations is the legislative history of the oil import program.

Shortly after World War II, when the Nation was catching up from war shortages, oil imports became a problem. They doubled and tripled and quadrupled until finally in the early 1950's a voluntary program was agreed to. But this did not work too well or too long when the agreements were circumvented in various ways.

Mr. President, for those who may not be familiar with the background leading to the establishment of the mandatory oil import program in 1959, I would recommend that they study the report of the House Committee on Interior and Insular Affairs following extensive hearings on the mandatory oil import program, as that program relates to the domestic petroleum industry, on May 13, 14, and 16, 1968.

I submit that the Cabinet members of the task force may wish to consider the report of that committee along with the task force report before making any final recommendations to the President.

While few of the many who testified in those hearings were doctors of philosophy or professors of economics, they did represent all segments of the petroleum industry as well as the public and industries served by petroleum and its products.

I ask unanimous consent that the committee findings and recommendations from the report of those hearings be printed in the RECORD.

Mr. President, I concur in the findings and recommendations of that committee and hope the Cabinet members of the task force will give adequate weight to those recommendations in whatever recommendations are made to the President.

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

COMMITTEE FINDINGS

The following points summarize the findings of the Subcommittee on Mines and Mining with regard to the present status of the mandatory oil import program, its effect upon the domestic petroleum industry, and its effectiveness in the enhancement of our Nation's security:

1. The need for control of foreign crude and unfinnished oils in order to assure a healthy U.S. petroleum industry is as great today, from the standpoint of national security, as when the plan was conceived originally. The steady decline in the industry's exploratory effort over recent years and demonstrable inadequacy of known petroleum reserves accumulated have rather alarming implications from the standpoint of the Nation's security in times of emergency.

2. While the voluntary and mandatory oil import program has been helpful, its stated objective of preserving a "vigorous and healthy domestic petroleum industry for purposes of national security" has not been achieved. U.S. exploration and development has been declining for the past 10 or 11 years and even more alarming are the indications that unless steps soon taken to reverse this trend it will continues at an accelerating rate. Instead of finding more than 4.5 billion barrels per year, which the Department of the Interior indicates are needed to meet future demands and maintain a stable resreve-production ratio, only 2.6 billion barrels per year have been found and developed during the past 7 years.

3. There is substantial evidence that the import program is weakened by the injection into the program of special treatment provisions, particularly since 1965. The profusion of these special treatment provisions threatens to undermine the program by destroying confidence in its administration and by creating special situations which permit imports both within and without the controlled levels.

4. The program is plagued by instability and frequent changes which create uncertainty and lack of a sense of direction. This makes it extremely difficult for segments of the industry to arrange their long-term expansion programs or to develop long-range plans.

5. The import program legally has only one basis for its existence; i.e., to protect the Nation's security by promoting a strong domestic oil industry capable of dealing with unforeseen emergencies. We find that the program is being used for many allen purposes. Many of these are undeniably worthwhile, yet all of them should be accomplished by means other than the oil import program. These include such activities as (*a*) economic aid to insular possessions and territories; (*b*) improvement in the Nation's exports; (*c*) enhancement of the competitive capabalities of the petrocehemical industry; and (*d*) abatement of air pollution.

6. The program is beset by procedural irregularities in its administration. Some actions have been taken by the Secretary and the Oil Import Appeals Board without benefit of adequate notice or public hearings.

7. Declining exploration activity and declining crude reserves are endangering the health and well-being of the domestic petroleum industry and seriously endanger the national security of this Nation.

8. The import program is becoming increasingly complex and is burdened with confusing definitions and regulations so that participants are never sure as to how certain regulations should be interpreted or how they might be affected by future actions. These ambiguous definitions have resulted in conflicting decisions for like situations.

9. The relationship that controlled imports bear to domestic production—12.2 percent—has been adhered to as far as controlled imports are concerned but weakened by the exceptions permitted outside the 12.2-percent limit. Thus, the effectiveness of the entire program is weakened. The exceptions tend to be increasing at a rapid rate. In addition, total imports of oil into the United States exceeded 26 percent of domestic production for the year 1966. In many respects this is a more significant figure than the 12.2-percent limitation.

