SENATE—*Friday, February 7, 1969*

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

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

Almighty God, whose we are and whom we serve, we commend our Nation to Thee and Thy servants in this place to the guidance of Thy higher wisdom. Come upon us with renewing power that as we work for others we may show our love for Thee. In our work make us diligent, in our travels give journeying mercies, in our pleasures spare us regrets, in our speech make us instruments of Thy truth, and in all we do may we advance Thy kingdom, that at the end we may be workmen who "needeth not to be ashamed."

Through Christ our Lord. Amen.

THE JOURNAL

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

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, the Secretary of the Senate, on February 7, 1969, received the following message from the House of Representatives:

That, pursuant to section 8002 of the Internal Revenue Code of 1954, the chairman of the Committee on Ways and Means had appointed Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. UTT as members of the Joint Committee on Internal Revenue Taxation, on the part of the House.

The message also informed the Senate that, pursuant to section 712(a)(2) of the Defense Production Act of 1950 (title 50, appendix, United States Code, sec. 2162(a)(2)), the chairman of the Committee on Banking and Currency had appointed Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. BROCK as members of the Joint Committee on Defense Production, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker had appointed Mr. THOMPSON of New Jersey, Mr. MURPHY of New York, Mr. HALPERN, and Mr. FISH as members of the Franklin Delano Roosevelt Memorial Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 105(c), Public Law 624, 84th Congress, the Speaker had appointed Mr. STEED, Mr. COHELAN, and Mr. KYL as members of the Committee on the House Recording Studio.

The message further informed the Senate that, pursuant to the provisions of section 202(b), Public Law 90-259, the Speaker had appointed Mr. MILLER of California and Mr. PETTIS as members of the National Commission on Fire Prevention and Control, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86-420, the Speaker had appointed Mr. NIX, chairman, Mr. WRIGHT, Mr. JOHNSON of California, Mr. GONZALEZ, Mr. DE LA GARZA, Mr. FRASER, Mr. SYMINGTON, Mr. SPRINGER, Mr. MORSE, Mr. HARVEY, Mr. WHALLEY, and Mr. BUSH as members of the U.S. delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 401(a), Public Law 414, 82d Congress, the Speaker had appointed Mr. CELLER, Mr. FEIGHAN, Mr. RODINO, Mr. MCCULLOCH, and Mr. CAHILL as members of the Joint Committee on Immigration and Nationality Policy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1002, Public Law 90-226, the Speaker had appointed Mr. DOWDY and Mr. HOGAN as members of the Commission on Revision of the Criminal Laws of the District of Columbia, on the part of the House.

The message announced that the House had passed a joint resolution (H.J. Res. 414) making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, in which it requested the concurrence of the Senate.

The message also anounced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 124. Concurrent resolution providing for an adjournment of the two Houses of Congress from Friday, February 7, 1969, to Monday, February 17, 1969; and

H. Con. Res. 133. Concurrent resolution commending the leadership of the Boy Scouts of America for their fine work and contribution to American youth.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, messages in writing from the President of the United States were received on February 5, 1969, by the Secretary of the Senate submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on February 5, 1969, see the end of Senate proceedings of today, February 7, 1969.)

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT CONCERNING THE TREATY ON NONPROLIFERATION OF NUCLEAR WEAPONS

Under authority of the order of the Senate of February 4, 1969, the Secretary of the Senate, on February 5, 1969, received the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

After receiving the advice of the National Security Council, I have decided that it will serve the national interest to proceed with the ratification of the Treaty on Non-Proliferation of Nuclear Weapons. Accordingly, I request that the Senate act promptly to consider the Treaty and give its advice and consent to ratification.

I have always supported the goal of halting the spread of nuclear weapons. I opposed ratification of the Treaty last fall in the immediate aftermath of the Soviet invasion of Czechoslovakia. My request at this time in no sense alters my condemnation of that Soviet action.

I believe that ratification of the Treaty at this time would advance this Administration's policy of negotiation rather than confrontation with the USSR.

I believe that the Treaty can be an important step in our endeavor to curb the spread of nuclear weapons and that it advances the purposes of our Atoms for Peace program which I have supported since its inception during President Eisenhower's Administration.

In submitting this request I wish to endorse the commitment made by previous Administration that the United States will, when safeguards are applied under the Treaty, permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, exclusive of those activities with direct national security significance.

I also reiterate our willingness to join with all Treaty parties to take appropriate measures to insure that potential benefits from peaceful applications of nuclear explosions will be made available to non-nuclear-weapon parties to the Treaty.

Consonant with my purpose to "strengthen the structure of peace," therefore, I urge the Senate's prompt consideration and positive action on this Treaty.

RICHARD NIXON.

THE WHITE HOUSE, *February 5, 1969.*

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, Mr. PROXMIRE, from the Joint Economic Committee, on February 6, 1969, submitted a report entitled "Federal Reserve Discount Mechanism: System Proposals for Change" (Rept. No. 8), which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, Mr. YARBOROUGH, from the Committee on Labor and

Public Welfare, reported favorably the following nominations:

James D. Hodgson, of California, to be Under Secretary of Labor;

Arnold R. Weber, of Illinois, to be an Assistant Secretary of Labor;

Elizabeth Duncan Koontz, of North Carolina, to be Director of the Women's Bureau, Department of Labor;

Lee A. DuBridge, of California, to be Director of the Office of Science and Technology; and

Willie J. Usery, Jr., of Georgia, to be an Assistant Secretary of Labor.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

A SUPPLEMENTAL APPROPRIATION

Mr. RUSSELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 414.

The PRESIDING OFFICER laid before the Senate, House Joint Resolution 414, making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, which was read twice by its title.

Mr. RUSSELL. I ask unanimous consent that the Senate proceed to its immediate consideration.

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

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

Mr. RUSSELL. Mr. President, yesterday the House of Representatives passed this joint resolution, making a supplemental appropriation of $36 million to the Bureau of Employment Security under the Department of Labor for unemployment compensation for Federal employees and ex-servicemen.

Under the program, claims of unemployed Federal employees and ex-servicemen are processed by the State unemployment insurance agencies on the same basis as claims of other unemployed workers whose employment is covered under the State unemployment compensation law. Federal funds are allocated to the States, which act as agents for the Federal Government in the payment of these benefits. The period of extended coverage varies from 22 to 39 weeks among the States. During the first half of fiscal year 1969, the average payment for Federal employees was $44.20 each week for a period of 8.9 weeks, while the average for ex-servicemen was a weekly payment of $44.60 for 5.1 weeks.

The Department of Labor submitted a budget request of $99,800,000 for the 1969 program to the Bureau of the Budget, which in turn approved an estimate of only $92,200,000, the amount of the 1969 appropriatoin.

Separations under each category have exceeded the original estimates; thus, the President's message of January 17, 1969, requesting supplemental appropriations for fiscal year 1969, included an additional $36 million for the program.

The appropriation of funds for this program has become most urgent in that as of February 1, 1969, only $4.4 million remained available. Expenditures for the month of January were $13.8 million. The Department of Labor advises that States will not be able to make payments after the close of business today. Unless funds are provided at once, thousands of persons—including servicemen returned from Vietnam for separation—will go to their local unemployment compensation offices next week to find their payments delayed until these additional funds are appropriated.

I am sure none of us wishes to see the servicemen returning from Vietnam for separation finding it impossible to draw these funds from their local unemployment compensation offices.

I now, by agreement reached with leaders of the Committee on Appropriations, request that this item be promptly passed as now embraced in House Joint Resolution 414.

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

Mr. RUSSELL. I yield.

Mr. HRUSKA. Mr. President, on behalf of the minority leader, I am pleased to say that the minority joins in the request for immediate consideration and favorable action. Several colleagues have received word from their States indicating the need for the appropriation—the most recent was received this morning. The junior Senator from Michigan informed me that unless this money is allowed, there will not be any further payments starting on Monday morning.

This obligation has already been contracted. The problem arises because of underestimating the amounts required.

The resolution has been here since the middle of January, and I join in the Senator's request for immediate consideration and favorable action.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram from the National Legislative Commission of the American Legion, which points out the grave condition that will exist if this joint resolution is not passed.

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

WASHINGTON, D.C.,
February 6, 1969.

HON. RICHARD B. RUSSELL,
Chairman, Senate Committee on Appropriations, Old Senate Office Building, Washington, D.C.:

The American Legion is deeply concerned that many recently discharged veterans are denied unemployment compensation because UC funds are exhausted. We understand that $19.8 million in supplemental funds for this purpose was requested by the President January 17 last. Failure of the Congress to provide this money prior to the upcoming recess will work a severe hardship on thousands of needy ex-sevicemen across the country. We respectfully urge you to take prompt action to assist these jobless veterans during their readjustment to civilian life.

HERALD E. STRINGER,
Director, National Legislative Commission, the American Legion.

Mr. YOUNG of North Dakota. Mr. President, on many occasions the Congress has had to provide additional sums of money to take care of the needs for the unemployment compensation for Federal employes and ex-servicemen program. I do not believe there is any way a firm estimate can be submitted to Congress on amounts of money which will be necessary to operate this program in any one given fiscal year. These additional funds that we are providing here today in all probability will not be sufficient to carry this program through fiscal year 1969.

Mr. President, I ask unanimous consent to insert in the RECORD a 10-year table showing the amounts provided for this program which includes the supplemental appropriations.

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

ESTIMATES		APPROPRIATIONS	
1959	$186,800,000	1959	$120,800,000
Supp. (H. Doc. 58)	41,200,000	Supp. (P.L. 30)	40,000,000
1960	135,000,000	1960	125,000,000
Supp. (H. Doc. 384)	8,000,000	Supp. (P.L. 535)	6,000,000
1961	112,000,000	1961	107,000,000
Supp. (H. Docs. 58 and 91)	70,000,000	Supp. (P.L. 14): Appropriation	5,648,000
1962	147,000,000	Transfers	[1] 64,352,000
1963	131,000,000	1962	147,000,000
Supp. (H. Docs. 61 and 89)	24,000,000	1963	129,000,000
Supp. (H. Doc. 127)	1,100,000	Supp. (P.L. 88-25)	22,000,000
1964	119,000,000	Supp.	
Supp. (H. Doc. 203)	30,000,000	1964	110,000,000
Supp. (H. Doc. 284)	12,000,000	Supp. (P.L. 88-295)	42,000,000
1965	126,000,000	1965	126,000,000
Supp. (H. Doc. 80)	17,000,000	Supp. (P.L. 89-16)	11,000,000
1966	141,000,000	1966	131,000,000
1967	107,000,000	1967	90,000,000
1968	65,000,000	1968	[2] 65,000,000
1969	[3] 92,200,000		

[1] Transferred from the appropriations "Salaries and expenses, Bureau of Employment Security" and "Grants to States for unemployment compensation and employment service administration."

[2] The Budget indicates that a supplemental appropriation of $28,800,000 will be requested.

[3] Excludes $1,400 thousand for activities transferred in the estimates to "Trade Adjustment Activities." The amounts obligated in 1967 and 1968 are shown in the schedule as comparative transfers.

The VICE PRESIDENT. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 414)

was ordered to a third reading, was read the third time, and passed.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PROPOSED ACTION BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Chairman, National Aeronautics and Space Administration, transmitting, pursuant to law, a report of the Administration indicating proposed action to conduct one program at a level in excess of the authorization in the National Aeronautics and Space Administration Authorization Act (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT UNDER ALASKA COMMUNICATIONS DISPOSAL ACT

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the sale or other transfer of government-owned communications facilities in Alaska (with an accompanying report); to the Committee on Armed Services.

REPORT OF PROPOSED FACILITIES PROJECTS, ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the location, nature and estimated cost of additional facilities projects proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

REPORT ON PROPOSED FACILITIES PROJECTS AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense, reporting, pursuant to law, on the location, nature and estimated cost of certain facilities contracts proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on 31 December 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ACTIVITIES OF THE OFFICE OF STATE TECHNICAL SERVICES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Office of State Technical Services, for the fiscal year 1968 (with an accompanying report); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on requirements contracting and other aspects of small purchases in the Department of Defense, dated February 5, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF NASA ON EMPLOYEE PERSONAL PROPERTY CLAIMS SETTLED

A letter from the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on employee personal property claims settled during the calendar year 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF DEPARTMENT OF STATE ON EMPLOYEE CLAIMS SETTLED

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report of claims settled by the Department under the Civilian Employees' Claims Act of 1964, for the calendar year 1968 (with an accompanying report); to the Committee on the Judiciary.

STATUS OF PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

REPORT OF CIVIL SERVICE COMMISSION ON POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report with respect to positions in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

Resolutions adopted by the World Peace Appeal, New York, N.Y., relating to the recognition of Red China, and so forth; to the Committee on Foreign Relations.

A resolution adopted by the Upper Colorado River Commission, Salt Lake City, Utah, requesting more adequate funding of reclamation projects; to the Committee on Interior and Insular Affairs.

A resolution adopted by the citizens of Grand Portage Indian Reservation, Minn., praying for the abolishment of the Bureau of Indian Affairs; to the Committee on Interior and Insular Affairs.

A letter, in the nature of a petition, from Mrs. Christina North, of United Cultural Appeal, Inc., of Long Island City, N.Y., praying for the appointment of Frederick Douglass; to the Committee on the Judiciary.

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE ABSORPTION BY THE FEDERAL GOVERNMENT OF THE TOTAL COST OF PUBLIC WELFARE

"Whereas public welfare currently comprises over 40% of Massachusetts' annual budget; and

"Whereas the present state budget for public welfare in the current fiscal year amounts to over five hundred million dollars, and is expected to increase greatly; and

"Whereas the increasing costs of Medicaid under present conditions will appreciably add to state budgets in the future; and

"Whereas medicaid is a valuable program for the people of Massachusetts and should be continued; and

"Whereas the cost of welfare programs is basically a federal responsibility; and

"Whereas absorption of welfare costs by the federal government would release hundreds of millions of dollars for both property tax reduction at the local level and needed new progressive programs for the underprivileged at the state level; Now, therefore, be it

"Resolved that the General Court of Massachusetts strongly urges the Congress of the United States to take early favorable action on absorption of costs of public welfare by the federal government so that appropriate planning for property tax reduction and needed new programs for the underprivileged can be initiated in the Commonwealth; and be it further

"Resolved that copies of these resolutions be forwarded by the Secretary of State to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

"Senate, adopted, January 15, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, January 20, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

REPORTS OF A COMMITTEE

The following reports of committees were submitted:

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

S. 76. A bill for the relief of Soon-Hie Cho Young (Rept. No. 24);

S. 85. A bill for the relief of Dr. Jagir Singh Randhawa (Rept. No. 25);

S. 113. A bill for the relief of Dr. Mete V. Altug (Rept. No. 21);

S. 127. A bill for the relief of Dr. Jose Carlos Suarez-Diaz (Rept. No. 22);

S. 129. A bill for the relief of Dr. Jorge P. Garcia (Rept. No. 9);

S. 130. A bill for the relief of Dr. Carlos M. Perez-Abreu (Rept. No. 10);

S. 132. A bill for the relief of Dr. Jose Ramon Fernandez-Gonzalez (Rept. No. 11);

S. 147. A bill for the relief of Dr. Miguel A. Gomez (Rept. No. 12);

S. 148. A bill for the relief of Dr. Juan Alfredo Milera (Rept. No. 13);

S. 149. A bill for the relief of Dr. Miguel Angel Garcia Plasencia (Rept. No. 23);

S. 151. A bill for the relief of Dr. Fermin Ferro (Rept. No. 14);

S. 153. A bill for the relief of Dr. Carlos Jesus Aguilar Lima (Rept. No. 15);

S. 154. A bill for the relief of Dr. Joaquin Francisco Palmerola Cabrea (Rept. No. 16);

S. 155. A bill for the relief of Dr. Jose Ramon Portela y Margolles (Rept. No. 17);

S. 156. A bill for the relief of Dr. Aurelio-Julian Andres Jimenez Cortina (Rept. No. 18);

S. 157. A bill for the relief of Dr. Martiniano L. Orta (Rept. No. 19);

S. 378. A bill for the relief of Peter Rudolf Gross (Rept. No. 26);

S. 490. A bill for the relief of Gyorgy Sebok (Rept. No. 27);

S. 572. A bill for the relief of Dr. Cesar Baro Esteva (Rept. No. 20);

S. 573. A bill for the relief of Dr. Jose R. Guerra (Rept. No. 28);

S. 584. A bill for the relief of Domingo Lamadriz (Rept. No. 29), and

S. 586. A bill for the relief of Nguyen Van Hue (Rept. No. 30).

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

S. 112. A bill for the relief of Dr. Kenneth Siu; (Rept. No. 32);

S. 131. A bill for the relief of Dr. Eduardo Fernandez-Dominguez; (Rept. No. 31);

S. 165. A bill for the relief of Basil Rowland Duncan; (Rept. No. 33);

S. 256. A bill to confer U.S. citizenship posthumously upon L. Cpl. Theodore Daniel Van Staveren; (Rept. No. 34);

S. 495. A bill for the relief of Marie-Louise (Mary Louise) Pierce; (Rept. No. 35);

S. 510. A bill for the relief of Stella Dribensky; (Rept. No. 36);

S. 678. A bill for the relief of Francisco Renigio Fabre Solino (Frank R. S. Fabre); (Rept. No. 37);

S. 682. A bill for the relief of Rene E. Montero; (Rept. No. 38); and

S. 686. A bill for the relief of Dr. Juan Antonio Lopez; (Rept. No. 39).

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

S. 109. A bill for the relief of Dr. Benito V. Odulio and his wife, Dr. Brunhilda G. Odulio (Rept. No. 40);

S. 319. A bill for the relief of Lilliana Grasseschi Baroni (Rept. No. 41); and

S. 458. A bill for the relief of Yuka Fukunaga (Rept. No. 42).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State;

Joseph John Sisco, of Maryland, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State;

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Secretary of State; and

Gerard C. Smith, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Elmer T. Klassen, of Massachusetts, to be Deputy Postmaster General;

James W. Hargrove, of Texas, to be an Assistant Postmaster General;

Kenneth A. Housman, of Connecticut, to be an Assistant Postmaster General;

John L. O'Marra, of Oklahoma, to be an Assistant Postmaster General; and

David A. Nelson, of Ohio, to be General Counsel of the Post Office Department.

By Mr. BYRD of Virginia, from the Committee on Armed Services:

John W. Warner, of Virginia, to be Under Secretary of the Navy.

By Mrs. SMITH, from the Committee on Armed Services:

Frank Sanders, of Maryland, to be an Assistant Secretary of the Navy.

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

Fred J. Russell, of California, to be Deputy Director of the Office of Emergency Preparedness.

Mrs. SMITH. Mr. President, from the Committee on Armed Services I report favorably the nominations of 71 flag and general officers in the Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Charles T. Hagan, Jr., and Arthur B. Hanson, for temporary appointment to the grade of major general in the Marine Corps Reserve;

Richard Mulberry, Jr., for temporary appointment to the grade of brigadier general in the Marine Corps Reserve;

Rear Adm. Jackson D. Arnold, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Col. Fred A. Heimstra, Regular Air Force, and sundry other officers, for temporary appointment in the U.S. Air Force.

Mrs. SMITH. Mr. President, in addition, I report favorably 4,820 appointments and promotions in the Marine Corps in the grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

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

Rodolfo Alvarez, Jr., and sundry other persons, for appointment and promotion in the Marine Corps.

SENATE RESOLUTION 83 INDEFINITELY POSTPONED

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that Senate Resolution 83, which is now on the calendar, be indefinitely postponed. This matter was disposed of by the vote had on last Tuesday.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. INOUYE:

S. 925. A bill for the relief of Leung Man Shin and Chau Hang Po; and

S. 926. A bill for the rellief of Egidio De Sanctis; to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 927. A bill for the relief of Victor Abadi; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 928. A bill for the relief of Eckard Natter; and

S. 929. A bill for the relief of Wie Han Kwee and his wife, Relly Bernice Kwee; to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 930. A bill to amend title VII of the Elementary and Secondary Education Act of 1965 in order to authorize bilingual education programs in certain schools for Indian children; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. FANNIN when he introduced the above bill, which appear under a separate heading.)

By Mr. FANNIN:

S. 931. A bill to restore an appropriate separation of powers within the Federal Government in the area of equal employment opportunities and to preclude encroachment upon the legislative powers and functions of the Congress in this area; to the Committee on the Judiciary.

(See the remarks of Mr. FANNIN when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 932. A bill to provide that the land reserved for any national monument shall not exceed 2,560 acres; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. STEVENS:

S. 933. A bill to vacate and relinquish the reservation of rights-of-way for certain purposes made pursuant to section 321(d) of title 48, United States Code; to the Committee on Public Works.

S. 934. A bill to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

S. 935. A bill to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities"; to the Committee on Labor and Public Welfare.

S. 936. A bill to promote the replacement and expansion of the U.S. nonsubsidized merchant and fishing fleets; to the Committee on Commerce.

S. 937. A bill to amend title 5 of the United States Code to provide training opportunities to congressional employees, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. STEVENS when he introduced the above bills, which appear under separate headings.)

By Mr. BAKER:

S. 938. A bill to provide for orderly trade in in glycine; to the Committee on Finance.

By Mr. DOMINICK:

S. 939. A bill to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps; to the Committee on Labor and Public Welfare by unanimous consent.

(See the remarks of Mr. DOMINICK when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 940. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JORDAN of Idaho when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS for himself and Mr. KENNEDY):

S. 941. A bill to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for Mr. CASE, Mr. BROOKE, Mr. GOODELL, Mr. PROXMIRE, Mr. RIBICOFF, and Mr. YOUNG of Ohio):

S. 942. A bill to amend the Federal Aviation Act of 1958 in order to provide for regulation of public exposure to sonic booms by certain aircraft over the United States; to the Committee on Commerce.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for Mr. CASE):

S. 943. A bill to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 944. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the southwest Idaho water development project, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH:

S. 945. A bill for the relief of Rangamma Puttaparthy; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 946. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry Reservoir; to the Committee on Public Works.

Mr. Mr. GORE:

S. 947. A bill to authorize additional mile-

age for the National System of Interstate and Defense Highways and a program to upgrade such system, to authorize appropriations for such purposes, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. GORE when he introduced the above bill, which appear under a separate heading.)

S. 948. A bill for the relief of Alan Bruce Lancaster and his wife, Marie Nunez Lancaster; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 949. A bill for the relief of Alex Peter and Helene A. Antzoulatos; to the Committee on the Judiciary.

By Mr. NELSON:

S. 950. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE:

S. 951. A bill for the relief of Chuk Wong Yee; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 952. A bill to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. HATFIELD, Mr. BAYH, Mr. BYRD of West Virginia, Mr. CRANSTON, Mr. INOUYE, Mr. MANSFIELD, Mr. METCALF, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 953. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Foreign Relations, to be referred to the Committee on Government Operations thereafter.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS:

S. 954. A bill for the relief of Carmelo Grimaldi;

S. 955. A bill for the relief of George Fotis Thomopoulos, Eftihia Thomopoulos, Fotis Thomopoulos, and Asimina Thomopoulos;

S. 956. A bill for the relief of Giuseppe Conte;

S. 957. A bill for the relief of Benjamin Sedico Lopez;

S. 958. A bill for the relief of John Anthony Bacsalmassy;

S. 959. A bill for the relief of Dr. Cristina S. Chan;

S. 960. A bill for the relief of Thi Ho Le Nguyen; and

S. 961. A bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities; to the Committee on the Judiciary.

S. 962. A bill to improve education of law enforcement officers, and for other purposes; and

S. 963. A bill to provide for study of the causes of alcoholism and cures for alcoholism, and to provide detoxification units and alcoholic rehabilitation facilities, and for other purposes; to the Committee on Labor and Public Welfare.

S. 964. A bill to expand and improve Federal law enforcement facilities and programs, to assist State and local units of government in expanding and improving their law enforcement programs, to provide for study and research in areas of crime control and crime prevention, to encourage the development of certain experimental rehabilitation programs, and for other purposes;

S. 965. A bill to establish regional divisions in the National Institute of Law Enforcement and Criminal Justice, and for other purposes; and

S. 966. A bill to provide grants for travel for observation and study by State and local law enforcement personnel of the operations of foreign law-enforcement agencies, and for other purposes; to the Committee on the Judiciary.

S. 967. A bill to provide deferments from the draft for persons employed by State or local law-enforcement agencies or correctional institutions; to the Committee on Armed Services.

S. 968. A bill to provide grants for travel for observation and study by state and local law enforcement personnel of the operations of other domestic law-enforcement agencies, and for other purposes;

S. 969. A bill to provide for programs to bring together various State and local law-enforcement officials for periodic meetings, seminars, and consultations, and for other purposes;

S. 970. A bill to provide supplements to salaries of State and local law-enforcement personnel who have achieved certain educational levels, and for other purposes;

S. 971. A bill to increase salaries of certain State and local law-enforcement officers;

S. 972. A bill to provide retirement, injury, and death benefits for personnel of State and local law-enforcement agencies;

S. 973. A bill to provide for development and implementation of youth correctional programs, and for other purposes;

S. 974. A bill to create a position of Assistant Attorney General for Organized Crime, to provide necessary personnel to carry out his responsibilities, to provide for training of State and local law-enforcement personnel in methods of dealing with organized crime, to provide Federal facilities for protective housing of witnesses, and for other purposes;

S. 975. A bill to provide for compelling testimony in certain cases, and for other purposes;

S. 976. A bill to provide increased sentences for certain federal offenses, and for other purposes;

S. 977. A bill to provide for better control of the interstate traffic in firearms, and for other purposes;

S. 978. A bill to create a Commission to study the effect of certain court decisions, and for other purposes;

S. 979. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity; and

S. 980. A bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above-mentioned bills, which appear under separate headings.)

By Mr. TYDINGS (for himself and for Mr. MATHIAS):

S. 981. A bill to amend title 28 of the United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. HANSEN:

S. 982. A bill to authorize issuance of a special postage stamp for 100th anniversary of establishment of Yellowstone National Park in 1972; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. HANSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH, Mr. COOK, and Mr. COOPER):

S. 983. A bill to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain the Allegheny Parkway in the States of West Virginia, Virginia, and Kentucky, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia:

S. 984. A bill to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits; to the Committee on Finance.

(See the remarks of Mr. BYRD of West Virginia when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for Mr. MONTOYA):

S. 985. A bill for the relief of George F. Scott and his wife, Margaret Ann Scott; to the Committee on the Judiciary.

(See the remarks of Mr. BYRD of West Virginia when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for Mr. TALMADGE):

S. 986. A bill for the relief of Nicholas G. Berryman of Atlanta, Ga.; to the Committee on the Judiciary.

(See the remarks of Mr. BYRD of West Virginia when he introduced the above bill, which appear under a separate heading.)

By Mr. BAYH:

S. 987. A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans; to the Committee on Finance.

S. 988. A bill to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. BAYH when he introduced the above bills, which appear under separate headings.)

By Mr. McGOVERN:

S. 989. A bill to provide that the use and occupancy of trust land on the Cheyenne River Sioux Reservation in South Dakota pursuant to section V of Public Law 776 (83d Cong.), 68 Stat. 1192, shall have the same force and effect as a trust patent, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 990. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 991. A bill for the relief of Harold Donald Koza; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 992. A bill to amend the Military Selective Service Act of 1967 to provide for uniform national criteria for the classification of registrants, to authorize a random system of selecting persons for induction into military service, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. MURPHY:

S. 993. A bill to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters; to the Committee on Public Works.

By Mr. TYDINGS:

S.J. Res. 42. A joint resolution to create a Joint Committee To Investigate Crime; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above joint resolution, which appears under a separate heading.)

By Mr. JAVITS:

S.J. Res. 43. A joint resolution authorizing the President to proclaim "National Banking Week"; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. GORE:

S.J. Res. 44. A joint resolution to provide for the designation of the purple iris as the national floral emblem of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. GORE when he introduced the above joint resolution, which appear under a separate heading.)

S. 930—INTRODUCTION OF BILL TO AUTHORIZE BILINGUAL EDUCATION IN CERTAIN SCHOOLS FOR INDIAN CHILDREN

Mr. FANNIN. Mr. President, on behalf of myself and Senator GOLDWATER, I introduce, for appropriate reference, a bill to authorize bilingual education programs in certain Indian schools.

Mr. President, as I have often stated publicly and privately, Indian education is one of our most neglected public obligations. We have too often designed education programs for our Indian children that give little thought to understanding the Indians' attitude, much less giving it expression. We have often talked about the need for local control, but have hesitated to make it a reality for the Indian people.

Although the process is slow and the examples rare, fortunately some changes are beginning to be made. One such example is the innovative Rough Rock Demonstration School located on the Navajo Indian Reservation in Arizona. This school, now in its third year of operation, was organized by the people of that remote community and is controlled by them through a nonprofit corporation, DINE Navajo for "the people". The school is jointly funded by the Bureau of Indian Affairs and the Office of Economic Opportunity. Rough Rock serves over 400 children, as well as many of the adults in the community, in an upgraded system equivalent to grades 1 to 8.

The Rough Rock School Board is composed of seven Navajo men from that area, only one of whom has a sixth-grade education, and yet their decisions affecting school policies and curriculum show a wisdom and understanding which some of our country's best schools might well emulate. Although it is necessary to board the children at this school, because of the vast distances they must travel to attend, the school encourages and, in fact, employs the parents of these children on a rotating basis to act as supervisors in the dormitories. Thus, the emotional problems of children separated from their families, as is often the case with BIA boarding facilities, is removed. Other respected elders of the community are brought in to relate stories and legends of the Navajo, all of which helps instill in these children a sense of pride and dignity in their race.

As evidence of its self-sufficiency, the school has its own laundry, post office, loan fund, and has even developed a purchasing assistance program to aid the people of Rough Rock. Contrasting with BIA schools, the school is not fenced nor locked up after school hours and on weekends but is instead available for all members of the community to use as they desire—school and community are inseparable. At Rough Rock the school is the heart of the community.

For those unfamiliar with the BIA school system and the stark realities of reservation life, these achievements at Rough Rock—and I have cited only a few—may not seem significant. Seated at the base of Black Mesa at the edge of Chinle Valley, it is a land of unmatched beauty, but Rough Rock sustains only a bare existence for the people—their average annual income is $600. Of all the homes, or hogans, in this community, only one has electricity—none have running water and few have better than dirt floors. The nearest paved road is 25 miles away. A pastoral people dependent in large part on their meager sheep and goat herds, the Navajo suffered staggering losses from the blizzards of last winter.

But the greatest obstacle to education for the children of Rough Rock is not so much poverty as it is language. More than 95 percent of the children who begin at the Rough Rock School speak only Navajo. The need for bilingual programs is therefore essential. Unfortunately, the funding problems of this school are reaching a point of crisis. The Bureau of Indian Affairs contribution covers only 300 of the 408 children who attend and is at a level much below that needed for the Rough Rock's special problems. The Office of Economic Opportunity, which has been the main funding source for operational costs, is terminating its obligation at the end of fiscal year 1969.

The Rough Rock School Board, seeking to obtain at least part of the funds needed for its bilingual programs, applied to the Office of Education for funds under title VII of the Elementary and Secondary Education Act, but their request for funds was denied on the grounds that the Rough Rock Demonstration School does not qualify as a "local educational agency," as defined under section 705(a) of that act.

I, therefore, am introducing this amendment to the Elementary and Secondary Education Act that will qualify private, nonprofit corporation schools like Rough Rock for bilingual funds.

While the vast majority of Indian children are educated in our public schools and BIA schools, there still remains a need for other Rough Rocks—schools organized privately by the members of the local community or tribe. At the present time, to the best of my knowledge, the Rough Rock experience is unique. But this is certainly little reason to deny this school the funds it is in such an appropriate position to use on behalf of Indian children. If we are ever to give substance to the promise that our Indian people have a say in the policies which govern them, we must see to it that our Federal programs encourage, not defeat, innovation.

Mr. President, I ask that the text of my proposed bill be printed at this point in the RECORD.

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

The bill (S. 930) to amend title VII of the Elementary and Secondary Education Act of 1965 in order to authorize bilingual education programs in certain schools for Indian children, introduced By Mr. FANNIN (for himself and Mr. GOLDWATER), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective for fiscal years beginning after June 30, 1969, title VII of the Elementary and Secondary Education Act of 1965 is amended by inserting at the end thereof a new section as follows:

"SCHOOLS FOR INDIAN CHILDREN

"SEC. 709. For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children, a nonprofit institution or organization, approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency."

S. 931—INTRODUCTION OF BILL TO RESTORE SEPARATION OF POWERS WITHIN THE FEDERAL GOVERNMENT IN THE AREA OF EQUAL EMPLOYMENT OPPORTUNITIES

Mr. FANNIN. Mr. President, I send to the desk, for appropriate reference, a bill to restore the constitutional principle of separation of powers by providing that the remedies under title VII of the Civil Rights Act of 1964 shall be the exclusive means under Federal law of enforcing equal employment rights. All equal employment rights matters will be handled by the Equal Employment Opportunity Commission established by the Congress pursuant to the legislative powers which the Constitution grants to it exclusively, rather than by the Office of Federal Contract Compliance and the many other Federal agencies now involved in these matters, which were created by Executive order and department regulations of doubtful constitutional authority.

Title VII of the Civil Rights Act of 1964 was designed to deal with racial discrimination as an unfair employment practice. This title also established an Equal Employment Opportunity Commission to assist in the solution of discrimination cases. Congress, by entering this area of discrimination in employment, has preempted the field by its declaration of legislative policy. Executive orders, whatever their validity prior to this point, were superseded by the congressional policy expressed in the 1964 statute.

Unfortunately, however, the executive branch often does not share this view and then pays little heed to the separation of powers doctrine. Rather it apparently holds to the position that the statute and the Commission are to be regarded as merely part of a system to enforce equal employment. Thus, as a re-

sult of Executive orders, including particularly No. 11246, and regulations, the Equal Employment Opportunity Commission, established by title VII, is today just one part of a growing bureaucracy that has been set up to enforce equal employment rights. As of September 1968, there were no less than 22 Federal agencies with 35 contract compliance officers involved in the area of equal employment rights. Since each agency negotiates agreements, the agreements reached may be overlapping, conflicting, or in any case, are not binding one upon the other. Mr. President, I ask unanimous consent that the list of agencies be printed in the RECORD at this point. Please bear in mind that this list does not include State and local agencies nor does it indicate the programs involved within each Federal agency.

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

CONTRACT COMPLIANCE OFFICERS, SEPTEMBER 1968

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mrs. Nira H. Long, Special Assistant for Equal Opportunity, Agency for International Development, New State Building, Washington, D.C. 20523 (Stop 100) 182–8582 (383–8582).

DEPARTMENT OF AGRICULTURE

Mr. William W. Layton, Contract Compliance Officer, Department of Agriculture, Room 227E, Administration Building, 14th St. & Independence Ave. SW., Washington, D.C., 20250 (Stop 209) 111–5355 (388–5355).

ATOMIC ENERGY COMMISSION

Mr. Harry S. Traynor, Assistant to the General Manager, Atomic Energy Commission, Washington, D.C. 20545 (Stop 4) 119–3137 (973–3137).

CIVIL SERVICE COMMISSION

Mr. David F. Williams, Contract Compliance Officer, Civil Service Commission, 1900 E. Street NW., Washington, D.C. 20415 (Stop 227) 183–6161 (343–6161).

DEPARTMENT OF COMMERCE

Honorable David R. Baldwin, Assistant Secretary for Administration, Department of Commerce, Room 5830, Washington, D.C. 20230 (Stop 206) 189–4951 (967–4951).

Mr. Luther C. Steward, Jr., Special Assistant for Equal Opportunity, Department of Commerce, Room 5120, Washington, D.C. 20230 (Stop 206) 189–3940 (967–3940).

DEPARTMENT OF DEFENSE

Honorable Alfred B. Fitt, Assistant Secretary of Defense, (Manpower and Reserve Affairs), Room 3–E–966, The Pentagon, Washington, D.C. 20301, 11–52334 (OX 5–2334).

Lt. Gen. Earl C. Hedlund, Director, Defense Supply Agency and Deputy Contract Compliance Officer for The Department of Defense, Cameron Station, Alexandria, Virginia 22314, 11–81111 (698–1111).

GENERAL SERVICES ADMINISTRATION

Mr. Joe E. Moody, Deputy Administrator and Contracts Compliance Officer, General Services Administration, Washington, D.C. 20405 (Stop 29), 183–4373 (343–4373).

Mr. John J. Brosnahan, Acting Deputy Director (Compliance), Office of Audits and Compliance, General Services Administration, Washington, D.C. 20405 (Stop 29), 183–5385 (343–5385).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mrs. Ruby G. Martin, Director, Office for Civil Rights, Dept. of Health, Education and Welfare, Room 3012, Regional Office Bldg., Washington, D.C. 20201 (Stop 367), 13–35047 (963–5047).

Mr. Owen P. Kiely, Director, Contract Compliance Division, Office for Civil Rights, Dept. of Health, Education and Welfare, Room 5072, North Building, Washington, D.C. 20201 (Stop 367), 13–20368/69 (962–0368).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr Walter B. Lewis, Director, Office of Equal Opportunity, Dept. of Housing and Urban Development, Room 10270, 7th and D Streets, SW., Washington, D.C. 20410 (Stop 98), 138–57252 (755–7252).

Mr. Robert A. Sauer, Office of Equal Opportunity, Room 10274, 7th and D Street, SW., Washington, D.C. 20410 (Stop 98), 138–57260 (755–7260).

Mr. John W. Waller, Office of Equal Opportunity, Room 10274, 7th and D Street, SW., Washington, D.C. 20410 (Stop 98), 138–57260 (755–7260).

DEPARTMENT OF THE INTERIOR

Mr. John D. Duncan, Assistant to the Secretary for Urban Relations, Department of the Interior, Washington, D.C. 20240.

Mr. Edward Shelton, Director, Office for Equal Opportunity, Department of the Interior, Room 1345, Washington, D.C. 20240 (Stop 43), 183–5693 (343–5693).

DEPARTMENT OF LABOR

Hon. Leo R. Werts, Assistant Secretary for Administration, Department of Labor, Room 3137, Washington, D.C. 20210 (Stop 205), 110–2013 (961–2013).

Mr. Walter Lehr, Chief, Division of Procurement and Contracting Department of Labor, Room 1418, Washington, D.C. 20210 (Stop 205), 110–2164 (961–2164).

Mr. Arthur A. Chapin, Deputy Contracts Compliance Officer (Manpower), Department of Labor, Room 2112, Washington, D.C. 20210 (Stop 205), 110–2851 (961–2851).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. George J. Vecchietti, Director of Procurement, National Aeronautics and Space Administration, Room 1245, Federal Office Bldg. #10, Washington, D.C. 20546 (Stop 85), 13–20561 (962–0561).

Mr. Guy Arnett, Deputy Contracts Compliance Officer, Contract Administration Division, National Aeronautics and Space Administration, Rm. 245–C, Federal Office Bldg. #10B, Washington, D.C. 20546 (Stop 85), 13–36283 (963–6283).

NATIONAL SCIENCE FOUNDATION

Mr. Howard S. Schilling, Contract Compliance Officer, National Science Foundation, 1800 G Street NW., Room 529, Washington, D.C. 20550 (Stop 19), 183–7678 (343–7678).

OFFICE OF ECONOMIC OPPORTUNITY

Dr. Maurice A. Dawkins, Assistant Director for Civil Rights, Office of Economic Opportunity, 1200—19th Street NW., Washington, D.C. 20506 (Stop 255), 128–6246 (382–6246).

POST OFFICE DEPARTMENT

Honorable Timothy J. May, General Counsel and Contracts, Compliance Officer, Post Office Department, Room 3226, Washington, D.C. 20260 (Stop 201), 177–8261 (961–8261).

Mr. Clarence H. Featherson, Deputy Contracts Compliance Officer, Post Office Department, Room 4212, Washington, D.C. 20260 (Stop 201), 177–8407 (961–8407).

SMALL BUSINESS ADMINISTRATION

Mr. Edward S. Dulcan, Equal Opportunity Officer, Small Business Administration, Room 531, 1441 L Street, N.W., Washington, D.C. 20416 (Stop 180), 128–5064 (382–5064).

DEPARTMENT OF STATE

Mr. Eddie Williams, Special Assistant to the Deputy Under Secretary for Administration, Department of State, Room 7332, New State Building, Washington, D.C. 20520 (Stop 27), 182–8547 (383–8547).

TENNESSEE VALLEY AUTHORITY

Mr. Raymond L. Forshay, Director of Purchasing, Tennessee Valley Authority, 112 Lupton Building, Chattanooga, Tennessee 37401, Area Code 615, 755–2624.

Mr. Julien W. Campbell, Administrative Officer, Tennessee Valley Authority, 116 Lupton Building, Chattanooga, Tennessee 37401, Area Code 615, 755–2617.

DEPARTMENT OF TRANSPORTATION

Mr. Richard F. Lally, Director of Equal Opportunity, Department of Transportation, Room 116A, Donohue Building, 400 Sixth Street, S.W., Washington, D.C. 20590 (Stop 330), 13–28377 (962–8377).

DEPARTMENT OF THE TREASURY

Honorable Robert A. Wallace, Assistant Secretary and Principal Compliance Officer, Department of the Treasury, Room 3315, Main Treasury Building, Washington, D.C. 20220 (Stop 223), 184–2551 (964–2551).

Mr. David A. Sawyer, Assistant Director, Employment Policy Program, Department of the Treasury, Room 1414, Main Treasury Building, Washington, D.C. 20220 (Stop 223), 184–2995 (964–2995).

U.S. INFORMATION AGENCY

Honorable Richard M. Schmidt, Jr., General Counsel, United States Information Agency, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547 (Stop 121), 182–4090 (383–4090).

VETERANS ADMINISTRATION

Mr. George L. Holland, Director, Investigation and Security Service, Veterans Administration, Room 580, Washington, D.C. 20420 (Stop 73), 148–2904 (389–2904).

Mr. FANNIN. Mr. President, Executive Order No. 11246 was issued September 24, 1965 by the President of the United States pursuant to "the Constitution and statutes of the United States." No provision of the Constitution is cited nor is any particular statute. The same was true of prior Executive orders. Although the Executive orders have never been challenged in court, several commentators had raised the question as to its validity. See Paisley, *Legal Aspects of Nondiscrimination Clauses* (43 Va. Law Rev. 837 (1957)); Miller, *Government Contracts and Social Control* (41 Va. Law Rev. 27 (1955)); Whalen & Phillips, *Government Contracts, Emphasis on Government* (29 Law and Contemporary Problems, 315, 320–321 (1964)).

Whenever the question has been raised in commentaries or by the Government, the answer was invariably that *United States* v. *Lukens Steel* (310 U.S. 113 (1940)), provided the authority for the order. That is simply not so. The only issue litigated in Lukens Steel was the fundamental question of "Standing to Sue." The orders issued in that case were founded upon specific statutory authority, action pursuant to which was challenged. The fundamental statutory enactment was not in issue.

Youngstown Tube & Steel Co. v. *Sawyer* (343 U.S. 579 (1952)) on this issue is much more in point, is subsequent to Lukens Steel and is the leading case on this particular question. As the court noted in Youngstown Steel:

> The president's power, if any, to issue an Executive order must stem either from an act of Congress or from the constitution itself . . . it is clear that if the President had authority to issue the order he did, it must be found in some provision of the constitution . . . the President's order does not direct that a congressional policy be executed in a manner prescribed by congress—it directs that a presidential policy be executed in a manner prescribed by the President . . . in the framework of our constitution, the Presi-

dent's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker.

Although it is true that the power of the Government to impose conditions in its procurement contracts is broad, it has limitations on the extent to which a separate and distinct social policy unrelated to the purpose of the contract can be effectuated. Paisley, supra; Miller, supra; Whalen & Phillips, supra; note unconstitutional conditions in Government contracts (73 Harvard Law Review 1595 (1960)); *Green* v. *McElroy* (360 U.S. 474 (1959)); *Cook* v. *United States* (91 U.S. 389, 398 (1875)); *Reading Steel* (268 U.S. 186).

With the passage of title VII of the Civil Rights Act, the validity of the new executive order is limited by that congressional charter evidencing the policy of the United States. The President is not a lawmaker and cannot exceed that policy.

The separation of powers issues raised by this example of executive department law-writing are profound, and it is high time the legislative branch took a close, hard look at this assumption of article I constitutional power by the President.

Mr. President, the need for a remedy for the practical problems caused by this fragmentation of equal employment opportunity programs is equally as urgent. Something must be done now because of the overlapping of functions performed by this multiplicity of Federal agencies. Eventually Federal civil rights programs must be coordinated and brought under a single department. The present pattern of loosely allied programs and independent operation results in great confusion and extensive duplication. From my own investigations into this matter, I have found companies which have been inspected by the Equal Employment Opportunity Commission and have been told to take certain actions to comply with title VII of the Civil Rights Act. After taking these measures, the same company has been visited a few days later by representatives of the Department of Defense and given an entirely new set of requirements to insure compliance with the Executive order on equal employment. Later, the Office of Federal Contract Compliance, under the Department of Labor, has visited the same plant and given the company still another list of requirements. The Department of Justice has then become involved to further scrutinize the company's affairs. And finally, State and local agencies, where they exist, may also get into the act.

Mr. President, I know of one company, noted for its advanced equal employment policies that spent well over a million dollars last year in order to comply with the varied requirements of all the agencies that had been to see them.

There is apparently no effort on the part of the Commission and these agencies to coordinate their activities in this field. And apart from the lack of coordination of effort among the numerous agencies in this area and the resultant duplication of effort and increasing harassment of industry, labor and management alike, it has become apparent that none of the agencies, including the Commission, has evidenced an inclination to carry out the will of Congress. Relying on Executive Order 11246, the policies and practices of these agencies are governed, not by what Congress has established as law, but by their own concept of social progress. Thus, despite the clear language of title VII, section 703(h) which states that "it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, provided that such differences are not the result of an intention to discriminate." The Office of Federal Contract Compliance demanded in one case, that of the Crown Zellerbach Co., that the company institute plantwide seniority in place of departmental or progression lines to comply with the provisions of Executive Order 11246. The questioned seniority provisions were contained in a collective bargaining agreement with a union which objected to their alteration. Negotiations on seniority reached an impasse and, as a strike threat loomed, the OFCC told the company it must change the system unilaterally, if necessary. The union stated that it would file unfair labor practice charges under the National Labor Relations Act against any such unilateral changes in the bargaining agreement. Under these circumstances, Crown Zellerbach was faced with either a strike and possible violation of the National Labor Relations Act or cancellation and blacklisting on present and future Federal contracts. As a result of an OFCC memorandum to Federal contracting agencies, at least one contract was cancelled. Subsequently, the company agreed to institute the seniority system demanded by the OFCC, apparently in response to Government pressure: contempt of court suits were instituted by the union against the company and others for taking such action with the injunction pending, as well as a threatened strike by the union; and action was maintained by the Justice Department to enjoin such a strike and to require the union and company to incorporate the OFCC provisions in their agreement.

Mr. President, these are only a few examples of the confusion and agitation which have developed out of the loosely allied programs and independent operations of these agencies. I ask unanimous consent that there be printed at the conclusion of my remarks two articles appearing in Barron's Weekly written by Shirley Scheibla treating in depth the Federal Government's attempts to provide equal employment opportunities. As I have stated, eventually the entire Federal civil rights program must be coordinated if we are to realize our aims and oft-stated goals in this critical area. My bill will serve the immediate purpose of ending the duplication, overlapping of functions and confusion which is working against these objectives and creating resistance and hostility in the business community. Equally important, Congress will be in a better position to observe whether its policies are being carried out. It is my sincere hope that early consideration will be given to my proposal.

I ask that this bill be referred to the Judiciary Committee.

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

The bill (S. 931) to restore an appropriate separation of powers within the Federal Government in the area of equal employment opportunities and to preclude encroachment upon the legislative powers and functions of the Congress in this area, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on the Judiciary, by unanimous consent.

The articles, presented by Mr. FANNIN, are as follows:

[From Barron's, Dec. 23, 1968]

GENTLEMAN'S AGREEMENT?—GOVERNMENT IS MAKING BUSINESS ITS UNWILLING PARTNER IN BIAS

(By Shirley Scheibla)

WASHINGTON.—"I'm no crusader," the worried executive told a reporter recently, "but I'm no bigot either. All I am is a businessman trying to operate my company the best way I know how—which means bidding successfully for contracts I can deliver on, and hiring qualified workers I know can get the job done for me." This employer, however, like thousands of others in the U.S. today, is dependent for most of his business on federal contracting agencies, and Uncle Sam is determined to wipe out racial discrimination in private employment—at any cost. Because of the way Washington has been going about it, the cost can come high.

"If I don't sign a commitment to hire a certain number of nonwhites in each job category," explained the businessman, "the government threatens to deal me out. I face formal complaints by the Equal Employment Opportunity Commission and possible lawsuits by the Justice Department. I stand to lose millions of dollars in contracts—which means that dozens or even hundreds of workers' jobs are placed in jeopardy too, affecting blacks and whites alike. Yet I have no way to guarantee that I can find the people to meet these quotas, particularly in high-skill classifications. And the irony of it is, if I do go all-out with such 'reverse discrimination' in my hiring and firing, I run the very real risk of all-out trouble with organized labor."

BLOCKBUSTER APPROACH

There's little doubt that the government's blockbuster approach to the centuries-old problem of employment bias may be creating as many ills as it has cured. Not surprisingly, Parkinson's Law holds sway here in a chaotic proliferation of policy-making bureaucrats, acting under one or the other of two edicts: the 1964 Civil Rights Act and President Johnson's Executive Order 11246 of 1965, which combine to blanket any employer of at least 50 persons as well as any contract of $10,000 or more involving federal funds. Enforcers include not only the Equal Employment Opportunity Commission (EEOC), but also the Justice Department, the Labor Department's Office of Federal Contract Compliance (OFCC) and each of some 17,000 contracting officers representing 28 other U.S. agencies. Although racial considerations are predominant, incidentally, they have by no means exhausted the government's purview as defined by statute, proclamation and regulatory fiat.