COMMITTEE RECOMMENDATIONS

1. The mandatory oil import program must not be weakened by use for purposes unrelated to the preservation of national security, regardless of the merits of the alien objectives. This includes projects such as improvement of the economic conditions in any particular geographic area, improvement of competitive conditions for any industry, alleviation of air pollution, economic hardships, or any other unrelated purposes.

2. All inequities in the program should be removed so that the Government is administering a plan that is equitable and fair for all who are governed by it. Features that should be carefully reviewed include the extent of the sliding scale method of allocation, the historic guarantee feature, special provisions for northern tier refiners, allocations to refiners located in insular possessions, allocations to customers of the petroleum industry and other allocations for purposes not basic to national security.

3. The program should be simplified to the greatest extent possible to eliminate the present chaotic condition which causes serious inefficiencies in the planning and operations of the entire petroleum industry.

4. Rules of procedure should be strengthened and observed so as to eliminate decisions made without benefit of adequate notice and public hearings. Amendments and changes to the regulations should be made in a formal, uniform manner; the granting of relief by the Oil Import Appeals Board should be done in accordance with established procedures of the Administrative Procedures Act.

5. Canadian sources of crude oil should continue to be considered within the scope of our national security planning and therefore should receive special treatment. However, participation of Canadian crude oil in our growing U.S. market must not be disproportionately greater than the growth enjoyed by domestic producers. In the past, informal methods of managing such control have been arranged by the Department of the Interior and the Canadian Government. Such a method of control may well be continued but must be improved to prevent Canadian imports from consistently exceeding estimates.

6. It is the view of the committee that any program authorized under the national security provisions of the Trade Agreements Extension Act should be administrated strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs.[1]

THE SENATE FOOD STAMP BILL: A REPLY TO SENATOR AIKEN

Mr. McGOVERN. Mr. President, for each of the 7 years in which I have served in the Senate it has been my great privilege to be a member of the Committee on Agriculture and Forestry. During that time, I have had the opportunity to work closely with the distinguished senior Senator from Vermont (Mr. AIKEN). Like the other members of the Agriculture Committte, I have found the ranking Republican member of that committee to be without equal in

[1] Representative Kupferman, except for the air pollution aspect, took no part in the committee discussion.

his zeal for those causes in which he believes. His support for any project is an asset of rare worth—his opposition not to be taken lightly.

As much as I value the recommendations and wise counsel of Senator AIKEN, I have had to differ with him over the question of reforming our present family food programs. The goal toward which we would direct these programs is, of course, identical. There is not the slightest doubt that the senior Senator from Vermont seeks, as I do, to put an end to hunger and malnutrition in every part of this land.

Perhaps it is even as a direct result of his deep commitment to that end that he has been so unrelenting in his attacks on the bipartisan food stamp bill recently passed by the Senate.

But I must suggest to the Senator from Vermont that, in his zeal to advance his own formula, he has unwittingly misrepresented the Senate food stamp bill. I would further suggest to the Senator that those who share the belief that hunger must be ended immediately, as he and I most certainly do, must be extremely careful about the charges we direct at each other's proposals, lest we discredit the entire antihunger effort and play into the hands of those who propose to do nothing at all.

In a statement delivered in this Chamber Monday, Senator AIKEN properly noted that the food stamp bill passed by the Senate is a more "far-reaching" proposal than is the bill favored by the administration. The Senate bill would provide more food stamps, more quickly, at lower cost to the hungry, than would the President's plan.

But Senator AIKEN also delivered a sweeping indictment which does not square with the actual provisions of the food stamp bill considered and passed by the Senate in September. On each of the following points the Senator was in error:

1. The Substitute bill approved by the Senate would actually make persons of wealth eligible to receive benefits, . . .

In fact, the Senate bill specifically authorizes the Secretary of Agriculture to set an eligibility limit as low as $4,000 per year for a family of four. This level is identical to that recommended by the administration in testimony before the Agriculture Committee and the Select Committee on Nutrition. The Senate bill also authorizes the Secretary to establish an income ceiling above which no family could receive stamps.