Beyond administrative confusion, however—not to say a clear lack of either coordination or consistency—are problems far more serious. Some official actions, for example, appear to constitute inexcusable abuse of unquestioned authority. Worse still, others may well be illegal if not unconstitutional. Employers have been denied due process; firms have been placed arbitrarily

in financial jeopardy. In the name of fair employment, finally, both the National Labor Relations Act and the Civil Rights Act itself plainly seem to have been violated.

UNDUE PROCESS?

The most glaring instances of action without due process have occurred under the aegis of OFCC. Ward McCreedy, acting director of the agency, admits that contracting officers have been holding up awards virtually on a daily basis, because of non-compliance with OFCC regulations. "Across the board," he said recently, "this experience has resulted in the company's submitting a program which does effect compliance. None of these people can demonstrate that they have suffered any financial loss owing to such delays on their bids." But the affected firms tell a different tale: many claim convincingly that the compliance procedure has caused substantial monetary losses. Since several of OFCC's regulations are, to say the least, of dubious legality, the risks to which such employers are exposed would seem to entitle them—before and not after the action has been taken—to their day in court.

What's more, OFCC's parent Labor Department, in determining which contracts are to be held up, appears to be applying a double standard. One notorious case in point involves New York's Neighborhood Youth Corps. As long ago as last May, several agencies were investigating criminal charges against this child of the poverty program. Alleged was the theft of millions of dollars which had been freely parceled out by the Labor Department. On September 13, with the charges still pending, the NYC was awarded an additional $367,000. Michael Aun, information specialist for Labor, explained at the time that the purpose was to keep the Corps going, "until matters could be straightened out." (As it happens, they still haven't been.)

While doling out money to those facing criminal charges, in short, the Department doesn't flinch from interfering with the money-making ability of others whose only sin is the failure to comply instantly with questionable regulations. Mr. McCreedy goes so far as to say that OFCC can (though it hasn't done so yet) suspend all government business with a company while a "discrimination" case is pending.

CREATIVE COMPLIANCE

The businessman's plaint, quoted at the outset, reflects the widespread frustration and anger over Washington's imprecise terms for compliance. Specifically, each contractor now is required to promise in writing that he will hire a certain number of Negro workers for each of the major job categories on his payroll. To begin with, the Civil Rights Act prohibits racial quotas in employment—a coin which, presumably, has two sides. But the government does not set the quotas; it tells private industry to do so, in effect, by applying a curiously vague formula.

Here's how that formula has been expressed: an employer must initiate "affirmative action programs" designed to avoid discrimination. The programs, businessmen are advised by way of clarification, will be expected to utilize the "creativity and ingenuity of American enterprise" in attaining this social goal. But if such a program then fails to win official approval, the company submitting it becomes subject to federal sanctions. That probably makes this the first time in American history that Washington has demanded "creativity" in order to comply with law; the concept has not been spelled out in plain English, much less tested in court. Indeed, the National Association of Manufacturers, after reviewing an OFCC regulation which attempted a broad definition of "affirmative action," characterized it as "difficult to summarize, hard to understand, beyond interpretation. . . ."

NO EASY WAY

It's clear, however, that the government wants detailed, written commitments for the hiring of nonwhites, virtually in every job category. Employers who don't sign such commitments don't get approval of their "affirmative action programs." Those who do sign, meanwhile, soon find that life isn't all that easy. Nobody can be sure about such projected figures, and government officials make a point of not publicly demanding specific quotas—which would, of course, blatantly violate the Civil Rights Act. The employer, then, must come up with numbers which satisfy the federal regulators. However, what suits one agency may not find favor with another; even the bureaucrats within a given agency are likely to disagree. Not least, "quotas" deemed acceptable today may not be so tomorrow, since "affirmative action" is expected to be progressive.

To illustrate, three construction companies in Philadelphia all were low bidders on different U.S.-aided projects. One, Joseph L. Farrell, Inc., got approval from the Department of Health, Education and Welfare (HEW) for its "affirmative action" program. The other two each submitted essentially the same plan, but HEW rejected the program of Harold E. Irwin Co., and the Department of Housing and Urban Development (HUD) the one submitted by Perry J. Goldman Construction Co. When Irwin revised its plan, and won HEW's approval, Goldman duplicated it—but again was turned down. After six months of post-bid negotiations, the Goldman concern finally managed to come up with one acceptable to HUD.

NOT BY NUMBERS?

Adding to the confusion, public statements by government officials, even in the same agency, often are contradictory. Thus, OFCC's McCreedy says it's impossible to deal with people without dealing in numbers, but that job assignments by race merely are "goals"—not "quotas"—and he emphasizes that OFCC does not dictate any such numbers. Last May, however, Charles Doneghy, an OFCC area coordinator, told Columbus, Ohio's Carl M. Geupel Construction Co. that before it could qualify for a $5 million roadbuilding contract involving federal funds, it would have to hire something on the order of 15 Negro operating engineers, 13 journeymen and two apprentices.

Earlier this year in Philadelphia, OFCC area coordinator Bennett Stalvey warned the aforementioned Irwin Co. that a contract would be awarded to the second bidder unless Irwin agreed to hire a representative number of minority-group members. "We want to see," declared Mr. Stalvey, "a manpower table listing the trades, total workers and how many will be minority, Negroes. . . ." Last January, the Philadelphia Bulletin quoted Mr. Stalvey as warning contractors that "if they fail to hire a 'representative number' of Negro workers, they face the possible loss of $100 million in federal contracts to be awarded in six months."

That Philadelphia story ran about a month after Labor Secretary W. Willard Wirtz told the AFL–CIO's Building and Construction Trades convention: "I think it is an error to approach this problem . . . in terms that mean a number of . . . Negroes or whites or anybody else, as being required on every single situation . . . (That) involves quotas in one form or another, and as far as I am concerned . . . that is simply the wrong approach to that problem, and we have got to find a better one."

EEOC QUOTAS

Secretary Wirtz' OFCC apparently is not alone in forcing racial quotas. Last May, Senator Paul J. Fannin (R., Ariz.) told Congress about a letter sent to an employer by EEOC Chairman Clifford Alexander Jr., accusing the businessman of committing unfair employment practices, based on a statistical disparity between the minority composition of the employer's workforce and that of his community's population. "Despite a provision in the (Civil Rights) Act against using ratios or racial balance," Senator Fannin declared, "the (EEOC) does, in fact, use such ratios as one of its preliminary tests to determine whether there has been a violation."

In any case, as more and more companies sign these commitments, finding the necessary job applicants has become increasingly difficult. Both OFCC and EEOC contend it is up to the firms to recruit and train black workers. The written agreements include lists of the sources employers are advised to use for such recruitment. (Sample sources: the Congress of Racial Equality, Neighborhood Youth Corps and Workers Defense League—all active in militant causes but, according to several employers, not much help as job recruiters—as well as more cooperative groups like the Urban League and the National Association for the Advancement of Colored People.) At best, however, productivity is bound to suffer during the apprenticeship period. "Training is a fine idea," says one executive, "but how am I supposed to fill my written commitment in the meantime?"

BROTHERHOOD DAYS

Making matters still more difficult for all concerned is the obstinacy within much of organized labor. Inevitably, a vast amount of government contract work involves construction projects, and the construction industry is burdened with the tradition of union hiring halls—through which the union, not the employer, selects the work force. Accordingly, an employer may find himself signing a federal commitment which he may not be able to implement in practice. OFCC answers that hiring halls which don't supply an adequate personal mix probably are discriminating and, therefore, are illegal. Employers, however, feel obliged to honor their labor contracts (at least until adjudged illegal)—especially since they may have a strike on their hands if they don't.

Hiring halls are but one such area in which OFCC now is demanding action by contractors. The agency also wants sweeping changes in that bulwark of unionism, the seniority system. To make up for past discrimination, OFCC has advised employers to make preferential promotions outside the system, allowing minority-group members to take their seniority along with them in any shift from one department to another—a radical departure in the construction brotherhoods.

Under the National Labor Relations Act, collective bargaining on seniority is mandatory where the NLRB has certified a union to represent workers. But how can an employer bargain when he has been ordered to make specific changes by the OFCC? Asked the question, OFCC replies that it plans to use its influence to help but that "if differences on a seniority contract cannot be resolved, a contractor may have to decide whether to take a strike or lose a (federal) contract."

A union found guilty of discrimination risks losing its NLRB certification, but the legality of certain OFCC and EEOC requirements on seniority is as questionable as some of the others affecting management. In fact EEOC has received complaints of racial discrimination from whites—because of preferential treatment given blacks. To avoid charges that they are encouraging companies to violate the national labor law, both agencies claim they now consult unions, allowing them to become "interested parties" in formal proceedings. On at least one occasion however, an OFCC official refused to make this concession. At a meeting in Cleveland last May, Area Coordinator Doneghy, after checking with Washington, refused to discuss an "affirmative action program" of Carl M. Geupel Construction Co. while representa-

tives of the International Union of Operating Engineers were in the room.

What's more, Donald Slaiman, AFL–CIO Civil Rights Director, told Barron's that OFCC recently launched proceedings to debar Bethlehem Steel from federal contracts (over the issue of seniority) without even consulting the United Steelworkers. The union after protesting, was allowed to become an interested party. (Hearings now are adjourned; a subsequent article in this series will discuss the case.) "Making a union an interested party in proceedings to work out something new is not the same as bargaining collectively," says Thomas W. Miller, Jr., NLRB's information director. But it's not possible to file an unfair labor practice charge against the government; Uncle Sam is exempt from the National Labor Relations Act.

EMPLOYERS' BURDEN

All of this would seem to make government contracting a more precarious business than ever, but the agencies increasingly act as though determined to wreck contractor relations through sheer harassment. The watchword in current federal enforcement of equal job opportunities, indeed, seems to be "guilty until proven innocent." EEOC habitually levels charges against employers without giving them an opportunity beforehand to see the evidence and respond to it. Investigators frequently arrive at a plant unannounced, demanding a look at the records without stating any specific complaint. Not least objectionable to employers, finally, is an OFCC tactic of requiring them to "validate" all personnel tests by proving that such tests don't result in discrimination.

Good intentions aside, Washington's equal employment opportunity campaign clearly is being administered with a bias all its own. "The government couldn't have done a better job of sabotaging the program," one sorely beset employer said recently, "if it had deliberately set out to do so."

[From Barron's, Jan. 20, 1969]

FAIRNESS BY FIAT—SOME EMPLOYES THESE DAYS ARE MORE EQUAL THAN OTHERS

(By Shirley Scheibla)

WASHINGTON.—Late last fall, when top administrators of the Equal Employment Opportunity Commission (EEOC) and the Labor Department's Office of Federal Contract Compliance (OFCC) appeared at a series of four seminars around the country, some 2,000 bothered and bewildered U.S. businessmen showed up. The regional meetings, sponsored jointly by private and public interests, were held in New York, Chicago, Houston and Los Angeles. The stated purpose was to provide forums in which industrial employers, required to comply with federal equal-opportunity regulations or risk the loss of federal contracts (Barron's, December 23, 1968), at last could confront official Washington with their questions about how the program is supposed to work—and, hopefully, discover what they would have to do to live with it.

NOTHING IS CERTAIN

Unfortunately, the sessions turned into fiascos. Far from illuminating regulatory policy and practices, the bureaucrats—alternately know-it-alls and know-nothings—managed only to fog the issues and make matters worse. To a general question from the floor (in New York) as to whether a multi-divisional corporation should decentralize its compliance reporting procedures, Ward McCreedy, OFCC's acting director, replied: "If anybody has any suggestions, we certainly want them. . . ." To a more specific query, on whether a company could be held liable for holding to "something in a contract which was legal when (the contract) was signed," Labor's Deputy Solicitor Alfred G. Albert offered: "I don't know the answer to that question."

Shouldn't a company be informed beforehand of an investigation, someone else wanted to know. "I don't see," responded EEOC's acting director of compliance, Robert L. Randolph, "where notifying some busy corporate executive on Park Avenue in New York is going to help the local unit manager in Turkey Square, Ark." Finally: Does a regional director have authority to implement an agreement resolving complaints of racial bias? "Yes," pronounced Lewis E. Collins, special assistant to the general counsel of EEOC. "No," declared EEOC Commissioner Elizabeth Kuck.

UPMANSHIP DOWN

After two days of this, understandably, busy executives went home—to Park Avenue or Turkey Square—more confused than ever. If talking and reasoning with federal administrators doesn't show employers how to live with programs, what does? So far, the experiences of various companies in trying to arrive at an answer have demonstrated chiefly the great variety of tactics which can mean trouble for employers.

Take the experience of Philip Morris, Inc., which balked when EEOC recommended that the firm scrap its seniority system. Employes of the tobacco company had been entitled to acquire tenure as long as they remained in their own department. Without regard to race or color, if they transferred from one department to another they gave up seniority. EEOC went to court to enforce a change. When Philip Morris was brought before the bar, it found the U.S. District Court at Richmond, Va., more reasonable than the Commission: the court declared that a government agency cannot enforce its own concept of equality without a hearing.

Nevertheless, the company lost its case. When Negroes move to a new department previously "closed" to them, said the court, they must be allowed seniority dating from their initial employment at the plant. No matter that this meant preferential treatment for one class of employes over another. Otherwise, the court ruled, the company's system would perpetuate past discrimination. To all this, the National Association of Manufacturers (one of the sponsors of last fall's forums) commented:

"The practical consequences of decisions like Philip Morris will doubtless be to upset many departmental and other job progression systems despite what the court acknowledged are legitimate management purposes for retaining such arrangements. . . . Negotiated seniority arrangements, based on compromise seldom provide for the precise functional relationship among jobs which the court would require to let the system stand. Courts would become increasingly involved in job analysis and seniority planning, tasks for which they are technically unsuited, and would unduly disrupt industrial relationships."

CONTRARY OPINION

As it happens, however, the courts ultimately may decide that an employer, and not one of the federal agencies, also can be right in such matters. The seniority question particularly seems to remain up in the air. Last October, in a case involving Duke Power Co., the U.S. District Court at Greensboro, N.C., declared: "If the decision in (Philip Morris) may be interpreted to hold that present consequences of past discrimination are covered by the (Civil Rights) Act, this court holds otherwise. There is no reference in the Act to 'present consequences.' Moreover, under no definition of the words therein can the terms 'present consequences of past discrimination' and 'unlawful employment practice' be given synonymous meanings."

The court ruled specifically in the Duke Power case that requiring a high-school education and satisfactory scores on general intelligence (IQ) tests does not constitute illegal racial discrimination. It went so far as to add that pre-employment tests need not be limited to determining an applicant's ability to perform a certain job.

UP FROM WELFARE?

The hiring and advancement of minority-group employes can be especially vexing for personnel directors in urban centers. One large department store in Washington, for example, has attempted to bring its payroll more in line, racially and ethnically, with the city's population mix—which now, of course, is predominantly black. Even though the retailing firm has no government contracts (and hence is not threatened with the specific enforcement penalties available to OFCC), its management has been trying to conform with the spirit of EEOC—but not without difficulty.

"The so-called 'hard-core unemployed' show little interest in unskilled jobs like sales clerks and porters," the store's personnel director complained in a recent interview. "For such work, we can afford to pay only the minimum wage of $1.60 an hour. Most people seem to prefer welfare to that. On relief, a person can get $50 a week or more, depending on his bracket. Our $1.60 an hour works out to $64 for a 40-hour week, which means, in effect, that we're asking a welfare recipient to put in 40 hours of time for a net gain of $14 or less."

The department store, accordingly, has gone along with special-recruitment and personnel-training schemes. Since both involve additional costs, the government offered to help. Specifically, at a meeting arranged for several Washington area retailers, representatives of 35 different federal and local agencies—each with its own programs, each funded separately, and all apparently overlapping in purpose—promised to round up job candidates. "One told us he would set us up immediately with a program for 30 or 40 'hard-core' unemployed," the personnel manager recalled. "I said, 'Let's start with one,' and do you know, he had a hard time coming up with one." Another agency, which promised six 'hard-core' people, managed to provide three. But after a few days on the job, all three quit to go back on relief. "Then we sent our own recruiters into the Negro neighborhoods," the retail official added. "After two solid days, they lined up four new employes. Two weeks later, all four had walked off the job."

HOW TO SUCCEED?

A variation of the same problem arose to plague the department store's personnel-advancement program. "We had a girl who was doing excellent work putting tickets on warehouse merchandise," the same executive went on. "In one year we gave her five raises. Then she came in and said that her community leaders had told her it was time to upgrade herself." With the firm's approval, the girl signed up for training as a typist at the expense of Manpower Development and Training Administration.

After she had completed the course, however, the department store discovered her top speed to be only five words per minute. "We can't do business at that pace," said the personnel director. The store advised the federal employment service that it would take her back in the old job instead, giving her the raises to which she would have been entitled had she not left for training. But both the girl and the government insisted that her new grade was that of typist—"she had an MDTA certificate saying so." The girl turned down the lesser warehouse position, and now draws unemployment compensation for 39 weeks a year as an unemployed typist.

Perhaps the classic case to date involves Crown Zellerbach Corp. Along with one of its labor unions, the giant paper company took the Secretary of Labor to court, with results which adversely affected its government-related business and, after a series of legal

actions and counter-actions, served to strengthen the enforcement arm of Labor's OFCC.

BATTLE OF BOGALUSA

The battle began more than five years ago, when the President's Committee on Equal Employment Opportunity (predecessor to both OFCC and EEOC) launched an investigation into alleged racial discrimination at Crown Zellerbach's Bogalusa, La., paper mill. By January 1966, the company had reached an agreement with EEOC to merge a number of its formerly segregated production lines and hire (or transfer) blacks to previously "white-only" jobs.

However, OFCC, for its part, rejected the EEOC agreement. In March, new investigations got under way, this time by both the General Services Administration and the Pentagon, on behalf of OFCC. Negotiations ensued between Crown and the Labor Department agency, but with the United Papermakers and Paperworkers (AFL-CIO) barred from taking part by OFCC order—even though that union, federally certified as the representative of plant employes, legally was entitled to be a party to any talks affecting employment conditions.

The upshot was that Crown Zellerbach signed a new agreement with OFCC, promising special recruitment and training of Negroes, and restricting employment tests to those approved as not discriminatory. (The aforementioned Duke Power court decision may affect the latter point's legality.) The company also was required to keep monthly job-applicant records on a racial basis. Finally, the firm agreed to do its best to change the union contract at Bogalusa regarding seniority. The agency said that in competing for the next higher job, seniority must be computed on the basis of length of employment at the plant instead of experience on the particular job—thereby opening new areas of advancement to minority-group employes. OFCC said the responsibility for compliance rested with management, irrespective of its obligation (or ability) to bargain collectively with employes on such matters.

With the seniority question still hanging—dependent only on "results"—OFCC applied pressure, circulating a "consult memorandum" to all federal agencies: it advised that before the purchase of paper products from Crown Zellerbach, OFCC should be consulted. Some contracting agencies simply took the company off their bidders' list, rather than run the risk of holding up a contract. Others took the memorandum to mean they could sign no new contracts with Crown until OFCC advised otherwise.

The effect was to bar the company from new federal contracts, without a hearing, for an indefinite period. Meanwhile, Crown Zellerbach vainly tried to negotiate a labor-management agreement on seniority satisfactory to OFCC. The agency finally ordered that the changes be made unilaterally by management, threatening "sanctions" if it did not comply. The Papermakers, for their part, threatened to strike if the system were changed without their consent.

MARCHING TOGETHER

Caught in the crossfire, both Crown Zellerbach and the union went to court in cases that were later consolidated. They obtained an order enjoining the Secretary of Labor from withholding federal contracts without a hearing. OFCC then agreed to hold a hearing to determine whether it had wrongly required the firm to change its seniority arrangements. The company then said it would make the seniority changes and promised its employes that if the new system were declared invalid, they would be reimbursed and reinstated according to provisions of the old method.

Unmollified, the union independently sought an injunction against implementation of new rules before a hearing. That case was dismissed, whereupon the Papermakers again announced strike plans. At that point last January, the Justice Department, at OFCC's request, asked the U.S. District Court at New Orleans to enjoin a walkout. The purpose of a strike, said the Justice Department, would be to maintain a seniority system which was illegal because it was discriminatory. The court issued the order banning a strike.

In the wake of its court-backed victory—according to Acting Director McCreedy, seniority at the Bogalusa mill (which was revised the day after the strike was blocked) now is working satisfactorily to the OFCC, and the agency seems to have emerged stronger than ever. For one thing, the Justice Department moved immediately against the same company's box plant at Bogalusa, enjoining enforcement of an allegedly discriminatory system there; the court ordered plant-wide seniority covering all employees hired before the 1964 Civil Rights Act. For another, OFCC retained the power to issue governmentwide "consult memorandums," according to Mr. McCreedy, "despite the Crown Zellerbach decision." Finally, in the opinion of an AFL–CIO spokesman, the decision will enable OFCC to move more expeditiously in future cases of similar labor-management conflict.

OUT OF COURT

Indeed, the agency already had proved that it can effectively harass an employer without resort to the courts. Exhibit A is Timken Roller Bearing Co., which has been the subject of an OFCC probe almost since the day the agency was created. Like Crown Zellerbach, the Ohio manufacturer was able to satisfy all of OFCC's demands except those involving seniority. These, the company said, would have to meet agreement by the United Steelworkers (AFL–CIO), under a contract calling for new negotiations to begin 60 days prior to termination last August 25.

Nevertheless, in November 1967, Timken was ordered to begin immediate negotiations with the Steelworkers toward a revised seniority system. In that event, said the union, full-scale labor-management talks should start at once, despite contract terms. After three months, however, nothing had been agreed upon, and in late February, OFCC held an informal two-day hearing of its own—without union representation. The agency told management it had 60 days to reach agreement correcting the "entire problem" of discrimination in seniority.

Timken and the Steelworkers proceeded with a marathon series of 18 conferences. "Despite the substantial changes which the company has offered to make in the seniority provisions of the 1965 Basic Labor Agreement," a company spokesman finally reported, "The union negotiators were still demanding additional changes which, in the company's opinion, were not required in the Agreement for purposes of compliance (with federal anti-discrimination regulations)."

TIGHTENING THE SCREWS

On May 3, Timken told OFCC it was stymied. On May 23, OFCC announced initiation of debarment proceedings and also told the firm it would "recommend to the Department of Justice that appropriate proceedings be brought to enforce your contractual equal employment obligation. . . ." The company was given 10 days to request a formal OFCC hearing—or immediately lose all present and future government orders, as well as those from any other firms doing business with the government. Timken was faced with a Hobson's choice. It decided a lawsuit would take too long: it might win the point eventually, but lose its shirt in the process. An injunction also seemed out of the question since, unlike Crown Zellerbach, Timken now had been offered a hearing by OFCC.

So Timken accepted the arrangement. Two agonizing months went by before Secretary Wirtz appointed a three-man panel. Hearings were to begin August 27 (two days after the union contract would expire). Meanwhile, OFCC's Mr. McCreedy told the company that, effective July 22, it must give "our compliance officers . . . free and full access to all personnel records, all test records, the employment applications of the last 100 applicants for employment and employment applications for the last 100 unsuccessful applicants for employment."

The officers arrived at Timken headquarters in Canton, Ohio, on July 29 and stayed until August 2, examining material. During that time, notices appeared in bars near the Canton plant urging all Timken employes to meet July 31 at 535 Cherry Avenue to "register all complaints against Timken Roller Bearing." One notice said: "Complaints: No. 1, No white-collar jobs. No. 2, No promotions. No. 3, Discriminating practices."

While seniority generally is regarded as the bulwark of unionism, OFCC's pressure for seniority changes actually strengthened the Steelworkers' position; for years they had wanted a less restrictive system, irrespective of racial overtones. In any case, labor-management relations went from bad to worse. On August 25 (when the contract expired) the United Steelworkers walked out, launching a bitter seven-week strike against Timken Roller Bearing. In those circumstances and with management now completely preoccupied, the August 27 OFCC hearing postponed.

But on October 7, with the plant still struck, Timken representatives were summoned to Washington anyway, for a pretrial hearing by the three panel members. Chairman Harold Summers (who is associate chief trial examiner of the National Labor Relations Board) suggested that Timken meet with the OFCC that very day, to find a settlement and eliminate the need for a hearing. The Timken people did sit down with agency officials and told them a settlement with the union was imminent but refused to disclose bargaining data.

Four days later, the Steelworkers returned to their jobs—under a new contract incorporating complex and rather drastic seniority changes. Previously, Timken had 212 seniority "units" for 9,500 employes and transfers of seniority between units were not permitted. Now there were only four such units covering the entire plant, and transfers from one to another would entail no loss of pay or other rights. The company also promised to notify all employes when openings occur, so that minorities can apply—and can file complaints if they are turned down for reasons they suspect are "discriminatory." Every employe, moreover, would get a 45-day trial period on any new job, to show whether or not he can handle it.

OFCC then discontinued its debarment proceedings—but with certain conditions. Every two months for one year, Timken must file a detailed report on any changes (or denial of changes) in job classifications, including this data: "In the case of Negro employes who are denied a transfer or who fail to qualify, the reasons for such denial or failure shall be fully set forth in the report." In addition, by mid-March Timken must submit a written "affirmative action" program "with respect to recruitment, selection, employment and promotion of officials, managers, professionals, technicians, sales workers and office and clerical workers and apprentices and other trainees. . . ." (The company, meanwhile, may not have seen the end yet; it recently was visited by an investigator from another agency, EEOC.)

WHAT IT PROVES

What has it all proved? OFCC and EEOC spokesmen say the Timken agreement outmodes the highly controversial one obtained nearly two years ago at Newport News Shipbuilding & Dry Dock (Barron's, July 17, 1967), which called for preferential promotions for certain Negroes and special recruit-

ment of blacks. It appears to have done more than that by establishing the precedent that Washington—independently of the courts—can wreak havoc in already troubled labor-management affairs, over the issue of equal opportunity.

S. 932—INTRODUCTION OF "LAND GRAB" PREVENTION ACT

Mr. BENNETT. Mr. President, on January 21, 1969, I told the Senate how outraged many Utahans were by the Johnson administration's last minute land grab which arbitrarily added some 264,000 acres to Arches and Capitol Reef National Monuments. This action was taken under the Antiquities Act of 1906. Since that time I have been working closely with my Republican colleagues in the House, Congressman LAURENCE J. BURTON and Congressman SHERMAN P. LLOYD, and today I introduce a companion bill to their House bill which would amend the Antiquities Act to prevent such actions in the future.

Under the Taylor Grazing Act the President is unable to withdraw more than 5,000 acres without congressional approval; but the Antiquities Act has no statutory acreage limit. This legislation would provide that no more than four sections, or 2,560 acres, could be reserved by the President. Our bill gives ample protection to the rare cases where it is necessary for the President to act without prior consultation with Congress, but it would preclude future unilateral executive action involving thousands of acres of land.

Almost 300,000 acres of land in the State of Utah were withdrawn without consultation with the elected officials of the State, the congressional delegation, or the interested users, who included mining and grazing interests. No attempt was made through the time-honored method of public hearings to determine the economic impact or the views of the proponents and opponents. Instead, the former Secretary of the Interior Stewart Udall reportedly told the President "he thought" there would be no opposition. However, I understand he did clear it with the eastern wilderness advocates and some others in the West who neglected to speak up. I might mention that one of my more outraged constituents wrote that if we need another national park we should make the L. B. J. ranch one and hire Stewart Udall to run it.

Former President Johnson admitted that he did not include 7 million acres suggested by Secretary Udall because "I believe the taking of this land—without any opportunity for congressional study—would strain the Antiquities Act far beyond its intent and would be poor public policy. Understandably, such action, I am informed, would be opposed by leading Members of Congress having authority in this field who have not had the opportunity to review or pass judgment on the desirability of the taking."

Mr. President, may I respectfully submit that the people of Utah feel they should be afforded the same consideration? We resent the secondary stepchild role the Johnson administration advocated in an announcement.

This amendment to the Antiquities Act would retain the true meaning of the act but would preclude its use for purposes for which it was never intended. I hope this legislation will receive early and favorable consideration by the House and Senate, and so that the Senate Interior Committee and its members can begin the legislative process immediately I introduce it here today.

I request that the bill in its entirety be inserted at this point.

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

The bill (S. 932) to provide that the land reserved for any national monument shall not exceed 2,560 acres introduced by Mr. BENNETT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), is amended by inserting after "the smallest area" the following: "(which shall in no case exceed 2,560 acres in the aggregate)".

S. 933 THROUGH S. 936—INTRODUCTION OF BILLS RELATING TO ALASKA

Mr. STEVENS. Mr. President, I introduce, for appropriate reference, five bills that were introduced in the 90th Congress by my predecessor the late Bob Bartlett. Four of these bills relate to Bob Bartlett's lifelong goal; a future for Alaskans on equal status with the rest of the citizens of the United States. I am equally dedicated to the achievement of this goal and will work to see it become a reality. These bills are:

First. A bill to amend the 1947 act to do away with the rights-of-way that the Federal Government may have in lands acquired under the 1947 act.

Second. A bill to authorize the Secretary of the Interior to convey the Alaska Railroad Employees Club property on Government Hill in the city of Anchorage.

Third. A bill that corrects provision of existing law which deprives veterans in Hawaii and Alaska of certain hospital care because neither State is included under the contract authority provisions which apply only to noncontiguous U.S. territories, commonwealths, and possessions.

Fourth. A bill that allows merchant vessel operators and fishing vessel owners to commit themselves for the establishment of a vessel replacement reserve fund.

I will speak of the fifth bill in a separate statement.

I ask unanimous consent that these four bills relating to the problems of my State be printed at this point in the RECORD.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. STEVENS, were received, read twice by their titles, referred to the appropriate committees, and ordered to be printed in the RECORD, as follows:

S. 933

A bill to vacate and relinquish the reservation of rights-of-way for certain purposes made pursuant to section 321(d) of title 48, United States Code; to the Committee on Public Works

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

S. 934

A bill to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska; to the Committee on Interior and Insular Affairs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the city of Anchorage, Alaska, all the right, title, and interest of the United States in and to the tract described in section 2 of this Act, and the improvements thereon.

SEC. 2. The tract to be conveyed under the first section of this Act is a parcel of land lying within the Alaska Railroad Terminal Reserve at Anchorage, Alaska, adjacent to the north addition to the Anchorage townsite and is more specifically described as follows:

Beginning at corner 7 of United States survey 3047; thence north 61 degrees 11 minutes 30 seconds east, 240.73 feet; thence south 28 degrees 48 minutes 30 seconds east, 91.94 feet; thence south 74 degrees 24 minutes east, 86.31 feet; thence south 15 degrees 36 minutes west, 384.37 feet; thence south 46 degrees 36 minutes west, 161.91 feet; thence south 74 degrees 41 minutes 35 seconds west, 161.63 feet; thence north 70 degrees 31 minutes 30 seconds west, 179.23 feet; thence north 19 degrees 28 minutes 30 seconds east, 431.35 feet; thence north 54 degrees 28 minutes 30 seconds east, 78.27 feet, more or less, to the point of beginning, containing approximately 4.70 acres.

SEC. 3. The conveyance made under this Act shall be without monetary consideration, but subject to the provision that if within 25 years after the lands are conveyed by the Secretary of the Interior, the city of Anchorage attempts to transfer title to or control over the tract to another, or the tract is devoted, in whole or in part, to other than recreational or public purposes, without the consent of the Secretary of the Interior, title to the tract automatically shall revert to the United States. The acceptance of any instrument of conveyance under this Act by the city of Anchorage shall constitute an agreement by the city that a determination of the Secretary of the Interior that a breach of the requirements of this section has occurred shall be conclusive with respect to the necessary facts constituting such a breach.

SEC. 4. The conveyance authorized by the Act shall be made subject to the terms and conditions contained in the sublease of the Anchorage Curling Club, Incorporated, dated September 15, 1964.

S. 935

A bill to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities"; to the Committee on Labor and Public Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (iii) of section 601(4)(c) is amended to read as follows "(iii) for veterans of any war in a State, Territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, but authority under this clause (iii) shall expire on December 31, 1975."

S. 936

A bill to promote the replacement and expansion of the United States nonsubsidized merchant and fishing fleets; to the Committee on Commerce

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

AUTHORITY TO NEGOTIATE CONTRACTS

SECTION 1. (a) For the purpose of promoting the construction or acquisition of new merchant vessels or the substantial reconstruction of existing merchant vessels and for other purposes authorized by this Act, the Secretary of Commerce may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the merchant vessels as to meet competitive conditions and promote United States domestic or foreign commerce.

(b) For the purpose of promoting the construction of new fishing vessels, the Secretary of the Interior may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the fishing vessel to meet competitive conditions and promote the utilization of fishery resources.

TERMS AND CONDITIONS OF CONTRACT

SEC. 2. The Secretary shall include in each contract a provision—

(a) that any new vessel constructed under a contract will be built in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(b) that any new vessel acquired under a contract will be one that was built in a shipyard in the United States for the United States Government under a contract with a shipbuilder entered into after the effective date of this Act;

(c) that any vessel substantially reconstructed under a contract will be one that was built in a shipyard in the United States and will be substantially reconstructed in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(d) that any vessel constructed, acquired, or substantially reconstructed under a contract will be of a type, size, and speed that the Secretary determines to be suitable for use on the high seas or Great Lakes;

(e) that any vessel constructed, acquired or substantially reconstructed under a contract negotiated under section 1(a) will be of a type which the Secretary of the Navy certifies is suitable for economical and speedy conversion into a naval auxiliary or otherwise suitable for use by the United States in the event of war or national emergency;

(f) for the creation and maintenance of a capital reserve fund;

(g) for the approximate number and type of vessels which the contractor will construct, acquire, or substantially reconstruct subject to modifications and extensions upon a showing to the satisfaction of the Secretary of acceptable reasons for modifications or extensions;

(h) for additional terms and conditions consistent with this Act, that the Secretary determines to be necessary to protect the interest of the United States;

(i) for the early replacement of any war-built vessel used in the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended;

(j) that each contractor agrees not to incur any purchase money indebtedness with respect to any vessel constructed, acquired, or substantially reconstructed under a contract without the prior consent of the Secretary;

(k) that upon failure of the contractor to construct, acquire, or substantially reconstruct any vessel as provided in the contract as modified or extended, all deposits of the contractor will be withdrawn from the fund with the same tax consequences as results from withdrawals from the funds created by section 607, Merchant Marine Act, 1936, as amended, and no further deposits may be made by the contractor until a new contract is negotiated; and

(l) that the contractor agrees that any vessel constructed or acquired under a contract will remain documented under the laws of the United States for twenty-five years from the date of its delivery by the shipbuilder and any vessel reconstructed under a contract will remain documented under the laws of the United States for the remainder of its economic life as determined by the Secretary.

CREATION AND MAINTENANCE OF CAPITAL RESERVE FUND

SEC. 3. (a) Each contractor shall create and maintain for the duration of the contract, in depositories approved by the Secretary, a capital reserve fund under the joint control of the operator and the Secretary.

(b) Each contractor shall deposit in the capital reserve fund as is required to be deposited by subsidized operators under section 607, Merchant Marine Act, 1936, as amended, the proceeds of sales of vessels, the proceeds of insurance and indemnities, the depreciation charges, as earned, and the earnings made on deposits in the capital reserve fund, and shall annually deposit any percentage of differential payments received on the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, that the Secretary determines is

WITHDRAWALS FROM THE FUND

SEC. 6. Contractors may withdraw deposits from the fund with the same restriction and limitation, under the same conditions and with the same tax consequences as deposits from profits and is necessary to fulfill the contractor's obligation under the contract.

(c) The contractor may deposit in the fund other earnings from his vessel operations.

TAX DEFERMENT OF DEPOSITS IN THE FUND

SEC. 5. (a) Deposits of capital gains into the fund are taxed in the same manner as deposits of capital gains by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

(b) Deposits of earnings and differential payments into the fund are taxed in the same manner as deposits of earnings of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

may be withdrawn from the capital reserve fund by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

INVESTMENT OF THE FUND

SEC. 7. Contractors may invest deposits in the fund under the conditions and with the same restriction as deposits of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

DISCONTINUANCE OF DIFFERENTIAL PAYMENTS

SEC. 8. No operator of a nonsubsidized vessel may receive any differential payments for cargo moved by such vessel under section 901(b), Merchant Marine Act, 1936, as amended, unless the operator has concluded a contract with the Secretary under this Act before January 1, 1968.

DEFINITIONS

SEC. 9. In this Act—

(a) "Contract" means a vessel construction, acquisition, or reconstruction contract authorized by this Act.

(b) "Differential payments" means the payments made by the United States Government to operators of United States-flag merchant vessels for the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, at rates in excess of world market rates.

(c) "Documented" includes enrolled.

(d) "Earnings from the operation of vessels includes hire from bareboat charters.

(e) "Earnings made on deposits" means earnings on funds deposited as well as earnings on accumulated earnings and gains made on sale of securities.

(f) "Fund" means the capital reserve fund authorized by this Act.

(g) "Nonsubsidized vessel" means any vessel not included in an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(h) "Person" includes corporation.

(i) "Reconstruction" means the substantial reconstruction and major modernization of a vessel if the Secretary determines that the objectives of this Act will be promoted by such reconstruction.

(j) "Secretary" means the Secretary of Commerce in reference to powers and duties relating to contracts for the construction, acquisition, or substantial reconstruction of merchant vessels and means the Secretary of the Interior in reference to powers and duties relating to contracts for the construction of fishing vessels.

(k) "Subsidized operators" means persons who have an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(l) "Vessel" includes non-self-propelled vessels, cargo containers, cargo vans, and other related equipment.

(m) "War-built vessel" means a vessel as defined in section 3, Merchant Ship Sales Act, 1946.

S. 937—INTRODUCTION OF BILL RELATING TO TRAINING OPPORTUNITIES FOR CONGRESSIONAL EMPLOYEES

Mr. STEVENS. Mr. President, I am introducing a bill which was sponsored in the last Congress by the late, respected Senator E. L. Bartlett. This bill would amend the Government Employees Training Act so as to allow congressional employees to participate in the various programs, seminars, training sessions, and interdisciplinary meetings sponsored by the executive branch of our Government for its employees over the last 10 years.

This is a good bill. It has wide bipartisan support. The executive branch and the intellectual community are anxious that it become law. Hearings were held on the measure last year by the Senate Civil Service Subcommittee under the chairmanship of the senior Senator from West Virginia (Mr. RANDOLPH). The hearing itself was conducted by the capable senior Senator from Arizona (Mr.

FANNIN). The major portion of the proposal was included within the terms of the general congressional reorganizational measure. As Senators know this failed of passage.

I am hopeful that it will be possible to obtain prompt passage of the bill I introduce today. As a member of the Senate Post Office and Civil Service Committee I intend to do all that I can in its behalf.

Government is huge. Society is complex. Technology becomes ever more bewildering. If the Congress is to uphold its role as a separate and equal branch of the Federal Establishment it must keep itself informed of developments and be competent to deal with them. To do this it must have a staff—as the act states—"abreast of the latest development and technological changes in the scientific, managerial, educational, and professional fields in which they have mission responsibilities." It is that simple; and that difficult.

Passage of this bill will assist Capitol Hill employees to keep abreast of their field. It will allow them to participate in interdepartmental, interdisciplinary programs for the exchange of information and ideas. It will make them better employees and it will assist us to do a better job ourselves.

Mr. President, I ask unanimous consent that a statement made by the late Senator Bartlett and one made by Mr. James M. Mitchell, director, advanced study program, the Brookings Institution, as well as the full text of the bill itself may be printed in the RECORD at this point.

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

The bill (S. 937) to amend title 5 of the United States Code to provide training opportunities to congressional employees, and for other purposes; introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 4119. Congressional employees

"(a) Subject to the provisions of this section and sections 4106(a)(1)(3), 4107, and 4108 of this title, Congressional employees may be selected and assigned for training by, in, or through Government facilities or non-Government facilities, and the expenses for training may be paid in the same manner and to the same extent as authorized by sections 4104, 4105 (a), (b), and 4109 of this title for employees of agencies under regulations of—

"(1) the President pro tempore of the Senate with respect to employees whose pay is paid by the Secretary of the Senate;

"(2) the Speaker of the House of Representatives with respect to employees whose pay is paid by the Clerk of the House; and

"(3) the Architect of the Capitol with respect to employees of the Office of the Architect of the Capitol and of the Botanic Garden.

The regulations shall specify the extent to which section 4111 of this title shall apply to Congressional employees. The requirement in sections 4106(a)(2) and 4108(c) of this title that action by the head of an agency be under regulations of the Civil Service Commission does not apply to the President pro tempore of the Senate, the Speaker of the House of Representatives, or the Architect of the Capitol.

"(b) The Commission shall provide the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Architect of the Capitol with such advice and assistance as they may request to enable them to carry out this section.

"(c) For the purpose of this chapter, a reference to the head of an agency means—

"(1) the President pro tempore of the Senate with respect to employees whose pay is paid by the Secretary of the Senate;

"(2) the Speaker of the House of Representatives with respect to employees whose pay is paid by the Clerk of the House; and

"(3) the Architect of the Capitol with respect to employees of the Office of the Architect of the Capitol and of the Botanic Garden.

"(d) There are authorized to be appropriated sums necessary to carry out this section."

(b) The analysis of chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new item: "4119. Congressional employees."

SEC. 2 Section 6101(a)(4) of title 5, United States Code, is amended by inserting in the second sentence ", for a number of hours a day," after "on a day".

The matter presented by Mr. STEVENS, is as follows:

STATEMENT OF HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator BARTLETT. Mr. Chairman and members of this distinguished subcommittee, it is a pleasure for me to appear before you to testify in behalf of S. 236, a bill to extend certain benefits of the Government Employees' Training Act to officers and employees of the Senate and House of Representatives.

As Chairman John Macy, of the U.S. Civil Service Commission, has pointed out, the programs to be extended to the employees of Congress have for the past 9 years proven to be most effective in helping employees of various Federal departments and agencies "keep abreast of the latest developments and technological changes in the scientific, managerial, educational, and professional fields in which they have mission responsibilities."

As the members of the subcommittee are very much aware, employees of the legislative branch deal constantly with a shifting and changing world. Today the individual or the institution which is not progressing and keeping up with these changes cannot hope to maintain a competitive position among his or its peers or to serve properly the people of the United States.

I realize we and our employees benefit from a unique educational experience—constant contact with our constituents. This helps, but it is not enough.

The quantity of work of the Congress has increased immensely since I first came here in 1945. If this were the only consideration, it could be accommodated with a corresponding increase in staff.

Unfortunately, it is not the only consideration, for the increase has been qualitative as well as quantitative. Not only is there more work, but it is of a much more technical nature, making it imperative that a staff be competent, professional, highly trained, and aware of the latest developments and concepts in the fields in which it works.

This is no easy task, and it is not assured even by extreme selectivity in recruiting and hiring.

One of the best answers to this delemma found by industry, by Government, and by education itself is continuing education and training.

The Government Employees' Training Act provides for inservice training programs, participation in interagency conferences and seminars, and—on a very selective basis—attendance for a year at a university or scientific institution for training that will assist an employee in dealing with his professional responsibilities.

If amended along the lines of S. 236, these opportunities would be extended to congressional employees.

I understand that some changes must be made in the bill, as it is now written, in order to make it applicable to Congress. These changes would be in the nature of different limitations and eligibility requirements for the training programs, and in the administrative procedures.

I am sure these changes can be accomplished without sacrificing the principles incorporated in the present draft. Recommendations to extend my bill to employees of Congress not included under the original draft should pose no problem either.

I heartily endorse, Mr. Chairman, whatever changes in the language of the bill now before you may be deemed proper.

I foresee a great deal of good coming from this amendment, not the least of which will be the contact and interchange of ideas among individuals of different branches of government.

I see advantages through the attraction of highly qualified people to our offices because advanced training programs will be available to them. A result of this will be a reversal of the present trend of increasing reliance on department administrators and experts in technical areas. "Information independence" for Congress could be a major achievement of this bill.

Mr. Chairman, I am sure all our offices will profit by this. Unfortunately, we Members of the Senate will not be eligible under the provisions of the bill for further training ourselves—our benefits will have to come indirectly.

I am confident that these benefits will far exceed the rather trifling cost of the program, and I urge its swift enactment.

In conclusion, Mr. Chairman, I should like to say that it seems to me that Congress is all too frequently hesitant in giving itself the same advantages that it grants—and properly—to the executive department of the Government.

STATEMENT OF JAMES M. MITCHELL, DIRECTOR, ADVANCED STUDY PROGRAM, THE BROOKINGS INSTITUTE

Mr. MITCHELL. Mr. Chairman, the amount of scientific and technical knowledge available to mankind, measured in terms of publications and manpower, is doubling about every 8 years. Never before has so much knowledge been available to influence public decisions, and never before has it been so important that such knowledge be used.

Members of Congress and congressional staff are at critical crossroad points for selecting and applying knowledge to national problems and needs.

In this statement I will discuss briefly the information explosion and its implications for public policy, describe the advanced study program of The Brookings Institution and its effort to deal with the problem, and report on the two seminars which we have conducted for congressional staff members.

Senator FANNIN. Very good.

Mr. MITCHELL. The increase in man's knowledge in recent years has greatly modified his environment. With the fund of knowledge increasing so rapidly, continued improve-

ments in communicating this knowledge become essential.

A recent study of the information problem conducted for the American Institute of Biological Sciences reports that it often costs less to perform research than to find out whether it has been done.

It was also reported in the same study that a physician who is a specialist would have to read the equivalent of one book every hour to fully keep up with his field.

The task of informed leadership, then, is to adapt established institutions successfully to rapid change caused by the technological revolution and this explosion of knowledge.

Inevitably the explosion of knowledge has and will continue to have a substantial impact on the determination of public policy at all levels of government. We are faced with the problem of communicating in a meaningful, practical way, research knowledge that bears on public policy to those who are in leadership positions in our society.

Such persons, occupying or moving into positions of responsibility, have little time to refine the views and understanding with which they approach contemporary problems.

A new national educational activity is therefore required in order to make possible the acquisition and interpretation of the enormous amount of new knowledge.

What are some practical ways in which to make this new educational effort? The advanced study program of Brookings, which is the educational division of the institution, is one way. This program has had a slow but steady growth since it was established about 10 years ago.

It draws on a national faculty of academic scholars, members of the Brookings research staff, governmental career specialists, journalists and diplomats, and outstanding figures in politics, business, and labor.

The program has become, in effect, a distinctive institution of higher education for nearly 1,000 senior officials of Government, business, labor, and the professions each year.

Mr. Chairman, I was looking over our annual report for last year and I find that figure is now 1,400. In other words, our program is growing steadily.

Unlike most of the educational or training programs now available for executives in the universities, the departments and agencies of the Government's executive branch and the large business firms, the advanced study program does not seek primarily to improve management methods and techniques.

It is designed to bring relevant knowledge growing out of the technological revolution to the attention of leaders in public and private life, with emphasis on its implications for future decisionmaking, and to enlarge their knowledge of the relationships between Government and society.

This is a very brief statement, Mr. Chairman. If the committee would allow me to, I would very much like to insert a somewhat longer description of the advanced study program in the record.

Senator FANNIN. That will be very desirable. The committee will agree that that may be done.

Mr. MITCHELL. Thank you, Mr. Chairman.

(The document referred to follows:)

"THE ADVANCED STUDY PROGRAM—AN ACCOUNT OF THE BROOKINGS CONFERENCES FOR LEADERS IN PUBLIC AND PRIVATE LIFE

"Introduction

"This report offers an account of a Brookings educational program of conferences, seminars, and more extended study opportunities for leaders in public and private life. These are activities that were begun experimentally in 1957 and which have expanded considerably to date.

"For more than half a century Brookings has published for the information of the public its studies of economic, governmental, and foreign policy problems. As an independent, nonpartisan research organization, the Institution has been primarily concerned with the use of knowledge as an aid in dealing with public issues. The Institution has been conscious of the fact that persons occupying or moving into positions of leadership responsibility have little time to refine the views and understanding with which they approach contemporary problems. For some time it has seemed clear that ways must be found to improve their capacity to deal realistically and effectively with current problems.

"Although many kinds of adult education programs have arisen in this country and abroad, few of them are well suited to the requirements of key leaders in American life. For Brookings, a recognition of the urgent need to broaden the understanding and competence of executives in government presented a timely opportunity to explore new ways of reaching mature, busy, responsible officials.

"Brookings began by inaugurating several types of conferences for senior federal executives. This educational effort proved so successful that it was extended to several other leadership groups in public and private life. It has since been emulated in government and by other organizations.

"These activities became a major function of the Institution and are now being carried on in a special division known as the Advanced Study Program. In the ten years since this work was begun some 9,000 senior federal executives and top officials in business, labor and the professions, members of Congress, state and local government officials, and civic leaders have participated in its various activities.

"Under the leadership of a Brookings chairman, and with the assistance of informed specialists, these leaders in public and private life have considered the role of leadership in a democratic society, the operation of government, specific problems of public policy, and major national and international problems. Several hundred leading scholars from universities and research organizations, as well as experts from government, the press, and the diplomatic corps, have participated in the conferences as visiting lecturers and panelists.

"While the research divisions of the Institution explore the dimensions of emerging national and international problems, the Advanced Study Program provides opportunities for policy leaders to enlarge their understanding of events and their ability to use specialized knowledge in formulating policy on problems of public importance. The origins of the Advanced Study Program date back to 1954, when a small advisory group was called together at Brookings to explore what kind of training programs should be established in the government and how executive performance in the senior ranks of the public service could be strengthened. Robert D. Calkins, President of the Institution, was chairman of the study group, which include James M. Mitchell, Associate Director of the National Science Foundaiton, John J. Corson, Director of McKinsey and Company, John W. Macy, Jr. of the Civil Service Commission, and Eugene Zuckert of the Atomic Energy Commission as well as Maynard B. Barnes, Paul T. David, and Milton P. Semer of the Brookings research staff.

"Brookings at that time was beginning to devote increased attention to the problems of leadership in government. Preliminary studies had disclosed that, in marked contrast to the rapid development of training programs in business and industry, little was being done in the government's civilian departments and agencies to increase the competence of top executives to deal with evolving policy problems. The need for strengthening the public service was growing with the government's expanding national and international responsibilities, yet many federal departments were prohibited from expending funds for training purposes.

"The investigations of the study group indicated that federal executives at the top career levels were predominantly inbred, usually with experience in a single department, agency, or bureau. Training for the top four grades in the career structure (GS 15–18) was totally inadequate, since it emphasized primarily techniques of management and was based on the assumption that the executive's responsibilities involved solely his relationships with the employees of his agency. The implication of the federal training efforts was that an individual reaching a position classified at Grade GS 15 had arrived and there was no need to add to his mental stature.

"While all executives must possess qualities of vision, self-confidence, venture-someness, judgment, and catholic curiosity, an executive in the government service must also possess a strong sense of the public interest, an understanding of the need for coordination with the other agencies of the Executive branch, and a political sense to guide relationships between the Legislative and Executive branches. Yet the study group found that no systematic attempt was being made to develop such important qualities.

"These findings led to the conclusion that special training programs should be developed for senior federal executives to broaden their understanding of the problems of government and of its role in American society. The study group urged a series of residential conferences for officials in Grades 15–18 and equivalent military ranks to help them meet their executive responsibilities.

"The recommendations of the study group were endorsed by government officials, and Brookings designed a detailed plan for demonstrating the feasibility and effectiveness of training conferences. Since such a program had never before been attempted, it was proposed on a two-year basis. The experiment was intended to develop effective methods of communication for executives at this level, to demonstrate the value of such training, and to stimulate continuing in-service training programs in the various government departments and agencies.

"Financing was obtained from the Ford Foundation, and the project was organized in 1957 as the Conferences for Federal Executives. Colonial Williamsburg, Virginia was selected as the conference site: its facilities were removed from the distractions of Washington, yet close enough to be easily accessible. Equally important, its historical setting lent purpose to an inquiry into the nature of leadership in democratic government.

"The first 2 years

"Seven conferences of three days to three weeks were held from 1957 to 1959. Separate conferences were held for general administrators, for scientists and science administrators, and for top staff specialists in Grade 15–18. Each individual was carefully chosen, and the groups were limited to twenty-five persons. The content of each conference was varied according to the needs of the participants.

"The scope and basic rationale of the early conferences were built around the theme, 'Exploring Executive Responsibilities.' The common subject matter was organized under four main topics:

"1. *The Job of the Career Executive.*—By beginning with the study of the career executive's job, the common interest of individuals from diverse programs, specialties, and backgrounds was established. The dimensions and requirements of executive work in Government and business were analyzed and discussed. The career executive's role in decision-making and policy formulation and his working relationships with appointed political executives were carefully studied.

"2. *Working in an Institutional Setting.*—

After intensive study of the demands and requirements of the career executive's job, the focus widened to the governmental environment in which he functions—the decision-making process; the distribution of authority between the legislative, executive, and judicial branches; and the modes of cooperation and conflict among these branches. Special attention was given to the organization of the Executive Office of the President and relations between departments and central staff agencies and bureaus and their departments.

"3. *Management in the Federal Government.*—Following study and discussion of the overall governmental mechanisms for problem-solving and administration, attention was concentrated on major management problems facing career executives. Emphasis was placed on management policy and on the responsibility of the executive to take full advantage of insights arising from research in the social sciences to secure effective management. This section closed with an analysis of executive skills and possible ways to improve executive performance.

"4. *Interaction between Government and and Society: Problems of National Policy.*—Throughout the conferences, several sessions were devoted to the consideration of national policy issues. Discussions centered on current economic and manpower trends, the significance of advances in science, maintenance of national security, and America's role in world leadership and other factors influencing policy-making.

"A conference manual, containing extensive introductory material about all subject matter areas and daily guides for reading and discussion, was especially designed for each group and given to participants in advance. To conduct each session, a skilled chairman was selected who could evoke from participants a full and critical exchange of views. Informal talks by distinguished scholars and leading government officials served to lay the foundation for the discussions, and smaller groups were organized within the conferences for deliberation on specific problems. Time was also set aside for individual study.

"Widespread interest in executive training activities was generated, and two major developments followed. The first was the passage of the Government Employees' Training Act of 1958 which made it possible for federal agencies to release staff members for training programs at government expense and removed the need for participants to give up annual leave in order to attend a conference.

"The second development was the growth of training programs in the government itself. By 1962 over 200 interdepartmental training programs were being conducted, including a number operated by the Civil Service Commission that were patterned closely on the Williamsburg conferences. In addition, many departments adopted special programs to develop the capacities of their own executives.

"Although Brookings had not committed itself to continuing the program beyond the two-year period, several government agencies requested that the conferences be continued on a fee basis for their executive personnel. Meanwhile the Institution was taking major steps to broaden its activities as a national Center for Advanced Study. Increased educational activities were projected as an integral function of the Center. On the basis of the 1957–59 experience, a permanent program of conferences was projected to meet the needs of leadership in all segments of our national society.

"Establishment of a Permanent Program

"On July 1, 1959 the Conference Program on Public Affairs was formally established as a separate operating division of the Institution.

"The Program expanded its conferences for federal officials and extended its activities from 1959 to 1962, when its name was changed to the Advanced Study Program. New activities included conferences and seminars for members of Congress and executives, from business, labor, the professions, the senior ranks of state and local government agencies. Fellowship programs for government and non-government officials were initiated to provide more lengthy opportunities for study and research.

"New types of conferences were conducted in various parts of the country to build on the lessons learned at Williamsburg. In addition to conferences designed to enlarge understanding and awareness of executive responsibilities, conferences were organized to apply knowledge to specific issues, bringing policy makers together with scholars and other specialists for an exchange of views to stimulate informed action or decision-making. Several seminars were organized jointly with the research divisions of Brookings and served to demonstrate the value of the conference method as a tool for identifying research needs and narrowing areas of disagreement among experts.

"Requests from various sectors of our society, coupled with the interests of Brookings, have resulted in a continued increase in Advanced Study Program activities since 1962. As the activities expanded, however, the original purposes of the activities were emphasized. Thus, unlike most of the educational or training programs now available in the universities, the agencies of government, and the large business firms, the Advanced Study Program does not seek primarily to improve management methods and techniques. It provides opportunities for study and discussion of important economic, social, and political issues, enlarging the participants' understanding of the relationships between government and society and bringing to their attention relevant knowledge with implications for future decision making.

"The Advanced Study Program has continued to draw on a national faculty of academic scholars, governmental career specialists, members of the Brookings research staff, journalists and diplomats, and outstanding figures in politics, business, and labor to serve as resource persons for its activities. The program has become, in effect, a distinctive institution of higher education which annually serves the educational needs of some 1,400 persons in leadership positions.

"Current activities

"These educational activities, although always experimental in terms of meeting needs and application of methods, have matured to a full program with considerable variety and far reaching contact with leadership in many parts of our pluralistic society. But the Brookings Institution is limited in size and resources. Its educational activities are therefore conducted on a highly selective basis with the measure of "how can we have the greatest impact" always before us.

"Evidence of current scope of the Advanced Study Program is revealed in the following summary description of 1966–67 activities.

"Activities for Government Officials

"Conferences for management and program officials

"Four conferences were conducted for top-level administrative program, and operating officials of federal departments and agencies. The two-week sessions were held at Williamsburg and Virginia Beach, Va., for 100 civilian and military officers. The discussions on political theory, economic policy, science and public policy, foreign policy, and the dynamics of administration.

"Conferences for scientists, engineers, and science administrators

"Three one-week conferences were held in Williamsburg for 78 participants. Topics included science and democratic government, the government role in research and development, science and ethics, creativity, and problems of economic and social policy.

"Conferences for State officials

"Twenty-five officials of the New England states took part in a two-week conference on general public policy issues with specific attention paid to the region's economic problems, federal-state relations, and financing state and local governments. The meeting was held at Exeter, New Hampshire, in cooperation with the New England Center for Continuing Education located at the University of New Hampshire.

"Conferences for Federal executives on business operations

"Four two-week conferences were held in Pittsburgh; Los Angeles and San Francisco; Chicago, and New York and Cleveland. A total of 100 federal executives participated, visiting local plant locations and meetings with corporate officials to discuss their operations and problems and the role of business in national life. A two-day seminar on public policy issues involving relations with business was held at Brookings for 29 of the participants in these programs.

"Conferences for specialists

"A four-week educational program was conducted for 24 Science and Technology Fellows, providing an orientation to major public policy issues and to government operations for senior scientists of the Department of Commerce and the Atomic Energy Commission.

"Twenty-five officials in the Latin American Bureau of the Agency for International Development and of the Department of State participated in a five-day Executive Seminar in Cuernavaca, Mexico, which was devoted to study and discussion of issues and problems relating to political and economic development.

"A three-day seminar on public policy issues was held for 20 science attaches on overseas assignment for the State Department, to discuss broad questions of economic and social policy.

"Conferences for officials of foreign governments

"A series of three seminars was held for 64 science attaches on the Washington embassy staffs of foreign governments. The meetings were sponsored jointly with the American Association for the Advancement of Sciences, and focused on recent scientific developments with public policy implications.

"Several foreign government officials also participated in two of the conferences held in Williamsburg for federal executives.

"Federal executive fellowships

"Nine Federal Executive Fellowships were awarded to senior federal officials. The fellowships enabled them to come to Brookings on leave from their federal assignments for six months to a year, for research on problems in their areas of responsibility.

"Programs for Leaders in Private Life

"Conferences for business executives

"Ten one-week conferences on federal government operations were held in Washington for 287 executives from nearly 100 major American corporations. Participants visited government agencies and met informally with officials, and took part in seminars at Brookings to discuss specific issues with scholars, members of Congress and leaders in the Executive branch.

"Three three-day refresher seminars on public policy issues were held for 67 past participants in the business conferences and Public Affairs Fellowship Program. Two similar conferences were held for some 55 participants in the Massachusetts Institute of Technology Program for Senior Executives.

"Conferences for physicians

"With the support of the Commonwealth Fund, a new series of conferences is being

planned for selected leaders of the medical profession. The conferences will be held in different regions of the country, and will be designed to help deepen the insights of medical practitioners into key economic, social, and other factors involved in the provision of health care, and to enhance their ability to improve understanding within the profession of the interactions between medicine and society. An advisory committee of leading doctors, medical educators, and administrators has been named to consult on the development of the series.

"Public affairs fellowships

"Public Affairs Fellowships were awarded to 14 business executives who took part in a 21-week program combining working experience in executive departments and agencies at the policy-making level with an intensive educational program at Brookings and three weeks in congressional offices.

"White House fellowships

"Under a grant from the Carnegie Corporation, a three-week educational program was conducted for the 15 White House Fellows. The program provided an orientation to government operations and problems.

"Conferences for union officials

"Fourteen union vice-presidents and regional directors participated in a four-day conference on public policy issues at Williamsburg. The programs for officers of national and international unions are conducted with the guidance of an Advisory Committee of national leaders in the labor movement.

"Policy Conferences

"Urban policy conferences

"Urban Policy Conferences are conducted in selected metropolitan regions to bring local elective and appointive officials and civic leaders together with social scientists, in an effort to make social science research more effective in the solution of urban problems. The conferences usually consist of twelve one- day seminars held at intervals over a nine-month period.

"Four hundred and five local and state officials and civic leaders were involved in conferences held during the year. They included a series in Wichita, Kansas; Fort Worth, Texas; Little Rock, Ark.; Charlotte, N.C.; and Memphis, Tenn. The programs were conducted in cooperation with Wichita State University, Texas Christian University, the University of Arkansas, the University of North Carolina, and Southwestern College. In addition, special conferences were held for regional leaders in Memphis on the Uses of Urban Information Systems, the Impact of Urbanization on the Structure of Law, Metropolitan Fiscal Policy, and Utilization of Urban Technology.

"In cooperation with the International City Managers Association, regional urban policy conferences were held for city managers in Athens, Ga., and Orono, Maine.

"Science seminars for congressmen and congressional aides

"Five programs were held in this series, which is sponsored jointly with the American Association for the Advancement of Science and the Governmental Studies Program of the Brookings Institution. Participants in the series heard leading scientists discuss technological developments with important implications for public policy. (Two programs for congressional aides were conducted in prior fiscal years.)

"Labor-management conference

"A special two-day conference was held for labor union officials and members of the International City Managers Association to discuss relations between union and management in city manager cities.

"Fiscal and monetary policy conference

"Top officials of leading corporations participated in a four-day discussion of current issues of fiscal and monetary policy with responsible officials of the Treasury Department, the Budget Bureau, the Federal Reserve, Senators, Congressmen, and staff members of appropriate congressional committees.

"Douglas Carter has commented that 'the purpose of [the Brookings programs] is not training but in the purest sense of the word, education. There is no desire to return the middle-aged career executive to a student-teacher relationship, which he is by temperment not prepared to accept. He is by definition a 'participant' in the conference, expected and encouraged to contribute as much of the dialogue as the visiting speakers. . . .' (Developing Leadership for Government, Washington, D.C., 1960). With this point of departure, with carefully selected participants with 'off-the-record' and frank involvement, with highly competent conference chairmen and able expositors from many fields and disciplines, Brookings' Advanced Study Program has provided some of the leadership education which is a national necessity."

Mr. MITCHELL. It is apparent that a small institution like Brookings can do only a very small part of the job of executive education that is needed.

Executive development activities in Government, business, labor, and the universities are moving very slowly and gradually into this field of education. The Civil Service Commission's Bureau of Training, as one example, which we just heard about, is developing an extensive program of conferences and an educational program for career officials in the executive branch at the middle to senior levels here in Washington and at two residential centers.

A few universities are broadening their executive training programs along these lines. Much more should be done, however.

The professional staff of legislative bodies have a particularly vital need to bring research knowledge to bear on their consideration of major issues affecting the economy and the political and social structure of their city, State, or Nation.

Legislators frequently complain that the system of legislative decisionmaking does not provide an adequate basis for informed judgment. Increasing the number of staff members without providing machinery for them to keep up to date in this way is neglecting an important aspect of staffing the Congress.

In the sciences, where the information explosion is well known, a series of conferences for Congressmen and for congressional staff has been conducted by Brookings and the American Association for the Advancement of Science on the policy implications of recent advances in a variety of scientific fields.

The response to these conferences received from congressional staff members has been encouraging.

I would like to add here, Mr. Chairman, that in two such conferences during the last few years, about a hundred participants have taken part from the Hill, about half of them from the Senate and about half from the House.

The reaction from these congressional staff members to this educational experience has been very, very encouraging to us.

The usual educational objectives in our programs are increased knowledge, a reconsideration of attitudes, and improved tools for job performance. We feel that these goals were reasonably well met in these conferences.

We hoped that the participants have increased knowledge in the new sciences, an understanding of new terminology essential for key judgments in the making of public policy, and increased skills for performing a legislative job of analysis and evaluation.

Public policy is increasingly made on the basis of an exploration of the relevant facts available. Congressional hearings are one way of getting to these facts through the testimony of experts.

The role of congressional staff who assist in planning and organizing these hearings is important. To the extent that committee staff members and the office staff of Members of Congress can receive advanced education or training, the work of the Congress will benefit, because the staff extends the reach and range of the Members. A well-trained staff should add to the resources of the individual Members and the congressional committees.

The two Brookings programs that have been organized for congressional staff have been financed with Brookings funds. With few exceptions, the activities of the Advanced Study Program, however, are self-supporting—or nearly so.

Business corporations, labor unions, and Government agencies pay a registration fee for each participant in a Brookings conference. More programs would be designed specifically for congressional staff and offered regularly if the academic institution sponsoring the program could charge a fee that could be paid under the Employees' Training Act.

In my opinion, Mr. Chairman, the legislative employees should be covered by the Training Act, just as executive branch personnel have been covered for nearly 10 years.

Safeguards would, of course, have to be established, just as they have been in the executive branch, to require that the training justifies the expense.

In this complex age, the mere fact that there is new knowledge in a particular field is not enough to insure its use. It must be examined and weighed against other considerations.

Discussion in an educational environment of the implications of the new knowledge is necessary.

One of the outstanding scholars and practitioners in the field of public administration, Lynton Caldwell of the University of Indiana, said in The Journal of Higher Education recently:

"More knowledge is needed, without doubt, but more use must be made now of what we already know. The challenge of the environment has arisen, in part, because higher education has responded too slowly to the changes induced by advanced scientific technology.

"The response of higher education must therefore include the present generation of decision-makers, whose choices *today* determine the possibilities of tomorrow."

In summary, Mr. Chairman, for the career professional employee of the Congress especially, training and educational activities of the kind now available to employees of the executive branch is clearly needed.

Thank you, Mr. Chairman. I will be glad to answer any questions that you or the staff may have.

Senator FANNIN. Thank you, Mr. Mitchell.

On the first page of your statement, Mr. Mitchell, I am very much interested at the bottom of the page where you say:

"It often costs less to perform research than to find out whether it has been done."

Would you say that the use of new techniques, computers, and other equipment, would help in doing away with this duplication?

Mr. MITCHELL. I know that the Congress has considered this problem at length, Mr. Chairman.

Senator FANNIN. How can you overcome the problem?

Mr. MITCHELL. It seems to me that the National Science Foundation is working hard on it and arriving at reasonable solutions.

I used to be associate director of the National Science Foundation. I am reasonably familiar with some of the things that they have tried to do.

This information explosion is an enormous problem, as I said in my testimony. The use of the computer is going to be very, very

helpful. And looked at in the broadest perspective, mechanical translation is probably coming some day, so that we will be translating not only materials in English but from other languages as well.

Once we can use mechanical translation as well as computer technology, then the information explosion will be truly upon us.

Senator FANNIN. Do you feel that we are making progress?

Mr. MITCHELL. Most people don't realize what the problem really is amounting to.

I think we are making progress. I don't think there is any question about it.

I do feel, as I said in somewhat more formal language here, that this is an area of education that this country is seriously neglecting, the education of people who are leaders in our society, because they are so busy that they don't have time to read.

But they will participate in small conferences that are well organized, well planned, and well run.

At least we have found that people from the Government, from the 200 largest corporations in the country, 35 of the top labor unions in the country do participate—not for their middle-level staff but for the presidents of the labor unions, the presidents and vice presidents of the largest corporations in the country.

This is an area to which the universities are not giving enough attention.

Senator FANNIN. I certainly agree with you as far as many staff members and the personnel of the Senators' offices are concerned, that they should have this opportunity.

I am just wondering, how are staff members informed about these programs that you have been carrying forward in the past.

Mr. MITCHELL. I am afraid that we were less than completely democratic, Mr. Chairman. We did not announce it and say we would be glad to receive applications from anybody who is interested.

What we did was to invite a small group of congressional staff people whom we knew to come down and have lunch with us. We said: "Of the people on the Hill, whom do you think would be interested in a series of seminars on the advancements of science and their implications for public policy?"

And we developed a list of people in Senators' offices, the senatorial staff, and the same in the House of Representatives. And we extended invitations.

My recollection is that about two-thirds of those who were invited accepted.

Senator FANNIN. Thank you very kindly. We appreciate very much your being with us this morning.

Mr. MITCHELL. Thank you, Mr. Chairman.

Senator FANNIN. Mr. John Griner, national president of the American Federation of Government Employees.

S. 939—INTRODUCTION OF BILL TO PROVIDE A U.S. FOREIGN SERVICE CORPS

Mr. DOMINICK. Mr. President, I introduce a bill to amend the Higher Education Act of 1965 to provide a U.S. Foreign Service Corps. In accordance with the ruling of the Parliamentarian in the last Congress, I ask that the bill be referred to the Labor and Public Welfare Committee.

This is the same scholarship program as that contained in S. 3700 of the 90th Congress. It was reported favorably by the Senate Education Subcommittee and the Senate Labor and Public Welfare Committee in July 1968 along with other new titles to the Higher Education Act.

After introduction of the bill last year, I received comments from a number of individuals with prominent professional reputations in international affairs and foreign policy. The following are representative and attest to the interest and support the Corps has aroused:

Adm. Arleigh Burke:

I read with keen interest the amendment which you introduced to the Higher Education Act. . . . I hope you are successful in getting it through.

The late Allen Dulles:

I am thoroughly in accord with the objective you have in mind.

Harrison Brown, Foreign Secretary, National Academy of Sciences:

In my opinion this is an important step forward and I congratulate you on your foresight.

Professor Gabriel Almond, Institute of Political Studies, Stanford University:

Your plan looks most interesting and worthy of support. I have not had an opportunity to consider it in detail and would appreciate any hearings or further material that you may have on it.

Stephen Bailey, chairman, Policy Institute, Syracuse University Research Corporation, and former dean, Maxwell School of Citizenship:

I am intrigued and delighted with the notion of a United States Foreign Service Corps which would make use of existing academic institutions in educating and training American citizens for foreign service careers. In my estimation that is a far more efficient way of taking care of the educational needs of existing and prospective foreign service personnel than in the creation of a separate Foreign Service Academy.

Dr. Philip Mosley, associate dean, Faculty of International Affairs, Columbia University:

It is excellent in both its broad purposes and its realistic provisions for execution of the program. Because of the strenuous efforts made since 1945 by universities and colleges, and by several foundations, the institutions of the country offer a wide range of intensive programs on international affairs generally and on the intensive study of most of the areas of the world. Your bill provides a flexible and efficient way of tapping these large resources of training and research. . . . It could make a tremendous difference in the awareness of our people about our responsibilities in world affairs and in the effectiveness of both the study and the conduct of our foreign policy in its very wide ramifications.

William Langer, professor of history, Harvard University, and former member, advisory board, Foreign Service Institute:

I am well acquainted with the problems of training for service abroad. I have therefore read your bill with great interest. I think it is an excellent bill, that will do much to strengthen our staffs abroad. I trust that it will soon be enacted into law.

T. Keith Glennan, assistant to the chairman, Urban Coalition:

I am in agreement with the proposal you have made and hope that this activity can be included in the Omnibus Education Act of 1968.

Theodore Eliot, Jr., vice chairman, board of directors, American Foreign Service Association:

Your proposal is of great interest to the members of the Association, and comes at a time when the Association is itself examining the problems of recruitment and training of professionals in foreign affairs.

In addition, Ambassador George Allen, Director of the Foreign Service Institute until last fall, advised me by telephone that he was favorably inclined toward the bill, and would like to testify at Senate hearings.

When the bill reached the floor last year, committee jurisdiction was contested by the Foreign Relations Committee. The acting chairman of that committee, Mr. SPARKMAN, said that if the bill were withdrawn from the 1968 amendments, he would work to see that "early in the next session" it would receive "top priority." The distinguished Senator from Alabama further stated:

I wish the Senator from Colorado would agree to postpone it until January. I assure him I will do everything I can to get quick action on it.

Faced with further debate on the jurisdictional issue, and delay in passage of the balance of the 1968 amendments, the chairman of the Education Subcommittee, Mr. Morse, urged that I return the bill to the subcommittee, Mr. Morse, urged that I return the bill to the subcommittee and that we arrange hearings "at an early date, which would mean next session."

With these assurances, I reluctantly moved to strike the Corps from the reported bill.

In the 90th Congress, the Parliamentarian ruled this was an education bill, and sent it to our subcommittee. I agree with that ruling and understand he would make the same determination today if called upon to do so.

Nevertheless, recognizing the need to resolve this jurisdictional problem and to move forward with committee hearings and action in this session, and with the strong assurances I have received from both committees, I have agreed that following completion of consideration of this measure by the Senate Labor and Public Welfare Committee, I will ask that it be referred to the Foreign Relations Committee under a mutually satisfactory arrangement to be made at that time. I do so not without reservation since I continue to feel this scholarship program was just as properly referred to the Labor and Public Welfare Committee as was the International Education Act of 1966.

A detailed explanation of the proposed U.S. Foreign Service Corps appears in my remarks for the CONGRESSIONAL RECORD of June 26, 1968, at page S. 7745. Rather than repeat them at this time, I ask unanimous consent that the text of the bill as well as a section-by-section analysis be printed in the RECORD at the close of my statement today.

Let me emphasize, however, several points.

This is not a Foreign Service Academy bill. Proposals of that nature have been made in Congress for some 25 years. Little, if any, progress was made, and new direction is needed.

This is not a program to train or to replace Foreign Service officers. There are now about 3,387 active members in that select group known as Foreign Service officers, but more than 22 times that many people—in excess of 75,000—work for the Government in foreign countries in fields ranging from agriculture to engineering to labor and commerce.

The Corps is a comprehensive scholarship program for institutions of higher education throughout the United States. Its purpose is to stimulate interest among students in fields related to foreign relations, to increase educational opportunities in these fields, and to build and maintain the highest caliber of competence for all employees of the Federal Government serving abroad. In short, the principal thrust is on making readily accessible the best possible educational, training, and research facilities in the country.

At least 77 institutions in 31 States, the District of Columbia, and Puerto Rico offer career curricula in international relations. Some 41 institutions in 21 States and the District of Columbia have curriculums for foreign service and diplomacy. The potential for this non-Government educational resource is there, if we will only recognize it and put it to maximum use.

The U.S. Foreign Service Corps was designed with this in mind:

First. It utilizes, rather than competes with, the facilities and academic expertise of educational institutions, public and private, while preserving their control and objectiveness.

Second. It offers varied but carefully coordinated undergraduate and graduate programs including field training for student scholarship recipients as well as inservice training and research.

Third. It harnesses a continual and prepared reservoir of representative talent from diverse sectors of American life with a variety of educational backgounds from many colleges and universities.

Fourth. It provides access to the full breadth of disciplines taught by the top minds in the country.

Fifth. It maintains the desirable flexibility and independence to maximize opportunities for charting new courses and altering old ones in foreign affairs education and practice.

Sixth. It concentrates our investment in people instead of property, avoiding large capital outlays for buildings, grounds, and equipment.

The bill I introduce today is identical to S. 3700 of the last Congress with two exceptions. Additional emphasis has been placed on graduate schooling by increasing the ceiling on the number of such scholarships to 1,500, while decreasing undergraduate scholarships to 3,500. The total number of scholarships remains the same. Payments for subsistence have been adjusted to make them more competitive with the general level of payments in other educational programs.

One consideration in my decision to withdraw the Corps from the 1968 amendments was a letter from the State Department asking that Senate action be deferred "until such time as the appropriate comment can be provided." Two weeks prior, July 1, 1968, the State Department, HEW, GAO, and BOB were asked to provide the committee with their suggestions on the bill. As of January 20, 1969, none had arrived. Precious time has been lost. Seven months should have been ample time to read the bill, and I am confident the new administration will act more expeditiously.

Regrettably, we do not yet have an efficient total system for training personnel from all agencies destined for overseas assignments. Independent efforts of the many departments and agencies cannot meet the challenge. I want to change that.

"Forward Together" can achieve real meaning through the U.S. Foreign Service Corps.

Mr. President, perhaps no other event in our lifetime will serve so well to mark the smallness of the good earth as will the magnificant achievements of Apollo VIII. The need for man to live together in peace and understanding has been awakened in America and around the globe.

The United States needs to listen as well as to act and our foreign service employees, being our first level of governmental contact with persons overseas, need the finest possible training to insure our ability to listen and understand, and to insure our capacity to persuade others of our search for peace.

I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 939) to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Higher Education Act of 1965 is amended (1) by redesignating title XII and sections 1201 through 1210, and all references thereto, as title XIII and sections 1301 through 1310, respectively, and (2) by inserting after title XI a new title as follows:

"TITLE XII—UNITED STATES FOREIGN SERVICE CORPS

"ESTABLISHMENT OF CORPS

"SEC. 1201. The Congress recognizes that the world and the universe are growing smaller in terms of time and space which necessitates now, and will demand in the future, constant informed contact, knowledge and understanding among all the peoples of the world in diplomatic, cultural, and commercial exchanges. The success of these exchanges and the survival of the world may depend upon the ability, education, training, and intelligence of the men and women charged with responsibilities relating to the foreign relations of the United States. To assure that there is adequate opportunity for the young men and women of the United States to enter this vast field with the best possible training of their natural abilities and to advance the professional education and training of the officers and employees of the Government currently engaged in the field of foreign relations, there is hereby established, as provided in the succeeding provisions of this title, a Corps to be known as the United States Foreign Service Corps (hereinafter in this title referred to as the 'Corps'). The Corps shall consist of all students admitted to the Corps under section 1205, and all officers and employees of the Government admitted to the Corps under section 1207, who are enrolled in a program of education, training, or research, or a course of study, approved by the Board under section 1204.

"DEFINITIONS

"SEC. 1202. As used in this title—

"(a) 'Government' means the Government of the United States;

"(b) 'non-Federal institution of higher education' means an institution of higher education which is not owned or substantially controlled by the Government of the United States;

"(c) 'Board' means the Board of Trustees of the Corps;

"(d) 'department or agency' means an executive department, a military department, an independent establishment, or a Government corporation as specified in chapter 1 of title 5, United States Code;

"(e) 'training month' means any month during which a member of the Corps admitted under section 1205 is taking at least the minimum level of credit hours in a full-time course of study prescribed by the Board, or is taking field training as assigned by the Board; and

"(f) 'dependent', when used in relation to a dependent of a member of the Corps admitted under section 1205, means an individual who qualifies as a dependent of such member under section 152 of the Internal Revenue Code of 1954, as amended.

"BOARD OF TRUSTEES

"SEC. 1203. (a) The management and supervision of the Corps shall be vested in a Board of Trustees. The Board shall develop and support, as provided hereinafter, programs of education, training, and research in the field of foreign relations designed to prepare, or advance the qualifications of, members of the Corps for service with the United States in positions or programs related to such field.

"(b) The Board shall consist of the Secretary of State, four educators to be appointed by the President, two members of the United States Senate to be appointed by the Vice President, and two members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

"(c)(1) The term of each member of the Board appointed from the Senate and the House of Representatives shall be two years.

"(2) The term of each member of the Board appointed by the President shall be four years; except that of the first four persons appointed by the President two shall be designated to serve for two years and two shall be designated to serve for four years.

"(3) Members of the Board shall be eligible for reappointment.

"(d) Vacancies created by death or resignation shall be filled in the same manner in which the original appointment was made, except that the person appointed to fill the vacancy shall be appointed only for the unexpired term of the trustee whom he shall succeed.

"(e) Members of the Board shall serve without pay; but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incured in the performance of their duties.

"ESTABLISHMENT OF CORPS PROGRAMS

"SEC. 1204. (a) In order to carry out the purposes of this title, the Board is authorized and directed to make arrangements with qualified non-Federal institutions of higher education providing for the admission of qualified members of the Corps to such institutions for their enrollment in programs

operated by and at such institutions which are designed to—

"(1) enable qualified students who are admitted to the Corps prusuant to section 1205 to pursue full-time courses of study approved by the Board relating to the field of foreign relations and leading to the granting of an undergraduate or graduate degree;

"(2) enable qualified officers and employees of the Government having duties or responsibilities in the field of foreign relations who are admitted to the Corps pursuant to section 1207 to pursue, on a voluntary basis and on such terms and conditions as the Board may prescribe, professional education, training and research activities approved by the Board relating to the field of foreign relations, including selected subjects from a general curriculum, or to pursue full-time courses of study approved by the Board relating to the field of foreign relations and leading to an undergraduate or graduate degree; and

"(3) enable selected members of the Corps to engage in research activities approved by the Board relating to the field of foreign relations. In addition, such arrangements shall provide for a program of appropriate orientation and language training by and at such institutions for members of the families of persons admitted to the Corps or of officers and employees of the Government who are not members of the Corps, but have duties or responsibilities in the field of foreign relations, in anticipation of, or on account of, the assignment of such members of the Corps or officers or employees of the Government to a foreign country or area.

"(b) In carrying out its functions under subsection (a), the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Corps, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign relations approved by the Board as satisfactory in order to prepare, or advance the qualifications of, members of the Corps for service with the United States in positions or programs related to the field of foreign relations.

"(c) The number of persons who may receive instruction and training under the various programs of the Corps shall be determined by the Board; except that not more than three thousand five hundred students may be admitted under section 1205 as new members of the Corps in any academic year for the purpose of pursuing courses of study leading to an undergraduate degree, and not more than fifteen hundred students may be admitted under section 1205 as new members of the Corps in any academic year for the purpose of pursuing courses of study leading to a graduate degree.

"NOMINATION AND ADMISSION OF STUDENTS INTO CORPS

"SEC. 1205. (a) The Board shall provide for the holding of annual competitive undergraduate and graduate examinations to determine the admission of applicants into the Corps from among students who are nominated pursuant to subsection (c). Such examinations shall test the intellectual capacities and training of the applicant and his aptitude for service in the field of foreign relations. The Board shall develop such examinations in consultation with non-Federal institutions of higher education with which it has made arrangements under section 1204.

"(b) Applicants for the annual undergraduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, a public secondary school in, or any private secondary school accredited by, a State, or a public or private secondary school in a foreign country which in the judgment of the Board provides an educational program for which it awards a certificate of graduation generally accepted as constituting the equivalent of that awarded by secondary schools accredited by a State. Applicants for the annual graduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, an institution of higher education in the United States or of an institution of higher education in a foreign country which provides an educational program for which it awards a degree which in the judgment of the Board is generally accepted as constituting the equivalent of a bachelor's degree awarded by similar institutions in the United States. No applicant shall be eligible to take any such examination unless he has first been nominated pursuant to subsection (c).

"(c)(1) A total of eight thousand four hundred and eighteen applicants shall be nominated each year to take the annual competitive examinations held by the Board as follows:

"(A) two hundred and twenty from the United States at large as follows:

"(i) one hundred nominated by the President,

"(ii) sixty-six nominated by the Vice President, and

"(iii) fifty-four nominated by the Secretary of State;

"(B) thirty from each State, fifteen nominated by each Senator from the State;

"(C) fifteen from each congressional district, nominated by the representative from the district;

"(D) three from each State nominated by the Governor of the State;

"(E) seven from the Commonwealth of Puerto Rico nominated by the Resident Commissioner from Puerto Rico;

"(F) ten from the District of Columbia, nominated by the Commissioner of the District of Columbia;

"(G) three from the Virgin Islands, nominated by the Governor of the Virgin Islands; and

"(H) three from the Canal Zone, nominated by the Governor of the Canal Zone.

"(2) No person may be nominated under clauses (B) through (G), inclusive, of paragraph (1) unless such person is domiciled in the State, or in the congressional district, from which such person is nominated, or in the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands if nominated from one of those places. To be eligible for nomination by the Governor of the Canal Zone, a person must be a resident of the Canal Zone, or a member of the family of a resident of the Canal Zone, or a member of the family of a civilian officer or employee of the United States or the Panama Canal Company residing in the Republic of Panama.

"(3) After the initial three years of operation of the Corps, if the Board determines that the total number of applicants who will be qualified and admitted as new members in the Corps prior to the beginning of any academic year under this section for the purpose of pursuing courses of study during such academic year leading to undergraduate or graduate degrees, respectively, will be below the total number of applicants who may be so admitted to the Corps in accordance with section 1204(c), the Board may nominate to take a competitive examination held prior to such academic year, and select for admission to the Corps, in the order of merit established by such examination, such additional number of eligible applicants as the Board finds will be necessary to meet the needs of the Corps programs in such academic year and will not exceed the limitations set forth in section 1204(c).

"(d) Applicants under this section shall be selected for membership in the Corps in the order of merit established by the annual examinations held by the Board pursuant to this section, but no person shall be eligible for admission as a member of the Corps unless he is a graduate of a public or private secondary school described in subsection (b) in the case of a student intending to pursue a course of study leading to an undergraduate degree or a graduate of an institution of higher education described in subsection (b) in the case of a student intending to pursue a course of study leading to a graduate degree.

"(e) Except as provided in this section, no competitive or other similar examination shall be required for admission of any person as a member of the Corps under this section.

"COMPENSATION AND PAYMENT OF EXPENSES AND SUBSISTENCE FOR STUDENT MEMBERS

"SEC. 1206. (a) Members of the Corps who are admitted under section 1205 and are maintaining satisfactory progress in, and taking at least the minimum level of credit hours in, full-time courses of study as prescribed by the Board shall be compensated for tuition, texts, laboratory fees and associated course materials, and shall receive subsistence payments as provided in this section. No compensation or payments shall be made except in accordance with procedures established by the Board to assure their accuracy and appropriateness.

"(b) The subsistence payments which shall be payable under this section are as follows:

"(1) A single student member shall rereceive $200 subsistence pay per training month.

"(2) A married student member having a dependent spouse shall receive $250 subsistence pay per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(3) Where both a husband and wife member are students under a Corps program and are cohabiting their joint subsistence pay shall be $300 per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(4) Where both a husband and a wife member are students under a Corps program and are legally separated they each shall receive the same subsistence pay per training month as would a single student, but if either spouse has a dependent child or children an additional allowance of $30 per training month shall be paid to the entitled spouse for each dependent child.

"(5) Student members shall be granted an additional allowance of $30 per training month for each dependent not a spouse or a child of such student member.

"ADMISSION OF GOVERNMENT OFFICERS AND EMPLOYEES INTO CORPS; EXPENSES AND COMPENSATION

"SEC. 1207. (a) The head of each Government department or agency is authorized (1) to select officers and employees of such department or agency who may volunteer to be admitted to the Corps to pursue education, training or research or a course of study within a Corps program, (2) to pay all or any part of the pay (except overtime, holiday, or night differential pay) of any such officer or employee so selected for the period of such education, training or research, or course of study, as a member of the Corps, and (3) to pay or reimburse such officer or employee for all or part of the necessary expenses of such education, training, or research, or course of study, without regard to section 529 of title 31, United States Code, including the necessary costs of (A) the travel expenses of such officer or employee and the transportation expenses of his immediate family, (B) the expenses of packing, crating, transporting, and temporarily storing, draying and unpacking his household goods and personal effects to the extent authorized by section 5724 of title 5, United States Code, (C) purchase or rental of books, materials and supplies, and (D) all other services or facilities directly related to the education, training, or research or course of study of such officer or employee within a Corps program. The head of each Government department or agency shall prescribe,

with the approval of the Board, limitations concerning the number of officers and employees of such department or agency who may be selected for admission to the Corps at the same time and the period of time which may be spent by such officers and employees in study, training, or research or a course of study within a Corps program. The provisions of section 1206 shall not apply to any Government officers or employees admitted to the Corps under this section.

"(b) Appropriations made available to any Government department or agency for the payment of salaries and expenses of officers and employees of such department or agency shall be available for making payments under this section to members of the Corps selected from such department or agency.

"(c) During any period for which any Government officer or employee who is admitted to the Corps under this section is separated from his usual duties of employment with any Government department or agency for the purpose of education, training, or research or a course of study within a Corps program, such officer or employee shall be considered to have performed service, as an officer or employee of such department or agency at the rate of compensation received immediately prior to commencing such education, training, or research or course of study (including any increase in compensation provided by law during the period of such activity) for the purposes of (1) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, (2) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and (3) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.

"(d) Each Government officer or employee who is admitted to the Corps under this section shall, on completion of the period of education, training, or research or a course of study within a Corps program, be entitled to continue service in his former position or a position of at least like seniority and status in the department or agency from which he was selected for such education, training, or research or course of study and shall be entitled to at least the rate of basic pay to which he would have been entitled had he continued in his usual service with such department or agency. On resumption of his usual duties with such department or agency, the department or agency shall restore such officer's or employee's sick leave account, by credit or charge, to its status at the time he commenced education, training, or research or a course of study within a Corps program.

"AGREEMENT TO ENTER INTO OR CONTINUE GOVERNMENT SERVICE AFTER COMPLETING CORPS PROGRAM

"SEC. 1208. The Board shall obtain from each person admitted to the Corps, other than members of a family receiving orientation or language training under section 1204 (a), such agreement as the Board may deem necessary to assure that such person will accept employment with the United States, unless already so employed, and will remain in the employ of the United States, wherever assigned by the employing department or agency, for such period after completion of their education, training, research, or course of study within a Corps program as is prescribed by (1) the Board in the case of students admitted to the Corps under section 1205, or (2) the head of the employing department or agency in the case of Government officers and employees selected for admission to the Corps from such department or agency under section 1207.

"ASSIGNMENT OF STUDENT MEMBERS FOR FIELD TRAINING AND GOVERNMENT SERVICE

"SEC. 1209. (a) During the course of study leading to an undergraduate or graduate degree, each student admitted to the Corps under section 1205 may be assigned at the discretion of the Board for field training with any program of the Government relating to the field of foreign relations conducted by any department or agency of the Government. The period of field training assignment for a Corps member under this subsection may not exceed two consecutive months in any calendar year during the first three years of undergraduate study, nor more than six consecutive months during the fourth year of undergraduate study or any academic year of graduate study.

"(b) Except as otherwise provided by any law of the United States or regulation prescribed by the Board, each student admitted to the Corps under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the Board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the Board (1) for hiring or appointment by the United States in connection with any program of the Government relating to the field of foreign relations conducted by any department or agency of the Government, or (2) if such member has completed a course of study leading to a graduate degree, for one year of specialized study in a particular foreign country or area in which he may later be assigned for Government service. Upon satisfactory completion of any such year of specialized study by a member of the Corps, he shall be appointed as a Foreign Service officer by the Secretary of State without the examination provided for in section 516 or 517 of the Foreign Service Act of 1946 (22 U.S.C. 911–912).

"(c) Prior to making any assignments under this section, the Board shall consult with interested departments and agencies of the Government to determine the personnel requirements of their programs relating to the field of foreign relations. To the extent practicable, members of the Corps shall be assigned in accordance with their preferences for a particular Government program.

"ROTATION FOR SERVICE IN THE UNITED STATES

"SEC. 1210. All Corps members who have satisfactorily completed their education, training, or research, or course of study within a Corps program and are employed by, or remain in the employment of, the United States under this title shall be assigned to Government duties within the United States for a minimum of one year during every five that they are employed in any Government program in the field of foreign relations; except that the provisions of this subsection may be waived when the United States is at war as declared by Congress.

"CONTINUATION OF FOREIGN SERVICE INSTITUTE

"SEC. 1211. The Foreign Service Institute, established under title VII of the Foreign Service Act of 1946 (22 U.S.C. 1041–1047) is hereby continued. All functions, powers, and duties of the Secretary of State under such title, relating to the Foreign Service Institute, are hereby transferred to the Board. All property and personnel of the Foreign Service Institute, together with the unexpended balance of any appropriation available for use by such Institute, are hereby transferred to the Board and shall be subject to the control and use of the Board for the furtherance of the objectives of the Corps.

"STAFF OF BOARD

"SEC. 1212. (a) The Board may appoint and fix the compensation of a staff consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Board may designate one member from the professional staff who shall serve as the chief staff officer of the Board and shall exercise, under the supervision and in accordance with the policies of the Board, such of the powers and duties granted to the Board as it deems appropriate.

"(c) The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"ACQUISITION OF REAL OR PERSONAL PROPERTY BY BOARD

"SEC. 1213. The Board shall have the power to acquire and hold property, real or personal, and to receive and accept money or other property, real or personal, bequeathed, devised, or donated, and to use, sell, or otherwise dispose of such property for the purpose of carrying out this title.

"PROHIBITION AGAINST ESTABLISHMENT OF ACADEMY

"SEC. 1214. Except as provided in section 1211, nothing in this title shall be construed to authorize the Board to establish any educational institution, or to appoint or hire any person to serve on the faculty or staff of any educational institution.

"AUTHORIZATION

"SEC. 1215. There are hereby authorized to be appropriated to the Board to carry out the purposes of this title (other than section 1207), $15,000,000 for the fiscal year ending June 30, 1970; $30,000,000 for the fiscal year ending June 30, 1971; $45,000,000 for the fiscal year ending June 30, 1972; and $60,000,000 for the fiscal year ending June 30, 1973; but for the fiscal year ending June 30, 1974, and each succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law."

The section-by-section analysis of the bill, presented by Mr. DOMINICK, follows:

U.S. FOREIGN SERVICE CORPS—SECTION-BY-SECTION ANALYSIS

Section 1201. Establishment of Corps: To provide more widespread opportunity for entering, and more adequate training of persons entering or already engaged in, the field of foreign relations, a U.S. Foreign Service Corps would be established, consisting of students and Government employees selected for admission under the provisions of this title, and enrolled in a program of education, training, or research, or a course of study approved by the Board of Trustees established hereunder.

Section 1202. Definition: "Government", "non-Federal institution of higher education" (institution not owned or substantially controlled by the Government of the United States), "Board" (Board of Trustees of the U.S. Foreign Service Corps), "department or agency" (including Government corporation), "training month", and "dependent" would be defined.

Section 1203. Board of Trustees: A Board of Trustees (consisting of the Secretary of State, four educators appointed by the President, two Senators, not of the same political party, appointed by the Vice President, and two Representatives, not of the same political party, appointed by the Speaker of the House) would be charged with management and supervision of the Corps, and development and support of programs of education, training, and research, designed to prepare, or advance the qualifications of, members of the Corps for service with the United States in positions or programs related to foreign relations. Members of the Board would serve without pay, but with reimbursement for travel, subsistence, and other necessary expenses, for terms of 2 years

(Senate, House, and first two educator appointees of the President) or 4 years (all other educator appointees of the President, of which two would be appointed every 2 years), and might be reappointed.

Section 1204. Establishment of Corps programs: The Board would be authorized to make arrangements with qualified non-Federal institutions of higher education to admit qualified members of the Corps to programs approved by the Board, including—

(1) in any academic year, not more than 3,500 undergraduate and not more than 1,500 graduate student members, for full-time courses of study leading to, respectively; undergraduate or graduate degrees in foreign relations;

(2) Government employee members for professional education, training, and research activities or for full-time courses of study leading to an undergraduate or graduate degree in foreign relations;

(3) selected members of the Corps for research activities in the field of foreign relations.

The arrangements must include a program for appropriate orientation and language training at the institution for members of the families of persons admitted to the Corps if it is anticipated the Corps member will be assigned to a foreign country or area. Such orientation and language training must also be available for members of the families of officers and employees of the Federal Government who are not Corps members, but who have duties or responsibilities in the field of foreign relations, when it becomes apparent the officer or employee will be assigned to a foreign country or area.

Section 1205. Nomination and admission of students into Corps: The total of 3,500 undergraduate and 1,500 graduate student members of the Corps authorized for admission in any year would be selected in order of merit by annual competitive undergraduate and graduate examinations held by the Board, to test the intellectual capacity, training, and aptitude for foreign affairs of 8,418 persons eligible to take the examination and nominated in accordance with provisions of this section. (After 3 years, if it appeared in any year that this procedure would not qualify for admission into the Corps the number of student members who might be admitted, an additional competitive examination would be given to nominees of the Board.)

Applicants for the annual undergraduate examination would be required to be citizens of the United States who had graduated from, or were attending, a public secondary school in, or a private secondary school accredited by, a State or a secondary school in a foreign country with an educational program approved by the Board. Applicants for the annual graduate examination would be required to be citizens of the United States who had graduated from, or were attending, an institution of higher education in the United States or an institution of higher education in a foreign country which awards a degree which in the Board's judgment is generally accepted as equivalent to a bachelor's degree in the United States. (Before admission into the Corps, a student member would need to have graduated from such secondary school or institution of higher learning, as the case might be.)

The annual competitive examination could be taken only by applicants nominated as follows:

(1) 220 nominated from the United States at large (100 by the President, 66 by the Vice President, 54 by the Secretary of State);

(2) 1,650 nominated from the 50 States (15 by each Senator, 3 by each Governor);

(3) 6,525 nominated from the 435 congressional districts (15 by the Representative from each district);

(4) 10 from the District of Columbia, nominated by the Commissioner of the District of Columbia;

(5) 13 from outlying areas (7 nominated by the Resident Commissioner from Puerto Rico, 3 by the Governor of the Virgin Islands, 3 by the Governor of the Canal Zone).

Total, 8,418.

Except with respect to nominees at large, and from the Canal Zone, nominations could be made only from among persons domiciled in the State, congressional district, or geographic area from which nominated.

Section 1206. Compensation and payment of expenses and subsistence for student members: Student members of the Corps admitted under Section 1205 and maintaining satisfactory progress in courses of study prescribed by the Board would be compensated for tuition, texts, laboratory fees, and associated course materials and would be eligible to receive subsistence payments in accordance with procedures established by the Board. Subsistence payments per training month would be $200 for a single student or a student legally separated, $250 for a married student with a dependent spouse, and $300 for husband and wife student members who are living together. An additional $30 per training month would be paid for each dependent child of a student member, or for a dependent other than his spouse or child.

Section 1207. Admission of Government officers and employees into the Corps; expenses and compensation: The head of each Government department or agency would be authorized to select from among its employees volunteering for admission into the Corps to pursue education, training, or research within the Corps program, to prescribe limitations on the number of employees selected at the same time, and the length of their course of study. From appropriations made available for the payment of salaries and expenses of employees of such department or agency, employees so selected would be authorized to be paid their regular salaries, and (without regard to 31 U.S.C. 529) to be reimbursed for necessary expenses of such education, training, or research (including travel expense of such employee, transportation expenses of his immediate family, cost of transporting or storing his household goods and personal effects to the extent authorized by 5 U.S.C. 5724, purchase or rental of books, materials, and supplies, and other services or facilities related to his education, training, or research). A Government employee's period of education, training, or research within a Corps program would be deemed to be Government service for purposes of civil service retirement, Federal employees' group life and health insurance, and at the completion thereof, the employee would have reemployment rights to a position of at least like seniority and status in the department or agency from which he was selected, with restoration of sick leave credit, and at the rate of pay to which he would have been entitled if he had continued his usual service in such department or agency.