2. The (Senate) Food Stamp proposal would not be a food bill but a broadly based welfare program providing Government scrip for the purchase of countless non-food items.

Under the actual wording of the Senate bill, participants would be able to use their stamps only for the purchase of food and for such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation. It is easy to dream up frivolous items which are only remotely connected to hygiene and to claim that these items will be available for purchase with food stamps. But this charge ignores the fact that the Secretary of Agriculture will be the person who establishes what items are available under the terms of the Senate bill. The history of the food stamp program, the legislative history of the Senate bill, and the history of basic sanity in the Department of Agriculture all strongly suggest that items such as soap, detergent, and toothpaste will be made available by the Secretary, while clothing, housing, and pleasure boats will not. It is obvious that the Senator is pulling someone's leg when he suggests that Secretary Hardin or any other Secretary could use Food Stamp authorizations to justify pleasure boat purchases:

3. Twenty-Five billion dollars annually would be a more realistic estimate (of the cost of the Senate Food Stamp bill).

The Senate food stamp bill contains an authorized ceiling of $1.25, $2, and $2.5 billion for fiscal years 1970 through 1972, respectively.

To charge that it would cost $25 billion per year simply plays into the hands of those who seek no bill at all. The entire poverty gap in the United States is only $10 billion. The food-income gap is less than $4 billion. Even if food stamps were given free to every poor person in the country, the cost could not possibly approach even half of the wild $25 billion estimate offered by Senator AIKEN.

4. The Substitute (Senate bill) also contains a loosely drawn requirement of an affidavit for eligibility that could open the door to widespread abuse and corruption.

The so-called self-certification provision in the Senate bill is similar to the certification process recommended by the President for his family assistance program. Pilot programs have shown that cheating under self-certification plans is lower than cheating on income tax payments. Self-certification would end the costly, humiliating snooping now required for certification of food stamp recipients. It would lower administrative costs. It would not preclude careful investigation of applicant affidavits, and it certainly would not "open the door to widespread abuse and corruption."

While I believe that Senator AIKEN was excessive in his criticism of the Senate food stamp bill, he was absolutely correct in praising the President for his initiatives in the battle against hunger. As the Senator knows, I too have publicly praised the President for his initiatives against hunger.

Our differences—those between myself, Senator AIKEN, and the President—have been, and must remain, nonpartisan disagreements over the relative merits of alternative programs.

It is in this spirit—in the attempt to confine discussion of the Senate food stamp bill to the merits of that bill—that I have spoken today. I hope that this sort of discussion will continue because I believe that it was just this sort of reasoned debate which resulted in passage of a strong food stamp bill in the Senate and will result in final enactment of an equally strong bill in the near future.

THE FOLLY OF RHODESIAN SANCTIONS

Mr. DODD. Mr. President, the U.N. General Assembly, in December of 1966, acting at the request of Prime Minister Harold Wilson of Great Britain, voted to impose mandatory economic sanctions against Rhodesia on the grounds that it was a minority government. This decision, regrettably, had the support of our own State Department.

Today we are paying a very high price for this folly.

A recent article in Metals Week points out that, by closing our doors to Rhodesian chrome ore, we have made ourselves heavily dependent on the Soviet Union for our supplies of this vital metal. In fact, of the 486,000 tons of chromite imported in 1968, Russia supplied 335,000 tons. Moreover, the price we are now paying because of the seller's market we have created by our own action is 80 percent higher than the price in effect before sanctions were imposed in January 1967.

I am not suggesting that we should approve the policy of the present Rhodesian Government. As those who know my record are aware, I have all my life been a stanch advocate of civil rights in our own country and of freedom for peoples living under colonial rule and for the captive nations of Europe. But the imposition of U.N. sanctions against Rhodesia because it refused to accede to the principle of majority rule was a very grave blunder which may ultimately lead to the destruction of the United Nations.

If sanctions were to be invoked against every government that violates human rights and denies political or racial or religious justice to its citizens, we would find ourselves in a condition of permanent war, not merely with the Communist bloc, but with the majority of the governments represented in the U.N.

Mr. President, I ask unanimous consent to have printed in the RECORD the article published in Metals Week of December 1.

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

TIME TO EXAMINE THE RHODESIAN BOYCOTT

The price of Russian chrome ore is up another $10 for 1970. Turkish ore is going up a like amount. The reason for the increase, and the increases of 1968 and 1969, is, quite simply, the Rhodesian boycott.

Since the boycott went into effect in Jan. 1967, and US ferroalloy producers were cut off from their prime source of chrome ore, Russian prices have increased by over $25 a ton, or 81%. Russia is now our major supplier of metallurgical grade chrome ore and is in a position to dictate the market. Of the total of 486,000 tons of metallurgical grade chromite imported in 1968, Russia supplied 335,000.

These are simple, straightforward facts. This has been but one result of the Rhodesian boycott. Perhaps it is time to examine what some other results of this boycott have been.

In the first place, Union Carbide and Foote Mineral have lost their valuable Rhodesian mines. And second, they must buy Russian ore at much higher prices to keep up their ferrochrome production. This translates into higher costs for the US steel industry.

And while US ferrochrome producers have to buy Russian ore, South African ferrochrome producers take in cheaper Rhodesian ore, and then turn around and undersell US producers in the US market. In 1968, some 45% of all ferrochrome imported into the US came from South Africa. It might be added that over 50% of US chemical grade chrome

ore (below 46% Cr_2O_3) also comes from South Africa.

So, who has benefited? Russia and South Africa—not exactly two of our closest allies. And who has lost? U.S. ferrochrome producers, the U.S. steel industry, and, ultimately through inflation, the U.S. consumer. And Rhodesia? By all accounts her economy is humming and any inconvenience caused by the boycott is minimal.

It is not an economic issue, but rather a moral issue, supporters of the boycott maintain. If so, is what Rhodesia is doing to her blacks any worse that what Russia did to the Czechs? And is South Africa's apartheid policy any less severe than Rhodesia's limited representation? If we do not intend to boycott Russian or South African products because we disapprove of the way these nations behave, what right do we have to impose sanctions on Rhodesia?

And moral considerations aside, the boycott just plain isn't working.

STANLEY GAFFIN: AN ABLE ADVISER

Mr. BROOKE. Mr. President, Robert L. Kunzig, Administrator of General Services, has recently formed a National General Services Public Advisory Council for the purpose of creating greater public involvement in the operations of the General Services Administration.

I am delighted to learn that Massachusetts is ably represented on the Council by Mr. Stanlay Gaffin of Newton, Mass.

Mr. Gaffin, who heads his own public accounting firm in Boston, has a great deal of experience in business affairs. He received both his bachelor of science and his masters degree in business administration from Boston University, and became a certified public accountant in Massachusetts in 1951.

Mr. Gaffin is a member of the American Institute of Certified Public Accountants, the New England Association of Credit Executives, the Massachusetts Society of Certified Public Accountants, the New York Credit and Financial Management Association, and is vice president of the Jewish Big Brother Association of Boston.

Administrator Kunzig is indeed fortunate to have obtained the services of this outstanding citizen.

MERRY CHRISTMAS TO FRANCES G. KNIGHT, DIRECTOR OF THE PASSPORT OFFICE

Mr. McINTYRE. Mr. President, sometimes we get up-tight in the Senate in these closing, crowded, and hectic days.

At one point we are turned on and at another time I fear we get turned off.

Then comes something bright, cheerful, in season and yet thoughtful.

Such a document has just come to me from Mrs. Frances Knight, the Director of the Passport Office. I imagine that most Senators received the same letter from Mrs. Knight, but in the flood of mail coming into the office these days it might have been missed. Therefore, I am taking the liberty of highlighting it in this way.