Section 1209. Assignment of student members for field training and Government service: The Board might assign any student member of the Corps admitted under Section 1205 for field training with any Government program relating to foreign relations for not more than 2 consecutive months in any of the first 3 calendar years of his undergraduate study, and for not more than 6 consecutive months during the fourth year of undergraduate study or any academic year of graduate study. Except as otherwise provided by law or by regulation of the Board, a student member who received an undergraduate or graduate degree under the Corps program would be available for assignment by the Board (in consultation with interested departments and agencies of Government and, to the extent practicable, in accordance with the student's preferences (1) to be hired by any department or agency of Government for a program relating to the field of foreign relations, or (2) in the case of a student member who received a graduate degree under the Corps program, for 1 year of specialized study in a foreign country or area in which he might later be assigned for Government service. Only those students selected for such specialized study from those completing a graduate degree would be entitled to be appointed Foreign Service officers by the Secretary of State, without the examination provided in 22 U.S.C. 911–912, upon satisfactory completion of the year of specialized study.

Section 1210. Rotation for service in the United States: Except in time of war declared by Congress, Corps members who satisfactorily completed education, training, or research, or course of study within a Corps program, and who were employed by the United States in the field of foreign relations, would be assigned Government duties within the United States for at least 1 of every 5 years of such employment.

Section 1211. Continuation of Foreign Service Institute: All functions, powers, and duties of the Secretary of State relating to the Foreign Service Institute established under 22 U.S.C. 1041–1047 would be transferred to the Board. All property and personnel of the Foreign Service Institute and the unexpended balance of any appropriation therefor would be transferred to the Board for use in furtherance of the objectives of the Corps.

Section 1212. Staff of Board: The Board would be authorized to make appointments in the competitive service and to fix the compensation, in accordance with civil service classification and general schedule pay rates, of not more than five professional staff members (including a chief staff officer of the Board) and such clerical staff members as might be necessary.

The Board would be authorized to procure temporary or intermittent services pursuant to 5 U.S.C. 3109, at rates not to exceed $100 per day for individuals.

Section 1213. Acquisition of real or personal property by Board: The Board would have the power to acquire, hold, use, sell, or otherwise dispose of property, real or personal, and to accept gifts or bequests, to carry out the purposes of this title.

Section 1214. Prohibition against establishment of academy: The Board would have no authority to establish any educational institution, nor to appoint any person to serve on the faculty or staff of any educational institution except the Foreign Service Institute.

Section 1215. Authorization: To carry out the purposes of this title (except Section 1207), appropriations to the Board would be authorized in the amount of $15 million in fiscal 1970, $30 million in fiscal 1971, $45 million in fiscal 1972, $60 million in fiscal 1973, and in fiscal 1974 and each succeeding fiscal year, such sums as Congress might authorize.

S. 940—INTRODUCTION OF BILL RELATING TO A MORATORIUM FOR DAMS ON THE MIDDLE SNAKE

Mr. JORDAN of Idaho. Mr. President, I introduce today, for appropriate reference, on behalf of myself and my distinguished colleague, Senator CHURCH of Idaho, a bill which will declare a moratorium on the granting of a license for any dam on the Middle Snake River between the Hells Canyon Dam and the site of the Asotin Dam. This would apply for a period of 10 years.

This will be consistent with the 10-year moratorium on the reconnaissance studies of water augmentation for the Southwest from sources outside the Colorado River Basin States as spelled out in the Colorado River development bill and for the 10-year study on the main

Salmon River which is now designated in the study section of the wild and scenic rivers bill. The Columbia River Basin States are a full generation behind the Colorado River Basin States in water resource planning. We expect to make good use of this 10-year period.

First. The Pacific Northwest River Basins Commission was created on March 6, 1967. Studies by this Commission are now going forward in cooperation with agencies of the States of Idaho, Oregon, Washington, Montana, and Wyoming.

Second. The constitution of Idaho was amended in 1964 to authorize a State water resource board. This was funded in 1967. This agency is now building an organization and has started its study and inventory of water and land resources of the State to determine the present and future water needs.

Third We need more facts which current studies will provide.

Mr. President, after having achieved a 10-year moratorium on the Colorado River Project Act in order to preserve our options provided by that moratorium it would be inconsistent and inexcusable to remain silent while dam builders argue over who will build a dam at Appoloosa or Mountain Sheep when the building of either project will foreclose the hard-won options we have thus far successfully defended. For these reasons Senator CHURCH and I intend to insure that Idaho's options in water resource development are kept open and not foreclosed by precipitate action in licensing by the FPC or authorization by the Congress for Federal construction of any dam in the Middle Snake Area.

Some pertinent facts which relate to this situation are—

First. High Mountain Sheep, Appoloosa, and Nez Perce are mutually exclusive, that is, the building of any one would preempt the building of the other two. Nez Perce is superior to the other two in every way because it is located below the confluence of the Salmon and Snake Rivers and will best use the water from both rivers behind a single dam. Consideration of the Nez Perce has yield with pressure to preserve anadromous fish runs.

Second. On January 20, 1958, the FPC denied an application by Pacific Northwest Power Co.—project No. 2173—to build dams at Mountain Sheep and Pleasant Valley. At that time the Commission said:

> Commission determines that applicant's project will not be best adapted to a comprehensive plan of development of the water resources of the region under Section 10(a) of the Federal Power Act after finding that the Nez Perce project would have more flood control benefits and greater power benefits than applicant's proposed project.

Third. The reasons for denying the applicant's application are even more valid now than they were in 1958. Since then preliminary studies disclose:

That the Snake River watersheds will not provide enough water to irrigate the great potential of land adjacent and economically feasible new irrigable lands.

That the best source of supplemental water is Idaho's own Salmon River.

That present salmon runs may already be doomed by the building of the 10 dams below the mouth of the Salmon River that are now either built, under construction, or authorized, or it may be that fisheries research may provide a means of passing fish over dams without the high losses that now occur.

That to achieve Idaho's ultimate reclamation potential both supplemental water supplies and low cost pumping power are essential. Both of these elements are available in the Salmon storage behind Nez Perce Dam with pumpback to project lands by low cost Nez Perce power.

That the building of Nez Perce would not only make possible the use of Salmon River water for upstream consumptive use in the Snake River Basin but would make available for the same purpose a minimum flow of 5,000 cubic feet per second now required by the FPC as a condition in the licensing of Idaho Power Co. at its three-dam complex upstream in the Middle Snake.

Mr. President, Idaho is now at the crossroads. The stakes are high. Within 10 years we must decide which direction to take, whether it be toward achieving our high reclamation potential by full development of the Middle Snake or to maintain an open river. We do not have to make this decision now. Nor do we wish to be forced into a decision by others who are motivated by the single purpose, power. Bear in mind, there are many sources of power including nuclear or fossil fuel generation but the one essential element in making the desert bloom is water.

In Idaho we have a double loyalty in our great love for our vast forests, mountain meadows, open ranges, lakes, and streams. We are determined to protect our great wildlife and recreation resources and we are equally determined to utilize the natural resources of these areas to help us grow and develop fully our industrial and agriculture potential. I believe that these objectives are not incompatible and I hope that Congress will assist us in reaching these objectives by granting a moratorium until our studies have been completed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 940) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

TEN-YEAR MORATORIUM FOR MIDDLE SNAKE

Mr. CHURCH. Mr. President, I am pleased to join my distinguished colleague, Senator JORDAN of Idaho, in sponsoring this bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a 10-year period.

The thrust of this legislation is to provide time for further appraisal of the Middle Snake in the context of changing time and need.

I am presently persuaded that the construction of a high hydroelectric dam in the Middle Snake would not contribute greatly to the development of Idaho. The power would be sold almost entirely outside the State to large urban centers. An alleged benefit to the fishery has yet to be proved, or even accepted by the best-informed sportsman groups. Federal appropriations for water development projects are limited, and I think it very important to arrange our priorities in such a way that multipurpose projects, which include irrigation, navigation, and flood-control benefits, as well as electric power, and which contribute most to the general growth of our economy, are built ahead of those projects which contribute the least.

Hells Canyon has a long history of conflict in the private versus public power field. I will not go into a detailed chronology, other than to point out that the public and private groups which separately and then jointly filed for licenses to construct dams in the canyon have now reached agreement with the Interior Department for a partnership for which congressional approval will be sought. The record, however, is replete with divided and opposing appraisals. Even now there are questions as to the location of the damsite. Meanwhile, there has been a growing movement against any dams in the canyon, and for establishment of this section of the Snake as a recreational river preserved in its natural state.

Mr. President, this is a magnificent stretch of the river, in a canyon deeper than the Grand Canyon of the Colorado. The Seven Devils peaks rise 8,000 feet above waters that often churn white between sheer rock walls. This is a wild and remote area where thousands of deer and elk graze in wintertime, and which is a natural habitat for cougar, bear, coyote, and other wildlife. Salmon, steelhead, bass, and the mighty sturgeon abound in the river. Migratory waterfowl, wild turkeys, golden eagles, partridges, grouse, and many other birds flock here. Domestic livestock also graze in the area.

Hells Canyon is internationally known to white water boatmen. Many visitors reach the canyon by jet boat from Lewiston, Idaho, or down steep trails from either the Idaho or Oregon side. There are many fine campsites along the river, some of them ancient Indian stopping places with archeological and anthropological importance.

There are, Mr. President, other important reasons for advocating a moratorium. We need more time to assess the possibility of preserving the salmon and steelhead runs. These contribute not only to a burgeoning recreation industry for transient sportsmen, but also to the pleasure of life in our States for many thousands of our citizens. Another 10 years should bring us vital answers that we can only guess at now.

Finally, there is the consideration which must be given to the likelihood that nuclear technology will continue to advance. Its pace in recent years has been such that a high hydroelectric dam, without the enhancement of other public benefits, might be rendered obsolete before it is even completed. When there are so many multipurpose projects that could be completed in the interim, it seems hardly sensible to rush to judgment on building a single purpose—or at

most, a dual purpose—dam in this critical stretch of the river.

I think it is also important to point out that there has not been full agreement in the executive branch on the desirability of a hydroelectric project in Hells Canyon. As recently as November 8, 1968, the Department of Agriculture recommended to the Federal Power Commission that it not now license a dam on this stretch of the Snake.

Mr. President, we are not prejudging the issue in seeking this moratorium. We ask only for sufficient time to make sure that this great resource is finally dedicated to its highest and best public use. As Senator JORDAN has pointed out, the Columbia Basin States are a full generation behind in resource planning, and we would expect to make good use of this 10-year period. We hope the Congress will approve the moratorium.

INTRODUCTION OF BILLS RELATING TO AMENDMENTS TO THE WAR CLAIMS ACT

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, two bills to amend the War Claims Act of 1948.

The first of these bills (S. 990) would benefit two classes of claimants who have not yet received recognition of their claims. These are, first, refugees from nazism and other tyrannies who became citizens of the United States after their property was seized; and, second, prisoners of war and internees who have personal injury claims. Both these groups of citizens suffered at the hands of our enemies and are entitled, in my judgment, to share in the war claims fund being distributed to these victims.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 990) to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. JAVITS. The second bill (S. 941) would create a preference for religious and nonprofit groups who suffered losses during the war. The Senator from Massachusetts (Mr. KENNEDY) is a cosponsor of this measure. Under present law, only small businesses have a preference, and the purpose of my proposal is simply to put these churches and welfare organizations on the same footing as private businesses in pressing their claims. Some of the groups which would be specifically affected are Yale-in-China, B'nai Brith, and numerous Catholic and Protestant groups.

When the original War Claims Act was passed in 1948, small businesses were given a priority in order to put them in a better position vis-a-vis big business, which had already received considerable tax benefits because of its losses. The problem of the nonprofit organization, however, was appparently neglected, and the purpose of this bill is to remedy the situation by creating equal priorities for small business and nonprofit groups.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 941) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations, introduced by Mr. JAVITS (for himself and Mr. KENNEDY), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 942—INTRODUCTION OF A BILL DEALING WITH SONIC BOOMS

Mr. JAVITS. Mr. President, on behalf of the Senator from New Jersey (Mr. CASE) I introduce, for appropriate reference, a bill to deal with the sonic booms that will be generated a few years hence by commercial supersonic transports.

My bill provides—

First. A 2-year, scientific study of all aspects of the sonic boom by the Federal Aviation Administration in conjunction with six Federal departments and agencies and the National Academy of Sciences. Interim and final reports would be made to the Congress.

Second. That during the period of study, all nonmilitary, overland flights which create sonic booms will be banned. The ban applies to the United States, its territories, and possessions. This prohibition would stand until Congress decides whether to permit overland flights of SST's and, if so, under what conditions.

The SST represents, in the jargon of the engineer, a quantum jump in technology. These planes will fly faster than the speed at which sound travels in the atmosphere, which is somewhere between 650 and 760 miles per hour, depending on the temperature at a particular altitude. They also will create sonic booms which will follow continuously in their track, be audible for miles on either side of the SST, and annoy or startle everyone within earshot.

The danger to the environment from sonic booms is not just theoretical. The Russians already are test flying their TU–144 SST. The French and British are to test their Concorde SST this year and may have it in commercial service within 2 to 3 years. The bigger, faster, and probably noisier, U.S. SST is presently undergoing redesign, but still may be only 5 to 6 years away from commercial duty.

With the commercial supersonic age so relatively near, it is urgent that proper safeguards for the public be written into the law before we are subjected to sonic bombardment. Effective safeguards do not presently exist and I include in this category the wholly inadequate sonic boom control legislation approved by Congress last year.

This law suffers from a debilitating defect—it was based upon inadequate knowledge of the sonic boom, its effects, and how it might be harnessed. For example, reducing the sonic boom apparently will be a difficult task in itself. In its 1968 progress report on "Sonic Boom Generation and Propagation," the National Academy of Sciences brushed aside claims that "any major breakthroughs" in minimizing the sonic boom were on the horizon.

Our knowledge in the area of human response to the boom is equally woeful. For example, what will be the cumulative effect on people of the five to 50 booms a day predicted by an Interior Department study if overland flights at supersonic speeds are permitted? No one knows. Similar questions could be asked about the impact of the boom on many other facets of life and the answer would be about the same: We are not really sure or we plain do not know.

But what we do know of the sonic boom is not at all reassuring. For example, in Oklahoma City about 27 percent of the people who underwent daily sonic bombardment as part of a limited test found the experience intolerable, even though the time of the booms was announced in advance. Sonic booms can and do cause physical damage, including damage to ancient geological formations. We also know that SST acceleration and maneuvering, as well as atmospheric conditions, can intensify the boom with uncertain consequences.

Obviously, before we can properly legislate in an area as complex as this, we must know far more about the phenomenon we are dealing with. The purpose of the study in my bill is to provide the knowledge that will make intelligent action possible.

Until we know the full effect of the sonic boom on man and his environment, the boom that will be generated by commercial SST's must be banned from our territorial areas.

While the FAA has authority to impose a ban on overland flights, it has not done so to date. Its inaction may be more understandable when it is recognized that the FAA also is chief developer of the U.S. SST project and its most enthusiastic promoter.

The FAA's official mission is to develop an "economic" plane—not one tolerable to the eardrums. In terms of protecting the public interest as it carries out its mission, the FAA's position is about like that of the fox that has been put in charge of the chicken coop. The chickens had best beware.

I have been glad to note that the new Secretary of Transportation recognizes the noise problem as well as the technological and economic questions associated with the SST and has asked for a crash study of the entire project. Nevertheless, the final determination on whether to permit overland flights by nonmilitary planes at supersonic speeds is one for Congress to make.

In the case of the SST we have a chance to assess a technological consequence before it engulfs us. We have here the opportunity to find out the price of "progress" before we are required to pay it. The Congress is the appropriate body to decide the basic policy which has such profound implications for our whole society.

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

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

The bill (S. 942) to amend the Federal Aviation Act of 1958 in order to provide for regulation of public exposure to sonic booms by certain aircraft over the United

States, introduced by Mr. JAVITS, for Mr. CASE and other Senators, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"REGULATION OF SONIC BOOMS

"(g) The Administrator shall (1) prohibit nonmilitary aircraft, singly or in any combination thereof, from being operated over the United States (including territories and possessions thereof) in such a way as to produce sonic booms, but such prohibition shall not apply to aircraft used in the investigation and study herein authorized; (2) conduct a full and complete investigation and study for the purpose of determining what exposures to sonic booms (amount and frequency) are detrimental to the health and welfare of any persons, and such investigation and study shall include (A) consultation with the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the President of the National Academy of Sciences, and (B) such research as may be necessary, which shall include, but not be limited to, the startle effect and physiological or psychological problems that result from sonic booms and the possible detrimental effects on preservation of natural beauty and historic shrines; (3) within one year from the date of enactment of this subsection make a report to the Congress on his findings as of that time, together with the written comments of the above-mentioned officials; and (4) no later than two years from the date of enactment of this subsection, report to Congress on the final results of his findings, together with the final written comments of such officials."

S. 943—INTRODUCTION OF BILL TO PROVIDE THAT OFFICE, INDUSTRIAL, OR HOUSEHOLD APPLIANCES AND EQUIPMENT BE CONSPICUOUSLY MARKED TO SHOW FOREIGN COUNTRY OF ORIGIN

Mr. JAVITS. Mr. President, on behalf of Mr. CASE, who is necessarily absent, I introduce the following bill to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes.

Immediately following the text of the bill, I ask that there be printed in the RECORD a memorandum prepared by Abe Morganstern, director of research for the International Union of Electrical, Radio, and Machine Workers, to IUE president, Paul Jennings.

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

The bill (S. 943) to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes, introduced by Mr. JAVITS (for Mr. CASE), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth-in-Import Labeling Act".

SEC. 2. (a) No person may import into the United States any office, industrial or household appliances or equipment manufactured, produced, or assembled primarily outside the United States unless a label is permanently attached to such appliance or equipment at a place which is conspicuous at all times.

(b) The label shall indicate in clearly distinguishable letters of the English language the name of the manufacturer, producer, or assembler and the foreign country in which such appliance or equipment was manufactured, produced, or assembled. The letters indicating such foreign country shall be at least one-half the height and width of the name of the make of the appliance or equipment, but not less than one-fourth inch in height.

(c) The label shall be made of metal, except that if the Federal Trade Commission determines that metal is inappropriate, it shall prescribe the material of which the label shall be made.

SEC. 3. A violation of any of the provisions of this Act, or any regulations issued pursuant to this Act, shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement under section 5(b) of the Federal Trade Commission Act.

SEC. 4. The Federal Trade Commission is authorized to promulgate rules and regulations to carry out the provisions of this Act.

The memorandum presented by Mr. JAVITS is as follows:

DATA IN SUPPORT OF TRUTH-IN-IMPORT LABELING BILL

(Memorandum to Paul Jennings, President, International Union of Electrical, Radio, and Machine Workers, from Abe Morganstern. Director of Research, February 5, 1969)

1. *Purpose and Intent:* The "Truth in Import Labeling" bill is a necessary and logical extension of the Truth in Labeling Act, designed to protect the American consumer against false and misleading product labeling. The purpose of the "Truth In Import Labeling" bill is to provide the consumer with significant and vital identifying information as to where, by and for whom products imported and sold in the U.S. are manufactured.

There has been a tremendous upsurge in recent years in the quantity of electrical, electronic and manual applicances and machines imported from abroad and marketed in this country under U.S. brandnames. Hundreds of familiar product lines which were once domestically produced are now wholly foreign-made, and yet they are still sold under the domestic label.

The American consumer has come to associate the quality of a product with its label. The consumer may well expect the television set or other appliance he purchases bearing the trade name of Westinghouse, Motorola, etc., to have been manufactured in the U.S., when in fact the product may have been entirely produced by a European, Japanese or other Far East company.

Current labeling practices are aimed at influencing the buying public by providing incomplete, misleading and inaccurate information regarding where a wide variety of imported, domestically-labeled products have been manufactured, and by whom. We believe consumers should know when a domestic manufacturer is no more than a distributor of products, once, but no longer, produced in his domestic plants, while still identified by his brand name. Since vast sums are invested in advertising to influence the consumer, it is only reasonable to insist he be given all the relevant facts. And one of the more relevant facts consumers need to know in order to make intelligent purchase decisions is by whom and where the product has been made.

2. *Extent of False, Inadequate, Misleading Labeling:* Industry statistics refer to two types of imports for given products, total imports and imports under a U.S. brand. In an increasing number of vitally important consumer product lines, U.S.-brand as well as non U.S.-brand imports have been showing a phenomenal rise, while U.S. production of the same products have declined.

The vast majority of radios sold in the U.S. are imports. While domestic production of home radios declined by one-fourth (1¼ million sets) for the period January-September, 1968 as against January–September, 1967, total imports rose by almost 3.2 million sets (to about 20 million sets) during the comparable period. Imports of U.S. brand now equal, and will soon exceed, domestic production. In the first nine months of 1968, 4,150,761 U.S. brand radios were imported from abroad, a 1.1 million increase from the same period in 1967.

For each tape recorder produced in the U.S., over 8 are imported, and as many imports carry a U.S. brand as are produced in this country. While cartridge and cassette recorders make this industry one of the more promising consumer industries in terms of sales, domestic production has declined by nearly 25 percent. Plans of American corporations indicate practically all domestically labeled tape recorders will be produced abroad within the next two or three years.

Imports of U.S. brand phonographs have almost doubled within the past year, while imports of non U.S. brands have declined about 15 percent. Domestically produced units have also registered a decline. Plans of American corporations suggest that most American phono production is shortly to be transferred to plants overseas.

Imports of U.S.-brand TV sets have risen nearly 37 perecnt in the past year, while total imports of TV sets rose nearly 60 percent. In 1968, 2 million sets were imported in the U.S. But imports are certain to accelerate further. Major corporations like Westinghouse, Ford-Philco, Admiral, Sylvania and others are transferring production of color as well as monochrome TV sets to their own plants in other countries or to plants of foreign companies.

These are only a few of the product lines in which domestic production is threatened, and where American manufacturers are more and more becoming distributors of products made by other firms, or by their own foreign affiliates.

It should be noted that domestic-brand import statistics do not include complete units made abroad for distributors like Sears, J. C. Penney, AMC, etc.

3. *A Few specific Examples of Shifts in Production to Foreign Companies and to Foreign Plants of American Corporations—*

Practically all Emerson-labeled radios, hi-fi's and tape recorders, once made by Emerson, are now made by firms located in Japan and Hong Kong. Emerson built its name as one of the outstanding American producers of home radios.

Mitsubishi, Japan, produces all Emerson-labeled 7 and 11 inch portable black and white TV sets. Hitachi, Ltd. and C. Itohn, Japan, now produce all Emerson-labeled 15 and 18 inch color TV sets.

In three years, there was a decline of 450 jobs, or over 25 percent, in Emerson's Jersey City plant.

Westinghouse is closing out all remaining TV production in its Edison, New Jersey, plant. Sets are to be made in Japan by one

or more of the following companies: Hitachi, Hayakawa, Matushita, Toshiba, Nippon Electric, Sango. They are also to be made in the Westinghouse Branford, Ontario plant.

All Westinghouse-labeled tape recorders are to be made by Nippon Electric and Jaeco.

Westinghouse-labeled radios are made in Japan and Hong Kong. In 1969, the company expects to import 680,000 of its domestic-labeled radios, about 70 percent, for sale in the U.S.

In two years, the job loss in Edison, New Jersey, was over 2,000. Layoffs are continuing. Total job loss may approach 2,800.

Singer Corporation, Elizabethport, New Jersey, produces most of its household sewing machines for sale in this country in its Scotland and West German plants. Singer is the only remaining producer of household sewing machines in the U.S., using only part of its Elizabethport plant for such production. It is the largest importer and distributor of household sewing machines made abroad. Its labeling and selling techniques fail to identify clearly where the products are made. It sells through its retail outlets to consumers who are led to believe the Singer machine is a domestically made product.

At one time, there were 10,000 production workers in the Elizabethport plant. Current employment is slightly over 2,000.

Singer's Friden Division last year concluded an agreement with Hitachi for the production by Hitachi of Friden-labeled electronic desktop calculators. The electronic calculators are made to Friden's designs and specifications. Friden sells both domestically and abroad.

Burroughs Corporation has an agreement with Hayakawa Electric Company for production by Hayakawa under Burroughs-brand of electronic calculators to be sold in the U.S.

Television Manufacturers of America, Co. (formerly Muntz TV), Wheeling, Illinois, now imports radios and stereos from Japan. The plant's production lines have been cut back more than 50 percent.

Philco-Ford recently imported 15,000 Console TV sets made in Japan under its own label. If the sets sell, plans are to import wholly foreign-made Philco-labeled sets in much larger quantities for sale here.

Norelco distributes cassette recorders made in Netherlands and Austria by its parent company, Philips of Netherlands. The cassettes bear the Norelco label.

Ampex, Bell & Howell, Mercury & Wollensak also distribute under their own label Philips cassette recorders made in Austria and the Netherlands.

Sylvania has begun importing under the Sylvania label black and white TV sets made by its parent company in a G.T.E. plant in Hong Kong. The initial shipment in November, 1968 was small, but it has been described as "its first commercial-sized TV import from Hong Kong." Any sizable increase in shipments would further affect adversely employment in Sylvania's plant in Batavia, New York, which has already suffered a loss of 400 jobs in the past two years.

General Electric has, according to a report by its president at an "Information Meeting for General Electric Share Owners 1968," established manufacturing operations in Ireland and Hong Kong to produce radios and, presumably, other consumer electronic products. General Electric will also this year begin importing under its own label small-size TV sets made for it by a Japanese firm.

Admiral Corporation, according to an article in the December 9, 1968 issue of *Television Digest*, is importing TV sets in large quantities made in its consumer electronics and TV plant in Taiwan. The same article mentions Philco-Ford as an importer of U.S. brand TV sets made in Philco's Taiwan plant. Total TV output in Taiwan in 1968 is estimated at 300,000, compared with 31,000 in 1964.

4. *The Accelerating Trend in Transfer of Production to Non-American Plants of U.S. Corporations:* There has been a wholesale transfer of manufacturing operations to American facilities in foreign lands. Such transfer includes the manufacture of complete units and chassis, major manufacturing and assembly operations abroad with minor final assembly in the U.S., and the manufacture of components to be assembled in domestic plants. It appears the Commerce Department is enthusiastically developing plans for further accelerating the transfer of U.S. production out of this country. An article in the February 3, 1969 issue of *Television Digest* states:

"Asian electronics industry study, intended to help U.S. manufacturers find Far East locations, is being considered by Commerce Department. Study was recommended by U.S. Tokyo Embassy staff report which said rising Japanese labor costs may open Asian market for electronics produced by U.S. subsidiary operations there. Cited as potential plant locations were Korea, Taiwan and Philippines. Business & Defense Services Administration's Communications & Electronics Div. . . . is inviting manufacturers to express interest in the study, submit informational requirements."

While not precisely within the purview of the "Truth-In-Import Labeling" Act as now conceived, recent production shifts of major components and all-but-completed units to American operated plants in Mexico is causing growing alarm to affected American workers. To cite an example:

Electronica de Baja, California, a subsidiary of Warwick Electronics, Chicago, currently produces 6800 Silvertone-labeled portable TV sets a month, shipped back to the U.S. for minor finish-up assembly. The sets are sold by Sears. Production goal within one year is 1500 sets daily. Workers in Mexico receive 5 pesos a day above Mexico's minimum wage. The Warwick plant in Zion, Illinois lost 1200 jobs in two years, dropping from 2,000 down to 800.

Other major corporations recently shifting production, or with plans for shifting production, include General Electric, Ford-Philco and RCA.

Cited below are a number of new American owned and operated plants built, or shortly to be built, in the Far East:

Admiral Corporation, a consumer electronics and TV plant in Taiwan.

Ampex is building a plant in Taiwan for the production of cassette and reel-to-reel tape recorders. Ampex in a joint venture with Tokyo Shibaura Electric has a new manufacturing operation in Hong Kong.

RCA is expected to build a new consumer products plant in Taiwan.

Motorola will build a plant in Taiwan this year to produce subassemblies for export to the U.S.

A number of years ago, production of most Remington typewriters were transferred to the company's European plants. A layoff of some thousands of workers in Sperry-Rand's upstate New York plants resulted.

Production may be transferred in another way, too. For example, Litton Industries acquired Royal-McBee. Two years ago, it acquired Imperial Typewriters in Great Britain. A few months ago, it acquired Triumph and Adlerwerke in West Germany. The Royal Deluxe Model 660 became Imperial 660, precisely the same machine. We do not know to what extent Royal Deluxe 660 exports have been affected, but Royal markets have been assigned to Imperial. We have no way of predicting the effect on exports or imports which will result from the acquisition of Triumph and Adlewerke. But the problems raised by acquisitions (licensing as well) needs further, detailed investigation.

The electronic data procesing and computing machines industry shows the same trend: mergers, acquisitions, transfers of know-how and production abroad. The export of parts to foreign affiliates of U.S. corporations for assembly abroad is effectively cutting down on our exports of completed machines. Within a few years, these foreign plants may be producing their own parts.

5. *Impact on Balance of Trade:* The U.S. trade surplus—excess of exports over imports—in 1968 was reported by the Council of Economic Advisers as $400 million, compared with a surplus of $3.5 billion in 1967. If exports paid for by the U.S. for shipment to other countries are excluded, we had no surplus but a substantial trade deficit. The effect on our balance of payments position is obvious. In years past, the American trade surplus helped reduce our overall payments deficits by billions of dollars. America's share of world export markets have, at the same time, been steadily declining. Restrictions, in addition to tarriffs, have been imposed on a wide variety of electrical, electronic and similar products by other nations determined to protect their domestic producers. Our markets are restricted by a wide variety of such practices. The rapid increase in imports by America firms has greatly contributed, and will further contribute, to our balance of trade problems. The electronics industry, among others once showing a positive trade balance, has shown a sharp and alarming decline. It can no longer effectively contribute to any needed U.S. trade surplus.

6. *Impact on Employment:* The U.S. Labor Department reports a decline of 50,000 jobs in the Radio & TV Receiving Sets and Electronic Components industries between 1966 and 1968. Production worker employment in the Radio and TV industry dropped from an average 135,000 in 1966 to 110,000 in 1968; in Components, from 287,000 to 262,000 during the same period.

The threat of job declines and the certainty of a substantial increase in the labor force within the next few years is an ominous combination. A declining share of the domestic sales market means that minority group job candidates may be denied employment opportunity. Moreover, major growth industries like computing machines will not match sales growth with commensurate employment growth. The visible trend is toward employment declines in growth industries like color TV, tape recorders, stereo and hi-fi's, with marginal employment increases in high growth industries like computing machines—at a time when a vast number of jobs needs to be created.

In summary, we support the "Truth-In-Import Labeling" bill because we believe the American consumer should know, as a basic and relevant element in any purchase decision, where, for whom, and by whom a product has been made. We further believe the American buying public should know all the relevant economic facts at a time when large, multinational corporations have the means and mobility to transfer production, capital and know-how to their own foreign facilities, becoming distributors of products formerly manufactured in domestic plants.

In supporting this bill, we also recognize the difficult problems and broad implications associated with imports. The I.U.E. is carefully studying the problems and implications in all their manifold aspects. In doing so, we intend to pursue all positive approaches and reserve to ourselves the right to hold open all positive options. We intend, on the other-hand, to avoid narrow, simplistic positions.

(NOTE.—Data included in this memo are based on:

(1. Statistics and reports of the Electronic Industries Association. Import figures, including imports of domestic-brand items, are from E.I.A.

(2. Reports of TV Digest and Electronic News on company operations abroad.

(3. U.S. Department of Commerce for total trade figures.

(4. U.S. Department of Labor for employment statistics.

(5. Information on product shifts and plant layoffs from local union sources.)

S. 944—INTRODUCTION OF BILL RELATING TO SOUTHWEST IDAHO WATER DEVELOPMENT PROJECT

Mr. CHURCH. Mr. President, I introduced, on behalf of myself and my colleague, Mr. JORDAN of Idaho, a bill to authorize the Secretary of the Interior to construct and operate the southwest Idaho water development project.

The bill is similar to one which Senator JORDAN and I introduced in the 90th Congress, and upon which hearings were conducted by the Senate Interior and Insular Affairs Committee. Further action was delayed because of certain problems concerning the proposal. These have been resolved in the new bill which we introduce today.

Mr. President, there is no doubt but what this is one of the finest potential multipurpose projects to be developed in the Far West. The vast and fertile plains along the Snake River in the southwestern section of Idaho would be linked not only to the waters of that river, but also to a network of cold, clear streams that rush down from the nearby mountains—a topographic relationship which provides a uniquely advantageous arrangement for storage, power production, reregulation, reclamation, municipal and industrial water, flood control, improved water quality, fish and wildlife enhancement and recreation.

The project, when complete, would put almost 500,000 kilowatts of new hydro electric power on the line. Nearly 500,000 acres of vacant desert land would be open for cultivation. More than 60,000 acres would receive supplemental water. Growing cities and towns in the area would be afforded new industrial and domestic water supplies. New mountain reservoirs would provide a variety of water recreation.

This project has wide-based support in Idaho. The Idaho Water Resource Board, the State's principal water policy agency; the Idaho Legislature, public and private organizations and numerous state leaders have enthusiastically endorsed the proposal.

Numerous sources will repay the costs of construction. Irrigators will be charged a substantial share of the overall costs, but a part will be charged to recreational benefits. A major portion of the costs would be covered by a project basin account against Federal power-producing sources. Idaho water provides a sizable share of the flow energizing the Columbia River Federal power system so it is both just and necessary that a subshare of the overall cost be repaid through surplus power revenues of the Bonneville Power Administration.

Senator JORDAN and I have worked closely in drafting this proposed legislation, and we have worked closely with all of the interested parties in Idaho over the past few years. I understand our Congressmen from Idaho are introducing a similar bill. Indeed, it was a former Idaho Congressman—Compton I. White, who originally suggested that several piecemeal projects long considered be drawn together under one comprehensive plan for this development.

Mr. President, we urge the authorization of the southwest Idaho water development project, one of the most comprehensive and well-developed plans that has ever been presented for the multiple-purpose utilization of a great natural resource.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 944) to authorize the Secretary of the Interior to construct, operate, and maintain the southwest Idaho water development project, and for other purposes, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I ask unanimous consent that my colleague, Mr. JORDAN, who also has great interest in this matter, may be recognized at this time for his comments.

The VICE PRESIDENT. The Senator from Idaho (Mr. JORDAN) is recognized.

Mr. JORDAN of Idaho. Mr. President, the comprehensive water and land development program for southwest Idaho which Senator CHURCH and I are sponsoring will provide tremendous benefits, not only for our State and for the Northwest but for our Nation.

The stewardship of the wise and balanced uses of our land and water resource is a responsibility we must face realistically if we are to provide opportunities for our future citizens. It is not compatible with proper stewardship to allow precious water from our western watersheds to flood our cities, farms and highways in high water yield years, when, through proper river development we may conserve this water to irrigate crops on thirsty acres.

Irrigated farms provide the base for the economy of our rural towns and cities. Through the construction of a series of dams and tunnels this project will provide flood control and irrigation water. It will improve the conservation and development of fish and wildlife resources, and provide other recreation such as swimming, boating and water skiing. Other benefits include needed electrical power generation as well as municipal and industrial water supply and water quality enhancement.

This is truly a multipurpose project with substantial benefits to the local and State economy and to the Nation as well.

There are also many intangible benefits to such a program in satisfying human needs and desires. Other secondary benefits which are not tangible and difficult to measure include the manpower and materials which will be needed to construct new homes and farm buildings, to provide expanding markets for farm machinery and equipment, to provide increased transportation of goods which are produced, processed, and shipped from the area. It will enhance the tax base on property and income. To some extent these benefits will accrue to other parts of our country. These all must be taken into account.

This project will help solve the problems of the cities by reversing the trend of migration of farmers, ranchers, and rural town dwellers to our already overcrowded cities. We will be contributing to the solutions of our overcrowded city and slum area problems. If we can offer incentives both in environmental factors and increase the income of our farmers, ranchers, and rural workers we may be able to again attract people from the cities to the rural areas. This will help reverse the present trend causing urban congestion, the prime factor in urban problems today.

This particular multipurpose plan will bring approximately one-half million acres into productive use which are now in practically nonuse, covered with sagebrush. It will furnish supplemental water for about 50,000 acres. Power produced from the project is readily marketable in the area. All power costs and all irrigation costs are to be fully repaid. From a dollar and cents standpoint this project will prove to be an investment which will be more than repaid.

According to studies made by the Bureau of Reclamation in the Department of the Interior this proposed project will not unduly interfere with private development on which water may be pumped from the Snake River to irrigate lands which are now being applied for under the Desert Land Act. Federal multipurpose projects such as this supplement the reclamation efforts of the private sector, which is substantial. Private efforts in Idaho have already brought under cultivation fully one-half of the more than 3 million acres now being irrigated in the southern part of the State and continues at the rate of about 50,000 newly irrigated acres per year.

This project involves the use and sometimes the transfer of water in four river basins—some of the studies in the overall plan are yet to be completed. In the bill we are asking that those areas which now have a complete feasibility report be authorized and that studies be accelerated on the other areas which are now under feasibility studies so that this may be a package program which will utilize the water from the Weiser, Payette, Boise and Snake Rivers.

In the United States we are presently concerned with a surplus of certain agricultural crops. This bill contains safeguards for the short run against production which will contribute to commodify surpluses. I am convinced that surplus food problems are more or less temporary. With over a billion people having been born since 1940, I believe our present problem with surpluses is a concern over how to get through a transition period. It requires years to bring a project such as this into production and if we do find that we are facing worldwide shortages of food we cannot expect to have a crash program which will alleviate that situation. We must start now for future authorizations of projects such as the southwest Idaho water development that will help avert a food crisis, which is likely to occur within the next quarter of a century.

Mr. President, I feel that the time to move ahead on this integrated southwest Idaho water development program is now. I believe this bill provides for orderly progress. Idaho is united in support of this project; all members of the Idaho congressional delegation support it; the Honorable Don Samuelson, Governor of Idaho, is giving it his full sup-

port; both houses of the Idaho Legislature have memorialized the Congress in favor of this development. The Idaho Water Resource Board which is the official organization of our State in determining priorities of water and land resources supports it. I hope the Congress will look with favor on the project so that we may have it authorized without undue delay.

S. 947—INTRODUCTION OF BILL RELATING TO EXPANSION OF INTERSTATE HIGHWAY SYSTEM

Mr. GORE. Mr. President, the Federal-Aid Highway Act of 1956 launched the largest single public works program in the Nation's history. In addition to accelerating construction and improvement of our primary and secondary Federal-aid highways systems, the act authorized the construction of a 41,000-mile network of National Interstate and Defense Highways.

Construction of the Interstate System, despite problems and delays, has proceeded reasonably according to plan. Approximately 27,000 miles are now open to traffic. Another 6,000 miles are under construction and the remaining mileage is in the preconstruction planning stage. On the basis of present construction schedules the 41,000 miles that were designated when the system was authorized for construction in 1956 will be completed by the end of fiscal 1974.

As additional segments are opened to traffic, the value of the system becomes ever more apparent. So does the need for enlarging and expanding the system to take care of the steadily mounting volume of traffic. In terms of vehicle mileage, highway traffic is increasing at the rate of 4.5 percent per year and there are no signs that the rate of increase will decline in the foreseeable future.

In order for the Interstate System to serve the Nation's needs many additional segments should be added. As an indication of the magnitude of the need, highway officials of Tennessee have formally requested the following additional designations:

Riverfront-Northwest Expressway, in Memphis, 8.9 miles.

Central Freeway, in Chattanooga, 8.6 miles.

From I–155 near Dyersburg to I–124 near Clarksville, 125 miles.

From I–155 near Dyersburg to I–40 near Jackson, 40 miles.

The Tennessee portion of a new segment connecting Memphis and Birmingham, 9 miles.

The Knoxville Belt, in Knoxville, 10 miles.

A segment leading north from Memphis to connect with turnpike facilities at Fulton, Ky., 114 miles.

In addition to these requests for designation that have formally been submitted by the State of Tennessee a limited access divided highway is needed to connect Chattanooga and Memphis. Other needs, too, are becoming apparent, including the widening and the addition of traffic lanes on existing interstate highways in and near metropolitan areas.

Segments such as the foregoing are needed to serve the present and future traffic needs of Tennessee and every other State. Requirements for still further additions, though they may now appear less urgent, will undoubtedly soon develop.

Several years are needed properly to designate, plan, and construct a highway to interstate standards. If expansion of the system is to proceed without interruption, additional mileage should be authorized without delay so that additional segments will be ready for construction as the presently designated system nears completion.

Last year the Congress authorized an additional 1,500 miles of interstate mileage to permit the designation of a few additional segments. But a much larger increase is needed. Accordingly, I am introducing today a bill to authorize the designation and construction of an additional 25,000 miles of highway as a part of the Interstate System.

As authorized in the 1956 act, the Interstate System was to be designed to standards adequate for the volume of traffic anticipated during the succeeding 20 years. Later this provision was amended to require that each segment be designed to standards adequate for the traffic anticipated in the 20-year period following approval of plans and specifications for that particular segment.

By and large, our highway planners have done a good job. Already however, there are many instances in which the traffic load has far surpassed the capacity for which the highway was designed. Even though the system is not yet completed, many segments which have already been opened to traffic, particularly portions thereof adjacent to metropolitan areas, require upgrading by the construction of additional traffic lanes. An interstate highway subjected to traffic volume beyond its design capacity is perhaps even more dangerous than a nonlimited access highway where traffic moves at slower speeds.

As things now stand there is a substantial question as to whether interstate funds can be used to upgrade a segment of interstate highway already completed, at least until after the entire system has been constructed. If serious traffic bottlenecks are to be avoided or corrected the process of upgrading where needed should begin now. The bill which I am introducing authorizes the apportionment of additional funds, in the amount of $500 million per year, for the specific purpose of upgrading segments where the need is apparent. Such authorization is necessary to insure that we realize the maximum potential benefit from the tremendous investment already made.

Authorship of the Interstate Highway Acts of 1956 and 1958, known as the Gore-Fallon bills, is a source of pride, but the needs have grown. I urge another major surge in highway improvement.

Mr. President, I am introducing a bill to bring about expansion of the Interstate Highway System, which I send to the desk and ask that it be appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 947) to authorize additional mileage for the National System of Interstate and Defense Highways and a program to upgrade such system, to authorize appropriations for such purposes, and for other purposes, introduced by Mr. GORE, was received, read twice by its title and referred to the Committee on Public Works.

S. 950—INTRODUCTION OF A COMPENDIUM OF PRESCRIPTION DRUGS

Mr. NELSON. Mr. President, I am introducing a bill today, for appropriate reference, which is designed to help protect the health and pocketbooks of the American public.

This bill, first introduced in the 90th Congress, would provide for the publication of a single source of information on drugs which the doctor prescribes for his patients.

If there is a single glaring issue which has emerged from the 20 months of study of the competitive problems in the drug industry by the Senate Monopoly Subcommittee, it is the fact that there is a vast proliferation of publications which contain prescribing information. Yet there is no single authoritative source now published to which a doctor can turn containing the essential information on all drugs manufactured and used for America's health care.

It is a fact that there are many good sources of information on drugs. Some contain information published by the American Medical Association, in one form or another, on the latest drugs.

Another, the "Medical Letter," has a distinguished board of reviewers which reviews drugs. Even prices are reviewed. Yet the publication is limited, and only about 35,000 of the Nation's 250,000 doctors subscribe to it. It does excellent work for as far as it goes.

The "Physicians Desk Reference" seems to be the most widely used volume, but its shortcomings are apparent when one examines it closely. It is a superficial publication of advertisements, paid for by the bigger brand name companies whose drugs are listed under several categories.

The cost of the advertisements was around $115 per column inch last year, and this helps to preclude many good, but small companies from entering into nationwide competition.

The fact is that there is a definite need to investigate the possibilities connected with publishing a true compendium—a blue book of drug information. This bill, I hope, will promulgate a study dealing directly and mainly with the need for this source.

Published by an independent group in conjunction with governmental, industrial, and scientific organizations, it could be most useful.

It should be an intensive, all-inclusive volume. It should list all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information. It would include brand names, suppliers, and a price information supplement, all of which would be periodically updated to provide for continuity and information on new drugs, new information, new evidence of side effects or misprescribing. It could show who provided the research,

who developed the drug, and who obtained the first patent.

Free distribution would be provided to physicians, hospitals, pharmacists, and others who need this kind of important information.

Over the course of the drug industry study I have been involved in as chairman of the Small Business Subcommittee on Monopoly, many peculiar aspects of the industry have floated to the surface. Unique to the drug industry is its pricing policies and profit structure. We are still looking into this aspect.

But it has become apparent that few doctors truly have an accurate concept of the astonishingly wide range of drug prices to be found for the same drug under the multiplicity of different brand names.

Let me cite an example or two.

The "Medical Letter" of June 2, 1967, published the results of a conclusive study. I do not believe anyone who has ever appeared before the Monopoly Subcommittee has argued that the letter is not a highly authoritative, distinguished, and unbiased drug journal.

The authors of the letter's article said that 22 brands of prednisone, a drug used to treat arthritis, had been studied and had been found to be therapeutically effective.

Of the 22 brands studied, prices varied from a high of $17.90 per 100 tablets to a low of 59 cents per 100 tablets—price to the pharmacist.

The drugs were manufactured by major and small companies.

One large company sold the drug for $17.90, several good, large companies had prices in the vicinity of $2.20, and several smaller generic houses priced their prednisone in the 59 cents to $1 range.

Yet, the company with the $17.90 price controlled the market for an inordinate length of time. Why? Because they were the first company in the marketplace with the drug and had been able to successfully keep their name before the prescribing doctor to the exclusion of the other companies' products.

Another important drug called reserpine again illustrates the wide array of prices for a single drug.

Used as an important treatment for hypertension, reserpine can be sold under many different names. Under one popular brand name, Serpasil, it is sold to the American pharmacist for $39.50 per 1,000 0.25-milligram tablets. At the same time the same company sells the drug in various countries to druggists for prices between $10 and $11 per 1,000 tablets.

However, this same company offered to sell Serpasil to the Defense Supply Agency, the buying agency for the Armed Forces, for $3.95. However, its bid was beaten by another company which was able to sell it for 89 cents. Nevertheless, the manufacturer of Serpasil offered the drug to New York City for $1.10 where it was again beaten by another good, but small company at 72 cents per 1,000 tablets.

The New York Times on November 19, 1968, reported that the State of New York would make a spectacular saving of 95 percent on reserpine by buying the drug under its generic name. Instead of spending $57,967 for the drug, as it did in 1967, it would save about $55,000, spending less than $3,000 for the same amount of the drug.

This only serves to illustrate that if the full facts can be made known to the buying public and the prescribing doctor, substantial savings could be effected. Certainly this is one reason to investigate the merits of a compendium of drug information so that a more intelligent approach can be made to circulating this necessary information on drugs.

Each company which manufactures a prescription drug is now compelled by law to include a sheet of information about the drug in each container it ships. This package insert rarely finds its way to the doctor. Usually it is discarded by the pharmacist.

Even if the package stuffer did get to the doctor, few of the Nation's living doctors would have time to digest all of its contents, and, of course, no price information is included in it.

Yet, this is the only source of unbiased information available to the doctor.

Dr. Walter Modell, an eminent pharmacologist from Cornell University Medical College, stated in an editorial in "Clinical Pharmacology and Therapeutics" that he felt that the stuffer served no useful purpose. In fact, he seems to feel that their only useful purpose is to stuff the drug container since the doctor rarely has an opportunity to receive one or to use it.

This insert now costs the industry about $6 million per year. Estimates by former Commissioner James Goddard of the Food and Drug Administration were that replacement of the insert by a compendium would cost the industry about the same amount of money.

I have posed the question of a compendium to the 136 members of the Pharmaceutical Manufacturers Association. These companies manufacture 95 percent of the prescription drugs consumed in this country.

Many of the responses received were very constructive and embraced the idea, making suggestions on how best to approach the concept. Several of these letters appear at the end of these remarks.

President Johnson endorsed the proposal in his March 4, 1968, health message to Congress:

> The wide array of medication available to the American patient is a tribute to modern science.
>
> But the very abundance of drugs creates problems.
>
> In our society, we normally demand that the consumer be given sufficient information to make a choice between products. But when the consumer is a patient, he must rely exclusively on his doctor's choice of the drug that can best treat his condition.
>
> Yet the doctor is not always in a position to make a fully informed judgment. He has no complete, readily available source of information about the thousands of drugs available.
>
> He must nonetheless make a decision affecting the health, and perhaps the life, of his patient.
>
> To make sure that doctors have accurate, reliable and complete information on the drugs which are available, I recommend that the Congress authorize this year publication of a United States Compendium of Drugs.
>
> This Copendium would be prepared by the Secretary of Health, Education, and Welfare, in cooperation with pharmaceutical manufacturers, who would bear the cost of its publication, and with physicians and pharmacists.
>
> It will give every doctor, pharmacy, hospital, and other health care institution complete and accurate information about prescription drugs—use and dosage, warnings, manufacturers, generic and brand names, and facts about their safety and effectiveness.

The Special Assistant to the President for Consumer Affairs, Betty Furness, wrote to me that this would be a significant step forward.

On December 29, 1968, a report to President Johnson from the Cabinet Committee on Price Stability examined the spiraling costs of medical care. The committee report said that several areas offered "substantial opportunity for reducing medical care costs" and said that the "high price of some drugs" could be lowered by "improving the effectiveness of competition and by increasing the amount of information available to physicians and consumers concerning the quality and price of drugs."

A number of distinguished doctors have either testified or written to me favoring some kind of a compendium. These include Dr. Joshua Lederberg, Washington Post columnist, distinguished geneticist and Nobel prize winner, who gave the proposal his "highest possible endorsement."

The presidents of two major drug companies, Parke, Davis and E. R. Squibb testified in favor of a compendium, and their colloquies before the committee appear at the end of these remarks.

And, of course, Dr. Goddard gave the proposal his unqualified support from the very inception.

The new Commissioner of FDA, Dr. Herbert Ley, was quoted in the October 14 issue of the AMA News as favoring a compendium:

> There is need for one all inclusive compendium containing single entity and combination products and all drugs shipped in interstate commerce that will be available to all physicians, dentists, pharmacists and institutions without charge. It should not be the sole source of information. A comparative approach also is needed. In this field, first we need an excellent textbook on pharmacology, an evaluation and comparison of new drugs that would not be a federal responsibility, and a compendium with a text by the FDA. One question under study is who will pay the bill.

The National Academy of Sciences-National Research Council has been studying the problem for some time. At a meeting of the Drug Research Board, an operating division within the National Research Council's Division of Medical Sciences, on October 21, 1964, passed a resolution that "it adopt in principle the concept of preparing a compendium of information which is now contained in package inserts and of distributing the compendium widely on a complimentary basis in the expectation that the compendium would ultimately supersede the package insert as a means of information on prescription drugs."

In the last several months several doctors have testified before the Monopoly

Committee and, among other things, favored a compendium.

I asked Dr. William B. Bean, professor of medicine at the University of Iowa College of Medicine, if he had given any thought to the "idea of a national compendium."

Dr. Bean stated:

As you know, there exist certain books brought out or brought up to date every year. There are two or three books on therapy which are private. They are printed as private ventures by publishing houses quite independent of anything but the usual hope for sales that will take care of them, current therapy being just an example of, a sort of a sampling of how different people treat different conditions.

I would agree that it would be eminently desirable if this could be kept in actual fact current, and if it were brought out I think an annual that was fairly well up to date that could somehow get over the inertia built into any publishing and distributing venture, no matter whether it is something like the National Library of Medicine's current index, which may be anywhere from three to ten months behind in actual appearing when you get it in terms of what is the most recent journal that you refer to.

This, it seems to me, if a forum or panel or group could make this across the board, so that all available drugs were catalogued in an up-to-date manner in the way you describe, this would be quite advantageous. I have not thought under whose auspices this should be done or how it might be supported financially, but again I think it might be supported as some of these things like the Drug Index and the Desk References that are produced by the various manufacturers of drugs to identify their product, to tell the indications, the doses, the forms in which the medicine is available, the methods, whether it needs to be injected and if so how, or can be taken by mouth and so on.

All of these things I think would be much better than the way things are now, if an annual or even more frequently updated document could be made available to all practicing physicians and could be used in teaching, could be used in residents in training, could be used particularly by the doctor in practice, who is writing most of the prescriptions today.

At this point I suggested that Dr. Goddard and others of the FDA had testified that it would be important to send out inserts on a quarterly basis or at least several times a year in order that the compendium would be kept current. Dr. Bean answered:

Some loose leaf format or something else would be desirable, I suppose or essential.

Dr. Franz J. Ingelfinger, editor of the New England Journal of Medicine, testified as follows:

(The physician) must be even more aware than he is that drug advertisements, or the statements of detail men, like any other advertisement, represent the prejudiced statements of an interested party advocating the virtues of a product in the best terms possible . . .

Basically, I would favor a compendium listing, describing and evaluating all drugs that a patient may purchase. . . .

The crucial question, of course, is whether an individual practicing physician has the time and the ability to make the necessary judgments, especially since I have indicated that journals cannot screen advertising properly, even with committees.

In the absence of a drug compendium that is all-inclusive and all-informative, I feel that some of our readers look at our advertisements for information to see what is on the market and where they can get it. But I am really not sure how much they really depend on it. . . .

Dr. James M. Faulkner, chairman of the Committee on Publications, Massachusetts Medical Society, also appeared to testify. He said:

It is my opinion that medical education has failed to grasp the significance of the vast proliferation of new drugs which has taken place over the last couple of decades . . . Now the practicing physician finds himself obliged to choose between a bewildering array of drugs for which competing claims are made and more often than not he finds himself not only ill-prepared to make correct judgments but at a loss to know where to turn for unbiased information . . . . The compendium recommended by the Task Force would fill this important unmet need.

It is indeed deplorable that so much of what the medical student and practitioner learn about drug therapy comes to them from pharmaceutical firms who are actively promoting their own products . . . . They are getting one side of the case superbly presented by the drug houses now.

The practitioner must be given reliable information which will allow him to make comparative judgments of potency and price of the drugs available to him.

The problem posed by the growing dependence of the medical practitioner on the itinerant drug salesman for information on the new drugs is to offer more complete and more reliable information to all practicing physicians . . . This could be accomplished by distribution of a Journal of Prescribing and the periodic issuance of a compendium of drugs as recommended by the Task Force.

Dr. George Baehr, chairman of the Public Health Council of the State of New York and distinguished service professor, Mount Sinai School of Medicine, City University of New York, stated:

The unnecessary prescribing of brand name drugs is fostered by the distribution to physicians, as you know, and as has been stated, of free samples and persuasive literature through thousands of detail men and hundreds of free magazines published by pharmaceutical firms to encourage the use of their innumerable products. Their use is also encouraged by voluminous advertising in virtually all reputable medical journals. A recent issue of the weekly Journal of the American Medical Association devotes 85 pages to text and 186 pages to such advertisements.

Dr. George Nichols, Jr., clinical professor of medicine at Harvard, said:

It is small wonder, therefore, that the practicing physician, already unable to find time in the day to meet the demands of his patients, turns to the eyecatching advertising pages of his professional journals rather than to the much longer, far more complicated but nevertheless *objective* scientific articles for information about therapeutic agents . . . It is equally understandable why the physician has turned so often to the ubiquitous lay drug salesman for guidance and information and to potentially biased commercial institutions for financial support. . . .

For example, it is obviously not in the public's interest that the task of keeping the practicing physician abreast of new developments should fall to the necessarily biased drug salesman.

I don't think his (drug salesman) function should be to educate the doctor, Senator, although unfortunately it ends up all too often being his function. . . So the drug salesmen, who are very carefully schooled by their companies . . . ends up really educating those physicians who don't read too well or too often, and their education is thereby inevitably biased because one can hardly expect a drug salesman to present totally unbiased views since his job depends on his selling drugs.

The compendium would certainly be convenient. It would certainly be a basic reference . . . ultimately, if it was readily available to all physicians, I am sure it would be a big step in the right direction. As you also note, the only thing that approaches such a compendium really at the moment is an interesting volume called the Physicians Desk Reference which is in actual fact nothing but a reprinting of a large list of individual drug manufacturers broadsides about their particular drugs. The information is there but the bias . . . is there, too.

And Dr. Clinton S. McGill, an internist from Portland, Oreg., who did not appear as a friend of the Monopoly Committee efforts, said:

It has been suggested to this committee that a federally sponsored journal of drug information should be published for the use of the medical profession. A national compendium of drugs has also been recommended. These proposals have merit and deserve further study.

And if a compendium or formulary, like the ones . . . suggested in the bill . . . that is essentially educational and has the information for the use of the physician . . . I think that would be valuable.

Mr. President, the need for a good drug compendium has been established. Exactly what the final format would be like is a matter for the experts in Congress, the Food and Drug Administration, and the industry to determine. Further hearings to set out final details are necesary. I hope that this will be done speedily and thoroughly, for Congress bears the responsibility to oversee the health of our people.

I ask unanimous consent that a portion of a statement by Dr. James L. Goddard, M.D., Commissioner of Food and Drugs, Department of Health, Education, and Welfare, statements by other witnesses, letters of correspondence, other documents, and the complete text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill statements, and articles will be printed in the RECORD.

The bill (S. 950) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 950

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

FINDINGS AND DECLARATION OF PURPOSE

SECTION 1. The Congress hereby finds and declares—

(1) that the tremendous variety and great complexity of modern drugs, and especially

prescription drugs, together with the variety of brand names often used for generically equivalent drugs and the intensive activity for promoting the prescribing thereof, has created a vital need to compile, publish, and make widely available under national auspices, in useful format, to physicians and other licensed practitioners, to Federal, State, and local health agencies, to hospitals, and to others, a reliable and comprehensive compendium of prescription drugs under their established (generic) names, together with the prescribing and other information designed to assure their safe and effective use, and for inclusion in such compendium (or a supplement thereto) of the brand names under which, the suppliers from which, and the prices at which, they are available;

(2) that the publication and dissemination of such a compendium would serve much better the purpose of, and would eliminate the necessity for, the so-called package insert with full prescribing information now required by regulations under the Federal Food, Drug, and Cosmetic Act, with consequent direct benefit to the drug industry (as well as others);

(3) that the genesis of the need for this service and the compensating advantage to the drug industry that will result from it make it reasonable to make the cost of the service, through a fee, a charge upon the industry, with its ultimate incidence left to the workings of the marketplace; and

(4) that to limit this charge to those drugs moving in interstate or foreign commerce would create an unfair competitive burden on such commerce, and that, moreover, because of the pervasiveness of such movement (including the use, in drug manufacture, of components received from without the State in which such component is used), and because the compendium would benefit all drug manufacturers and distributors, any such limitation would be unrealistic and facilitate evasion.

It is therefore the purpose of this Act to provide for such a compendium and for the imposition of the cost thereof accordingly.

FEDERAL DRUG COMPENDIUM

SEC. 2. (a) The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 503 the following new section:

"FEDERAL DRUG COMPENDIUM

"Preparation, Publication, and Distribution

"SEC. 504. (a)(1) The Secretary shall prepare and publish, in a form as convenient, readable, and practical as is feasible for its intended use, and under a distinct and suitable name, a drug compendium in accordance with the provisions of this title, and shall distribute such compendium on a current basis to practitioners licensed by law to prescribe and administer drugs listed therein and make such other distribution of the compendium as in his judgment will promote the purpose of this section.

"(2) The Secretary shall from time to time revise such compendium, or issue supplements thereto, so as to maintain insofar as practicable currency in the contents thereof, and shall publish and distribute such revisions in accordance with paragraph (1).

"Listing of Drugs by Established Name—Prescribing Information

"(b)(1) Such compendium shall list by established name all (so far as practicable) drugs subject to section 503(b)(1) that are lawfully available in the United States, arranged alphabetically and by such other classifications (diagnostic, prophylactic, therapeutic, or otherwise) as the Secretary may deem appropriate and useful, and shall provide for all such drugs listed therein (individually or, where appropriate, by category), as concisely as consistent with the purpose thereof, adequate and reliable prescribing information required or useful for their safe and effective use, including (A) the dosage form or forms in which the drug is available, indications for and conditions of use, effects, routes, methods, frequency, and duration of administration, all relevant side effects and contraindications (including appropriate warnings, precautions, and adverse reactions), and (B) in the case of a drug composed of two or more ingredients, the established names of ingredients and quantitative formula of the drug to the extent required for labels of such drugs by section 502(c). The Secretary may include such additional relevant information as in his judgment would promote proper use of such drugs. If any such drug or ingredient has no established name, the Secretary shall forthwith proceed to designate one therefor in accordance with section 508.

"(2) The Secretary may in addition include in such compendium, by established name, any other drug and information relating thereto, if he determines that the inclusion thereof would be useful to prescribers of drugs or to others for whose use the compendium is intended.

"Inclusion of Brand Names and of Suppliers of Drugs

"(c) The Secretary shall further include in such compendium, or in a supplement thereto, the proprietary names or designations under which a drug listed in the compendium by established name is available, and the names of suppliers (as manufacturers, wholesalers, jobbers, or distributors) from whom drugs that are listed may be obtained.

"Supplement Giving Price Information

"(d) The Secretary may issue, and from time to time revise, a supplement to such compendium, containing price information as to each listed drug on the basis of the price or prices at which such drug is available to community pharmacies from listed suppliers or on such other basis as he determines to be an adequate and reasonable basis for the purpose of price comparison.

"Omission of Drugs on Safety or Efficacy Grounds

"(e) Nothing in this section shall be construed to require the Secretary to include in the compendium any drug, any proprietary name or designation of such drug, any supplier of such drug, or any prescribing information relating to such drug, if he determines that there is substantial doubt as to the safety or compliance with this or other Federal law of such drug, or of such drug when offered under such proprietary name or designation or by such supplier, or of such drug if accompanied by such prescribing information, or if there is a lack of substantial evidence (as defined in section 505(d)) of the effectiveness of such drug under such circumstances.

"Procedure for Seeking Changes in Compendium or Preventing Delisting

"(f)(1) Any person who is adversely affected by the Secretary's inclusion or failure to include in the compendium or an applicable supplement thereto any such drug or other information, or any price information, may petition for an appropriate change and, if the petition is denied by the Secretary, shall, upon request therefor showing reasonable grounds for a hearing, be afforded a hearing on the matter.

"(2) The Secretary, prior to making a final determination to remove from listing in the compendium a drug listed therein, or a proprietary name or designation thereof, or the name of a supplier thereof, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such drug who has not requested or agreed to such removal and who shows reasonable grounds for such a hearing.

"(3) The final decision of the Secretary under paragraph (1) or (2) shall, if adverse to the petitioner, be subject to judicial review in accordance with the procedure specified in section 505(h). The reviewing court shall not issue any interlocutory order affecting the contents, or the time of publication or distribution, of the compendium or a supplement thereto, but a final judgment may require the prompt publication and distribution of information reflecting the decision of the court.

"Advisory Committee

"(g)(1) For the purpose of advising the Secretary from time to time on matters pertaining to the compendium provided for in this section, there is established in the Department an advisory committee consisting of persons, qualified in the pharmaceutical field, who shall be appointed by the Secretary without regard to the civil service and classification laws, and at least three of whom shall be practitioners licensed by law to prescribe and administer drugs.

"(2) Members of the advisory committee who are not in the regular full-time employ of the United States may, while attending meetings or conferences of the committee or otherwise engaged in the business of the committee, be compensated at a rate fixed by the Secretary but not exceeding $100 per day (or, if higher, the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code), and, while so serving on the business of the committee away from their homes or regular places or business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"Records and Reports Needed for Preparing and Revising Compendium

"(h)(1) For the purpose of carrying out his functions under the foregoing provisions of this section, the Secretary is authorized (A) to require, by order, any person engaged in manufacturing, preparing, compounding, processing, propagating, producing, distributing, or importing any drug to furnish to the Secretary any information available to such person and relevant to any matter bearing on which drugs, or information relating thereto, should be included in the compendium, and (B) to require such persons by regulation to establish and maintain such records of clinical experience and other data with respect to such drugs as may become available to such persons and are relevant to the question of such inclusion, and to afford the Secretary access to such records and to make to the Secretary such reports relating thereto as the Secretary may reasonably require. Orders pursuant to this paragraph shall be served in accordance with section 505(g).

"(2)(A) In case of refusal or failure to obey any order of the Secretary pursuant to clause (A) of paragraph (1), any district court of the United States for the judicial district in which the person charged with such refusal or failure is found or resides or transacts business shall, upon application of the Secretary, have jurisdiction to issue an order requiring such person to comply with the Secretary's order, and any failure to obey such order of the court may be punished by it as contempt thereof.

"(B) The district courts of the United States and of the territories shall have jurisdiction, for cause shown, to restrain violations of regulations or orders of the Secretary issued under this subsection. All proceedings under this paragraph shall be by and in the name of the United States.

"(C) Subpenas for witnesses who are required to attend a court of the United States in any district in any judicial proceeding under this subsection may run into any other district.

"Fees To Defray Cost of Compendium Service

"(1)(1) The Secretary shall by regulation prescribe such fees, to be paid to him by persons engaged in the manufacture, preparation, propagation, compounding, processing, or distribution of drugs intended for humans, as he determines to be necessary to defray the cost of preparing and keeping current, publishing, and distributing the compendium required by this section. Such fees shall be based upon the volume of drug business done by such persons and such other factors as the Secretary may determine to be relevant in distributing the cost of the compendium service equitably within this industry.

"(2)(A) If any amount of such fees is not paid on or before the due date thereof, as provided in such regulations, interest thereon shall accrue and be paid at the rate of 6 per centum per annum and, if no extension of time for payment has been granted by the Secretary and such delinquency on the part of the person liable is intentional or negligent, a civil penalty (which itself shall bear interest until paid) equal to 10 per centum of the delinquent amount shall become due and payable.

"(B) Every person referred to in paragraph (1) of this subsection shall keep such records, render such statements and reports with such verification thereof, and comply with such regulations as the Secretary deems necessary to show whether or not such person is liable for any fees, interest, and penalties under the foregoing provisions of this subsection and the amount (if any) thereof, and shall afford the Secretary access to such records. Compliance with any order or regulation issued pursuant to the preceding sentence shall be enforceable in the manner provided by subsection (h)(2). Negligent or intentional failure of any person to comply with any such order or regulation shall make such person liable to a civil penalty, which shall be in addition to any penalty imposed by subparagraph (A) of this paragraph, equal to 25 per centum of the amount of fees payable with respect to the period in which such failure occurs, and which shall bear interest until paid.

"(3) Fees, interest, and civil penalties imposed by this subsection may be collected by civil action brought into the name of the United States in the proper district court of the United States. The Secretary may, upon application therefor, remit or mitigate any civil penalty provided for under this subsection and ascertain the facts upon all such applications.

"(4) Nothing in this section shall be construed to render inapplicable any provision of criminal law otherwise applicable to any fraudulent record, statement, or report purporting to be kept or made in compliance with this section or with regulations or orders prescribed under this section.

"(5) Fees under this subsection may not be based upon the dispensing to the consumer, or to the sale at retail, or the administration to patients, or drugs by—

"(A) pharmacies which maintain establishments in conformance with applicable local law regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs upon prescriptions of practitioners licensed to prescribe and administer such drugs, or

"(B) practitioners licensed by law to prescribe and administer drugs.

"Revolving Fund

"(j)(1) There is hereby created a drug compendium fund (hereinafter in this section called the 'fund') which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purpose of preparing and keeping current, publishing, and distributing the drug compendium provided for in section 602 of this Act. A business-type budget for the fund shall be prepared, transmitted to Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act) for wholly owned Government corporations.

"(2) The fund shall consist of appropriations made pursuant to this subsection, all amounts received by the Secretary as payments of fees, interest, and penalties under this section, the proceeds of the sale of any copies of the compendium that are disposed of by sale under other provision of law rather than free distribution under this section, and any other moneys, properties, or assets derived by him from this operation in connection with this section.

"(3) All expenses incurred by the Secretary in carrying out this section, including refunds of overpayments for fees prescribed pursuant to this section, and including payments due by reason of remission or mitigation of penalties under this section, shall be paid from the fund. From time to time and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations to the fund, less the average undisbursed cash balance in the fund during the year which is attributable to such appropriations. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations. Interest payments may be deferred with approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund attributable to appropriations to the fund exceed the present and any reasonably prospective future requirements of the fund in the light of the collections and expected collections from fees prescribed pursuant to this section, such excess may be transferred to the general fund of the Treasury.

"(4) For the purpose of furnishing initial working capital for the fund and from time to time, if necessary, supplying additional working capital pending collection of fees under this section, there are authorized to be appropriated to the fund, for the fiscal year ending June 30, 1969, and subsequent fiscal years, such sums as may be necessary.

"(k) As used in this section (or elsewhere in this Act with reference to this section), the term 'compendium', except when otherwise specified, includes any revision of or supplement to the compendium provided for in this section; and the term 'established name' means such name as defined in section 502(e).

"Administration of Compendium Section

"(l) In administering the provisions of this section the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other agency, institution, organization, or person in accordance with appropriate agreements, and to pay therefor either in advance or by way of reimbursement as may be agreed upon, including printing and binding without regard to other provisions of law or regulations."

(b) Fees prescribed pursuant to section 504(i) of the Federal Food, Drug, and Cosmetic Act, as enacted by this Act, shall not be prescribed with respect to business transactions occurring prior to July 1, 1969.

WAIVER OF DRUG PACKAGE INSERT REQUIREMENT

SEC. 3. (a) Section 502(f) of the Federal Food, Drug, and Cosmetic Act is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further,* That in the case of a drug subject to paragraph (1) of section 503(b), except one intended for parenteral administration, which is listed and described with accompanying prescribing information in the compendium established pursuant to section 504, the Secretary shall, if such drug is intended and promoted (including promotion through advertising) solely for the conditions of use described in the compendium, waive any requirement, established by regulation pursuant to the preceding proviso to this paragraph, that the package from which the drug is to be dispensed have on or within it (in addition to necessary label information) labeling (generally in the form of a package insert and referred to as such) bearing information adequate for the safe use (or prescribing) of the drug by licensed practitioners, but this proviso shall not be construed (A) to authorize the Secretary to permit the use of labeling that is misleading in any particular, or (B) to require him to waive any requirement otherwise applicable (pursuant to such preceding proviso) to information on the drug label itself, or (C) to authorize waiver of requirements (under this Act or under regulations pursuant to it) for disclosure in other labeling distributed, or in advertising sponsored, by the manufacturer, packer, or distributor of the drug."

(b) The second proviso added to such section 502(f) by this section shall apply to now existing or hereafter established labeling requirements prescribed by regulation under the first proviso thereto.

CONFORMITY OF PRESCRIPTION DRUG LABELING OR ADVERTISING TO INFORMATION IN COMPENDIUM

SEC. 4. (a) The Federal Food, Drug, and Cosmetic Act is amended by redesignating paragraph (o) of section 502, and references thereto, as paragraph (p) and by inserting immediately before such redesignated paragraph the following new paragraph:

"(o) If (1) it is a drug subject to paragraph (1) of section 503(b) and is listed in the compendium published pursuant to section 504 and (2)(A) such drug (except in case of a drug intended solely for investigational use in accordance with regulations pursuant to section 505 or 507) is intended or promoted (including promotion through advertising) for any condition or use not described in such compendium, or (B) any of its labeling or advertising is inconsistent with the description of, or prescribing information relating to, such drug in such compendium, or (C) any of its labeling or advertising purports to give information required or useful for the use of such drug by the prescriber but omits any prescribing information provided with respect to such drug by such compendium: *Provided,* That a drug shall not be deemed misbranded under this paragraph solely by reason of the failure of its label to contain all of such information if such label is in full conformity with regulations prescribed by the Secretary pursuant to the first proviso to section 502(f)."

(b) The amendment made by this section shall take effect, with respect to any particular drug, on the first day of the second calendar month that begins after the initial publication, in the compendium issued pursuant to section 504 of the Federal Food, Drug, and Cosmetic Act, of the established name of, and prescribing information relating to such drug.

STATEMENT OF JAMES L. GODDARD, M.D., COMMISSIONER OF FOOD AND DRUGS, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NOVEMBER 9, 1967

Dr. GODDARD. I will amplify my previous recommendation to this Subcommittee that a Compendium of prescription drugs should be published by the United States.

As you know, vital information concerning all prescription drugs is presently disseminated via the "package insert." A condensation and compilation of "package inserts" into a readily readable compendium distributed without cost to the physicians, pharmacies, hospitals, et cetera, would be a

significant step forward in educating the health professions to the safe and effective use of therapeutic agents. It could also relieve the drug industry from the burden of printing the voluminous "package inserts" as such a compendium could appropriately replace this type of labeling.

The content of "package insert" type of labeling is initially approved by FDA during the new drug clearance procedure and is constantly reviewed by our medical staff to insure that the labeling is consistent with current knowledge. Often the "package insert" is the only source of such necessary data on medicines which are prescribed daily.

Unfortunately the information seldom reaches the physician—it remains on the local pharmacist's shelves. Proper utilization of this information is further hampered by the present format of the "package inserts."

Senator NELSON. May I interrupt a moment?

Dr. GODDARD. Certainly.

Senator NELSON. Do you have an estimate on the cost of printing, preparing and supplying these inserts along with the drugs?

Dr. GODDARD. I was advised by the Pharmaceutical Manufacturers Association when—this subject was first raised by them, I might add—when they asked would I consider a drug compendium to replace the package insert, that the program presently costs industry about $6 million a year.

Senator NELSON. Six million?

Dr. GODDARD. Yes, sir.

Senator NELSON. Do I understand you to say that the Pharmaceutical Manufacturers Association raised the question of the preparation of a compendium in place of this?

Dr. GODDARD. Yes. This was in April of 1966. And they pointed out that my predecessor, the matter had been discussed with Commissioner Larrick, and his position was that they could publish a compendium but would have to also continue the use of package inserts for one year in order to evaluate the effectiveness of the compendium.

Now, they were anxious to move ahead with this program but didn't see the necessity for running two programs in tandem for a year.

I agreed at that time that we would not require the package insert for the year after the compendium was published.

And this was the beginning of our discussions on the drug compendium.

Now, we have had nothing but discussions since that time, and I am hard put to understand the recent statement of the president of the PMA where he was critical of my testimony before a Committee on Congress where I expressed my displeasure with the foot dragging—I think I characterized it as that. He said why we are discussing that matter right now.

Well, they are going to discuss it to death. And I think we stand at a unique point in time. With the National Academy of Sciences' efficacy review reports beginning to come back to us, these can form the basis for much of what will be needed in the compendium on the drugs that were marketed between 1938 and 1962. So we truly have an opportunity that is well perceived by the members of the Drug Research Board of the Academy of Sciences and by others in this field. And that is why I am anxious to get on with the job.

Senator NELSON. Are you carrying on continuous discussion with the Pharmaceutical Manufacturing Association respecting this matter?

Dr. GODDARD. We have been through the good offices of the National Academy of Sciences meeting on this, and I say, for many, many months now.

Senator NELSON. Has the Pharmaceutical Manufacturers Association made any specific proposal as to what kind of a compendium they would like to see?

Dr. GODDARD. Yes, sir.

Senator NELSON. Have you discussed with them who would publish it, who would pay for it?

Dr. GODDARD. Yes.

Senator NELSON. What is——

Dr. GODDARD. Let me just state our position for the record, that we feel that the Pharmaceutical Manufacturers Association should pay for it.

I have pointed out that this is an opportunity for them to exercise leadership. They state that they sell—that they manufacture, rather, 95 per cent of the drugs that are sold as prescription drugs. And I say, therefore they should assume the burden of the additional 5 per cent, pay for the publication of a compendium that will be useful to every physician in the country and provide him with comprehensive information on all of the drugs available.

The format we have discussed in some detail, and there does seem to be a problem, I am told, from their point of view with a requirement that I wish to impose, namely, that the drugs be discussed under the generic heading, a brief discussion of the important uses, the dosage, side effects, contraindications for the drug, followed then by a listing of the trade names of the drugs, the dosage forms, and the manufacturers.

Such a book would be cross-indexed by both trade and generic name. But this does seem to be a stumbling block—at least I am told that it is.

Now, on the other hand, this is the only way in which—the people who have been advising me from the Drug Research Board and from the American Medical Association's Council on Drugs feel that a comprehensive, intelligent job could be done. From just the standpoint of format, it seems necessary to do it this way, otherwise there is great duplication, you see, because there may be—there are indeed, I think; some 42 firms or more who produce Rauwolfia serpentina as a prescription drug, and I think there are some 70 firms that—Serpasil under the generic name reserpine has 70 firms manufacturing it.

Well, it does not seem sensible to produce a volume that would have in 70 different places the description of a drug that is, the active ingredient is identical.

Senator NELSON. I guess you address yourself to this question a little later in your statement, but if you produced a compendium, would you contemplate listing every single manufacturer of every drug?

Dr. GODDARD. I hesitate to say every single manufacturer, because, as the Senator knows, there are a number of manufacturers very small doing interstate business only, and I do think just as a practical limitation on size you have to have a cut point somewhere. These individuals, then, would probably not, these individual firms would probably not be listed in such a compendium. But we are interested in having those firms that produce and distribute nationally and even regionally included.

Senator NELSON. How many drugs would be involved?

Dr. GODDARD. Well, there are 21,000 approximately——

Senator NELSON. Different or——

Dr. GODDARD. Different dosage forms of the some 7,000 drugs in the marketplace today. These would all be included.

Senator NELSON. And would a compendium and the drugs included have the approval of FDA?

Dr. GODDARD. It would have to be approved by the Food and Drug Administration since it does serve as a form of labeling. The best possible outcome as far as I am concerned, would be for PMA to exercise leadership in this area, assume the burden and use, if such could be arranged, the format of the PDR, if the owners of PDR were willing to engage in that. I say this because PDR has a great level of acceptance in the country, and this would become competitive, you see.

If such a marriage, if you will, could take place, I think it would find instant acceptance on the part of the practicing physicians, that they would receive this volume each year, as they already have, and they provide them with comprehensive information in terms of coverage of the drugs as opposed to today's PDR which is on the basis of paid advertising, and not—even the major firms do not include all of their drugs in today's PDR. So I think it would be a marked improvement and everyone would benefit.

Senator NELSON. All the drug products listed there would have the approval of FDA?

Dr. GODDARD. Of course, the drugs have to have our approval to be in the marketplace.

Now, if you are saying that we would be offering an implicit warning or guarantee that they are efficacious, until the Academy review is completed, we could not offer such a guarantee. Until we are in a better position to apply therapeutic equivalency than we are today, could we offer the physicians such a guarantee.

But that is our goal. It is an achievable goal, and I think it is one that we can accomplish by 1971, as I have indicated in other testimony.

Senator NELSON. Am I correct in saying that to get approval to be introduced into the marketplace at all, a prescription drug has to meet USP standards?

Dr. GODDARD. If there exists—or NF, yes. Combinations are not in USP, of course, and there are many combination drugs in the marketplace today, too.

Mr. GORDON. Well, there are FDA standards, too, aren't there; for example, on antibiotics?

Dr. GODDARD. Yes, there have to be standards, and we do certify them on a batch-by-batch basis.

Mr. GORDON. Perhaps you cover this later, but how useful and effective are the package inserts—do the doctors really read them?

Dr. GODDARD. Most of the time the physician does not receive them, so he does not really have an opportunity.

I have some here, for example. Here is a package insert. I do not think many physicians are going to receive this, if they even get it.

It has selected laboratory data for patients on this drug, for example, in tabular form. It is very small print.

The answer is no, but the physician does get one particular form, or package inserts on biological products do tend to reach him, and I think that should be continued. It is important. These others, all sorts of sizes, are printed on what is called in the trade bible paper.

Mr. GORDON. What do you mean by "bible paper"?

Dr. GODDARD. Well; it is very thin.

Mr. GORDON. You need a magnifying glass to read the print?

Dr. GODDARD. That is true.

Mr. GORDON. Dr. Goddard, doesn't this present situation really make the doctors more dependent on drug advertising and promotional activity?

Dr. GODDARD. Yes. Of course, that is not their only source of information. But as I have pointed out on numerous occasions the industry does spend a significant amount of their income to educate the physicians through advertising.

Mr. GORDON. Are you using that word with quotation marks?

Dr. GODDARD. Well, I say advertising in this field is a form of education, and I am serious when I make that point. And the AMA also now recognizes this point—has done so apparently in response to a recent position the Internal Revenue Service took with respect to their income on general advertising. They pointed out this was different from

most advertising and that it did serve an educational purpose.

And I must agree with that.

Mr. GORDON. Who took that position?

Dr. GODDARD. The AMA.

Mr. GORDON. How about the IRS?

Dr. GODDARD. They haven't responded to this, to my knowledge. But advertising apparently does influence the physicians' choice of the drug. Therefore, I think it is educational. And we are anxious to have a comprehensive, more impartial source of drug information readily available to every physician, every pharmacist and every hospital kept up to date with accurate prescribing information.

Senator NELSON. I don't understand the mechanics of the delivery of the package insert. The doctor himself in his office just writes a prescription. The drugs, with some rare exceptions, come into the pharmacy. Does each package of prescription drugs, no matter how small, have to have an insert?

Dr. GODDARD. That is correct.

Senator NELSON. So then the doctor does not come in contact with that package insert——

Dr. GODDARD. Except for biological products, which tend to go directly to his office.

Senator NELSON. What do you mean by "biological"?

Dr. GODDARD. Well, vaccines and things of this nature, you see.

Senator NELSON. That he administers himself?

Dr. GODDARD. That is correct.

Senator NELSON. I see.

Dr. GODDARD. And intravenous therapy on wards in the hospital tend also to be accompanied by the package insert. But by and large these are received by the pharmacist and thrown away after he has a file of them, you see. And the physician can call the pharmacy and get information on a drug. And some of them do this. But by and large they do not see them. So the system does not accomplish what it set out to accomplish at all.

Senator NELSON. And do I understand that it is your position that if there were an acceptable compendium adopted and published, you would be willing to remove the requirement that an insert be used except for biologicals?

Dr. GODDARD. That is correct.

Senator NELSON. Is the insert required by law, or is it the result of an administrative ruling?

Dr. GODDARD. Those are the conditions for the approval of a new drug. Yes, sir, statutory.

Senator NELSON. By statute or by a ruling of the F.D.A.?

Dr. GODDARD. Statute.

Senator NELSON. So you would have to change the law respecting the insert——

Dr. GODDARD. Mr. Goodrich, do you want to comment on that?

Mr. GOODRICH. We have authority to exempt a prescription drug from the requirement of that detailed label where it is not necessary for the protection of the public health. We could do so if we had an alternative compendium available to the physician. Then it would not be necessary to carry that information in the packages.

STRONG, COBB, ARNER, INC.,
Cleveland, Ohio, November 15, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Your letter of November 3rd has been discussed with our technical, legal and scientific staffs. It is our feeling that a Compendium, which would bring together in one place all of the authoritative information that would enable the medical profession to dispense or prescribe drugs with complete knowledge of their actions and side effects, is a worthwhile undertaking. This Compendium should replace the now substantially useless package inserts required by FDA regulations, which costs the pharmaceutical industry and indirectly the consumer millions of dollars each year.

This Compendium must be prepared by knowledgeable persons from the pharmaceutical, medical, legal, government and academic fields who are aware of the scientific and other complexities involved. It is unlikely that the first edition could encompass all drugs, nor should it. It should consist of the single entity drugs and probably those now listed in the U.S.P. and N.F., which are the most widely used. These drugs should be listed by generic name with references both to trade names and manufacturers.

The Compendium should be a compilation of scientific and medical facts and not a sales advertising tool where prices are included. This type of sales information is readily available from other sources.

If the DA is in agreement, the Compendium could possibly start with the package insert information already reviewed and approved by them. Also data from such references as the Hospital Formulary, Physician Desk Reference, etc. could be the basis of the Compendium.

This project will require several years to complete after a staff has been assembled, and perforce might have to be subsidized by the Federal Government.

The second edition could include many of the combination drugs now being used. Subsequent editions could continue to add drugs as it will take many editions before all drugs are listed.

SCA as well as the whole pharmaceutical industry is looking forward to a National Drug Compendium.

Sincerely,

FRED J. DAHLOS,
President.

HOFFMANN-LA ROCHE, INC.,
Nutley, N.J., December 8, 1967.

HON. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter of November 3, 1967, asking for our views on the subject of a drug compendium. I am pleased to have the opportunity to give you the views of my company on this matter. We would support the general idea of a compendium because we believe it could be a useful addition to the existing means of making available information on drug products.

We believe that medical and paramedical personnel should have ready access to complete information necessary to the proper prescribing and dispensing of drug products. We consider the development, preparation and dissemination of such information regarding our own products to be one of our vital responsibilities. The listings of Roche products in such widely-used reference works as the Physicians' Desk Reference (PDR), which are virtually complete reproductions of our package inserts, is evidence of our policy of making available to physicians complete prescribing information on Roche products. As I will discuss in more detail later, we agree with Dr. James Goddard that the PDR, with certain modifications, may be the best vehicle for establishing a drug compendium since it already is widely used by physicians as a source for prescribing information.

Hoffmann-La Roche's support of the general idea of a compendium of information on drug products assumes that such a compendium would be produced in a manner so as to provide physicians and other appropriate persons with complete and current information on drug products essential to medical practice. Among other benefits, a drug compendium with official status could, as noted by Dr. Goddard, provide a preferable alternative to the current package insert requirements. We believe firmly, however, that an official compendium must not limit or impair the physician's prerogative and ability to prescribe those drug products which he believes are in the best interests of his patients. We are certain you would agree that if the current high standards of medical care are to be maintained, "compendium" must not mean "control."

We must also express our opinion that funds and efforts in the health field should not be diverted to any major innovation from the many recognized areas of need which exist until after there has been thorough exploration of all aspects of the proposed project. The concept of a comprehensive drug compendium presents many complex scientific, medical and legal issues, all of which we believe must be explored in depth by an independent "compendium task force" drawn from government, industry and the medical and scientific communities before the project is undertaken. We especially urge that the questions of need and format of a compendium be explored in detail with the medical profession since they would, of course, be the primary users of the publication.

In response to your question on the content of such a compendium, we offer the following comments and suggestions for consideration. We have also included some suggestions on other matters relating to a compendium which we hope will be useful.

We believe the purpose of a comprehensive drug compendium should be to provide necessary information in concise form for the proper and efficient usage of drug products. A total dessertation on use of any drug would probably require too great an amount of space, but the information presented should be sufficient to enable a physician to prescribe a drug confidently.

At the present time, this basic information is contained in "package inserts" which are included in every container of most drugs. These inserts are developed by the manufacturer of a drug and, for new drugs, are approved by th Food and Drug Administration before use. We recommend that a compendium contain substantially the same product information now contained in these inserts.

We do not believe that it would be desirable to alter the respective statutory responsibilities of the drug manufacturers and the Food and Drug Administration with respect to this basic drug prescribing information. In particular, we would recommend against any delegation of the present statutory responsibilities of the manufacturer and the Food and Drug Administration in this area to a third party. This would have the effect of duplicating activities presently performed by the Food and Drug Administration in reviewing new drug applications to determine the adequacy of such information, and could also impair the ability of a manufacturer to disseminate information on its own products.

In the compilation of a drug compendium, careful consideration would have to be given to the question of which drugs should be included. It will have to balance the need for a work of manageable size with the need to provide adequate information on the widest range of drugs which might be of value to the physician in his practice. At the present time there are several thousand drugs available for prescription specification. To include in a compendium information on all of those drugs might cause it to be too unwieldy and awkward for use in everyday practice for most physicians. It may be that a compendium should, initially at least, be limited to the two or three hundred most frequently prescribed drugs.

A major issue with respect to a drug compendium is the format for presenting information on specific drug products. The basic issue seems to be whether a single monograph can provide adequate informa-

tion on drugs with the same established name but manufactured by different companies. We would be opposed to this approach as being contrary to sound medicine and inconsistent with our competitive system of free enterprise.

There has been much discussion before your Monopoly Subcommittee concerning drugs sold under established or generic names as opposed to proprietary name drug products and the existence or lack of therapeutic equivalency between them. We believe it is clear from the testimony of Dr. Goddard and others that sufficient data is not yet available to answer definitely the question of therapeutic equivalency for chemically similar drugs. And, from a medical standpoint, the question is obviously too important to be answered solely on the basis of assumption.

Our position is that whether a drug product has a proprietary name or is sold under its established name does not determine the drug's quality or therapeutic value. Whether a drug product will have its intended effect can be determined only by appropriate laboratory and clinical tests. When a drug containing a specified amount of a particular active ingredient demonstrates a certain clinical or pharmacological activity, it is possible that another drug containing the same amount of the same active ingredient, if properly compounded into a finished product, will have the same effect. However, it is certainly true that this is not always the case. A second product sold under the same established name may not be in fact a therapeutic duplicate of the first. Furthermore, it is essential to recognize that drugs are used to treat individual patients. Effective and safe action in most cases is not sufficient; failure of a drug to perform, even in isolated instances, can be critical to the individual concerned.

Dr. Goddard has stated that his agency is in the process of developing information in this difficult and complex area for many drug products, but that they do not know the answers at this time to many of the issues. Thus it is highly important that a physican not be required, or even encouraged, to disregard the source of the products which he prescribes. And, from a competitive standpoint, minimizing the distinctions between manufacturers would discourage, not promote, competition. For these reasons, we believe it is essential that a compendium distinguish between drug products which have been demonstrated by appropriate scientific studies to provide consistently the intended therapeutic effect of those which have not.

Some suggestions for preserving the distinction between drugs from different manufacturers in a compendium are (1) to permit manufacturers to list their products individually by company with full information for each product, (2) to permit manufacturers to include following the listing of a drug specific facts pertaining to the clinical experience, usage, particular studies or other materials which would demonstrate proof of effectiveness of their own form of the particular medication, (3) to cite in the compendium those companies which have approved new drug applications, including the dates of approval, and (4) to note whether clinical studies have been done by each listed manufacturer for all dosage forms of the products. Additionally, since some companies make available only the most widely prescribed dosage forms, it is essential that a compendium include information from companies on their range of dosage forms of any given drug. Also, a compendium should not be designed in such a way as to limit the usefulness of trademarks, which, of course, are a basic and important means for identifying manufacturers of drug products.

A drug compendium would need a number of indices enabling ready reference to medications by (1) established names, (2) proprietary names, (3) therapeutic classifications, (4) chemical or pharmacological index, and (5) names of manufacturers. Also, complete and periodic supplementation of the information in a drug compendium would be needed to assure that the information is the latest available.

The questions of how a compendium would be financed and how it would be published are, of course, extremely important. We agree here again with Dr. Goddard that the project should be undertaken by private industry and ultimately recognized and endorsed by government.

The primary responsibility for the development of information regarding drug products rests with the manufacturer. It is also a major and important function of a drug manufacturer to make available to physicians all necessary information relating to its products. We would envision a drug compendium as a further step in this role. We recognize, of course, that the government, and in particular the Food and Drug Administration, has a vital interest and statutory responsibility with respect to drug information provided to physicians. Thus, as already noted, we would support the principle of a combined effort by medicine, industry and government to study the issues and develop the basic guidelines and format for a drug compendium.

The specific vehicle for achieving this combined effort could be an existing private publication, such as the already-mentioned PDR, which is given statutory recognition. There is precedent for this approach in the drug field since the Federal Food, Drug and Cosmetic Act expressly recognizes several private publications as "official compendiums."

At the present time many of the criteria which we suggest for a drug compendium are contained in the PDR, a work currently available to all practicing physicians and used by most of them. We have seen a recent analysis of PDR by the R. A. Gosselin Company, Inc., which indicates that in 1966 over 85 percent of all prescriptions dispensed in the United States by established and proprietary names were for drugs currently listed in the product information section in it. Another study by Alfred Politz Media Studies showed that over 90 percent of all physicians in private practice utilize this publication for prescribing information, many on a daily basis. Thus the basic usefulness of this publication is well established.

The information regarding particular drugs in the PDR "white section" is by legal requirement substantially the same as the information contained in the package insert for the drug. The one substantial change needed to conform it to the standards recommended above would be to include a section providing information on drugs which are sold under established name. These monographs could be arranged alphabetically by drug name and could be followed in each instance with a listing of the companies which manufacture such drugs. The company's name could be cross-referenced to the manufacturers' section of the publication where their specific products would be individually described with full information. We believe that utilization of PDR with this and other additions suggested above would provide a compendium which would serve the purpose of providing information on drugs sold under established name, and, by having individual product listing of manufacturers, avoid the presently unanswerable question of therapeutic equivalency of chemically similar drugs with the same established name. Thus we believe this publication should be considered carefully as a possible solution to the compendium problem, assuming, of course, that the publisher would agree to certain modifications and assuming that affected manufacturers would agree to participation and that the costs of publication would be reasonable.

If the Physicians' Desk Reference or perhaps another existing publication or organization could not assume the responsibility for privately producing such a compendium, it may be desirable to consider the establishment of a quasi-public corporation such as the Communications Satellite Corporation which includes on its Board of Directors several Presidential appointees. These appointees would be drawn from the ranks of government, private industry, and the medical and scientific communities.

A private publication could be financed by payments from participating manufacturers for the listing of their products. An exemption from certain of the requirements relating to the use of package inserts would provide an inducement for manufacturers to participate.

As we noted at the outset of this letter, Roche would support the general idea of a drug compendium designed to provide physicians with current, complete and readily available information on drugs. We further believe that a "compendium task force," as indicated above, should be established, with the concurrence of all interested groups and bodies, to consider the many issues involved, including the suggestions in this letter.

I again express my appreciation for the opportunity to give you our thoughts on this important subject. I hope they will be of value to you in the development of your proposal.

Sincerely,

V. D. MATTIA, M.D.,
President.

TEXAS PHARMACAL CO.,
San Antonio, Tex., December 14, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, Washington, D.C.

DEAR SENATOR NELSON: Reference is made to your letter of November 3, 1967, concerning the possibility of developing a drug compendium.

While I am not familiar in detail with all of the testimony before your committee, I am, of course, acquainted in general with the proposal advanced by Dr. Goddard and have some views on this matter which I am happy to share with you.

The general concept of a drug compendium is certainly an acceptable one in theory. Problems arise in the manner in which the development of such a compendium is implemented. As you may have been informed, such a compendium now exists in the form of the privately published "Physicians' Desk Reference". I know from my own knowledge that this publication is widely used by doctors and is considered to be reliable. The publication is not absolutely complete in that it does not include the products of every drug company in existence. Further, I am not aware that the contents of the publication necessarily have FDA approval; however, my observation has been that the material included in PDR closely follows approved package inserts.

There is little argument that the most useful compendium to the medical profession would be one in which the products of all drug companies would be included, although the expense involved in collecting and presenting information on all drugs of all companies would indeed be significant. If the drugs have received new drug approval from the Food and Drug Administration, presumably the material appearing in such a compendium would be based upon such package insert. However, some of these package inserts tend to be quite lengthy, including matter of little practical use to the practicing physician, so that I would hope some way could be evolved to provide an acceptable condensation as indicated in order to prevent the compendium from becoming unduly bulky and, thereby, destroying its practical value. The ultimate question, of course, is the real need to be filled for the practicing

physician, that is not already provided by existing methods, and I have not seen any definitive information on this point.

There would also be the problem of maintaining the compendium up-to-date, but presumably this could be done with periodic supplements, such as now utilized by PDR.

I am told that a suggestion has been made that drug prices should be included in such a compendium. I would strongly oppose this suggestion since it is not clear to me how the prices would be selected. A great deal of the information regarding drug prices which I have recently observed seems highly misleading and confusing. Rather than attempt, therefore, to select a price (wholesale or retail?) for each drug—whether it be the lowest price quoted by anyone regardless of extent of distribution, an "average" price, or a price which might be regarded as a "fair" price—it seems to me best to not include the price. The doctor can always determine any price by calling his pharmacist.

I have also seen suggestions made that drugs be listed under their generic as well as brand names. I see no objection to including generic names in such a compendium, where they exist, since such names already appear on the label of the product. In our own field of specialty, namely dermatologicals, the brand name is practically the only one which would have any meaning to a doctor, since the products we market tend to be composed of several ingredients, properly blended, to which a generic name is not usually applicable. Of course, any compendium that did not include such combination products could not be considered complete.

In summary, as I have indicated, I believe the broad concept of a reliable drug compendium cannot be questioned. The difficulty arises when one attempts, on the one hand, to make it all inclusive and completely accurate, yet recognizes the necessity of keeping it within an acceptable length and expense. I am not sure I know the answers to these problems, but I certainly wish to commend your committee for attempting to shed light on the matter.

Sincerely,

ARTHUR W. MUELLER,
President.

ORGANON, INC.,
West Orange, N.J., November 15, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Committee, U.S. Senate, Washington, D.C.

DEAR SIR: This is in response to your letter dated 3 November 1967.

We are favorably inclined towards the compendium concept. Such compendium of drugs could be useful provided it is worked up carefully with respect to the objectives.

Among the prime objectives would be to assist the prescribing physician. This should provide the guidelines as to what goes into such compendium. It should reflect the expressed views of physicians as to what they would find most useful and significant to facilitate their use of the drugs the pharmaceutical industry has made, and will continue to make available.

Sincerely,

ALAN KUSIK,
Administrative Vice President.

S. F. DURST & CO., INC.,
Philadelphia, Pa., November 17, 1967.

Hon. GAYLORD NELSON,
U.S. Senate
Washington, D.C.

DEAR SENATOR NELSON: We appreciate receiving your letter of November 3rd, 1967 and welcome the opportunity to give you our thoughts on national compendium of drugs. It may be relevant to point out that we have been handling drugs for the medical profession for thirty-seven years, and are well respected in the geographic areas that we service. We think that a smaller company such as ours that works intimately with thousands of physicians may have some useful thoughts to contribute.

We are in favor of a compendium and believe it should be similar in format to the "Physicians Desk Reference" but greatly expanded to include every item of every company from the largest to the smallest in the pharmaceutical field.

If you would desire additional thoughts on the subject we will be happy to cooperate.

Sincerely,

RICHARD L. DURST,
President.

CROOKES-BARNES LABORATORIES, INC.,
Wayne, N.J., December 4, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR NELSON: In reference to your letter of November 3 addressed to Mr. Louis E. S. Santamaria, please be advised that I endorse the concept of a compendium of drugs.

It would seem to me, having spent many years in practice, that the compendium should include generic and brand names, the manufacturer of each generic and brand name, some basic pharmacology and adverse reactions.

In general, I feel that an official compendium similar to the Physician's Desk Reference but without the promotion, would be the most valuable.

Sincerely,

DANIEL K. BEIRNE, M.D.,
Vice President.

THE UPJOHN CO.,
Kalamazoo, Mich., November 17, 1967.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: This is in response to your recent letter requesting my views as to the merits of a drug compendium.