Mrs. Knight wishes us all a Merry Christmas and Happy New Year and then goes on to point out why she may not be sharing the same height of merriness.

She points out that her burdens are budget cuts, reduced personnel, lack of administrative support, lack of understanding of the changing travel patterns, a group of "johnny-come-lately experts on passports" who sit in their bureaucratic ivory towers and do not know what she is facing down at the working level, and even mass overseas transportation provided by the SST.

I certainly pose as no authority on the passport office, but I am impressed by the arguments Mrs. Knight makes, and I for one am concerned that I might have unknowingly contributed to her unhappiness at this time of year when joy and happiness are supposed to be the order of the day.

Her closing lines are:

We hope your Christmas will be Merry and Bright and that the New Year will bring you Health and Happiness and all the other good happenings which seem destined to pass us by.

I for one want to wish Mrs. Knight a Merry Christmas and a Happy New Year. And I mean it.

I might say, "Yes, Mrs. Knight there can be a Santa Claus." You present your case well, and we are really not all Scrooges.

I ask unanimous consent that Mrs. Knight's letter be printed in the RECORD.

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

SEASON'S GREETINGS

CHRISTMAS, 1969.

DEAR SENATOR McINTYRE: If this Christmas letter is late reaching you, chalk it up to the fact that I've had a hard time getting into a "Merry Christmas and Happy New Year" mood.

The Passport Office ends 1969 in a bruised and battered condition, thanks to arbitrary budget cuts resulting in reduced personnel; lack of administrative support; lack of an understanding of the changing travel patterns of U.S. citizens, and a total indifference to the predictable results of the forthcoming mass travel capability of the jumbo jets and the SST.

We are surrounded by a plethora of johnny-come-lately experts on passports in the upper echelons of the bureaucracy who in the past year have thwarted Passport Office attempts to gear itself to the challenge of tremendous increases in international travel.

While the following facts may take the edge off a "Merry Christmas" greeting—you should know them, if for no other reason than that you, as a taxpayer, are paying for the mistakes in judgment by the "experts" in administration and management who are "not with it."

Consider this: In 1969 the Passport Office issued 1,810,000 passports. That was a 17.9% increase over 1968. At the peak of our busy season, June 1969, we were 45% over June 1968. In addition, we renewed 184,000 passports to full five year validity without charge. Our budget was $5,676,132 for Fiscal Year 1969, and we brought into the U.S. Treasury $16,550,703 in fees—a net profit of $10,874,571. Despite our increased workload and our pleas for assistance, authority to hire 22 permanent employees required in fiscal 1969 was denied for over a year. Then under the pressure of public criticism, authority was reluctantly granted, but too late to rescue us from costly overtime and a heavy backlog of work. Now, a year and a half later, most of these positions still remain unfilled. Twenty-four more permanent positions requested for fiscal 1970 were denied outright. We have had a number of resignations by temporary employees who refused to work under so much pressure. Passport Office regulars put in 17,000 hours of overtime, resulting in employee fatigue, sickness and a high percentage of errors.

Virtually every recommendation for improvement in our personnel and fiscal positions has been turned down. Our third request for three additional passport agencies, sorely needed, has been denied. We have been denied funds for research into a new passport concept for the future; we have been denied the minimum personnel required in 1970 to operate this office and its ten field agencies. All our protests against these arbitrary decisions have been greeted with a deafening silence.

Currently, the outlook for 1970 is dismal, indeed. As a result of a totally inequitable fiscal policy, the issuance of passports will be delayed at least two weeks, if not more, in the forthcoming year. We will have difficulty recruiting temporary employees and, undoubtedly, we will have some resignations from our professional staff. Perhaps we are not overly bright, but it is increasingly difficult for us, in the Passport Office, to figure out why a Federal Government operation making a net profit of over ten million dollars annually cannot get sufficient funds for staff, equipment and expansion to serve U.S. citizens who are paying for such services.