I appreciate your courtesy in writing and expression of interest in the position of The Upjohn Company on a subject of such importance to the pharmaceutical industry and the medical profession.

The position of The Upjohn Company is compatible with others who have endorsed the general concept of a drug compendium. It has been our consistent policy to insure full disclosure as to the quality, characteristics and proper usage of the products which we manufacture. Thus, we would certainly support, in principle, the idea of a compendium as a vehicle for providing such relevant information to the medical profession

While one can endorse the principle of a compendium, careful and serious thought must be given to the substantive composition of this publication. I share the view expressed by Dr. Goddard in his testimony before your Subcommittee on November 9, that the compilation of a Drug Labeling Compendium will be a difficult task. Certainly a meaningful compendium must include pertinent information presented in a form best suited to impart essential facts included in package inserts. These facts, as you well know, are related to the quality and characteristics, safety and efficacy of our drug preparations. I think it would be a mistake to include information superfluous to this purpose and do not feel, therefore, that economic data, such as price, would be germane to this publication.

I believe that considerable thought and attention must be given to membership of the committee which will prepare the compendium and be responsible for its content, for the value of this publication will be directly related to the caliber of its format and composition. Careful consideration should be given to this question as well as others which relate to content of the compendium. The views of concerned parties should be elicited in deciding whether all or portions of information presently contained in package inserts should be included. If this document is to group drugs according to specified nomenclature with an accompanying summary of the drugs listed, then standards should be adopted concerning the method of drug selection as well as proper preparation of the summary. There are, after all, delicate distinctions between many drugs which require recognition in a compendium. Furthermore, a policy should be formulated to insure that new drugs approved subsequent to publication of a compendium but prior to release of supplements thereto may be distributed without penalty for not being included in the compendium.

These are but examples of some decisions which must be made prior to the preparation and publication of a compendium. I would suggest that to resolve questions such as these, thought be given to calling a meeting of those people who will be concerned with its use. Among such people would be the Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, representatives of the pharmaceutical industry and the medical profession. This could provide a blue ribbon committee to study these and other questions of vital importance to the preparation of a worthwhile compendium.

I hope that these brief comments will be of assistance, and wish to assure you of my desire to cooperate.

Sincerely yours,

R. T. PARFET, JR.

SMITH KLINE & FRENCH LABORATORIES,
Philadelphia, Pa., November 17, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In reply to your recent letter asking for our comments on the idea of a drug compendium, we believe that the general concept is a good one.

As to content, we feel that there should be a description of each individual nationally marketed drug product of all registered manufacturers, together with full prescribing information as approved by the FDA. Anything less than this would deprive the physician of full information on the specific drug product he may wish to prescribe.

As to the format, we believe that an expansion of the existing Physicians' Desk Reference (PDR), currently the most widely available source of this information, would be the most practical and economical solution to the problem. Further, we would suggest specific controls by the publisher and the FDA to assure that the information on each drug product is complete and up-to-date. Admittedly, such a compendium would significantly increase the size or create additional volumes of the PDR, but we don't believe this would lessen its usefulness to the physician. We also agree that PDR should continue to be supported by the industries whose drug products are included. In the case of products not included for reason of limited distribution (or for any other reason), prescribing information inserts could still be required for inclusion with the commercial package, as at present.

We appreciate the opportunity to express our views on this subject.

Sincerely,

T. M. RAUCH.

THE WHITE HOUSE,
Washington, January 3, 1969.

Hon. GAYLORD NELSON,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SENATOR NELSON: This is in response to your request for my views on a national drug formulary and a national compendium of information for prescription drugs.

I am pleased to have the opportunity to express my strong support for such a proposal. Full disclosure of information to assist the consumer in getting the best buy for his money, and adequate protection of the public's health are both principles which the Administration supports. A significant step in providing both would be made by publication of a United States Drug Compendium by the Food and Drug Administration.

Inclusion in the Compendium of generic drug names, drug use, dangers, contraindications, side effects, or doses would facilitate accurate prescription and, at lower cost. With knowledge of the generic name, the consumer can do comparative shopping.

While portions of this information are currently available through privately published publications, they do not give indication of use, dangers, contraindications, side effects or doses. They are of some value to the pharmacist, but not of value to the practicing physician, hospital, or social service agency. Compilation of advertising by pharmaceutical firms, also privately published, does not serve the consumer's medical advisers adequately by providing sufficient unbiased information.

If requested by Congressional committees conducting hearings on proposed legislation designed to make possible a national drug formulary and compendium of information for prescription drugs, I would be pleased to testify in behalf of consumers for full disclosure as being in the interest of additional health protection and lowering drug costs to consumers.

Sincerely,

BETTY FURNESS,
Special Assistant to the President for Consumer Affairs.

STANFORD UNIVERSITY
SCHOOL OF MEDICINE,
Palo Alto, Calif., November 16, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR GAYLORD: * * * You asked me about the value of a drug compendium. This would indeed be an extremely valuable system for drug information. In principal, I would give it the highest possible endorsement.

One should, however, not underestimate the magnitude of such an undertaking since it would represent very nearly a distillation of recent and contemporary medical research. Many of the assertions that should appear in entries in the compendium would be controversial. There is sufficient division of interest and adversary quality that one would, in all fairness, have to make provision for the registration of conflicting opinions. I do not, however, believe that these objections are insurmountable and I would strongly urge a definitional study of such a project as soon as possible.

Such compendium would have the obvious purpose of displacing the inexpressibly bad system of drug advertising that now prevails. As the compendium develops, I foresee that we might move towards a situation where drugs would not be permitted to advertise in any other way. In my opinion, this shift of emphasis from promotional to informational activity on the part of the drug industry would have the most constructive effects in many other problem areas that affect the industry in its relation to public interest at the present time.

The tragedy is that the physicians have not developed their own professional organization to deal with this problem. Even now there would be obvious merit in delegating as much responsibility as possible to professional, non-government agencies for the implementation of these educational programs.

With all best wishes,

Sincerely,

JOSHUA LEDERBERG,
Professor of Genetics.

CHICAGO, ILL.,
March 8, 1968.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: You are certainly on the right track with your proposal to publish a compendium of pharmaceuticals which would include in each case a fair evaluation of that drug's potential for benefit and harm. Such a work would only be really useful if prepared by an independent source and the federal government, which your proposal suggests, is the only independent source able to perform this evaluation. The American Medical Association is obviously too tied to and dependent on the pharmaceutical manufacturers for their evaluations to be trustworthy on this vital subject: it is surely sheer folly to rely entirely on the manufacturers' statements themselves as the currently used Physician's Desk Reference now does.

Despite the clear need for such a work in clinical practice, the fact that the AMA has never issued one clearly shows their unwillingness to interfere with the manufacturers' sponsored PDR, which is, of course, a great sales help to these manufacturers.

I wrote you several weeks ago praising your attempts in the health field. I took the liberty of sending a copy of my letter to you to Secretary Gardner of HEW. Mr. Milton Silverman, Special Assistant to the Assistant Secretary for Health, sent me an answer which showed that he is indeed giving meaningful thought and appraisal of the medical situation in American and is devoting a high level of ability and effort to find new solutions to the present grave problems.

The value of this compendium would, I believe, be much enhanced by a few sections covering the theoretical pharmacological basis of therapeutics with certain groups of drugs whose use became widespread after most physicians now practicing finished medical school. Such important areas as "tranquilizer pharmaceuticals" and the "mycin antibiotics" have not been systematically studied by most physicians in school and for this reason such a section would be most helpful.

Thanking you for your efforts which will ultimately be greatly to the advantage of the health of all citizens, and I believe, will also make the work of physicians far more effective, I am,

Respectfully yours,

JAY H. SCHMIDT, M.D.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 6, 1967, for a report on S. 720, a bill to amend the Federal Food, Drug, and Cosmetic Act as amended in order to provide for the publishing of a United States Drug Compendium and for other purposes.

The bill would provide for the regular publication of a compendium consisting of the approved labeling of official and trade-name drugs cleared for marketing by the Food and Drug Administration.

At the present time, several thousand drugs are constantly used in medical practice. These drugs are highly sophisticated chemical compounds and present very considerable problems. The potential of the good which a drug can do is in most cases equalled by its potential for danger if it is used under the wrong circumstances, in the wrong quantities, for the wrong disorders, at the wrong time, and for the wrong person. The warnings, cautions, contraindications, and possible side effects of these drugs are stated in the labeling approved by the Bureau of Medicine of the Food and Drug Administration.

Unfortunately, however, the labeling which is addressed to the physician does in effect rarely get to him, because as a matter of practical experience it gets lost somewhere between the manufacturer, the wholesaler, and the retail pharmacist. Nor are these drug labels at present in a form which would facilitate thorough study by the physician, even if he had easy access to them.

The result is that the physician has to rely almost entirely on various means of drug promotion in which the pharmaceutical companies are engaged, such as advertising in medical journals, promotional literature sent directly to the physician, and the like. In many cases, such promotion does not reflect the approved labeling. The physician, the hospital administrator, or the social service agency thus are severely limited in their search for a drug for a particular clinical situation, or in their ability to compare drugs for which similar claims are made.

Nor is there at present a publication which lists objectively the labeling of drugs approved for marketing by the FDA. Such publications as there are either give a list of drugs selected by the editor or are directed to the pharmacist giving ingredient components and so forth, or are compendia of advertising which frequently overstate the beneficial effects of a drug without balancing such statements with indications of dangerous side effects and the like. A Drug Label Compendium published by this Department would list both official and trade-name drugs and thus give the practicing physician, or the hospital administrator, or the social service agency, the opportunity to make an intelligent and informed choice in the use and purchase of drugs necessary to his work. Such a compendium would be a vital, and indeed indispensable, aid to the medical practice in this country and thus to the health and welfare of our people.

Under the provisions of S. 720, the publication of the Drug Label Compendium would be paid for by charging the sponsors of new drugs a fee for New Drug Applications which involve considerable investigational work on the part of the Department and for which so far no charges have been made.

However, it is expected that pharmaceutical manufacturers, who would be permitted to omit package inserts after their drugs have been listed in the Drug Label Compendium, would save substantial amounts now expended for the printing and insertion of these drug labels.

We would therefore recommend that S. 720 be given favorable consideration by your Committee.

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,

———— ————,
Secretary.

[From Medical World News, Aug. 16, 1968]

THE FDA UNDER DR. LEY

(NOTE.—Of all the unfinished business that new FDA Commissioner Herbert L. Ley Jr. has inherited, including the therapeutic equivalency issue and the huge pre-1962 drug review, he considers nothing more important than the proposed drug compendium. In this MWN interview, Dr. Ley argues that a digest of all pertinent data on all drugs in interstate commerce is vital as a reference work for doctors. Since it could lead to a loosening of ad regulations, he feels it ought to be attractive to the drug industry too.)

Q. When Commissioner James L. Goddard left the Food and Drug Administration at the end of June, he voiced a feeling of frustration over his inability to get through to the one group of Americans he most wanted to reach—his fellow physicians. Dr. Ley, how do you feel about that?

A. I share Dr. Goddard's feelings exactly. Closing the communication gap between the

FDA and the nation's physicians is a major challenge. I am especially concerned about the communication problems that come up when the FDA takes action on drugs that the doctor prescribes and his patients use. The recall of anticoagulant drugs from the marketplace last year was publicized in the press across the country and aroused considerable concern among patients using the drugs—quite understandably. Many physicians got phone calls from their patients before they even had a chance to read the newspaper items.

Other problems of communication are less intimately related to our regulatory actions. In our collected files of experience and data here at the FDA, we have a very valuable body of important medical and scientific information. In the past, we have not used articles in scientific and medical journals to summarize the agency's experience in a particular area. In the case of chloramphenicol, for example, the comparison between sales or batch certification figures, which give some measure of the amount of the drug used, and the numbers of cases of the diseases for which chloramphenicol is appropriate would make an interesting medical paper. In my opinion, this type of medical report would be a valuable element for the physician to consider in his judgments involving treatment.

Q. Do you see a greater need for the FDA to act as a therapeutic advisor to the physician?

A. No. That is not our responsibility. But we do have a responsibility to make information on drugs available to the physician.

Q. Dr. Goddard felt that the doctors' knowledge of drugs was rather poor and that they need more education from the FDA in this area. Do you share this view?

A. Not precisely. There is a need for continuing education in this field, but a government agency is not the proper group to take it on. However, such educational programs can function effectively only if they have access to the full factual drug information that resides in our files. That's where our responsibility is.

And this leads very naturally to the drug compendium, which was one of Dr. Goddard's major interest and remains one of mine. I believe the compendium should include all prescription drugs in interstate commerce and be distributed without charge to all physicians and allied medical specialists, medical treatment facilities, and pharmacists.

Q. Didn't a survey sponsored by the Pharmaceutical Manufacturers Association indicate that most physicians believe existing *sources of* drug information are adequate?

A. That's true, though I am unable to comment on the validity of the sampling process. But here in the agency, because of our close knowledge of the details of the medical reporting on drug usage, we are in a unique position to say that there is need for a well-designed, readable, and comprehensive drug compendium. The past 20 years have brought such a large number of new drug products to the market that it would be difficult, if not impossible, for a physician in daily practice to be intimately aware of all details for use of all of these products. It is just humanly impossible. There is need for continuing education among physicians just as there is among teachers—and even among government employees.

Q. How do you feel about advertising as a source of information for a doctor?

A. Nowadays, advertising is educational as well as promotional. But once an FDA-approved compendium is in the hands of every doctor, I would be perfectly willing to consider the possibility of deleting the requirements for brief summary information in advertising.

Q. Do you think the industry will help pay for the compendium?

A. The initial funding will have to be provided by the government. Later, companies could be assessed on the basis of the number of drug products and the volume of sales.

Q. What will a federal compendium give the doctor that he can't get from the Physicians' Desk Reference and other existing sources?

A. In one volume, he would have information on all drug products in interstate commerce in this country. PDR does not contain that.

Q. But doctors don't use all the drugs on the market, and many feel that PDR has the list pared down to a workable size.

A. There are situations in which the physician finds it very difficult to obtain information on a drug that he may want to use for an unusual or very serious condition. If it is a low-volume drug, it will not be in PDR.

Q. Do you see room for a closer relationship between FDA physicians and the companies submitting new-drug applications?

A. Yes. If the investigational drug studies are properly done, with adequate exchange of information while they are in progress, no firm need ever be embarrassed by having an NDA rejected. We are moving to the belief that a company should have resolved all major questions before the application is filed with us. We would then be able to approve the NDA much more promptly.

Q. Does this mean you will be asserting more direct supervision over the clinical investigation stage?

A. We will be participating more vigorously in discussion and criticism of protocols during this phase. We will not attempt to supervise this type of study directly.

Q. It was recently disclosed that in reviewing a two-year-old study on betahistine hydrochloride (Serc, Unimed), FDA agents went afield and quizzed patients directly (MWN, Aug. 9). One of the agents said this tactic had been used in at least one other instance. Is this kind of direct supervision proper?

A. For investigational drug studies, Congress gives us the responsibility to document and check. In this case, the company should have monitored more closely. Investigation indicates that the new-drug application contains untrue statements of material facts about the status of some of the patients involved in the clinical trials, the drugs they were given, and the results obtained.

Q. Dr. Ley, many doctors feel that the FDA's emphasis on exact labeling takes away the leeway they must have in using drugs to treat their patients. What control do you believe the FDA should exert over the physicians' use of drugs?

A. It's not a matter of control. Our responsibility is to furnish—in package inserts and presently, I hope, in the compendium—the significant information on side effects, adverse reactions and contraindications that the physician needs to initiate therapy with any drug in the marketplace and to judge reactions to therapy.

The controversy over the medicolegal implications of labeling requirements during the past two years has often been more emotional than rational. I was very glad to see that in a recent decision in a malpractice case, the Massachusetts Supreme Court ruled that the package insert is no more and no less important than any other medical reference available to the physician. This decision should do much to alleviate undue concern on the part of the medical profession.

[From AMA News, Oct. 14, 1968]

MEET HERBERT L. LEY, JR., M.D., FDA CHIEF

Q. There has been much publicity recently about tests disclosing discrepancies in chemical and clinical equivalency of drugs, with brand-name drugs in some cases demonstrating greater clinical effectiveness. How widespread do you believe this might be, and have any answers been forthcoming?

A. There have been fewer than two dozen examples of such discrepancies to date that can be recounted. In the case of a tetracycline tablet, we found that a sugar coating prevented dissolving. The problem was one of crystal size in the fungicide griseofulvin. There have been no detailed explanations yet. We have a hunch that the discrepancies in chloramphenicol may be caused by excipients in the capsule. We need to develop *in vitro* tests that can discriminate as well as human tests.

Q. In line with this, there have been proposals that the Biological Standards Division of the National Institutes of Health be shifted to FDA in order to have all drug and biological clearing work done by a single agency. Is there anything in the works?

A. No, there is nothing new.

Q. Drug advertisements have changed greatly since the Kefauver Drug Law was approved five years ago. Can physicians anticipate future changes?

A. As time goes on, we hope that the efforts of the past several years will continue to produce what we consider very significant changes in the approach and accuracy of drug advertising. The general situation in the advertising area is much better than it was two years ago, but occasionally we receive strong and vigorous complaints from physicians about ads such as that they may go beyond the law in claims of effectiveness or indicated usages.

Q. There has been considerable conflict between FDA and the drug industry over the entire regulatory approach of the agency. How do you view the agency's regulatory role?

A. The objective of the agency is not to take punitive actions on every violation. This would be very shortsighted. The objective, hopefully, is to achieve a change of attitude regarding promotional efforts for prescription drugs. We question whether it is appropriate for drug companies to use conventional promotional techniques such as are employed in selling cars, yachts, houses, etc. In these cases, a customer feedback is possible. The consumer can't be burned too many times because he will refuse to buy the product. The drug consumer, on the other hand, is not in a position to feed back. I feel that it is not appropriate to advertise drugs as other products. I hope the industry will recognize that a much different approach is needed.

Q. Do you discern much progress?

A. With individual firms, yes. There is a very decidedly active interchange of ideas. However, I am still feeling my way with the Pharmaceutical Manufacturers Assn.

Q. Special study groups have recommended that the FDA and the drug industry set up a self-policing code similar to that used by the federal trade commission with industries. What is your opinion?

A. Nothing has been done so far. One problem here is that although the PMA represents most of the large companies, there is no single group representative of the industry as a whole. To date it is impossible to get a spokesman for the entire industry.

Q. Some physicians and research scientists charge that FDA is too strict with experimental drugs and has hampered medical research.

A. The usual contention is that the Kefauver Law has slowed the applications for new drugs. The fact is that when you plot new drug applications year by year for the past 30 years, there is a drop-off starting in 1955 and the downward slope has been uniform since then with apparently no marked effect by the Kefauver amendments. My guess is that there has been no strangulation. The industry is returning to its everyday pace after the World War II stimulus. There is an impression that FDA has slowed progress, an impression I have tried to correct. I find some degree of a lack of understanding of the actual intent of the law relating to safeguards. The intent of Congress

was to prevent repetition of the thalidomide episode, to have a line of information on animals of great depth and quality before clinical use.

Q. The Administration has proposed publication of a national drug compendium. Do you favor this?

A. There is need for one all-inclusive compendium containing single entity and combination products and all drugs shipped in interstate commerce that will be available to all physicians, dentists, pharmacists and institutions without charge. It should not be the sole source of information. A comparative approach also is needed. In this field, first we need an excellent text book on pharmacology, an evaluation and comparison of new dugs that would not be a federal responsibility, and a compendium with a text approved by the FDA. One question under study is who will pay the bill.

Q. Will the economy cuts in government affect FDA this year?

A. We are having to decide where to slow down and where to continue the present pace. We can't do as much, but we are not hamstrung.

Q. What do you view as your major problems and your major goals in the drug area?

A. Communications between the industry and FDA. I am principally interested in changing attitudes and concepts. I'm not the sort of person who takes a legalistic approach with every possible violation receiving the penalty called for by the statutes. It is obviously impossible to do this. We should concentrate on the major problem areas and use violations as a means of emphasizing the differences in philosophy and approaches where we are at cross-purposes, expose them to open discussion so that the industry might take appropriate corrective actions.

Q. What would you like to see physicians do to assist you?

A. Physicians have every right to expect promotional efforts for drugs to be objective and factual and honest. If any physician or group of physicians considers that a promotional effort does not meet these criteria, they have every reason to object strongly to the manufacturer, and, especially, to the FDA. I welcome such expressions of concern on the part of physicians. If more physicians would express their true feelings about this, manufacturers would realize that occasionally they are overstepping propriety.

[From Clinical Pharmacology and Therapeutics, November-December 1967.]

How to Stuff A Stuffer and Cook A Wolf

(By Walter Modell, M.D.)

In our protest some months ago of what we considered highly improper use of the drug package stuffer by the FDA, we indicated that these practices had turned the stuffer into the Big Bad Wolf, and that we were afraid.

Our expressions of anxiety have reached many through reprinting in medical journals and even in the Congressional Record, and have brought down an avalanche of letters, most gratifying, but too voluminous to answer individually or print in the Correspondence section. Of the lot, only one letter, from Dr. Herbert L. Ley, Jr., Director of the Bureau of Medicine of the FDA, came to the defense of the stuffer. This lonely letter was republished in this Journal, together with a rebuttal by us. In a second, later defense by Dr. James L. Goddard, which was published in another periodical but was later answered by us in this Journal, the Commissioner attempted alchemy to turn the stuffer into a scientific "distillate." [4] It is not conceivable that these two negative responses are an accurate index of the ratio of stuffer supporters to nonsupporters in the medical profession; it is not conceivable that the stuffer has no champion outside the FDA. But even if this is the case, it is our opinion that the stuffer deserves a better position, a better fate.

At this juncture, therefore, we too would like to come to the defense of the stuffer per se, to express our views on what its lawful function is, a function which we believe has value for the physician and for his patient, providing the FDA carries out its lawful responsibility and does not try to modify or extend it.

The time has come for a sober appraisal of the drug package stuffer, and in this place we propose to appraise it. It could be said that this is the last place for it and this editor the last one to do it. It could be said that we have already shown substantial bias and should therefore disqualify ourselves, but the plain fact is that anyone who knows enough about all the implications of the stuffer situation to write competently about it is, one way or another, also biased. That we have selected ourselves for the job is not to proclaim that we are especially competent or relatively less biased, but rather that we could find no one better. It is surely in our favor that we are not of FDA, the government, or the drug industry, and that we own no drug stock or government bonds. We do, of course, identify with writers and editors as well as with scientists and medical educators, and so have deep personal involvement in the controversy. It may well be that, despite an attempt to be objective, our bias is "busting out all over." We therefore invite readers who detect bias to write to our Correspondence Department and point out where we have allowed it to distort facts and their interpretations in the statement which follows. This is a good place to say that it seems incredible to us that at this late date the FDA has not felt that it owed the scientific community and the medical profession a full explanation and clarification of the status of the drug package stuffer; it has merely praised it. This makes our statement all the more necessary.

The legal status of the strange device

There is, of course, no document legally called a "stuffer," but neither is there a legal "insert" or a legal "brochure," to call the stuffer what others call it. As long ago interpreted by the FDA and upheld by the courts, the drug package-stuffer, or insert, or brochure, is simply part of the label of the drug package.

However, once the original package is opened by the pharmacist and the drug is dispensed in another container under a physician's prescription, the stuffer is physically and legally separated from the drug, and thereafter only the physician's label (or signature) legally indicates how the drug should be used. *This is how clinical medicine is practiced today.* And legally. The stuffer *is not a legal directive to the physician!* It is a label, a label!

The Food and Drug Act and its several amendments charge the FDA with the function of seeing that no misstatements appear on the label, and that there are no omissions of clinical importance, since it is an integral part of the label and no unlabeled drug can be sold; under the law no new drug can be marketed without an FDA-approved drug stuffer. Some drug advertisements are now also interpreted by the FDA as coming under the scope of their control of labeling. From certain public statements it is conceivable that the FDA also believes it can now direct clinical practices through the medium of the drug industry's advertisements. The drug industry has an easy out here: institutional advertising.

It has taken a long time and some curious stages of legislation and interpretation for the drug package label to metamorphose into its present stature and significance. On the face of it, this high estate, this elevated position, seems unquestionably to be in the public interest. A proper label could be in the interest of the medical practitioner and the drug industry as well.

How a stuffer is stuffed

The typical drug stuffer contains information on the chemical and physical features of the drug, the amounts contained, a concise statement on all significant aspects of its pharmacology, a list of the adverse effects which have been observed in animals and reported in man, the clinical uses for which the FDA has recognized evidence of efficacy, the contraindictations, the doses recommended for the uses approved, the forms of the medicament accepted, and a list of publications on the drug.

Some stuffers are very extensive and contain lengthy excerpts from the literature and long bibliographies. The stuffers are generally printed in Lilliputian type and on Bible paper, and are hard to handle and very difficult to read. There is no uniformity, physical or technical. Some stuffers are well printed. Some stuffers are excellent statements indeed. We reprint them in this Journal; we would not do so otherwise. The reader is referred to the stuffer on clomiphene (Clomid), reprinted on the tinted pages of this issue of the Journal, as an exemplar of a good one. Some are not good statements.

When the drug manufacturer is reasonably certain that his nominee for an NDA (New Drug Application) will get FDA approval, he sets into motion a complex mechanism to prepare an account such as that we have described.[4] It is hard to say how long or extensive he may feel constrained to make the first version he offers the FDA, but he tries to make it satisfactory because he wants prompt acceptance. If any question regarding safety has reached public ears, the stuffer is likely to be overlong and defensive. If special instructions in use (e.g., method of injection) are required, this will take space and, sometimes, diagrams.

There are no statistics on first version successes; they must be rare indeed. Almost always there ensues what, although often genially called a "dialogue" by the FDA, is really a bargaining session between the stuffer crew and the FDA. Often each side makes preposterous initial statements in order to mint sufficient coin for the bargaining game. The former defends the drug as being altogether safe in relation to the contemplated use and not deserving of being hobbled by qualifications or excessive precautions or public reminders of adverse reports whose claims are unproved and too rare, anyhow, to ruffle the public's feathers. The FDA, for the public safety and in response to its charge from the Congress, insists on every detail it deems conceivably relevant to the safest possible use and the safest possible effective use. The FDA has the last word.

Many sessions may take place before a stuffer is stuffed to the satisfaction of the FDA and the drug, which has otherwise long been ready, may be packaged and marketed. Unfortunately, records of these bargaining sessions are never made public; only grumbled about in private. This secrecy is characteristic of the FDA's evaluation of the public's interest as against the confidentiality of information presented to it. An even more important unfortunate consequence of this preservation of confidentiality is that the FDA also extends it to established toxic reactions to drugs which are congeners of those now under investigation in man.

Usually it takes some months, often more than a year, before an acceptable stuffer is written. The FDA seems to take this well in its stride, industry is understandably more impatient. So much time and stress are expended in these exercises that it is claimed that drug manufacturers who are anxious to market their new inventions as quickly as possible soften too soon, yield too easily to

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Footnotes at end of article.

FDA demands, and agree to revise stuffers, especially in regard to the lowering of dosages, even when they are convinced that their side is the right side.

Approval does not mean that it will not be long before the stuffer is found faulty for new reasons or new experiences, and a new stuffer will have to be written and substituted for the old.

If the manufacturer changes the form of his medicament in any way, the stuffer will have to be rewritten. Sometimes, however, simple amendments to the stuffer are permitted in the form of a separate, shorter public statement, the "Dear Doctor" letter. These are sent to all physicians advising them of errors or misstatements (designated by the FDA) in the stuffer, the clinical findings which brought these errors to light, and revisions which should be applied to the statements in the old, but otherwise still current, stuffer. All of this may be a bit confusing to those physicians who never got the stuffer in the first place because, while the FDA insists that doctors automatically get all "Dear Doctor" letters or amendments to stuffers, they don't automatically get stuffers, since no machinery has been set up for this. That the "Dear Doctor" letter may also apply to advertisements further complicates matters.

Although the FDA assumes no legal responsibility for any part of the stuffer it approves, and denies that it can be held liable for developments not described in it, doctors and drug manufacturers are not exempt from such responsibility. The FDA now insists that the stuffer is also a rigid directive to doctors, writers, editors, and publishers on matters of maximal dosage. Thus the FDA assumes a new role of executive power without accountability or responsibility. Yet, if the FDA virtually dictates to the manufacturer what the stuffer should say, it is difficult to see how the manufacturer can be held accountable for it.

In the interest of all concerned we would like to raise the question of who should write the stuffer and take the responsibility for it: the drug manufacturer, the FDA, or perhaps an unbiased and disinterested committee of real experts.

WHAT A STUFFER IS NOT

It is not always current. The date of printing of the stuffer is given, but there is no regular schedule of required revision of updating. There is, in fact, no pattern, not even any assurance of promptness in revision when new findings of importance appear in the literature. No mechanism has been set up to enable the physician who wants to consult the stuffer to find out whether it has been superceded by a more recent stuffer or amended by a "Dear Doctor" letter or, more important in our opinion, outdated by clinical experience.

It is not a legal document or a legal directive. The stuffer is merely an unusually long label of a drug package. Its dosage statements do not have the legal stature of the posology of the United States Pharmacopeia, which are passed on by the Congress. There is nothing in the body of present law or even the FDA Regulations (which is simply a proclamation by the Commissioner of his interpretation of the law) which requires physicians to follow stuffer recommendations in writing prescriptions. The legal counsel of the FDA, Mr. Goodrich, has made the statement that a physician who deviates from stuffer recommendations may be interpreted as performing clinical experiments, and he therefore comes under a provision of the Kefauver-Harris Amendment and FDA Regulations which may make him criminally liable unless he has filed an IND. This threat has not yet been upheld by the courts. We trust it never will be.

No matter how hard the FDA staff and the drug manufacturer's staff may have worked on it, as long as the FDA claims the stuffer is a legal document, it cannot also claim that it is a scientific statement, for no scientific statement will claim that it is the last word, or inviolate, or immune to challenge or modification; such an attitude is incompatible with the philosophy of science. Nothing proves that such a stand has practical dangers more clearly than the continued need for revised stuffers and "Dear Doctor" amendments. Only recently, stuffers on diphenidol (Vontrol) had to be substantially modified a few weeks after the drug and stuffer received FDA approval. Despite all its precautions and efforts, the FDA is clearly fallible in guiding the drug industry to perfect stuffers. How, then, can it hold them inviolate?

The attitude of the FDA that the stuffer is unalterable dogma is completely at odds with a primary axiom of therapeutics that each patient provides the material for a new therapeutic experiment, and that the wise physician tailors the dose to suit the patient. Thus the stuffer should be stuffed to fit every kind of patient and the variations possible in each disease. This is not now the case.

It does not make the risk of therapy calculable. Good drug therapy has been classically defined as the carefully weighed decision to accept the risk of medication in favor of the risk of disease without treatment.

Too little is known about a new drug when it first comes on the market to have definitive statistical statements on adversity in initial stuffers. Each time a new reaction is reported in the literature, the relative importance of all the other dangers may have to be reassessed. New reactions may reveal whole new areas of toxic potential not yet mentioned or seriously considered. It may well be that any stuffer which takes less than 5 years of general and widespread clinical experience into account (dealing with variation in race and age, which often relate to genetic, enzymatic, and metabolic differences, etc.) is a premature stuffer, and therefore has relatively little to offer, with respect to the calculatable risk of therapy, to the basis of good therapy. While this limitation also applies to instructions in drug use from all other sources, no scientist will ever claim that he has expressed the final word on anything. Yet here it is that, with the ready access of the FDA to the experience of all concerned, the stuffer could serve a unique purpose as a well-balanced review and statistical statement on adverse reactions. But Mr. Goodrich's interpretation of the FDA position is that judgments published in initial stuffers rule all therapy until revision at some uncertain later date.

In the listing of adverse reactions on stuffers, the FDA does not require statistical statements on reported adverse reactions so that the physician can use the information on drug adversity to decide whether he is subjecting his patient to a substantial risk of agranulocytosis in relieving a headache, or depriving him of a nearly certain prompt cure of his pneumonia because the curative drug causes diarrhea in the rare patient. This is one of the most important failings of the stuffer; it may even confuse or mislead the physician in his choice of drugs. It is obvious that there are great limitations in the data available which make meaningful statistical statements about adverse reactions difficult to provide at an early stage in the experience with a drug. Who is in a better position than the FDA to do this? But the FDA tends to make this very unsatisfactory situation worse rather than better by failing to use or express discrimination in listing adverse reaction in stuffers.

It is not compatible with the concept of generic equivalence. Since the position of the FDA is that a new set of clinical tests is required for each drug admitted to the market by the FDA, and it defines an old drug as new simply if it is manufactured by a new manufacturer, it is clear that *each stuffer applies specifically to a brand of a drug* and that, in practice as well as in principle, the stuffer is incompatible with generic equivalence. Stuffers do differ with brands, even though the same drug is described in each case. This will mean that the physician who collects stuffers will have to have a separate stuffer for each brand of drug. In a good collection of stuffers there may therefore be as many as fifty stuffers on the same drug, simply because the drug is made (or distributed) by fifty companies and there are fifty brands of it. This can go to even more ridiculous lengths. For example, diethylpropion has one stuffer for Tenuate, sold by the William S. Merrell Company, and another stuffer for Tepanil, sold by National Drug Company, even though both are branches of the same company and at precisely the same time the same body of evidence (we mean the same experiments on the same animals and patients) was presented to the FDA in the New Drug Application for each trade-named version of the same drug, and it is a good guess that tablets of both brands come out of the same barrel.

On the same line of reasoning, the FDA stuffer is incompatible with the monographs of the United States Pharmacopeia, legal documents which operate on the basis of generic equivalence.

HOW TO COOK THE WOLF

We believe the stuffer could turn out to be a lamb if we take off the wolf's clothing of Mr. Goodrich's statement that stuffer dosages must be followed—or else.

Good stuffers are sorely needed. They should be the very best possible statements on new drugs, and practical on a reasonably sized drug label. They should carry the weight of recognized medical authority. They should be worth reading. They should be readable. They should be fileable. They should follow good established printing and publishing standards. The FDA should also encourage uniformity in drug manufacture so that generic equivalence is compatible with a good and practical drug stuffer program.

Stuffers should contain useful established facts and only those suspicions which have reasonable support (and are so described), but no fears based on reactions resulting from polypharmacy or personal whim. Stuffers should be label instructions for the physicians to help them treat their patients, not directives depriving them of the flexibility necessary for the best practice, or frightening them so that they do not use the drug where necessary.

At present, the FDA is the only agency in a position to see to it that the stuffer is the distillate of all the scientific research and knowledge that the FDA has claimed it to be.[3] And if the FDA feels that the stuffer has the stature Dr. Goddard claims and deserves all the attention he is demanding for it, it is up to the FDA to see to it that every doctor gets a stuffer every time one is published by a drug manufacturer.

Stuffers should serve the public as the Congress intended the FDA to serve it when, in the Kefauver-Harris legislation, some of which Mr. Goodrich helped to write, it charged FDA to safeguard the public use of drugs by carefully monitoring labeling. Its purpose is to provide a particular kind of information, not to control general communication about drugs. The stuffer cannot be guaranteed to serve any educational purpose if it is also used to serve censorship. That it is proposed as a means of censorship is implicit in Goodrich's requirement that writers who deviate from stuffer recommendations publish a disclaimer. That Mr. Goodrich knows this is censorship was made clear by him at a meeting of the NRC in Washington on Sept. 27. Mr. Goodrich admitted that he

Footnotes at end of article.

could not conceive of a disclaimer, such as the FDA has already pressed on publishers and authors, which would not at the same time undermine the authority of the communication. In no event was the law designed to be used as the sharp edge of the wedge to open the way for an arm of government to manipulate clinical practices.

Stuffers should not be used, as Mr. Goodrich would have it, as guidelines to publishers, authors, and editors on what can be published or recommended about drug use. And they should not be guidelines for the decisions of the courts, for they are not legal documents or the statements of drug experts made in collaboration after exhaustive review. Today at least, they are the *result of bargaining and compromise* between the employees of the drug industry and of the FDA.

The stuffer is a label by means of which an agency of the executive branch of the government controls drug quality and safeguards public safety, but the FDA may not, through flagrant misuse of the stuffer, assume the role of the legislative or judicial arms of the government, which is what Mr. Goodrich is attempting to do. Finally, if the stuffer were treated only as a label, and not a piece of legislation or a legal directive, it would be far simpler to write an acceptable as well as a useful one.[2]

WOLF, WOLF

The stuffer has been called many things, largely because no one seems to like its correct name. Perhaps it is insufficiently impressive. "Brochure" is clearly undesirable and pretentious, and is reminiscent of the impressive euphemisms used by Madison Avenue to entice the living to buy plots for themselves in the Forest Lawn Cemeteries. "Insert" was delicately surrounded by quotation marks by Dr. Ley when he used it in his letter to us. We suspect that he recalled that some drug manufacturers have made it a genteel synonym for suppository. Perhaps it should be called by its right name, label, for that is what it is: a package label, harmless but helpful. After all, who is afraid of the big bad label? No one could be.

We have called them "stuffers" only because, since most physicians never receive them, stuffing packages seems to be the only use to which they were certain to be put. And that is all the use they will serve until they are made equable, are reviewed and rewritten regularly and frequently, printed in standard form, attain acceptance as concise summaries, and are automatically distributed to all physicians. As matters stand, the sweat, blood, and tears that go into making and accepting a stuffer are hardly justified by the attention they get from the physician, unless, of course, Mr. Goodrich ultimately has his way.

We see no objection in the word label. We are all for precise, correct, and even extensive labeling of drug packages; we are for precise, forthright clarification. Perhaps if we begin by calling this wolf, this insert, this brochure, by his correct, unobjectionable name, he may become the acceptable lamb he really can be.

If we are mistaken, will the FDA kindly identify the animal for us? If the stuffer is not a long, long package label, will the FDA tell the medical professional what else it is, and on whose authority it became it? Does not the FDA owe this to the scientific community and the medical profession? Can the FDA support the taking of a position tantamount to a new regulation without publication?

FOOTNOTES

[1] Ciba Foundation Symposia: Drug responses in man, London, 1967, J. & A. Churchill, Ltd.

[2] DeHaen, P.: The dilemma of the package insert, M. Sc. 16:16, 1967.

[3] F. D. A. papers, CLIN. PHARMACOL. & THERAP. 8:749–754, 1967.

[4] Hodges, R.: New drug applications, F. D. A. Papers 1:27–30, 1967.

[From Drug and Cosmetic Industry, September 1967]

A DRUG COMPENDIUM: IT'S TIME TO BE REASONABLE

(By Donald A. Davis, editor)

Since it is still so early in the game, it is difficult to discern exactly *where* Senator Gaylord Nelson is going with his Senate Small Business Subcommittee's drug industry hearings. Obviously, the heavy stress on wide disparities in drug prices signifies an interest in some form of legislation to curb price discrepancies and possibly even drug profits. However, intermittent changes in direction seem to indicate that the senators have not yet been able to pin down the real source of the trouble, and that they are not yet ready to prescribe a remedy.

But even before the pharmaceutical industry has had a chance to line up its own big guns, it becomes clear that Senator Nelson is maneuvering to secure backing for a secondary objective—a full-fledged, comprehensive drug compendium. And at least to this observer it seems clear that the fight against this relatively minor secondary objective is putting the drug industry into an indefensible corner.

Early in the proceedings the Pharmaceutical Manufacturers Association and individual drug executives made it clear that the very *idea* of a comprehensive drug compendium was, to them, completely abhorrent. In the spring, the PMA flatly rejected a suggestion that it join a conference on the compendium with delegates of the American Pharmaceutical Association, the American Medical Association, and the Drug and Allied Products Guild. In response to strong affirmation by the FDA Commissioner Goddard about the need for such a publication, the PMA continues to disavow the entire idea.

Somehow forgotten in all this is the fact that the drug industry is already deeply involved in the publication of compendia. The "Hospital Formulary", a collection of drug monographs and other information, *is* a compendian. In "The Physician's Desk Reference," which has drawn heavy fire from Commissioner Goddard and other subcommittee witnesses because it is supported by industry advertising and because its information is supplied by maker-companies, the industry already has the outline for what *could become* an acceptable compendium. The step upward from either of these publications to what Commissioner Goddard and Senator Nelson want is a small one indeed. And since Dr. Goddard has expressed willingness to "trade" the rules on package inserts (which he estimates will cost the industry $6 million) for acceptance of the compendium, it becomes difficult to sympathize with the PMA's adamant stand.

Very likely the compendium is seen as eroding the industry's position on generic-vs.-brand name arguments. Another possibility is that drug makers look upon the idea as hampering their activities in medical journal advertising, detailing and other forms of "doctor orientation." A third suggestion is that the industry's conservative element may see any such concession as a sign of weakness—a leak in the dike which will undermine many of the industry's other positions.

However, in view of the acute difficulties in Washington—by last count, two Senate and one House subcommittees were hearing testimony hostile to pharmaceutical manufacturers—the time has come for some form of reasonable concession. The compendium idea is the logical one on which to make such a concession.

Dr. William S. Apple, executive director of the American Pharmaceutical Association, last month warned that, without drastic changes in the basic policies of the pharmaceutical industry, there is a distinct possibility that "the structure of the industry will be drastically recast in the mold of a *public utility.*" Concession on the compendium could provide an expansion of good will that will lessen this possibility.

[From National Academy of Sciences News Report, May 1967]

COMPENDIUM OF DRUGS TO BE PUBLISHED, SENT FREE TO 600,000

Planning is in advanced stages for a vast project that for the first time would without charge put detailed information on all drugs produced in the United States directly into the hands of doctors and eliminate the need for package inserts which now accompany every individual drug container.

Envisioned is a drug compendium published in complete form once a year and updated every two or three months, 600,000 copies of which will be distributed on a complimentary basis to physicians, hospitals, pharmacists, and professional groups legally licensed to prescribe drugs for human use and an estimated additional 600,000 sold in this country and abroad.

The Drug Research Board of the National Academy of Sciences has been making plans for the compendium since 1967 when it established a small ad hoc committee on the subject, but only recently has its planning reached a point where all the concerned parties are in general agreement and, although most of the details still need to be settled, no further major obstacles appear to remain. It seems reasonably certain that, within a period of two to four years, the compendium will be a reality.

NAS WILL NOT PUBLISH

The Academy, having provided a primary stimulus to the proposal through the Drug Research Board, will not be engaged in the actual production and publication of the volumes. Through contracts between the Food and Drug Administration and private pharmaceutical publishers the current "package insert" information will be reviewed and edited for uniformity by expert panels approved by the FDA. The drug manufacturers, through a group such as the Pharmaceutical Manufacturers Association, would support the printing and distribution. Financing would thus be a joint responsibility of industry and the Federal Government.

Estimates of the total annual costs of the project range from $3 million to $8 million.

The Drug Research Board and others have long been unhappy with the present system of using package inserts to announce officially the characteristics of a drug. The inserts do not reach the physicians—the person who prescribes the drug—and, therefore, serve little useful purpose. The pharmacist finds them cluttered, non-uniform, and awkward to handle. The annual cost to the manufacturers of producing the inserts is about $6 million.

EFFICACY STUDIES INCLUDED

According to present plans, the compendium would be the means by which the final results of the Drug Efficacy Study, now in progress by the Drug Research Board for the FDA, would be transmitted to physicians in the United States for reference. All revisions in package insert information eventually carried out at the advice of the Efficacy Study would be incorporated in the compendium. The study is evaluating the effectiveness—in relation to the claims made by the manufacturers on the package inserts—of all prescription drugs placed on the market between 1938 and 1962.

Problems of format have not been entirely solved, but the compendium would consist of a book giving for each drug a description, indications, contraindications, warnings, adverse reactions, management of overdosage, dosage, and the supplier. Such information for all drugs—both single entities and mixtures—is not now available in a single publication.

The volume also will carry entries on drugs marketed both before and since the 1938–

1962 period. A total of about 5,000 drugs are involved.

Information on new drugs and new information on older drugs would be printed and distributed four to six times a year in the form of addenda. The annual volume would incorporate all previous changes.

The interest of the Drug Research Board, which operates within the NRC Division of Medical Sciences, dates to June 1964 when the need for such a compendium was brought up and discussed at one of its regular meetings. At a meeting on October 21, 1964, the board passed a resolution that it "approve in principle the concept of preparing a compendium of information which is now contained in package inserts and of distributing the compendium widely on a complimentary basis in the expectation that the compendium would ultimately supersede the package insert as a means of information on prescription drugs." A three-member committee was set up, and staff work, under the direction of Duke C. Trexler, the board's executive secretary, proceeded. The Food and Drug Administration has recently indicated its strong support for the concept and has asked the board to continue with its planning.

An important conference on plans for the compendium, with representatives from the Academy, both large and small drug manufacturers, and the Government, is scheduled for June 14 to 16 at Ellenville, New York.

[From Drug Trade News, Dec. 16, 1968]

PHYSICIANS WANT COMPENDIUM: FDA

WASHINGTON—A great majority of physicians responding to requests for comments on the second interim report of the Department of Health, Education and Welfare's Task Force on Prescription Drugs favors recommendations in the report for a federal drug compendium and a "journal of prescribing," HEW sources say.

Assistant Secretary for Health and Scientific Affairs Philip R. Lee, on Nov. 7, sent a letter to some 300,000 physicians throughout the country asking their reactions to the task force report, but particularly with respect to those two subjects and two others—undergraduate teaching of clinical pharmacology and provision for federally-supported seminars to update physician knowledge of drug therapy.

The responses to the recommendations dealing with a drug compendium and a new journal of prescribing conflict with a survey made earlier this year for the Pharmaceutical Manufacturers Assn. by Opinion Research Corp., of Princeton, N.J. In that sample survey, 64% of physicians said they believed current prescription drug information sources (principally *Physicians Desk Reference*) were adequate, while only 15% saw the need for a new compendium.

Dr. Mark Novitch, assistant to Dr. Lee, said the task force's compendium proposal brought 1,621 comments, of which 1,246, or 77%, were favorable and 375, or 23%, were unfavorable. As to the new journal, Dr. Novitch said, of 1,419 comments, 858, or 60% approved, and 561, or 40%, were opposed.

As of Dec. 4, HEW had received 3,307 responses from physicians to Dr. Lee's letter, Dr. Novitch reported.

A favorable overall tone toward the task force recommendations was expressed by 1,707, or 66.9%, while 529 doctors, or 20.7%, were opposed, and 316, or 12.4% were neutral.

[From the Washington (D.C.) Star]

DRUG STUDY SAYS MISLEADING CLAIMS ARE WIDESPREAD

(By Judith Randal)

EVANSTON, ILL.—About two-thirds of the nation's 3,000 or so drug formulations have been sold with one or more misleading claims, according to a study by the National Academy of Sciences.

Dr. R. Keith Cannan, special assistant to the president of the academy, said at a meeting of science writers here yesterday that the study, made under contract to the Food and Drug Administration, will mean that pharmaceutical manufacturers will have to revise a substantial amount of the information carried by their packaging and advertising.

However, in speaking at the annual briefing of the Council for the Advancement of Science Writing here, Cannan said almost all these drugs do meet efficacy standards for at least some of the claims they make. His talk substantiated earlier reports of the study which were released last January by the FDA.

The 3,600 drug formulations, Cannan said, do not represent 3,600 different kinds of medication. Some drugs are "me too" preparations made by more than one manufacturer, he explained, not all of which make the same claims for the same product.

EIGHTY-FIVE PERCENT OF DRUGS SOLD

Of the 3,600 formulations, only about 15 per cent can be obtained without prescription. All those surveyed were introduced between 1938 and 1962 and together represent 85–90 per cent of all the drugs being sold.

In all, said Cannan, 2,824 individually different drugs were surveyed by 30 panels of scientists expert in various aspects of pharmacology. He said he was "happy to say" that only about 6 per cent of these had been found to be ineffective for all the claims made by their manufacturers.

Cannan said the panels of experts had used five categories in reporting on the drugs they surveyed. In addition to "effective" and "ineffective" these were "probably effective," "possibly effective" and "effective but."

The "effective but" category, he explained, was reserved for those drugs which are considered beneficial, but outmoded by newer medications which have fewer side effects or some other advantage.

Cannan said that those making the study had been particularly disturbed by the large number of drugs with combinations of ingredients. Prescribing these is considered poor medicine, he said, because the dosage levels are set by the manufacturer, rather than by the physician for the individual patient.

On the other hand, they represent a time-saver to busy doctors and a tremendous source of profit to manufacturers, he said.

Cannan said almost all the final tabulations of the study have now been made and that the remainder will be in the hands of the Food and Drug Administration by the end of 1968. FDA will publish them in the Federal Register sometime next year.

SEES INSERTS INSUFFICIENT

Cannan said he thought that drug package inserts would not sufficiently inform physicians of the changes made necessary by the efficacy study. Too many doctors and pharmacists, he said, either do not read advertising or throw the inserts away.

Instead, he favored the preparation of a compendium—a reference volume on the indications, contraindications, side effects and suggested dosages for each drug. Such a compendium would be most acceptable to doctors and the drug industry, he predicted, if it were parepared by some nonprofit organization, rather than under the auspices of the federal government. The advisability of a compendium has been discussed often and a reference work of this kind was advocated by former FDA Commissioner Dr. James L. Goddard.

[From the New York Times, Nov. 19, 1968]

STATE TO SAVE 95 PERCENT ON DRUG

ALBANY, Nov. 18.—A 95 percent cut in the cost to New York State of an anti-hypertension drug will be made in the next year through purchase by its generic name, rather than its trade name. Arthur Levitt, State Controller, said the state spent $57,967 for the drug last year, and that about $55,000 of that amount would be saved in a year as the drug was now being bought under its generic name, resperpine.

SQUIBB BEECH-NUT, INC.,
New York, N.Y., April 22, 1968.

Hon. Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I apologize for the delay in answering your letter of March 8th.

As you probably know, the Pharmaceutical Manufacturers Association has arranged for the Gallup organization to conduct a survey of representative physicians to answer certain fundamental questions concerning the nature of a proposed compendium. I understand that the survey will be completed within the next few weeks. I, therefore, feel that we should wait until we have this information before taking a position on the particular questions that are involved.

I can say, however, that we have been doing a good deal of thinking about this subject in the last six months, and I am becoming more and more convinced that once we know what the American physician really requires and would like to have in the way of a compendium, there will be no insurmountable obstacles in designing one which will fit these needs and desires.

Sincerely,

RICHARD M. FURLAUD,
President.

E-FOUGERA AND CO., INC.,
Hicksville, N.Y., February 12, 1968.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Referring to your letter of November 3, 1967, on the question of a compendium of drugs, we wish to apologize for our delay in replying thereto. Due to my extensive travelling after the receipt of your letter, your letter could not receive my personal attention.

It is my personal opinion that the basic concept of a drug compendium is not objectionable. I take the position that any addition to the aids of the medical profession is a good idea. It should be pointed out that such a compendium must be sufficiently inclusive and comprehensive to include references to all drugs, generically classified and/or classified by trade name, so as to be of assistance to the physician.

Yours sincerely,

DR. KURT ALBERT,
President.

ABBOTT LABORATORIES,
North Chicago, Ill., November 20, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee,
Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: I have purposely delayed replying to your letter of November 3 on the concept of the creation of a comprehensive, widely available compendium of drugs, until I had the opportunity to read the views of Dr. Goddard in his testimony before the Monopoly Subcommittee of the Select Committee on Small Business on August 10, and again on November 9.

After reviewing the transcript of his testimony, I can state that we at Abbott Laboratories have always shared Dr. Goddard's belief that physicians are entitled to all the important information on all drugs in as feasible, prompt, and economical manner as possible. Thus the idea of a compendium consisting, in telegraphic form, of key information," . . . to abbreviate the package insert without compromising public health protection . . ." to use Dr. Goddard's comment before the Committee on November 9, is a worthy objective.

It is at this point that we believe more study should be given to the concept of a compendium. No one really knows what information should be included what format should be followed; who should edit the compendium; who should pay for it; how often it should be issued. Additionally, a survey of what physicians' needs in this area are, what physicians would use, should be undertaken. To create a compendium, a tremendous and expensive task at best, and then to find it ignored by the medical profession, would merely repeat the unhappy history of package inserts. These were required by the FDA over the industry's objection that they would generally not reach the doctor via the package. Experience has confirmed this objection which is in part, the basis for Dr. Goddard's desire for a compendium.

The fact that the meeting of the industry with the National Research Council's Drug Research Board has not produced any definite agreement on a specific compendium leads us to the conclusion that much more thought and examination must be given to this project. To enable us to visualize how it will materialize, more attention must be given to the whole concept by representatives of the medical profession, the pharmaceutical industry and the FDA.

I might add that we at Abbott Laboratories believe that economic information on drugs should be made available to the physician. This is, however, secondary to the primary objective of supplying physicians with key information on all prescription drugs.

Cordially,

GEORGE R. CAIN.

BURROUGHS WELLCOME & CO.,
Tuckahoe, N.Y., November 15, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: In reply to your letter of November 3, we would be prepared to support the general idea of there being available a drug compendium to provide, in a relatively succinct manner, information regarding drugs and their uses in prevention and treatment of diseases.

We continue to believe that the "Physician's Desk Reference" does provide a very substantial amount of the information needed to assist a physician in determining a drug's degree of effectiveness, its dosage, its indications and contraindications, its important, and proven, side-effects when used alone or with other drugs. It would seem to me that the "Physician's Desk Reference" might be so modified or amended as to provide a compendium, perhaps not entirely perfect or 100% up-to-date, that would give the practicing physician practical information on therapeutic compounds in a reasonably complete manner. As you most likely know, the Drug Research Board, made up of members from the medical profession, the government (N.I.H., F. & D.A.), industry and the academic world, is tackling this problem, complex though it is, to provide a suitable answer. We hope they and their ad hoc committee looking into the problem will be successful.

Relative to the cost involved, it would seem to me that the initial preparatory costs could be divided among the Food and Drug Administration, the Pharmaceutical Manufacturers Association and the American Medical Association. As to who would pay the continuing costs for keeping the compendium up-to-date and issuing new editions, this might be discussed by all involved.

It does appear that a compendium such as a revised "PDR" is needed, but as others have indicated I do not think it is going to replace *all* packing inserts.

Yours sincerely,

W. N. CREASY.

COLUMBUS, OHIO,
November 10, 1968.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.:

Replying by telegram since I have been out of the office for several days since your letter arrived. We totally endorse a drug information compendium. We also feel that compilation of this compendium is a responsibility of all drug manufacturers but I am afraid this may take a long time to get everyone to agree and properly subsidize. Perhaps a Federal grant to an ad hoc committee consisting of a small number of reasonable responsible authorities from APHA, NARD, ASHP, AMA, AOA, USP, etc., and the industry can establish basis for such encyclopedias. The only problem here is that a permanent staff must be established to update and upgrade the publication, maintain mailing lists, etc. The compendium should replace the need for package inserts which therefore requires FDA cooperation. FDA could possibly give further consideration to eliminations of full disclosure in ads with additional savings to industry. Ads could simply state refer to dic for full disclosure and hold physicians responsible for checking this out before prescribing. This will save industry hundreds of thousands of dollars and therefore industry should be willing to contribute to costs of the compendium. I personally feel the new and nonofficial drugs as published by Lippincott and as evaluated by the council on drugs of the AMA is a fine start. Additional sections could be included such as cross references of nonproprietary and trade names, index by company, etc. Best wishes, being a native of Manitowoc, Wisconsin, I follow and admire your activities and intentions.

GERALD C. WOJTA,
President, Philips Roxane Laboratories.

RIKER LABORATORIES,
Northridge, Calif., November 14, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Your letter of 3 November 1967 requested my thoughts on the idea of a Drug Compendium. Inasmuch as I feel that the medical profession should have ready access to information on all drugs, I do support the concept of a comprehensive Drug Compendium and would like to present the following specific suggestions relating to such a publication:

1. A Drug Compendium should, in my view, contain a summary of prescribing information on all safe and effective drugs which are manufactured in accordance with quality standards accepted by the F.D.A.

2. Inasmuch as the F.D.A. is a clearing house for all information on drugs, it seems most logical that the Compendium be prepared and promulgated by the F.D.A.

3. Abbreviated prescribing information from that presented in the official package insert should be presented to save space with the Compendium being indexed, as in the case of the Physicians' Desk Reference, by trade name, generic or chemical name and therapeutic indication.

4. Maximum utility of a Compendium requires the devising of a system to keep it up-to-date. I would favor publication of the Compendium in loose-leaf form where revisions would be incorporated as replacement pages to be sent out at intervals, for example quarterly, and used by the recipient to replace existing pages.

5. I would envision such a Compendium as ultimately constituting a Federal Formulary with all drugs listed therein being subject to reimbursement in the event that they are prescribed under various Medicare programs.

I very much appreciate the opportunity to present my thoughts on this matter and hope that the above remarks will be helpful.

Sincerely,

C. R. ADAMS.

S. B. PENICK & CO.,
New York, December 6, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, Washington, D.C.

DEAR SENATOR NELSON: Your letter of November 3rd addressed to Mr. Albert D. Penick, as President of our company, has not been answered earlier because of the sudden death of my brother on November 9th.

We have followed the discussions about the compendium in a general way. We believe the main point to consider is how valuable such a compendium would be to the practicing physician, more specifically, to the general practitioner. We believe this is the main point and that other considerations are much less relevant.

It is my opinion, based on a long association with the manufacturers of prescription drugs, that the industry will support any reasonable kind of compendium that assists the practicing physician in carrying out his professional duties.

Sincerely,

S. B. PENICK, Jr.

THE PURDUE FREDERICK CO.,
Yonkers, N.Y., January 10, 1968.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, Washington, D.C.

DEAR SENATOR NELSON: This is in response to your letter asking (1) whether or not we support the general idea of a drug compendium; and (2) for any suggestions we might have as to what should go into such a compendium.

As to number (1), we recognize the value of a compendium drawn in such a way as to be a useful tool for the medical practitioner.

As to item (2), we believe that such a compendium should be drafted after careful study by the medical profession and leaders in the pharmaceutical industry, who should be helpful in establishing criteria.

We thank you for this opportunity of expressing our views.

Sincerely yours,

RAYMOND R. SACKLER, M.D.,
President.

RICHARDSON-MERRELL INC.,
New York, N.Y., December 4, 1967.

Hon. GAYLORD NELSON,
Chairman, Subcommittee of Monopoly, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: I am replying to your two letters of November 3, 1967, to the General Managers of our ethical drug manufacturing divisions, Mr. John K. Lindsay of our Wm. S. Merrell Company Division at Cincinnati, Ohio, and Mr. C. M. McCallister, of our National Drug Company Division at Philadelphia, Pennsylvania.

In reply to your questions, this Company supports the concept of a system of readily referable drug information for the prescribing physician.

Depending upon his type of practice, the physician has available to him several established publications or compendia either on his office bookshelf, at his local medical association or hospital library, or at the pharmacy. In the hospital, he has access also to a formulary prepared by the staff or to the American Hospital Formulary Service. Other reliable sources include the many handbooks, text books and newsletters on pharmacology and therapeutics in the special areas of interest to the physician. Taken together, these publications represent a major portion

of the present system for providing printed drug information.

It seems to us that all present efforts should be directed to improvement of this present system of publishing drug information. What is needed for such improvement is primarily the concern of the physicians who actually use the present references. We will be glad to cooperate in adapting our product information to any new requirements desired by doctors.

We, therefore, support your recent comments, Senator, and those of Senator Javits, that further testimony be taken on this subject from representatives of the medical profession. We suggest that this also include some of the other professional associations, such as the American Osteopathic Association, the American Dental Association and The American Society of Hospital Pharmacists.

We would expect that such additional testimony from those mostly concerned would point up any deficiencies that exist and show exactly what kinds of additional or different drug information would be most useful to the 200,000 or more professional persons in the United States who are licensed to prescribe medications.

We appreciate very much the opportunity to offer our comments to you on this important subject.

Sincerely yours,

H. ROBERT MARSCHALK,
President.

THE NORWICH PHARMACAL CO.,
Norwich, N.Y., November 10, 1967.

HON. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: We have been following your hearings with interest and have seen references there and in other sources to a proposed compendium of drugs. We understand that a number of groups have been considering the problems involved in such a project. We have not participated in nor had the benefit of those discussions and may not be aware of all the problems or solutions already explored and perhaps discarded. The following comments which represent our present thinking are made in response to the request in your letter of November 3.

Generally, a readily available compendium including information on all pharamaceutical products would seem to serve a useful purpose as a ready reference for physicians and others in the health-care fields. The present regulatory system which attempts to get this information to physicians by requiring "package inserts" in every package of a prescription drug and "full disclosure" on every written or printed promotion piece is, in our opinion, an unnecessarily wasteful and inefficient means to achieve this objective.

At the present time we doubt that the best solution is to be found in any other governmentally imposed system. Inter-related problems involving financing, the text of the material to be used in the monographs, the range of products to be included, the manner of presentation so as to avoid possibly misleading suggestions of generic equivalency, where data to support such suggestions are not available, etc., do not seem to be subject to resolution by more government action. We would like to suggest that consideration be given to encouraging, through private means, the objective that every physician be provided with a source of drug information in a form suitable for ready reference.

What we envision is one or more publications of the Physician's Desk Reference type, voluntarily supported by payments from industry, the copy used to be regulated by existing Food and Drug Administration regulations, with the products to be included and selected by individual manufacturers. The obvious problems of how to encourage manufacturers to list at least all of their major products in such a compendium, without using the threat of government sanction to support some private publishing enterprise can, we think, be resolved.

First, The Food and Drug Administration's regulations could exempt products which are included in such compendia from existing "package insert" requirements and other informational requirements now applicable to every promotion piece. This, plus the obvious advantage to manufacturers of having their product in the compendium would result in the inclusion of all major products. The second problem could be resolved by providing this exemption only to products which appear in compendia which meet certain specified requirments; e.g., distributed free of cost to all physicians, bound in hard cover for permanent reference, up-dated at least every three months, adequately indexed, etc.

Although for several years there might very well be several such compendia rather than just one, we do not think that requiring physicians to retain a number of such volumes, adequately indexed, would be a high price for physicians to pay if this operation could be kept in the private sector without additional costs to the government. Any other scheme seems to us to carry very real danger of the government appearing and perhaps eventually being forced to actually attempt to make comparative evaluations of the relative merits of various drugs. Hopefully this would not be the intent of any present proposal.

We doubt that any solution of these problems entirely satisfactory to everyone can be readily achieved, but shall follow your proposals with great interest.

Sincerely,

LEWIS F. BONHAM.

ENDO LABORATORIES INC.,
Garden City, N.Y., November 8, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter of November 3, 1967 on the subject of developing a compendium of drugs.

I would favor the general idea of a drug compendium provided it is coupled with the elimination of the requirement for a package insert in the immediate container of drugs. These package inserts are very costly and are of little value because they rarely reach the physician.

It is my understanding that there are several groups working on the format and specifics of such a drug compendium. Therefore, in accordance with your letter, my support of the general idea of a drug compendium is not a commitment to any specific kind of compendium.

Again, my thanks to you for giving me the opportunity to express myself.

Yours very sincerely,

JOSEPH USHKOW,
President.

[From Congressional Quarterly, April 5, 1968]

PRESSURE POINTS

DRUG COMPENDIUM

The American Pharmaceutical Assn. (APHA) March 7 endorsed the principle of President Johnson's proposal to authorize the Department of Health, Education, and Welfare to compile a "U.S. Compendium of Drugs" to be circulated among doctors, pharmacists and hospitals. The Compendium would give the chemical composition of each drug, its uses, warnings, brand and generic names, manufacturer and cost. (*For President's proposal see Weekly Report p. 494.*)

William S. Apple, executive director of the APHA said that the Association had proposed a nine-point program in 1960 to establish a compendium but "since voluntary cooperative efforts to obtain the needed compendium have failed, the President has suggested the only logical alternative." A spokesman for the APHA said that the Association would determine its position on the details of proposed legislation (S 2944, S 3146, HR 15759) at its annual meeting in May.

The APHA represents about 34,000 active pharmacists and has 13,000 student members.

C. Joseph Stetler, President of the American Pharmaceutical Manufacturers Assn. (PMA) said March 4 that the industry considered it "desirable and appropriate" that a drug compendium bill be introduced "so that the issue can be thoroughly explored by appropriate Congressional committees." He said that the PMA found that the "greatest need" at the moment was to find out what physicians need and want and that the PMA has contracted for a national survey to determine the views of the medical profession. "Until we find out" he said, "it is idle to assume that a new compendium is needed or what its format should be."

COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

(Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, U.S. Senate, 90th Congress, first session, on present status of competition in the pharmaceutical industry)

EXCERPT FROM STATEMENT OF BURROWS, HAROLD W. H., PRESIDENT, PARKE, DAVIS & CO., POST OFFICE BOX 118, DETROIT, MICH.; ACCOMPANIED BY KENNETH D. M'GREGOR, VICE PRESIDENT AND GENERAL ATTORNEY

Senator NELSON. All these prices that I have been reciting, Mr. Burrows, are prices to the druggist. They do not involve the retail price or the markup that he charges, just for clarification of the record.

Would you think it would be of any value to establish a national compendium of drugs? I assume it would have to be done in cooperation with the industry, the medical profession, and other advisers, but that it would have to be done largely, I am assuming, by the Federal Government. Do you think it would be of value to establish a national compendium in which the drugs are all listed by their generic names, brand names, and with all of the known clinical information recited alongside them? A physician would open up the national compendium, and find there all the drugs, their side effects, and the companies that manufacture them. This, of course, would also involve testing by FDA, and also involve putting in the known clinical information? Do you think this type of a national compendium would be of value to the country as a whole?

Mr. BURROWS. I think it would as long as the doctor is still allowed his prerogative of prescribing the particular drug of the particular manufacturer that he thinks best, and providing that we, as a manufacturer, are not stopped from attempting to advance and advocate our particular line of products. Those are the ones we know about. Those are the ones that we are in business to make and sell, and those are our potentials for corporate progress for the future.

Senator NELSON. I want to be sure that I was understood.

I was saying national compendium, not formulary. I am not suggesting that you have a formulary from which a physician must prescribe. I am simply saying you list the drugs in a national compendium with the pertinent information and the manufacturer as informational matter to the medical profession, the teaching hospitals and the practicing physician. That will be all that is intended, and it should not interfere with the private operations of the drug companies. That is my question.

Mr. BURROWS. I can see nothing wrong with having facts on such an important subject as drugs and health available for reference by people who have occasion to use and benefit from such information.

Senator NELSON. Thank you.

EXCERPT FROM STATEMENT OF FURLAUD, RICHARD M., PRESIDENT, E. R. SQUIBB & SONS, 460 PARK AVENUE, NEW YORK, N.Y., ACCOMPANIED BY DR. LAWRENCE MARKS, DIRECTOR, DRUG REGULATORY AFFAIRS; EDMUND R. BECKWITH, JR., PRESIDENT, SQUIBB PHARMACEUTICAL CO.; DENNIS FILL, PRESIDENT, SQUIBB INTERNATIONAL CO.; AND RODERICK COWLES, DIRECTOR, QUALITY CONTROL LABORATORY

Senator NELSON. Several witnesses have testified previously as to the desirability of a national compendium. There is legislation pending on the Senate side proposing the creation of such a compendium.

Dr. Goddard testified in favor of a compendium yesterday before Mr. Dingell's committee in the House. He made a very strong statement in favor of a compendium. And I am told that Senator Hart, without having read the record of these hearings, has been critical of the Pharmaceutical Manufacturers Association for not coming out more positively or strongly for a compendium.

By a compendium I mean a listing of drugs by generic name, along with a list of trade names and directions for the use of the drug, its side effects, indications, contraindications, and so forth. There has been much discussion across the country among pharmacists, pharmacologists, the medical profession, as well as testimony before this committee as to the great confusion caused by the multiplicity of drug product names, and about the desirability of having a national compendium. I am not saying a national formulary; I mean a national compendium. Do you have a viewpoint about the desirability of such a compendium?

Mr. FURLAUD. Senator, of course I cannot speak for the industry, but I certainly can give you my personal views.

I am glad you made a distinction between a formulary and a compendium. We would certainly be opposed to a national formulary. But we think the idea of a national compendium has a great deal of merit. We have been giving some thought to it. We think that it is something that should be pursued. It has obvious technical problems in producing it and keeping it up to date. But I personally see no reason why the industry and the Government working together along with representatives of the profession should not be able to work out a perfectly adequate compendium that would give the doctor and the pharmacist what they need to know. After all, the tax bar has succeeded in keeping themselves up to date through services where they can keep track of recent developments in the tax law. And there is no reason why in due course a similar type of program cannot be worked out.

As I say, it is not simple, and it is going to take a lot of hard work. But I should think in due course it will be possible to produce one, and I think it should be produced.

Now, these are my personal views, and do not represent those of anybody else.

Senator NELSON. Your views represent the position of your company, I take it.

Mr. FURLAUD. It represents the position of my company.

EXCERPT FROM STATEMENT OF DR. LEIGHTON E. CLUFF, PROFESSOR AND CHAIRMAN, DEPARTMENT OF MEDICINE, UNIVERSITY OF FLORIDA COLLEGE OF MEDICINE, GAINESVILLE, FLA.

Dr. CLUFF. The exact details and implementation of it is something that will have to be worked out. My own personal feeling is that the leadership for the development of such guidance for the public must come out of the Federal Government, probably out of the Food and Drug Administration.

So far as the physician is concerned, I agree the compendia would be a very desirable thing. Personally, I am not at all convinced that that would solve the problem of the excessive use of drugs by physicians.

I still think that one must recognize that some method must be provided for improving our present guidance to physicians about the use of drugs, rather than, as we do now, depending so heavily upon the pharmaceutical manufacturers' detail representative for the principal education of the physician about drugs.

EXCERPT FROM STATEMENT OF DR. HARRY L. WILLIAMS, PROFESSOR OF PHARMACOLOGY, EMORY UNIVERSITY SCHOOL OF MEDICINE, 1380 SOUTH OXFORD ROAD NE., ATLANTA, GA.

Dr. WILLIAMS. Such a pharmacologist's bible would be a wonderful thing to have, for all of us, for those of us in teaching, too. No, I think this could be done. I think this will have to be done.

S. 953—INTRODUCTION OF BILL ESTABLISHING A DEPARTMENT OF PEACE

Mr. HARTKE. Mr. President, today I am offering, on behalf of myself and Senator HATFIELD, together with 13 other Senators, a bill to establish a Department of Peace as an executive department of the Government. The same bill has been offered in the House of Representatives by Mr. SEYMOUR HALPERN, of New York, Mr. GEORGE E. BROWN, JR., of California, and 58 other Members.

This bill, the Peace Act, closely parallels the bills which Mr. HALPERN and I offered last September, bills which have met with an unprecedented outpouring of response from all over the Nation.

There is in the bill, a declaration of purpose prefacing the entire bill, one which calls to mind the commitments we have made in the past to seek international peace: the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945, and certain paragraphs in the United Nations Charter. This bill is designed to help meet those responsibilities for seeking the peaceful resolution of international conflict.

The bill has three parts: Title I establishes the Department of Peace, specifies what present agencies shall be transferred to it, outlines the duties and structure of the Department, and sets forth the administrative provisions under which the Department will operate. Title II deals with the International Peace Institute, a concept which might be called that of a West Point or Annapolis for leadership in peace. Title III establishes a new Joint Committee of the Congress, with seven Members of the House and seven Members of the Senate comprising a Joint Committee on Peace and International Cooperation.

Before looking at these provisions in greater detail, I would like to call attention to the functions of the Department of Peace as they are outlined in the bill. Here is the "why" of this bill, the basic description of its functional role. Five specific responsibilities are listed:

First. The Department is to "develop and recommend to the President appropriate plans, policies, and programs designed to foster peace." Up to the present time, there has been no such broad assignment to any Federal agency. It is true that we have not been without peace plans, peace policies, and peace programs. But they arise in various quarters under a variety of circumstances and they exist without the close coordination a single department will give. Nor has there been authority located in a specific position to do what the second mandate asks:

Second. The Department will "exercise leadership in coordinating all activities of the U.S. Government affecting the preservation or promotion of peace." To exercise such leadership, of course, will require the close cooperation of the Department of Peace with the other Departments, which in most cases have activities falling within the description.

Third. The Department will "cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions." Here there are two significant elements, neither of which is presently a statutory responsibility of any agency—peace research, and the encouragement of attention to this area by private institutions.

The fourth mandate brings under the Department of Peace responsibility for aiding "the interchange of ideas and persons between private institutions and groups in the United States and those in other countries."

The fifth is similar—to "encourage the work of private institutions and groups aimed at the resolution of international conflict."

The section dealing with functions of the Department goes on to a directive, saying that it shall—and I emphasize the word—provide recommendations on how current international controversies in which this country has an interest might most appropriately be settled peaceably. Arbitration, for example, might be recommended in one situation, or in another case a specific compromise settlement could be recommended.

All of these provisions, which, like most such bills, are likely to be improved by discussion or through the hearing process, suggest the place that a Department of Peace will take in making a full-time responsibility of studying, correlating, and encouraging U.S. agencies, international activities, and private efforts for achieving "nonviolent resolution of controversy."

Title I goes on to specify that officers of the Department of Peace shall be a Secretary of Peace, an Under Secretary of Peace, and four Assistant Secretaries of Peace, appointed by the President and confirmed by the Senate, together with a General Counsel.

It further specifies several existing agencies whose functions the bill transfers to the new Department: the Agency for International Development; the Peace Corps; the Arms Control and Disarmament Agency; and the functions of the International Agricultural Development Service, now in the Department of Agriculture.

This means that the food-for-peace programs now under AID will be continued as a part of AID as it is transferred to the Department of Peace; but the portions of food for peace now oper-

ated by the Department of Agriculture will remain there, as they now do.

The bill also, lays down some specific guidelines for its relationship to the United Nations. The Secretary of Peace, for one thing, is given the responsibility of giving advice to the President as to any person to be appointed to the United Nations or any of its organs or specialized agencies. This is a matter not of nominations; the President will make his own appointments. But it does give him the benefit of the judgment of the Secretary of Peace as the leading expert, under whom will be responsibility for the relationship to specialized U.N. agencies now carried by the State Department.

There is also in title I provision for transfer to the new Secretary, by action of the President, at any time in the first 180 days of "any other agency or office, or part of any agency or office, in the executive branch of the Government," if the President determines that its functions are pertinent to the Peace Department. Where all the functions of an existing agency are transferred, the old agency ceases as the Department becomes its successor. The Secretary will make an annual report to the President, who will transmit it to the Congress. The Secretary is also given 2 years to submit a proposed codification of all laws containing functions transferred.

While the bill does not specify a list of other agencies or parts of agencies which might be transferred, it may be of interest to note the wording of some of our laws concerning some of them. The Atomic Energy Act declares as one of its purposes "to promote world peace," and surely the development of peaceful uses of atomic energy is one of the functions which might be considered under the bill's authority. Likewise, Congress has declared it to be the policy of the United States that "activities in space should be devoted to peaceful purposes for the benefit of all mankind."

I cite these generalized purposes as indicative of the latitude which might well be accorded to the Department, under whose aegis there would be a single, concentrated, effective operating arm of the Government giving the stature, the public recognition wholehearted and unabashed, which is essential for us in this world of ours as we near the 200th anniversary of the Nation's founding. Let me here digress for a moment from the bill itself to note the earnest necessity for the centralizing peace effort which it focuses and promotes.

THE NATURE OF TODAY'S DEMANDS

Today we have entered a new era in history. We have now gone beyond the industrial revolution and the industrial society. We are well into a new age of advanced scientific technology; this is the age of flashing computers working their marvels of assistance to our intellect; it is the age of spaceships to carry men to the moon.

But it is also an age of ferment. We have seen the Russians proving in Czechoslovakia that the time of reliance on sheer physical force as the arbiter of nations has passed. We are finding at home that there are great difficulties in the application of force over against those who apply the very different moral force of nonviolence, that tear gas, mace and nightsticks are no more the answer than are tanks and bombers, napalm and M–16 rifles.

We are seeing the alienation of our youth. They have lost faith in our proclamation because our actions too often prove them to be lipservice only. But at the same time they have not lost an inherent faith in the altruistic service which challenges them in the Peace Corps, in VISTA, in the Teacher Corps. Our youth have thrown themselves vigorously and with enthusiasm into a "new politics" pursued as an effort to refurbish the tarnish of democracy. Almost to a man—or woman—they find the spectacle of Vietnam revolting and brutalizing immorality by their own Government. Nor is this confined to our own youth and our own Nation; one can everywhere in the world see the decline of regard not only for military prowess but for every nation, including the United States, which exercises it.

Now, in this new age, is the time for heuristics—a word we shall hear increasingly, for it means the development of new ideas. The old notions of Napoleon's day, or of World War II, or even of our own sad day of Vietnam, will no longer do. The world has grown too small, too interdependent, too demanding of the living-together brotherhood whose present reality cannot separate us further from Africa, Asia, the depressed and needy. For we see in their disaffection our own limitations increased; we see that truly, in a vibrant phrase, freedom is indivisible. Where in 1776 we fought for freedom, by 1976 we must see to it that no one must fight for freedom, that its peace and pursuit of happiness can be won by the efforts of good will.

But good will of itself can do nothing. It needs organization, leadership, the application of brain and ingenuity, of technology and morality, on a scale such as we have never before attempted. It is this which serves as my vision for the Department of Peace which I propose. It is time to redouble our efforts for peace, not as an adjunct to a State Department too often committed to uphold Defense Department policies, but as a new and positive force in our Nation at its very top-most levels of official structure.

HISTORY OF AN IDEA WHOSE TIME HAS COME

As I noted in testimony before the Democratic platform committee on August 20 in making an appeal for a Department of Peace plank, this idea goes back to the days of our Founding Fathers. Dr. Benjamin Rush, a close associate of Thomas Paine who gave Paine the title for his pamphlet "Common Sense," a signer of the Declaration of Independence and a pioneer of medicine, prison reform, and other social causes, in the 1790's wrote an essay entitled "A Plan of a Peace Office for the United States." I read to the committee members much of that three and a half page document in which he advocates "an office for promoting and preserving perpetual peace in our country." He visioned the Peace Office itself as bearing in its physical surroundings symbols: a collection of ploughshares and pruning-hooks made out of swords and spears; a picture of "an Indian boiling his venison in the same pot with a citizen of Kentucky" and "a St. Domingo planter, a man of color, and a native of Africa, legislating together in the same colonial assembly," among others.

"Let a Secretary of Peace be appointed," he wrote, "to preside in this office."

So the dream, the idea, is as old as the Founding Fathers. Indeed, it is far older, as Dr. Rush recognized in recommending one of the peace symbols for a painting adorning the Peace Office, drawing from Isaiah—"a lion eating straw with an ox, and an adder playing upon the lips of a child."

More practically, and more pertinently, there have been a great many proposals placed before Congress in the last 35 years or so providing for a Department of Peace or similar agency. In 1935 such bills were offered both in the House and in the Senate, as Representative SEYMOUR HALPERN and I are now doing.

The 1935 Senate bill was offered by Senator Matthew Neely, of West Virginia, who also offered it in the 75th and 76th Congress. In the 79th and 80th Congress Senator Alexander Wiley, of Wisconsin, presented a similar bill. In 1947, in the 80th Congress, one of the bills—which would have made such a peace office a part of the State Department—was offered by our own EVERETT DIRKSEN, then a Representative. Another House Member of the time, JENNINGS RANDOLPH, offered a Department of Peace bill in 1945 and again as a Senator in 1959. In 1960 Senator Humphrey introduced a peace agency bill "because of the need for emphasis on peace by this Government—not peace as a by-product of defense or as a byproduct of the State Department, but rather as a concerted, determined effort by the Government of the United States to dramatize our sincere dedication to the cause of a just and enduring peace."

Others whom we all know have also lifted their voices for a Department of Peace and offered legislation. Among them are Senator Chapman Revercomb in 1947, Representative HARLEY STAGGERS in four successive Congresses beginning with the 81st in 1949, and no less than 35 Members of Congress in the first 6 weeks of the 87th Congress in 1961. In 1945, one will find the then Representative KARL MUNDT, of North Dakota, entering into the debate with an item in the RECORD for May 10 of that year entitled "Needed: A Department of Peace." In the last Congress, during the opening days of 1967, bills were offered in the House by Representative Abraham Multer, of New York, now a Supreme Court Justice of that State, and by Representative CHARLES BENNETT, of Florida.

In 1947 hearings were held in the House by its Committee on Expenditures in the Executive Departments, with the proceedings published under the title "To Create a Department of Peace," in which a bill by Representative MELVIN SNYDER was considered. Two years earlier the House Foreign Affairs Committee held hearings on the Randolph and Ludlow bills, near the end of 1945.

One might well ask, since the idea has been so often presented in one form or another, and since hearings have twice been held, why Congress has never followed through to accomplish the fulfillment of the proposals for a Department of Peace, or a Peace Agency, in the past. By the same token, why should the Hartke-Halpern proposal with sponsors from both sides of the asile expect a different fate?

I believe at least part of the answer is in the changed nature of our world, as I have said. More particularly, and in addition, there is today the overwhelming demand of this Nation that something must be done to save us from any more Vietnams. The people are sick of war, and in particular of this war, which has become the third most costly in our history. We hear and read reports of 408 young men killed in a week, and we know there must be a better way. But as I said before, "peace is everybody's concern and nobody's business" as a regular, high-level, ongoing activity of the Federal Government.

In short, here is a sound idea which has had to wait, as have so many, until the climate of opinion is ripe. Now, I believe, its time has come. I believe in the next session of Congress there will be many more backers, both here and in the millions of Americans who are our constituents, demanding fulfillment of the dream of Dr. Rush for a Peace Office.

PEACE INSTITUTE

Let me return now to the remainder of the bill.

Title II provides that there shall be established under the Secretary of Peace an International Peace Institute. This is modeled after the proposal I made earlier this year in S. 3708, which was introduced on June 28. Its purpose is "to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace." Students to the number of 150 are authorized, with a baccalaureate degree as a prerequiste and the places awarded by competitive examinations to be held in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The Peace Institute will be coeducational, and its curriculum will be at a graduate level "acceptable for credit toward a graduate degree at accredited colleges and universities." Special emphasis is to be placed on studies which "will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace."

In many respects the Peace Institute is a parallel to the service academies. We now train at special institutions—West Point, Annapolis, and in Colorado—for leadership in the three branches of military service; certainly it is fully as logical to establish a small institution to train for peace.

Like the academies, those selected as qualified will receive not only the training offered without cost to themselves, but a stipend and allowances. The Institute's Board of Trustees will consist of the Secretary of Peace and two officers of the Department named by him; two Members of the Senate and two of the House, in each case from both sides of the aisle, appointed by the President; the Chairman, or someone he designates, of the Atomic Energy Commission; the Chairman or a designee of the Federal Council on the Arts and Humanities; a Presidentially appointed member from the National Academy of Sciences, chosen after consultation with the president of the National Academy; and two "educators of prominence" appointed by the President. All will have 2-year terms, but may be reappointed.

Since the Board must visit the Institute annually, its functions again are comparable to the academies' Board of Visitors. It must report to the President within 60 days after a visit, which can be more frequent.

But most important, those who win the certificate granted to institute graduates must agree in advance—again as in the Defense service academies—to devote subsequent time to service either in the Government or as an employee of "an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace." Since the institute course is for 1 year, the required service is also 1 year. But presumably, once having gone thus far most of the winners of institute appointments will continue in the same field. The staff and instructors may be assigned by the Secretary on a full-time or part-time basis, if his employing agency consents, from any Government agency or department of the executive branch. Of course, he may also choose from other sources as well, but the assignments from other Government spots are treated as though these staff and faculty members continued in the positions from which they come.

This provision for a training institution set out in title II is something we have needed for a long time. Many fine people are engaged both privately and in the Government in working for peace; but we do not as yet have any institution operated by the Government for their training. An International Peace Institute is surely a suitable, and important, means whereby the Department of Peace may extend its leadership in the Nation and the world.

Finally, title V specifies the establishment of a Joint Committee on Peace within Congress. We now have Joint Committees on Atomic Energy and on Defense Production, as well as the Joint Economic Committee, the Joint Committee on Internal Revenue Taxation, on the Library of Congress, and on Printing. Thus, there is well-established precedent, some of it even in fields impinging on areas for which the Department of Peace will have concern, for a combined House and Senate committee of this sort. Seven members of the Joint Committee on Peace will be appointed from the Senate by its President—the Vice President—and seven House Members will be chosen by their Speaker. Party representation will reflect the relative strength of both parties in the two Houses.

The joint committee will be able to hold hearings, to hire experts and consultants, and to draw on the resources of both private and government establishments which are pertinent.

IN CONCLUSION

Mr. President, I want it to be crystal clear that the presentation of this bill is not an exercise in semantics or a propaganda gesture. Mr. HALPERN and I, and our sponsors, are intensely serious about this proposal.

From this should come hearings in the Senate as well as in the House, where twice similar proposals have been the subject of formal committee discussion. From the hearings should come favorable recommendations, and from the recommendations positive affirmative action by Congress. If we have needed a Department of Transportation and a Department of Urban Development, because of the proliferation of independent but related efforts in their field and because the times demand it, then how much more we need the concentrated positive efforts a Department of Peace such as this could command.

When we find the idea of a Peace Office persisting from the time of Dr. Rush and the Founding Fathers to those of EVERETT DIRKSEN as a Representative and Vice President Humphrey as a Senator; when we can forget party lines as has been done on this issue in the past; when we can take advantage of the eager readiness of the country to "do something" for the cause of peace in this time of war—then we have an implicit mandate for action of this sort and not merely talk, saying "Peace, peace," when there is no peace.

Finally, not as a cause for the proposal but as a benefit, we shall reap from this move, there is the economic aspect. With the "little" war in Vietnam costing $4 million an hour, $30 billion plus in a year, wounds and maimings and death by the scores of thousands, the prospect of lessening world conflict is a pleasing prospect of saving us from a great burden. When we fully recognize that force is on the way toward the international scrap heap, as the experience of Russia shows, then we can move more freely toward the decline rather than the expansion of military force and its attendant enormous cost to all of us.

Mr. President, now is the time. I intend to make every serious and credible effort I can to win support for and adoption of this bill, which deserves the bipartisan cooperation which I am sure it will continue to have.

The support and cooperation of the public is reflected in the great volume of mail resulting from introduction of the similar bill in the 90th Congress, and in the number of publications, organizations, and influential individuals who have publicly supported the Department of Peace idea. Yesterday, at a press conference about the legislation, several well known peace advocates from the

world of entertainment joined me and several of my cosponsors, together with Representative HALPERN and some of the House cosponsors, in statements of support. Paul Newman, Joanne Woodward, Barbara Rush, Donna Reed, and Rod Serling were among them. Others who could not be present sent telegrams. I ask unanimous consent that these telegrams, which were read to the press, may appear in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

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

BEVERLY HILLS, CALIF.,
February 1, 1969.

Senator VANCE HARTKE,
Washington, D.C.:

Idea of Peace Department is music to our ears. Your sponsorship has helped to complete harmony.

Mr. and Mrs. LEONARD BERNSTEIN.

NEW HAVEN, CONN.,
February 4, 1969.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.:

I am gratified at your initiative in support of proposed department of peace this can be of great importance.

HAROLD D. LASSWELL,
Ford Foundation, Professor of law and the social sciences, Yale University.

BEVERLY HILLS, CALIF.,
February 1, 1969.

Senator VANCE HARTKE,
Washington, D.C.:

Salute sponsorship Peace Department bill, Frederick Schuman's brilliant pamphlet now on your desk tells why.

Mr. and Mrs. DICK VAN DYKE.

BEVERLY HILLS, CALIF.,
January 27, 1969.

Senator VANCE HARTKE,
Senate Office Building, Washington, D.C.:

Family death prevents attendance February sixth press conference but I strongly support department peace bill.

NANCY SINATRA.

LOS ANGELES, CALIF.,
February 1, 1969.

Senator VANCE HARTKE,
Senate Office Building, Washington, D.C.:

Youth of our Nation needs hope. Thank you for sponsoring peace department bill.

MARLO THOMAS.

BEVERLY HILLS, CALIF.,
February 3, 1969.

Senator VANCE HARTKE,
Senate, Washington, D.C.:

Congratulations Peace Department bill sponsorship. Count on my help building national support this historic legislation.

TOMMY SMOTHERS.

BEVERLY HILLS, CALIF.,
January 24, 1969.

Senator VANCE HARTKE,
House of Representatives, Washington, D.C.:

Wish my magic power on television Bewitched could establish Peace Department. You have that power.

ELIZABETH MONTGOMERY.

BEVERLY HILLS, CALIF.,
February 1, 1969.

Senator VANCE HARTKE,
Washington, D.C.:

Peace Department bill being introduced this week needs your active support and cosponsorship.

Mr. and Mrs. JACKIE COOPER.

LOS ANGELES, CALIF.,
January 25, 1969.

Senator VANCE HARTKE,
Washington, D.C.:

Grateful your sponsorship Department Peace bill. Sorry can't leave "Mission Impossible" to join mission possible.

BARBARA BAIN,
MARTY LANDAU.

BEVERLY HILLS, CALIF.,
January 28, 1969.

Senator VANCE HARTKE,
Washington, D.C.:

Bravo sponsorship Peace Department bill. Recently recorded "Impossible Dream." Now together we'll record possible dream.

JACK JONES.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. BYRD of West Virginia. Did the Senator get any response from James Arness, who plays the part of Matt Dillon?

Mr. HARTKE. I did not. But I compliment the Senator from West Virginia (Mr. BYRD) for being a cosponsor of this bill. I treasure his cooperation, his friendship, and his interest in this matter, and I think it is very important.

If the Senator insists, I shall be glad to contact Matt Dillon.

Mr. BYRD of West Virginia. Mr. President, I said that facetiously.

I compliment the Senator for his foresight and leadership in preparing this bill, and I am grateful for his invitation to me to join as a cosponsor.

Mr. HARTKE. Mr. President, I also ask unanimous consent that the full text of the bill be printed in the RECORD, and that the bill itself may be referred to the Foreign Relations Committee for consideration, and that it be referred to the Committee on Government Operations thereafter.

The VICE PRESIDENT. The bill will be received; and, without objection, the bill will first be referred to the Committee on Foreign Relations and thereafter to the Committee on Government Operations, and the bill will be printed in the RECORD.

The bill (S. 953) to promote the peaceful resolution of international conflict, and for other purposes, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 953

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

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that the United States has an urgent and continuing responsibility to seek international peace and has undertaken obligations to seek international peace under the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945 and article I, paragraph 1, and article II, paragraphs 3 and 4, of the United Nations Charter. It is the purpose of this Act to meet these responsibilities and obligations and to provide the means to seek and achieve the peaceful resolution of international conflict.

TITLE I—DEPARTMENT OF PEACE

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Peace (hereafter referred to in this Act as the "Department").

FUNCTIONS OF THE DEPARTMENT

SEC. 102. (a) The Department shall be responsible for carrying out the purposes of this Act. In achieving such purposes, the Department shall—

(1) develop and recommend to the President appropriate plans, policies, and programs designed to foster peace;

(2) exercise leadership in coordinating all activities of the United States Government affecting the preservation or promotion of peace;

(3) cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions;

(4) encourage and assist the interchange of ideas and persons between private institutions and groups in the United States and those in other countries; and

(5) encourage the work of private institutions and groups aimed at the resolution of international conflict.

(b) In carrying out its functions under section 102(a)(1), the Department shall include such recommendations as it deems appropriate for the specific settlement of current international controversies in which the United States Government has or claims an interest. Such recommendations may include specific proposals for the arbitration or adjudication of legal or justifiable disputes, the diplomatic settlement, through compromise, of political disputes, and such other procedures, with or without past precedents in international practice, as the Department determines most likely to achieve a nonviolent resolution of a controversy.

PERSONNEL OF THE DEPARTMENT

SEC. 103. (a) There shall be at the head of the Department a Secretary of Peace (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Peace, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Peace (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary of Peace, an Assistant Secretary of Peace or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary of Peace shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Peace and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(e) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by one of the following agencies or offices:

(A) the Agency for International Development;

(B) the Arms Control and Disarmament Agency; or

(C) the Peace Corps;

(2) by a component of one of such agencies or offices; or

(3) by the Secretary of State insofar as such function relates to a function transferred under this subsection from an agency, office, or component referred to in paragraph (1) or (2).

(b) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by the International Agricultural Development Service, Department of Agriculture; or

(2) by the Secretary of Agriculture, insofar as the function relates to functions transferred under this subsection from such Service.

(c) Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by inserting at the end thereof the following new subsection:

"(h) The Secretary of Peace shall advise the President with respect to the appointment of any person to represent the United States in the United Nations, or in any of its organs, commissions, specialized agencies, or other bodies."

(d) The functions, powers, and duties of the Secretary of State, and the other offices and officers of the Department of State, relating to specialized agencies as defined in article 57 of the United Nations Charter, are transferred to the Secretary of Peace.

(e) Within one hundred and eighty days after the effective date of this title, the President may transfer to the Secretary any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Secretary by the preceding subsections of this section.

TRANSFER OF AGENCIES AND OFFICES

SEC. 105. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 104, are transferred to the Secretary. Except as provided in subsection (b), personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Secretary by this title, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(b) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and officers in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(c) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(d) In addition to the authority which is transferred to and vested in the Secretary by section 104, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation and training; and

(5) living and working quarters and facilities.

The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(e)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(f) The Secretary is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under section 103(e), and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g)(1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

TECHNICAL AMENDMENTS

SEC. 107. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Peace".

(b) Section 101 of title 5, United States Code, is amended by inserting at the end thereof the following: "The Department of Peace."

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Peace."

(2) Section 5314 is amended by adding at the end thereof the following:

"(54) Under Secretary of Peace."

(3) Section 5315 is amended by adding at the end thereof the following:

"(92) General Counsel, Department of Peace.

"(93) Assistant Secretaries of Peace (4)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 108. The Secretary shall, as soon as practical after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 109. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before

the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this title—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this title, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress within two years from the effective date of this title, a proposed codification of all laws which contain functions transferred to the Secretary by this title.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 111. (a) This title, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (a), (b), and (c) of section 103 may be appointed in the manner provided for in this title, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this title.

TITLE II—INTERNATIONAL PEACE INSTITUTE

ESTABLISHMENT OF INSTITUTE

SEC. 201. There is hereby established within the Department the International Peace Institute (hereafter referred to in this Act as the "Institute"). The Institute shall furnish training and instruction to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace.

OFFICERS, STAFF, AND INSTRUCTORS

SEC. 202. (a) The Secretary may appoint or assign, on a full- or part-time basis, such officers, staff, and instructors as the needs of the Institute require.

(b) The Secretary may assign or detail, on a full- or part-time basis and with the consent of the head of the United States Government department or agency concerned, any officer or employee of the executive branch of the United States Government to serve on the faculty or staff of the Institute. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned or detailed.

SUPERVISION OF INSTITUTE

SEC. 203. The supervision and charge of the Institute shall be under such officer or officers as the Secretary may appoint for or assign to that duty, and under such regulations as the Secretary may prescribe.

BOARD OF TRUSTEES

SEC. 204. (a) There is hereby established within the Institute a board of trustees (hereafter referred to in this Act as the "board") which shall advise the Secretary on the operation of the Institute. The board be composed of—

(1) the Secretary (ex officio);

(2) two officers of the Department designated by the Secretary;

(3) two Members of the Senate, of different political parties, appointed by the President of the Senate;

(4) two Members of the House of Representatives, of different political parties, appointed by the Speaker of the House of Representatives;

(5) the chairman of the Atomic Energy Commission, or his designee;

(6) the chairman of the Federal Council on the Arts and the Humanities, or his designee;

(7) one member from the National Academy of Sciences, to be appointed by the President after consultation with the President of the Academy;

(8) two educators of prominence appointed by the President;

(9) two prominent persons associated with the advancement of world peace, appointed by the Secretary; and

(10) the United States Ambassador to the United Nations.

(b) Members of the board shall be appointed for two-year terms and shall be eligible for reappointment.

(c) The board shall visit the Institute annually. With the approval of the Secretary, the board or its members may make other visits to the Institute in connection with the duties of the board.

(d) The board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the board decides to consider.

(e) Within sixty days after its annual visit, the board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Institute. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the board, be submitted to the President within sixty days after the approval.

(f) Each member of the board may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the provisions of section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMISSION OF STUDENTS

SEC. 205. (a) The authorized number of students at the Institute shall be one hundred and fifty.

(b) The institute shall operate as a coeducational institution and students shall be selected for admission to the Institute on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary may prescribe.

(c) No individual shall be eligible for admission to the Institute unless he is a citizen of the United States who has been awarded a bachelor's degree upon graduation from a college or university located in the United States or a degree which the Secretary determines is generally recognized as the equivalent of a bachelor's degree upon graduation from a college or university located in a foreign country.

STIPENDS AND TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 206. Each student of the Institute shall be entitled to receive—

(1) a stipend in an amount determined by the Secretary to be within the range of stipends or fellowships payable under other Government programs providing for the education or training of graduate students; and

(2) reasonable travel and transportation allowances, including transportation for his immediate family, household goods, and personal effects, under regulations prescribed by the Secretary, but such allowances shall not exceed the allowances payable under section 5723 of title 5, United States Code.

COURSE OF INSTRUCTION AND TRAINING

SEC. 207. (a) The course of instruction and training for students at the Institute shall be prescribed by the Secretary, shall be for a period of one year, and shall, insofar as consistent with the purposes of this title, be acceptable for credit toward a graduate degree at accredited colleges and universities. In prescribing such course of instruction and training, the Secretary shall provide that special emphasis be placed on such studies as will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace. Upon satisfactory completion of the prescribed course of instruction and training, students shall be awarded a Federal certificate of participation.

(b) The course of instruction and training at the Institute shall, during each year of its operation, be organized as prescribed by the Secretary, except that one month of each such year shall be devoted to annual leave for all students.

AGREEMENTS BY STUDENTS

SEC. 208. Each student selected for admission to the Institute shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Institute; and

(2) accept, if offered, an appointment as an officer or employee of the United States or, in the discretion of the Secretary, employment with an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace, in any position for which such student is qualified by reason of his special training at the Institute, for at least the one-year period immediately following the awarding of his certificate from the Institute or the completion by him of any period of full-time graduate study approved by the Secretary.

AUTHORIZATIONS; ACQUISITION OF PROPERTY

SEC. 209. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) The Institute shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

TITLE III—JOINT COMMITTEE ON PEACE AND INTERNATIONAL COOPERATION

ESTABLISHMENT OF JOINT COMMITTEE

SEC. 301. There is hereby established a joint congressional committee to be known as the Joint Committee on Peace and International Cooperation (hereinafter referred to as the "Joint Committee"). The Joint Committee shall be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the Joint Committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and the House of Representatives, respectively.

FUNCTIONS

SEC. 302. It shall be the function of the Joint Committee—

(1) to make a continuing study of matters relating to the Department of Peace;

(2) to study means of coordinating programs in order to further the purpose of this Act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Department of Peace, to file a report not later than May 1 of each year (beginning with the calendar year 1971) with the Senate and the House of Representatives containing its findings and recommendations with respect to the Department of Peace, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

VACANCIES; SELECTION OF CHAIRMAN

SEC. 303. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as the original selection. The Joint Committee shall select a chairman and a vice chairman from among its members.