Under these circumstances, it is mighty difficult to develop a "Merry Christmas" and "Happy New Year" spirit. However, we hope your Christmas will be Merry and Bright and that the New Year will bring you Health and Happiness and all the other good happenings which seem destined to pass us by.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

ACQUISITION OF MISSILE SITES FOR SAFEGUARD SYSTEM

Mr. STENNIS. Mr. President, during the debate on December 15 on the Defense appropriations bill, the senior Senator from Louisiana (Mr. ELLENDER) requested that I place in the RECORD the authority enacted in prior years for the acquisition of missile sites for the Safeguard system.

This authority has been set forth in two past Military Construction Acts with subsequent funding in the Military Construction Appropriations legislation. In the fiscal year 1969 Military Construction Authorization Act (82 Stat. 367) there is contained the following language which was presented and approved for the Safeguard sites:

CONUS various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities, and real estate, $227,460,000.

I might note, Mr. President, that as of February 28, 1969, there had been appropriated for the military construction program for the Army anti-ballistic-missile system a total of $344.4 million. Of this amount about $200 million was not obligated as of February 28, 1969.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, for the purpose of having the

bill become the pending business, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 610.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

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

Mr. BYRD of West Virginia. There will be no votes on the bill tonight. It will be further considered when the Senate meets tomorrow.

AMENDMENT NO. 435

Mr. FULBRIGHT. Mr. President, on behalf of myself and Senators AIKEN, MANSFIELD, CASE, COOPER, PELL, SPARKMAN, WILLIAMS of Delaware, and CHURCH, I send to the desk an amendment which I ask to have printed and lie on the table.

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

Mr. FULBRIGHT. Mr. President, by way of explanation I want to say that I have discussed this question with the chairman of the Appropriations Subcommittee on Foreign Operations as well as with the chairman of the Committee on Appropriations. And in the process, I have learned something that I did not know before. I thought maybe the Senate would be interested in it.

The amendment states the principle that underlies the legislative process—or so I thought—which is that no money may be appropriated unless authorized by law. The appropriation bill has been laid before the Senate and does purport to appropriate more than the conference report which has been agreed upon by the conferees of the two Houses.

The Senator from Wyoming (Mr. MCGEE) and the chairman of the full committee have agreed that this will be cut back.

What I did not know, is that appropriation bills generally, not just this one, but any appropriation bill, may go beyond any authorization bill and be honored by the Comptroller General.

I think it will be a useful exercise to discuss this tomorrow with the chairman of the subcommittee and with any other Senator who cares to participate, with the view of offering at a later date, a permanent change in the basic law for the guidance of the Comptroller General. I think that most Members of the Senate believe as I did that the legislation authorizing any particular program is controlling in the way of a limitation on the amount that could be appropriated. That is the principal reason I have offered the amendment.

Mr. MCGEE. Mr. President, the Senator from Arkansas and I have agreed to have a colloquy on this matter when the bill is up for consideration tomorrow morning. I did not want the RECORD to stand as suggesting that the Appropriations Committee might have done something devious here.

We marked up the bill before the conferees had reported from the authorizing committees. Therefore, we are in agreement that we need to do something to correct the uncertainties in regard to the authorizing process on the one hand and the appropriating process on the other. I believe we can do that in the colloquy.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. ALLOTT. I should like to ask how it happens that on the day of December 17 we still have not received an authorization for the foreign aid appropriations from the Foreign Relations Committee and the corresponding committee in the House?

Mr. FULBRIGHT. What did the Senator say?

Mr. ALLOTT. I am relying upon the statement of the chairman of the Foreign Relations Committee. How does it happen that on December 17 we are still waiting, or have been up to the time this bill was marked up, on an authorization committee?

Mr. FULBRIGHT. Does the Senator mean the conference report?

Mr. ALLOTT. For an authorization for this legislation.

Mr. FULBRIGHT. The bill has been passed by the Senate and by the House, and the conference has been agreed to by the conference committee, but the House must act first.

Mr. ALLOTT. When was it agreed to?

Mr. FULBRIGHT. It was agreed to today.

Mr. ALLOTT. How can the Appropriations Committee be placed in a negative position on December 17, when we are waiting for an authorization?

Mr. FULBRIGHT. I do not think the Senator understood my remarks.

Mr. ALLOTT. I understood the Senator's remarks all too well.

Mr. FULBRIGHT. Then, if the Senator does, he does not need to ask me any questions.

I should like to proceed with my remarks. I do not yield any further at this time.

Mr. ALLOTT. I thank the Senator for yielding to me. I am glad to be informed about this matter.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. As I tried to say earlier, I had consulted with the Senator from Wyoming, the acting chairman of the committee, and in the process I discovered that it is a fact that an appropriation bill may appropriate more than its corresponding authorization bill authorizes and it is valid and legal. I did not know that prior to this time, and I have been informed by a number of people with whom I have consulted that they did not know about it, either.

I do not suggest any deviousness on the part of the Senator from Wyoming. It is a difference of opinion. In this case there is an item that amounts to $50 million for the Republic of Korea, and is carried in the appropriation bills of both houses, I believe. This item has not been authorized and is not carried in the conference report. In other words, here is an item of $50 million specifically earmarked in the appropriation bill, if I understand it correctly, for the Republic of Korea, and it has not been authorized. In fact, the Committee on Foreign Relations specifically eliminated this amount, and the Senate concurred in this elimination. In the conference report there was no allowance made for this item. Yet, I am informed by the staff members that if this item stays in this appropriation bill and, of course, it is in the House bill, as I understand it, it will carry an appropriation of $50 million to the Republic of Korea, without its ever having been authorized by the authorizing committees. Is that not correct?

Mr. MCGEE. The $50 million to Korea was in both the House authorizing legislation and in the House appropriations bill. In conference, however, the authorizing committees chose to drop that item, apparently.

Mr. FULBRIGHT. That is correct.

Mr. MCGEE. But it was legitimately before our Appropriations Committee at that moment, when we marked up the bill, because it had come to us from the Appropriations Committee of the House.

Mr. FULBRIGHT. I understand. The Senator is correct. I did not mean to leave any other impression.

It still means the authorization bill which has been agreed upon in conference does not carry that item, and it was not in the committee.

This again illustrates a slightly different aspect of the matter I have already mentioned, which is that an appropriation can be made by the appropriating process for a figure which has not been authorized and yet be valid. Therefore, I think it is a very useful procedure to raise this matter and discuss it for the information of the Senate. Furthermore, speaking for myself, I think that the legislating process, if it is to mean anything and have any significance for the Members of the Senate, ought to have some significance and that we should not just go through empty exercises and leave it all to the appropriating committees.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. PELL. The Senator has been in the Senate longer than I have. I wonder if he would enlighten me as to the function of an authorizing committee. If the Appropriations Committee can pass either more funds or less funds, as it chooses, then it would seem to me that the only function of the authorizing committee is to set a guideline and give advice. Is that correct?

Mr. FULBRIGHT. If this is true, as I have stated it, and believe it to be, we have a very limited function to play. We can refine a matter and reduce some of the issues, but the final decision on the magnitude of any program is really left to the Appropriations Committee.

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

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. Is it not a fact that there cannot be legislation on an appropriation bill and that that is a rule of the Senate?

Mr. FULBRIGHT. That is a rule more

honored in the breach than honored in the practice, because the House has developed a highly refined process by which they call the most complicated legislation a limitation. Once the House has put any kind of legislation on an appropriation bill, it is not subject to a point of order in the Senate. So there is as much legislation in most appropriation bills as there is in a legislative bill.

Mr. DOMINICK. House language is not subject to a point of order. Any legislation put in by the Senate on an appropriation bill is subject to a point of order. Will the Senator agree to that?

Mr. FULBRIGHT. Stated in that fashion, it is correct. But the Senator will find that in practice it is very easy to overcome it by a change of wording and call it a limitation. I will ask the Parliamentarian of the Senate, if the Senator wishes me to do so.

Mr. DOMINICK. Does the Senator know of any instance in which, with an authorization bill approved by conference and reported back well ahead of when the appropriation bill comes out, the appropriation bill has ever exceeded the authorization?

Mr. FULBRIGHT. I do not. I was quite surprised even in this case. I grant the circumstances of the lateness of the bill, and I may say to the Senator that the authorization bill did not come over from the House, until late November. We acted on it quite promptly after it came from the House.

Mr. DOMINICK. I was not criticizing the Senator. I was criticizing the fact that we did not get through the appropriation bills early enough so the Appropriation Committee would know the final result.

Mr. FULBRIGHT. I said earlier that I did not mean this as a personal reflection upon the Senator from Wyoming. I was under the impression that regardless of the timing of the action by the committee, the authorization in effect set a ceiling upon the appropriation, that an appropriation larger than an authorization would not be legally binding. But I now find that it is binding. Of course, we know they can cut it below, if they wish.

Many Representatives and Senators have complained that the Executive does not have to spend the money we appropriate, and this is true. There have been many complaints about that, too, because the Executive sometimes does refuse to spend it.

As I have said, I believe it will give us an opportunity either to change the rule of the Senate or to change the basic legislation guiding the Comptroller General.

Mr. President, I will discuss it further in the morning, and the Senator from Wyoming and I intend to have a colloquy regarding the matter.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 10 minutes p.m.) the Senate took a recess until tomorrow, Thursday, December 18, 1969, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, December 17 (legislative day of December 16), 1969:

ASSISTANT SECRETARY OF DEFENSE

Gardiner Luttrell Tucker, of Virginia, to be an Assistant Secretary of Defense.

U.S. ATTORNEY

Whitney North Seymour, Jr., of New York to be U.S. attorney for the southern district of New York for the term of 4 years.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 17 (legislative day of December 16), 1969:

U.S. CIRCUIT JUDGES

John J. Gibbons, of New Jersey, to be a U.S. circuit judge, third circuit.

Joe McDonald Ingraham, of Texas, to be U.S. circuit judge, fifth circuit.

U.S. DISTRICT JUDGES

Philip C. Wilkins, of California, to be U.S. district judge for the eastern district of California.

George H. Barlow of New Jersey to be U.S. district judge for the district of New Jersey.

Leonard I. Garth, of New Jersey, to be U.S. district judge for the district of New Jersey.

U.S. ATTORNEYS

John L. Briggs, of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years.

Eugene E. Siler, Jr., of Kentucky, to be U.S. attorney for the eastern district of Kentucky for the term of 4 years.

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi for the term of 4 years.

U.S. MARSHALS

Loren Wideman, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years.

George A. Locke, of Washington, to be U.S. marshal for the eastern district of Washington for the term of 4 years.

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, December 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Unto you is born this day in the city of David a Saviour, who is Christ the Lord.—Luke 2: 11.

O God, our Father, who hast brought us again to the glad season when we commemorate the birth of Jesus Christ; grant that Thy spirit in Him may be born anew in all our hearts and that we may joyfully welcome Thee to rule over us. Open our ears that we may hear again the angelic chorus of old; open our eyes that we may see the star that shines forever in our sky; open our lips that we may sing with uplifted voices, "Glory to God in the highest and on earth peace, good will among men."

As we enter the portal of this new day help us to be faithful in the discharge of our duties, honorable in our dealings, and loving in mind and heart; to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14916) entitled "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."

The message also announced that the Senate agreed to the House amendments Nos. 1, 5, 7, 10, 11, 13, and 14, to the foregoing bill.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from a committee:

DECEMBER 16, 1969.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation from the District of Columbia Committee, effective December 16, 1969.

With kindest personal regards, I am,

Sincerely,

FRANK HORTON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 756) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 756

Resolved, That Earl F. Landgrebe, of Indiana, be and he is hereby elected a member of the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NIXON POLICY BACKED

(Mr. WIDNALL asked and was given permission to address the House for 1