HEARINGS; STAFF; ASSISTANCE

SEC. 304. (a) In carrying out its duties under this title, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to appoint and fix the compensation of such experts, consultants, technicians and staff personnel; to procure such printing and binding; and to make such expenditures as it deems advisable.

(b) With the prior consent of the department or agency concerned, the Joint Committee is authorized to utilize the services, information, and facilities of the departments and establishments of the United States Government and private research agencies.

AUTHORIZATION; EXPESES

SEC. 305. (a) The expenses of the Joint Committee, which shall not exceed $200,000 for each fiscal year, shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee or by any member of the Joint Committee duly authorized by the chairman.

(b) Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

LET US MOVE FORWARD WITH NEW FAITH TO ACHIEVE WORLD PEACE

Mr. RANDOLPH. Mr. President, it is my privilege to join with my able colleague, the senior Senator from Indiana [Mr. HARTKE], in cosponsoring legislation to establish a Department of Peace and a Joint Committee on Peace and International Cooperation.

My efforts on this issue are not new. They date back to 1945 when I introduced such legislation as a Member of the U.S. House of Representatives. We succeeded in holding hearings on that bill before the House Foreign Affairs Committee. However, no affirmative action was ever taken. I returned to testify before the Committee on Expenditures in the Executive Departments on a similar measure introduced by my successor in the 80th Congress. Returning to the Congress as a Senator in 1958, I renewed my efforts for this proposal by introducing a Department of Peace bill in 1959.

I am delighted to actively join in this new movement to establish a Department of Peace and to be a part of this coordinated and bipartisan effort.

What higher calling can we have, Mr. President? What greater dream come true than peace among the nations and peoples of the world. Many will say that this is an impossibility. How can we have peace among nations of the world when we cannot maintain peace at home? This is a negative attitude. America was settled and the elements conquered by overcoming the impossible. We are challenging the universe. We have been around the moon.

It is time we placed greater priority on world peace. We led the world in the development of the most destructive weapons known to man. Let us lead the world in creating a department to bring peace to all peoples. I stated in this Chamber in 1959:

The supreme problem for all mankind, is the achievement of a just and lasting peace—or to live under the Damoclean sword of an almost universal nuclear destruction. In these terms, therefore, there are not several races of men, but in reality only one race of man—for it is mankind as a whole who will solve this problem—or mankind as a whole who will suffer the immeasurable horror of a general nuclear war. Men make war. Certainly men can make peace.

The leaders of our country all want peace—the President of the United States, the Secretary of State, the Secretary of Defense, and my colleagues of the Senate and House of Representatives. But we have many other responsibilities which require our time and talent. This objective is too important and too vital to all mankind to be a part-time job. We need men dedicated full time to this task, whose only objective is the pursuit of peace, and which agency is on a par with the Department of State and the Department of Defense. This is a first-class cause which requires a first-class agency and a first-class effort.

In this legislative proposal we are not attempting to expand the bureaucracy as such, or to construe the lines of authority of other agencies which presently have jurisdiction over programs of peace. Rather we are attempting to bring together in one place all our efforts to accomplish this goal. We need an organized and concerted campaign. It cannot be the hodgepodge we have today. Life is too important to me, to you, to the people of the United States of America, and to persons living under other flags and other governments. For if we do not do our utmost for peace today, there may be no tomorrow for any of us be we black, white, red, or yellow.

Yes, my colleagues, it is time we placed greater emphasis on the job of finding a base of understanding in this world. With a Secretary of Peace to spearhead the campaign we can bring the issue of peace to the forefront of the lives of all Americans and of the lives of all the inhabitants of this earth.

Let us carry the message of peace to all nations and to all peoples. Let us give impetus to the crusade for harmony among all God's children by the creation of a U.S. Department of Peace, headed by a U.S. Secretary of Peace.

Mr. President, we read in Scripture, "Blessed are the peacemakers: for they shall be called the children of God." To the high purpose of peace let us dedicate our personal and official energies. We can—we must—learn to live together in comity and understanding. To the realization of this coveted goal let us move forward with new faith.

S. 961 THROUGH S. 979 AND SENATE JOINT RESOLUTION 42—INTRODUCTION OF BILLS AND JOINT RESOLUTION RELATING TO CRIME CONTROL AND PREVENTION

Mr. TYDINGS. Mr. President, I am introducing today a series of measures, individually and combined in a single bill, titled, for ease of reference, the Crime Control and Prevention Act of 1969, which I believe comprise a legislative program marking a significant advance in the war we are waging against crime in our society. I emphasize at the outset that I do not offer my program as a panacea for the ills of society; I do

not suggest that it will significantly reduce the crime statistics for the next year. The battle against crime is one that will be long in the winning, but one that must have its genesis. The Omnibus Crime Control and Safe Streets Act of 1968 was a major foray, and I am proud of my role in its passage. But it is important to see that it was only a beginning, just as this is only a continuation and not a culmination of the work which was begun there. This is an ongoing project which must have our constant attention and the benefit of tireless innovative thinking. It is in this spirit that I offer my proposals today.

It is abundantly clear that nothing in our national life today worries Americans more than crime and law enforcement. Every American knows that there is too much crime in the United States. Every American is, in one way or another, a victim of crime. Crime is our No. 1 domestic issue.

As a Senator who has been particularly concerned and active in social reform, I recognize, as we all must, that if we are to achieve a long-term solution to crime, we must deal with the pervasive underlying social evils which generate it. We must focus on and relieve the evils of unemployment, family breakdown, inadequate education, and substandard housing. But when people fear the streets and parks of their great cities, when their finest leaders are murdered, when they begin to eye their neighbors with suspicion and fear, then our society is endangered. This was the immediate danger recognized by the New York branch of the NAACP last month when it called for an end to "the reign of criminal terror in Harlem." Acknowledging that crime was doubtless produced by "vast social evils," the NAACP anticrime committee insisted that regardless of deeper social origins, "with people here being beaten, robbed, and murdered, something should be done about crime right now." [1]

Since my years as a U.S. attorney, I have been acutely aware of the challenge of crime to our society. It represents a virtual breakdown in society—demonstrating our inability to protect the victim against the activity of the offender, and our failure to channel the energies of the offenders into constructive efforts.

In recent years we have had two extensive studies which have contributed an ever-increasing awareness of the magnitude of the challenge—the reports of the President's Commission on Crime in the District of Columbia and of the President's Commission on Law Enforcement and the Administration of Justice. More notable than their findings on the extent and variety of crime, however, were their proposals for dealing with it. A number of these were implemented with the passage of title I of the Omnibus Crime Control and Safe Streets Act of 1968. Others find expression in the legislation I introduce today. Still others remain untapped, and I propose as part of my continuing legislative program in this area to give them careful study with a view toward employing those which I find meritorious and feasible programs in future legislation.

Introduction of the present legislation represents not a new departure for me, but a continuation of a long-standing program designed to assist law enforcement agencies. Many of the provisions of the "Local Law Officers Education and Equipment Act," which I introduced in the last Congress, became law in the Safe Streets Act. Many of the provisions of the comprehensive crime control bill which I introduced near the end of the last session are reflected in the bills I introduce today.

In the interim since the introduction of that bill, I have met with many leading law enforcement figures to discuss its measures, and to discuss other problems confronting them. Included among those I have seen are Quinn Tamm and Patrick Murphy, Police Commissioner Donald Pomerleau, of Baltimore, Col. Robert Lally, superintendent of the Maryland State Police, and Sir John Waldron, of Scotland Yard. As a result of these meetings, the bills which I submit today have been considerably altered and expanded. I believe they are improved by the changes and am grateful for the willing assistance I have received in their preparation.

The bills are logically grouped into several general areas, and I shall discuss them in that form.

RESEARCH AND EDUCATION

The first comprehensive area concerns financial grants to be made for training, education, research, demonstration, and other special purposes. These grants are essentially education related.

For too long the criminal justice system has been bypassed by the great educational, scientific, and technological revolutions which have struck and changed so much of American society. While industry and many agencies of government have spent millions of dollars to recruit, train, educate, and equip personnel, the agencies of the law-enforcement field have not had the financial support needed to upgrade and professionalize their forces. As the President's Commission on Crime pointed out, more than 200,000 scientists and engineers are helping to solve military problems, but only a handful are assisting in the effort to control crime.[2] Not only do we lack the funds to attract these men to the field, we lack the educational programs to train them for the tasks they are needed to perform. It appears that the forgotten men of our era are those who serve in the war against crime.

We have made halting steps to remedy the oversight. The Law Enforcement Assistance Act of 1965 included a special grant program to assist the States in establishing State law-enforcement standards and training commissions. It aided in the establishment of police science degree programs in 27 junior colleges, colleges, and universities throughout the Nation. It created 30 study fellowships for the Nation, 10 each in three institutions with significant programs in the field.

The Omnibus Crime Control and Safe Streets Act of 1968 represented another step forward. It provided planning and action grants for law-enforcement purposes. A National Institute of Law Enforcement and Criminal Justice was created, designed to encourage research and demonstrations in law-enforcement techniques and methods. Loans and scholarships for persons in law-enforcement courses were authorized. These programs are still in their infancy, but even at inception it was evident that they were not sufficient. Decades of neglect may not be remedied in months; likewise, they require not half measures but massive and intensive curative programs. Too many law-enforcement agencies are required to accept men with limited educational backgrounds because no others are available. A 1964 survey of over 6,000 police officers revealed only 7.3 percent possessed a college degree.[3] In far too many departments a majority of the officers did not even have a high school degree.

As a start toward meeting these still extant needs, I propose that we amend the National Defense Education Act of 1958, to provide funds for the development of programs for law-enforcement education at undergraduate, graduate, and professional levels, and to provide fellowships, modeled on those of the NDEA, for law enforcement studies.

Typical projects for which program funds may be allocated are research and development of new courses and curriculums, the strengthening of existing curriculums, and the training of faculty members. We are making broad demands that our police, required as they are to deal with even more complex and varied problems, have more academic training designed to prepare them for their professions. Yet we have not made adequate provision for the development of those programs. Law enforcement as an academic discipline is relatively new; we do not have adequate information on what a curriculum should contain or how it should be taught. In my own State the University of Maryland is now seeking a budget for an institute of criminal justice, but only after a decade of discussion and planning. It is evident, I think, that it is an essentially new field and that extensive research and study are needed for its development. Demanding education and granting fellowships is pointless unless the programs pursued are designed to produce the result we seek—a maximally effective law enforcement agent.

When we found ourselves challenged in science and technology a decade ago, we responded with an intensive academic training program to meet the thrust. The challenge of crime today is no less a threat to our national security and well-being than that challenge was then. Similar measures are needed. In fact, the need today may be even greater, since we are so short of qualified personnel to conduct research, to develop training

[1] New York Times, Friday, Dec. 13, 1968, p. 1, col. 2.

[2] President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society," 245 (1967).

[3] President's Commission on Crime and Administration of Justice, Task Force Report: The Police, 126 (1967).

programs, to develop new techniques and and approaches. The Soviet threat of 1958 was no more demanding, and may have been less dangerous—as a readily identifiable external threat, it was more effective as a rallying point for legislation. The threat was more obvious, and, because foreign not only geographically but in a sense of being unfamiliar to daily life, its urgency was more easily felt. Crime is a problem we all are forced to live with day by day—we must be sure that familiarity does not breed a lack of concern.

In order to facilitate research and encourage communication of developments and improvements in law enforcement, I propose that regional divisions of the National Institute of Law Enforcement and Criminal Justice be established. The Safe Streets Act created the Institute to supervise much needed research into crime control and prevention. I believe that many of the tasks to which it will have to address itself will be better accomplished at the local level, and some will be more readily approached in one geographic area than in another. The same problem may require radically different approaches in different sections of the country. Rural crime patterns do not parallel those of the cities; urban problems vary widely among our major cities. Hence, I would authorize the Institute to establish regional field divisions wherever it finds that they be most effective.

Research and development are not ends in themselves. Unless new ideas, methods, techniques are communicated to the local law enforcement agencies so that they may be implemented—applied to the practical situation—then we are tilting at windmills. Too often Federal programs prove tremendously fruitful but we are left with no effective means of transferring the product to local agencies. It is evident that regional centers will be much more capable of maintaining the direct and sustained contact with local law enforcement agencies that is necessary to implement new ideas. They will be more available to the needs and requests of these agencies; and sustained contact will create channels of communication that could not exist with a single national center. I believe that the regional centers will provide a unique opportunity for local law enforcement agencies and the Institute to become attuned to each other, and to complement each other's efforts in improving the law-enforcement system at every level.

I am calling for a statutory draft deferment for men engaged in, or studying to enter law enforcement careers. We are waging a war on crime which is as critical to our national well-being as any commitment of troops we have around the world. We are shorthanded in this engagement, and cannot afford to lose those men we have been able to recruit. We must keep them in law enforcement service to preserve our society on the home front. The most awesome of military victories will be but a historical curiosity should it occur even as the fabric of the sustaining society is irreparably rent by the effects of domestic lawlessness.

Many law-enforcement agencies develop particularly effective organizations and techniques, knowledge of which never gets beyond their own physical locale. Occasionally this may be as a result of the fact that they do not recognize the unique quality or success of their methods, but assume them to be standard procedure. In other instances it is undoubtedly a result of their failure to find appropriate channels via which to communicate their discoveries. A number of my proposals are geared to assist in this area, directly or as a peripheral effect of the contacts they bring about. One of the most direct attacks I propose is through exchange of officers. To provide cross-fertilization among local departments, encouraging exchange of information on the best law-enforcement techniques, I propose that Federal assistance be made available to State and local law-enforcement officers, especially those engaged in supervisory, planning, or instructional positions, to visit other law-enforcement agencies, both here and abroad, to study the techniques of these other law-enforcement agencies. This will encourage an even greater interchange of ideas about law-enforcement techniques, devices, and operations; it will permit these personnel to keep abreast of latest developments in a complex and rapidly expanding field. It will facilitate the pooling of data and research in an area which, though local in responsibility, is essentially national in scope.

Another program with similar objects was inspired by the Airlie House conferences held by Attorney General Ramsey Clark last year. My bill authorizes the National Institute of Criminal Justice to conduct conferences, seminars and similar instructional programs both nationally and regionally. It is my intention that, while some of these programs would bring together chiefs and other leaders of State and local law-enforcement agencies, the interchange would not end there. I envision many different kinds of meetings among many levels of supervisory and planning personnel, for purpose of exchanging information regarding local practices, and for indoctrination regarding new developments coming out of the various research programs now underway, and to be initiated as a result of other parts of my bill.

SALARY SUPPLEMENTS, INCREASED BENEFITS

Policemen perform some of the most varied and difficult jobs required of any profession. They are called upon to apprehend lawbreakers, settle family quarrels, suppress civil disorders, control crowds, interrogate suspects, and respond to medical emergencies. No task seems too difficult, too dangerous, or too discomforting to ask a police officer to do it.

Salaries do not even approach being commensurate with the demands that are made. Today's scandalously inadequate police pay scales require a man to make a financial sacrifice to risk life and limb for the public safety, and are not calculated to attract and hold the kind of man modern law enforcement work demands.

Despite this grave shortcoming, and despite the fact that some 90 percent of funds expended in the Nation today are spent on salaries, the Safe Streets Act specifically limits to one-third the part of any grant made under title I which may be utilized for personnel salaries.[4] I propose, therefore, to amend that act to include a special authorization for the grant of funds to directly supplement law enforcement personnel salaries. I have, however, drafted this measure as a special provision which will not be subject to the limitation, rather than lifting the percentage limitation on all title I funds. This will enable the Law Enforcement Assistance Administration to maintain a reasonable control over funds to be used for salaries. It can insure that areas that are truly underfunded receive assistance, while preventing any unbalanced increase in salaries in areas where they are more nearly adequate.

My second measure will authorize salary supplements for persons achieving certain levels of education beyond high school. The supplemental, based on a percentage scale of current earnings, increase in size at each degree level achieved. The bill provides a 5-percent increase for attainment of a degree requiring 2 years education beyond high school, 10 percent for acquiring a college degree, and 15 percent for receiving a graduate degree beyond college. In many instances, the student will be an officer who is already actively engaged in law enforcement work and who is attending school on a part-time basis or has taken a leave of absence to increase his educational training. It is to be hoped that in such circumstances he will continue to receive a salary from his local force. To further encourage such educational pursuits—and to help defray the added expenses he will be bearing as a student—portions of the ultimate supplement he will receive will be given to him during the course of his schooling. Perhaps the best means of explaining the bill as it is presently written would be by example. An officer who had completed a 2-year degree after college would be entitled, under the bill, to receive a maximum supplement of 5 percent of the salary he receives from his employing law enforcement agency. At the beginning of his first semester of additional training, based on a total four semesters, he will be entitled to receive one-fourth of 5 percent of his salary as a bonus; at the beginning of the second semester, one-half of 5 percent; at the beginning of the third semester, three-fourths of 5 percent; and, at the beginning of the fourth and final semester he should be entitled to receive the full 5 percent. If at any time he discontinues the educational program without receiving a degree, he shall no longer be entitled to the supplement.

Finally, as another measure in the attempt to bring law-enforcement salaries into a more rational relationship with the duties performed, I propose to authorize grants under the Safe Streets Act to increase and expand retirement, injury, and death benefits. A special provision makes it clear that included among these benefits may be scholarships for children of law-enforcement officers who are killed in the line of duty.

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[4] Title I, part C, § 301(d), 82 Stat. 197, 200.

CORRECTIONS, ALCOHOLISM—REHABILITATION

"Two million arrests in 1965—one of every three arrests in America—were for the offense of public drunkenness." [5] Fiscal 1965 saw 44,218 arrests in the District of Columbia for public intoxication, or more than half the nontraffic violation arrests.[6] This is an incredibly heavy burden on our criminal justice system, diverting much time and energy from the control and prevention of serious crime. Yet many of the arrestees are chronic cases, who will merely be jailed to dry out and sleep, and then be released to begin the process again. In the district, "56 percent of those arrested for intoxication in 1965 had been arrested five times or more during their lifetime; 29 percent had been arrested 20 times or more; and 10 percent had been arrested 50 times or more." [7] Only 23 percent were first time drunkenness offenders. This failure of the system in many cases to even attempt to assist those who have become dependent on alcohol is a social crime against those so afflicted. It contributes significantly to depriving the entire society of a significant potential for more effective handling of more serious crimes. The latter effect must be weighed not only in the loss of police time, equipment, and efforts but also in terms of the increased criminal dockets in our courts, which contribute in turn to the greater possibility for recidivism on bail, and in terms of the overloading of our penal institutions.

Still we have not measured the full extent of the social problem. There are over five million alcoholics in the United States, making alcoholism the Nation's fourth largest health problem.[8] Yet it is a difficulty about which we know shockingly little. One thing alone is clear—punishing drunkenness as a crime has achieved nothing.

Sporadic attempts have been made toward a comprehensive study of the causes and means of curing alcoholism, but there has been no coordination or follow-through. I propose a massive research effort into every aspect of alcoholism. We need to discover the psychological and biological characteristics which render a given individual susceptible to becoming dependent upon alcohol, so that we may spot them in advance and try to prevent the potential dependence from being realized. We need information on the psychological and physiological effects alcohol has upon chronic and dependent users. We need to know how to effectively deal with those who are now dependent upon alcohol—how to generate a desire to break a habit, and how to medically assist in the fulfillment of that object.

We must also bring about radical change in our method of dealing with the alcoholic who has brought himself into a situation ending in arrest. Jails and "tanks" serve no end except confinement and most often fail to afford the medical services and treatment which is frequently critically needed. They must be replaced by detoxification units, which will emphasize the provision of medical services and prescription for further treatment. We must focus on attempts to aid, and hopefully, eventually cure.

The creation of aftercare programs is logical and necessary. We have little assurance that the chronic offender will alter a lifelong pattern of drinking after a few days of treatment at a detoxification center. Thus, I call for the provisions of funds to develop rehabilitation programs. A coordinated network of facilities must be made available for those who need further care. Such a program might well be based upon existing facilities and community agencies, such as hospitals, mental health agencies, outpatient centers, and Alcoholics Anonymous programs. This network of aftercare facilities might be expanded to include halfway houses, vocational counseling agencies, and relocation centers.

I introduced a bill in the Senate during the last Congress to revise procedures for dealing with drunkenness and to provide rehabilitation facilities in the District of Columbia. Using a similar bill introduced in the House, we were able to reach agreement on a basic program and it was enacted into law. Now it is time to afford such programs throughout the Nation.

Rehabilitation must similarly be a keynote of our correctional system. For decades we have heard that our penal institutions are truly penal rather than correctional, that they breed and foster crime rather than rehabilitating the criminal. The juvenile or youthful offender works his way upward through various levels of detention, often taking measures to speed his own graduation within the system to the "university," the State or Federal "pen."

The revolving-door image of our criminal justice system is too well known. But in truth, the recidivism rates hide the fact that criminals entering prison do not merely emerge still as criminals. They emerge as better trained, more skillful criminals.

These problems were recently reemphasized in the testimony before the Virginia State Crime Commission of a convicted bank robber who has spent some 20 of his 45 years behind bars. Once an "incorrigible prisoner," he is now out on parole and working as a counselor in a home for disturbed adolescents. Characterizing his early prison experience as a "hopeless life of rubbing elbows with murderers, Cosa Nostra hoodlums and 'just plain creeps, liars, and cheats;' " he attributed his present condition to the fact that he finally ended up in an institution where rehabilitation was attempted. The most effective weapon against crime, he now argues, is the rehabilitation program.[9]

I have often stated my belief that any program hoping to achieve a degree of success in crime control and prevention must deal not only with the law enforcement agencies that face the problem in the streets, but must also address itself to the courts and the correctional system. Only by treating them all as aspects of a single problem, and efficiently and effectively coordinating their efforts, can we hope to make inroads against crime in our society.

We will not reduce the incidence of crime in this country until we are willing to reform our correctional system. This is not merely a process of updating the existing systems. It is a field in which there is much still to learn, much study to be done. There have been encouraging experimental studies, like those in California, emphasizing community-based job training, education, and intensive supervision. Such programs must be encouraged and expanded. Hence, I propose to add a specific authorization to permit grants for improving correctional systems and give some guidance in the act itself as to the direction in which we should encourage development.

ORGANIZED CRIME

Organized crime is one of the largest and most profitable industries currently operating in this country. Its activities are widely diversified, running the gamit from gambling and dope peddling through the most highly respected forms of legitimate business. Annual profits run into untold billions. The organization is complex and effective, as is witnessed by the very paucity of our information with respect to it. Local bookie joints may be closed and individual peddlers put out of business, but prosecutions seldom reach even lower echelon leaders and the chiefs are virtually immune from punishment.

The effects of organized criminal activities are felt at every level of society and are often so subtle as to be virtually unrecognizable. The narcotics addict has it brought directly home to him in the fact of his addiction and the source of his continued supply—although he may not know of the complex superstructure which in fact supports his local pusher. The harassed borrower feels its pinch in the usurious rates enforced by the loan shark. But how often does the citizen recognize the additional pennies he spends daily to support increased costs of law enforcement? Or, perhaps more shocking because more direct, the extra cents he pays for given products because of the syndicate's infiltration of a legitimate business or its supporting labor union? How often does he look at shoddy and inferior merchandise for which he pays inflated prices, and say "I can thank the syndicate for the quality of this product." I am not suggesting that all consumer complaints should properly be directed to the czars of organized crime, but the effect is there and it is by no means insignificant.

The reasons for the unqualified success of organized criminal activities are varied and often as disturbing as the existence of the enterprise itself. Too often they are evidence of the unknowing complicity of the average man, and the willing partnership of the very political and law-enforcement forces upon whom we rely to ferret out and destroy the syndicates.

The very phrase "ferret out" suggests

[5] The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Drunkenness, 1 (1967).

[6] President's Commission on Crime in the District of Columbia, Rept. No. 474 (1966).

[7] Id. at 486.

[8] President's Commission on Crime and Administration of Justice, "The Challenge of Crime in a Free Society," 237 (1967).

[9] Washington Post, Wednesday, January 29, 1969, p. C1, col. 1.

one reason for our failure to mount a successful campaign against organized crime. Its day-to-day activities are not of the sensational headline variety. Most often they are brief encounters—the placing of a bet, the delivery of a "fix"—in which both parties to the transaction or criminal act are interested in its successful completion. These are not the kinds of crimes which are often reported.

Concern with organized crime is not new, but because it is a problem which will require such a massive effort to overcome, and because there are no readily apparent easy solutions, public interest waxes and wanes. Sensational headlines breed heat and emotion; public investigations raise demands for action. But the interest so generated lags and dies before effective measures can be implemented. One of the greatest difficulties in the battle against organized crime has been the element of time—it will require years to successfully cope with it, and it is not reasonable to suppose that public interest can be sustained for such a period of time.

I believe that we must commit ourselves now to a massive Federal effort to deal with organized crime. It must be a centralized program which makes use of all existing agencies who have developed or acquired responsibilities in the field, as well as the new measures which are being introduced now.

One means of creating the continued interest and support necessary to the fight is, I believe, through the creation of a Joint Committee on Crime which I have proposed below. Such a committee could act as a focus for our concern, and could conduct continuing studies and investigations which would serve as a source of badly needed information and recommendations.

For many reasons organized crime poses a problem whose national character overrides its local involvements. Even where local involvement is intense, the organization reaches far beyond the jurisdiction of local law enforcement agencies. It is beyond the resources, the facilities, the training, of even the best local agency to effectively deal with the sophistication of these organizations. If we are to overcome them we must meet them with an organization as powerful and capable as their own, and this can only be achieved as part of a concentrated Federal effort.

The President's Crime Commission Task Force Report on Organized Crime states that one of the most serious difficulties with trying to deal with the syndicates at a local level is that they manage to corrupt the local officials. It stands to reason that the organization is strongest where it has least to fear from local agents and agencies—law enforcement and political—who would be expected to combat it. Hence, I am very dubious of programs which rely to any significant extent on local agencies. I believe this to be an area where the bloc grant concept of the Safe Streets Act is not a feasible alternative—and I am thankful in this respect that there will probably not be requests for the 75-percent grants under the organized crime section of the act. Fortunately in this case, the blushing victim will not admit to the occurrence of the crime—application for these funds would constitute an admission that most cities will hesitate to make.

The program I offer in this area, therefore, is one which primarily emphasizes consolidation of Federal efforts and increasing the weapons available to the Federal agencies.

Initially I propose to create a new position of Assistant Attorney General with responsibility for the development and implementation of the local attack on organized crime. Responsibility today is too diffuse. The organized crime section of the Justice Department does not have sufficient authority or prestige. It is my intention that the establishment of this new position will result in greater efforts by the Justice Department in this area, and will create an officer in the executive branch who is clearly intended to be in charge of all Federal programs, and who will have sufficient position that he can enforce this position within the executive branch itself. It is essential that existing frictions be done away with and that Federal agencies cooperate under his leadership.

To enable him to better combat organized crime, I propose to make certain forms of gambling a Federal crime where it is not permitted by State law. Gambling is one of the primary sources of revenue, supporting many of the other ventures of organized criminals. We must have Federal substantive laws restricting some of the primary areas of their activity if we are to obtain jurisdiction over them. Absent such substantive criminal jurisdiction, Federal efforts will be pointless.

A prime reason that our knowledge about organized criminal operations is so scanty is the refusal of persons whom we know to be part of a greater organization to testify with respect to that organization. It is, of course, a most important safeguard of our Constitution that a man cannot be compelled to testify against himself. Hence, these parties are able to successfully refuse to provide information on the ground that the information might implicate them in criminal activity, subjecting them to possible criminal prosecution.

Our courts have determined, however, that a man can constitutionally be compelled to testify so long as there is adequate assurance that none of the evidence thus obtained may be used in prosecuting him. Immunity provisions have now been added to a number of Federal criminal statutes. However, they are not found in conjunction with several of the Federal criminal proscriptions of activity which might be expected to encompass efforts of organized crime elements. Rather than add such a provision to each of these sections, I propose a general immunity section which may be utilized by the Attorney General or an Assistant Attorney General designated by him with respect to any Federal crime. This gives the Justice Department a much broader range for attack; in specific cases they may be able to eliminate a significant figure in an organization on a charge which would not occur to us, and for which we would therefore not be providing an immunity section.

We cannot compel persons to testify—or expect them to testify willingly—unless we are willing and able to protect them against retaliation. I have no doubt that one of the significant facts behind the "loyalty" of members of organized criminal groups is the certainty of the "enforcers." The task force report on organized crime of the President's Commission on Crime and Administration of Justice informs us that organized crime informers are forced to change their homes, identities, and often their very physical appearances in the attempt to avoid reprisals. Where there is such great faith in the efficacy of the machine, and so little in the power of the government, there should be little wonder that we have such small success in obtaining information about these organizations.

The Government must assume a lasting and an effective responsibility for those persons who are willing to provide information. As a beginning of this responsibility, I am authorizing the Special Attorney General created by my bill to supervise the acquisition, location, and management of Federal facilities for the protective housing of witnesses involved in investigations or prosecutions relating to organized crime. Much more should be done, but this initial step is indispensable.

As a final measure in this area for now—and I believe that much more must be done—I would provide increased sentences for persons found to have committed the crime for which they are convicted as part of a scheme of organized crime. Too often, we are forced to try persons known to be part of organized crime rings for relatively minor offenses. Yet even these offenses, in the setting of the organization, are more serious than if committed by the ordinary lone criminal. Both because the crime is in fact more serious and because it is important to take advantage of this distinction to remove him from active participation in the group for as long as possible, I offer a provision authorizing increased sentences when the crime committed was in furtherance of the activities of an organized crime group.

GUN CONTROL

My position on the subject of gun control is well recorded. I repeat here only that the good citizen—the man who is reasonable in his use of weapons and does not have criminal proclivities—has nothing to fear from the system I propose.

Further, the measures I have proposed, and reintroduced here, do not constitute Federal intrusion into the States' domain. They are only temporary measures for registration of weapons and licensing of users, until the States pass local measures.

I still find it difficult to comprehend and accept, in view of the slaughter of our political leaders and law enforcement officers with firearms in this decade alone, the resistance to this effort to inhibit the criminal use of such weapons.

COMMISSION ON COURT DECISIONS

Many people have stated a belief that a significant problem in law enforcement derives from what they refer to as the handcuffing of the police by court decisions defining the constitutional rights

which must be secured to suspected criminals. This is not an evident result of court decisions, and I believe that before we take any of the drastic measures that some of these critics are propounding, we should have a better foundation for assessing the impact of court decisions on police activities.

Several local studies have been made,[10] but we lack adequate study. We need a careful analysis of this problem by a respected group of national leaders, so we may take steps to set the controversy at rest. It may be that there has been no substantial effect; in that case persons now demanding legislation to revise some court decisions on this ground may turn their efforts at improving law enforcement to other recommendations. On the other hand, need for some change may be reflected. At least then, however, we could move forward in the confidence that the changes we were seeking were really necessary and would contribute to better law enforcement—that they were not merely unthinking accessions to the demands of a vocal element which does not share the same philosophy as that of our Federal courts.

To this end I propose the creation of a commission, to be composed of Senators, Congressmen, the Attorney General, and other leading national figures, to study and report on the effect of court decisions on our system of criminal justice.

In closing my remarks on this bill I would again emphasize that the difficulties we are experiencing with the law enforcement process involve every aspect of the system. We must revise and revamp not only our police forces, but our courts and correctional systems as well. I believe, for example, that swifter justice will contribute immeasurably to the reduction of the crime crisis. I have long been concerned with these other areas and have introduced numerous measures in the past designed to deal with them. I shall be continuing these efforts in the present Congress.

COMMITMENT OF THE CRIMINALLY INSANE

I also recognize the need for revision of certain Federal criminal procedures and I propose to suggest such revisions. As a beginning, I am today reintroducing a bill which I submitted in the last Congress to eliminate an important loophole in the existing law. This is the lack of any means for dealing with persons who are acquitted for criminal charges in Federal courts after successfully raising the insanity defense.

The problem is well illustrated by a case I had to deal with as a U.S. attorney for the district of Maryland, involving the activities of a young man who had a proclivity for flying airplanes. The only problem was that the young man had neither a pilot's license nor his own plane.

From time to time, whenever he would pass an airport, he would have an irrepressible desire to fly planes; and, with the aid of the Popular Mechanics manual, he proceeded to fly them. Fortunately, he generally landed the aircraft in one piece without inflicting injury either to himself or to innocent persons, but usually some damage was inflicted to the aircraft. On one occasion, to satisfy his desire to fly, he stole an airplane and managed to pilot it between two States.

When he was tried in the district court on a charge of wrongful interstate transportation of the aircraft, he won acquittal after psychiatric testimony disclosed that the theft occurred while the young man was acting under an irresistible impulse. It was at this point that the void in Federal criminal procedure became evident for all to see. Upon the verdict of not guilty, the young man walked from the courtroom a free man, although the testifying psychiatrists were relatively certain that his penchant for flying would soon lead to another illegal flight in a stolen aircraft. In fact, within a matter of months, the young man again was apprehended after stealing an aircraft. The danger that such activity of a mentally irresponsible person posed for the community was readily apparent.

Hence, I am reintroducing a bill that will provide for a special verdict of not guilty by reason of insanity in such cases, and for a determination of the acquitted person's mental condition at the time of this special verdict. It sets up a commitment procedure, which may be instituted by either the U.S. attorney or the district judge who heard the criminal case. Before determination of present sanity, the person may be committed for observation. And, if he is found at the ultimate hearing to be dangerous to himself or others, he may be committed for treatment in a mental institution.

The need for a special verdict and commitment procedure was noted by the U.S. Court of Appeals for the Second Circuit in *United States* v. *Freeman*, 357 F. 2d 606, 625 and by the U.S. Court of Appeals for the Fourth Circuit in *United States* v. *Chandler*, decided April 4, 1968.

COMMITTEE TO INVESTIGATE CRIME

A final measure I introduce today, which I adverted to while discussing the problem of organized crime, is a joint resolution to create a Joint Committee To Investigate Crime. I believe that such a committee could do much to focus our Federal efforts against crime, among other functions collecting invaluable information regarding crime in the Nation, recommending legislation and creating priorities for our activities in controlling and preventing criminal activities.

Mr. President, as I indicated at the outset of my remarks, I believe that crime is our most significant domestic problem. I believe that the program I introduce today is important to the resolution of that problem. I propose to devote much of my time and effort in this 91st Congress to securing the passage of these measures, and to coming forth with additional proposals for combating crime. Among these further proposals will be specific legislation designed to improve the quality of law enforcement and criminal justice in our Nation's Capital.

The VICE PRESIDENT. The bills and joint resolution will be received and appropriately referred.

The bills (S. 961 through 979) and Senate Joint Resolution 42, to create a Joint Committee To Investigate Crime, were severally received, read twice by their titles, and referred to the Committee on the Judiciary.

S. 980—INTRODUCTION OF BILL RELATING TO CONTRACT ACTIONS AGAINST NONAPPROPRIATED FUND ACTIVITIES

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to confer upon the district courts of the United States and the U.S. Court of Claims jurisdiction over contract claims against nonappropriated fund activities of the United States.

Nonappropriated fund activities of Government departments or agencies are of many types. Perhaps the most familiar are the military post exchange and the ship's store, wherein goods and services are made available to military personnel and their families conveniently and at reasonable price. It has been estimated that the revenue-producing nonappropriated fund activities of our civilian and military departments experience an annual volume of business in excess of $1.5 billion. When thus considered together, the hundreds of these activities, ranging from post exchanges and movie theaters to hobby clubs and committees of farmers, are indeed a formidable sector of American industry.

Mr. President, nonappropriated fund activities are at present an anomaly of the law. When States have attempted to tax or regulate nonappropriated fund activities, these organizations have successfully argued that they are immune from taxation and regulation as instrumentalities of the United States. When sued in foreign courts, nonappropriated fund activities have successfully argued that as instrumentalities of the United States they are not liable to contract suit, except in the courts of the United States. Our own courts have held, and the Justice Department has concurred in such holdings, that employees of nonappropriated fund activities engaged in the performance of their duties, are employees of the United States, so that the United States is liable, under the Federal Tort Claims Act for their negligence within the scope of their employment. The United States has, in fact, sued in its own name to enforce contracts entered into by nonappropriated fund activities.

Yet, today, although nonappropriated fund activities are continually identified with their parent department or agency of the United States, contractors with such activities have found the courtroom door barred when they allege a breach of a contract by such an activity. State courts have disclaimed jurisdiction to entertain the claims, holding that the Federal courts are the appropriate forum. Both the Federal district courts and the U.S. Court of Claims afford no relief because of the alleged loophole in the Tucker Act. Repeatedly, these courts have held that the Tucker Act's waiver of the sovereign immunity of the United States to contract suits is not broad enough to permit the Court of Claims or the U.S. District Court to entertain

[10] See e.g., Medalie, Zeitz & Alexander, *Custodial Police Interrogation in Our Nation's Capital: The Attempt to Implement Miranda*, 66 Mich. L. Rev. 1347 (1968); Seeburger & Wettick, *Miranda in Pittsburgh—A Statistical Study*, 29 U. Pa. L. Rev. 1 (1967).

suits against nonappropriated fund activities.

I fully agree with a judge of the Court of Claims, who, in reluctantly dismissing a suit by a contractor against a nonappropriated fund activity because of the lack of appropriate jurisdiction, stated, "this is a matter which surely needs congressional correction."

I introduced a similar measure in the 90th Congress, Mr. President, and the Subcommittee on Improvements in Judicial Machinery took 2 days of testimony on the bill. The witnesses included my good friend, the former Representative of Maryland's Fifth Congressional District, the Honorable Hervey G. Machen; the chief judge of the Court of Claims; scholars and attorneys specializing in Government contracts law, and a representative of the Department of Defense, the Federal agency with the greatest number of nonappropriated fund activities.

All of the witnesses agreed that there was no rational policy grounds that would justify the continuation of the anachronistic immunity from suits of nonappropriated fund activities, when Congress has already waived such protection from suits on contracts of the U.S. Government itself, and the courts have held the nonappropriated fund activities to be instrumentalities of the United States for purposes other than suit. This legislation was endorsed in principle by the House of Delegates of the American Bar Association's annual meeting in Philadelphia last August.

The measure I introduce today bears only two substantive changes from the bill I introduced in the last session. The changes are made on the basis of testimony received at last year's hearings. The first change clarifies the limitation upon the retroactive effect of this legislation, making it the same as the general statute of limitations upon contract claims against the United States as stated in 28 U.S.C. section 2501 (a), and prohibits the assertion of the defense of res judicata or other similar pleas to jurisdiction. The subcommittee hearings clearly demonstrated that there exists at least a small number of contractors with nonappropriated fund activities for whom there was no forum to hear their claims of contract breach. Some of these contractors bore the cost of litigation only to find access to the court barred by the counselor's interpretation of the Tucker Act. Justice and equity dictate that the courts should be made available to those individuals whose claims first brought the immunity anomaly to light, and that, as to these actions, the Government should be precluded from raising the defense of their previous determination. Those determinations, it should be noted, were based on jurisdictional not substantive grounds.

The second change in the bill is the addition of a new section 3 to the measure. Its language is intended to limit the application of the bill to the contracts of nonappropriated fund activities not already subject to suit in their own names under any other provisions of law. Examples, for instance, of nonappropriated fund activities already subject to suit in their own names include the American Red Cross—36 U.S.C. section 2—and the Tennessee Valley Authority—16 U.S.C. section 831(c).

Mr. President, this bill will right the wrong presently inflicted by the interpretation of the Tucker Act. I ask that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 980) to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346 (a) (2) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(b) The first full paragraph of section 1491 of title 28, United States Code, is amended by adding at the end thereof the following new sentence:"For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(c) Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694; 31 U.S.C. 724(a)), is amended by adding immediately before the period at the end thereof the following new proviso: "*Provided further,* That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States, shall be paid in accordance with this section and sections 2414, 2517 and 2518 of title 28, United States Code, and such activity shall reimburse the United States for a judgment or compromise settlement paid by the United States to the extent the Comptroller General of the United States determines that a reimbursement may be made without unduly jeopardizing the operation of such activity.".

SEC. 2. (a) The provisions of this Act shall also apply to claims and civil actions initiated or pending on or after the date of enactment of this Act if the claim or civil action is based upon a transaction, omission, or breach that occurred not more than six years prior to the date of enactment of this Act.

(b) The provisions of subsection (a) of this section shall apply notwithstanding a determination or judgment made prior to the date of enactment of this Act that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States.

SEC. 3. The provisions of this Act do not apply to a contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States which is subject to suit in its own name under any other provision of law.

S. 981—INTRODUCTION OF BILL RELATING TO A NEW PLACE FOR SITTING FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Mr. TYDINGS. Mr. President, I introduce, with my distinguished colleague from Maryland (Mr. MATHIAS), a bill to allow the U.S. District Court for the District of Maryland to hold court in the Maryland suburbs of Washington, D.C.

Montgomery and Prince Georges Counties, the two Maryland counties adjacent to the District of Columbia, have undergone a phenomenal population explosion in recent years. In 1930 there were only 110,000 residents in Montgomery and Prince Georges Counties. By 1940 their population had grown to 173,000. But by 1967 their population had shot over the million mark—a phenomenal increase of more than 900 percent since 1930. These two counties now have more than a third of Maryland's population. These counties are, in fact, among the fastest growing areas in our Nation.

Along with this growth, there has been a steady increase of judicial business in these counties. To find a Federal forum, however, litigants must either travel to Baltimore or face the staggering backlog conditions in the U.S. District Court for the District of Columbia.

The bill I am introducing today for myself and Senator MATHIAS will designate a suburban location as an additional place for holding court in the district of Maryland. Such a designation will allow the establishment of a judge's chambers, a clerk's office, and offices for the court's supporting personnel such as U.S. attorneys and marshals. The convenience of a suburban district court will alleviate many hardships which now face attorneys, litigants, witnesses, and jurors from Montgomery and Prince Georges Counties.

When established, I believe the court faculty will improve the administration of justice in the district of Maryland.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 981) to amend title 28 of the United States Code to provide that the U.S. District Court for the district of Maryland shall sit at one additional place, introduced by Mr. TYDINGS (for himself and Mr. MATHIAS), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 982—INTRODUCTION OF BILL RELATING TO THE YELLOWSTONE PARK'S 100TH ANNIVERSARY

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill authorizing the Postmaster General of the United States to issue a special postage stamp to commemorate the 100th anniversary in 1972 of the establishment of Yellowstone National Park.

Yellowstone is the world's first and oldest park. It has been and is today a magnificant symbol of the national park system, which has grown since the park was first carved from the western wilderness to encompass some 260 additional scenic areas in our country.

It stands as majestic proof of man's determination to preserve and enhance public areas of great natural beauty for himself and future generations to enjoy.

On January 24, Senator BIBLE, of Nevada, introduced a Senate joint resolution which I enthusiastically endorse, to provide for special commemorative activities in 1972 to celebrate and proclaim the establishment of Yellowstone Park and the subsequent birth of the park concept.

The resolution would request the President to issue a proclamation designating 1972 as "National Park Centennial Year." Because the park concept has set an example for some 80 nations of the world that have followed our lead to develop their own systems, the resolution also establishes a 15-member, special commission to host a World Conference on National Parks. Commission members would be experienced in the fields of natural and historical resource preservation, and would prepare and execute the plans for this commemoration.

Parenthetically, I would like to note that some 30 to 40 persons from foreign nations are expected to use Yellowstone Park this summer as an outdoor classroom during their participation in the 1969 international short course on administration of national parks, sponsored annually by the National Park Service, the Department of State, the University of Michigan School of Natural Resources, and other institutions.

This visit would provide a unique preview for these foreign representatives—many of whom would likely be taking part in the 1972 centennial activities outlined in Senator BIBLE'S resolution.

Mr. President, citizens keenly interested in natural preservation and beautification were pleased by the recent issuance of several special commemorative stamps honoring the beautification efforts spearheaded by our former First Lady, Mrs. Lyndon Johnson.

A special stamp proclaiming the birth of the national park concept and the designation of Yellowstone National Park as the first of many areas preserved and enhanced for human enjoyment would be a fitting companion to the beautification stamps, as well as a most appropriate recognition of a concept to benefit mankind.

I hope this measure will receive prompt and favorable consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 982) to authorize issuance of a special postage stamp for the 100th anniversary of establishment of Yellowstone National Park in 1972, introduced by Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 984—INTRODUCTION OF BILL RELATING TO AMENDMENT OF TITLE II OF THE SOCIAL SECURITY ACT

Mr. BYRD of West Virginia. Mr. President, I introduce for appropriate reference a revised text of S. 290, introduced on January 16, to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid with appropriate actuarial reductions. This text carries certain technical corrections.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 984) to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on Finance.

S. 985—INTRODUCTION OF BILL FOR THE RELIEF OF GEORGE F. SCOTT AND HIS WIFE

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that I may be permitted to introduce a bill for the Senator from New Mexico (Mr. MONTOYA), who is absent from the floor at the moment.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

The bill (S. 985) for the relief of George F. Scott and his wife, Margaret Ann Scott, introduced by Mr. BYRD of West Virginia (for Mr. MONTOYA), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 986—INTRODUCTION OF BILL FOR THE RELIEF OF NICHOLAS G. BERRYMAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to introduce for the Senator from Georgia (Mr. TALMADGE) a bill for the relief of Nicholas G. Berryman, of Atlanta, Ga.

The VICE PRESIDENT. The bill will be received and appropriately referred, without objection.

The bill (S. 986) for the relief of Nicholas G. Berryman of Atlanta, Ga., introduced by Mr. BYRD of West Virginia (for Mr. TALMADGE), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 987—INTRODUCTION OF BILL RELATING TO "INCREASED BURIAL EXPENSES FOR VETERANS"

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill which would authorize an increased payment by the Veterans' Administration toward the burial costs of wartime and disabled veterans. At present no more than $250 can be contributed toward the funeral expenses and costs of transportation to the burial site of deceased veterans who served during periods of armed conflict and certain peacetime veterans whose deaths are service related. Provision is made also for transporting the remains of veterans who might die while hospitalized or domiciled in a veterans' hospital or elsewhere at the expense of the Veterans' Administration.

This bill, which is identical with one I introduced last August, reflects the need brought about by higher charges for burial services in the 10 years since enactment of the present law. For example, the National Funeral Directors Association, which conducts an annual nationwide survey, estimated that the average cost of regular adult funeral services increased from $661 in 1958 to $820 in 1966. Interment and cremation charges, which are separate from those paid to the funeral director for his services, have also increased. Charges for opening and closing a grave will run from $45 to $150, and cremation costs vary from $35 to $100.

All evidence indicates that the $250 now authorized for veterans' burial expenses is inadequate. Some administrative flexibility is needed whereby the Veterans' Administration could share the unavoidable burden which falls on the estate and the family of a wartime veteran. My proposal would increase the present maximum limit to $500 and would authorize payment of an amount determined to be reasonable and necessary. If this were adopted it would enable the Administrator to vary the amount of contribution according to actual need and to take into account the rising costs for services, within the maximum authorized amount of $500.

Perhaps it would be relevant to point out the difference in the treatment accorded to active servicemen and wartime veterans in this respect. Present law (10 U.S.C. 1482 et seq.), in providing for the final disposition of the remains of deceased active duty military service personnel, authorizes the appropriate Secretary to pay for all necessary burial expenses. In addition to preparing the remains, purchasing an appropriate casket, and providing transportation with an escort to the place of burial, a cash interment allowance is paid in accordance with the circumstances for "necessary expenses" which are not larger than those "normally incurred." This language permits a reasonable adjustment of the amounts paid according to actual costs, but the maximum interment allowance for burial in a private cemetery is $500.

My bill would confer similar discretionary authority on the Veterans' Administration to adjust the payments for the burial of eligible veterans so that they would be more in line with need and actual costs. In no case could the total exceed $500. Unless it is demonstrated that no financial need exists, adequate funds should be provided to help meet unavoidable funeral expenses. This is especially true in those cases where the estate is so small that interment charges become a sizable drain on the resources of a veteran's family. I hope that consideration can soon be given to authorizing more realistic assistance for this worthy cause.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 987) to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Finance.

S. 988—INTRODUCTION OF A BILL TO AMEND THE RAILROAD RETIREMENT ACT

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill to amend section 2 of the Railroad Retirement Act. The purpose of this bill, which is a modified version of one I submitted originally on July 29, 1968, is to permit a currently employed railroad employee, who is eligible for retirement, to retain an elective public office paying compensation no more than $5,000 annually without being forced to give up his entitlement to an annuity.

As I pointed out last year, the problem arises because of the so-called last person service provision of the Railroad Retirement Act. This stipulates that no employee is eligible for an annuity until he has "ceased to render compensated service to any person" and prohibits retired railroad workers from rendering "compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue." By interpretation this means that a railroad employee not only must resign from any other job or jobs which he holds before he retires but also that he cannot later return to any such position and still receive retirement compensation. This general rule applies equally to public as well as private employment, so that an elective public official would first have to resign his office in order to obtain an annuity.

Apparently these restrictions were originally incorporated in the Railroad Retirement Act for good reasons. They were designed to discourage railroad employees from securing other remunerative positions with different employers and retaining those jobs after retirement from the railroad. Many employees now continue their railroad employment several years beyond the time they might first be eligible to retire. Without these limits, some railroad employees might leave their railroad positions at the first opportunity for retirement or even before then, secure other employment, and continue working on those other jobs after they once become entitled to and were receiving railroad retirement benefits. It is argued that allowing a railroad employee to retain another job he is holding at the time of his retirement would indirectly constitute a burden on the retirement fund because of early retirements and would increase the costs of the system.

Let me emphasize, however, that the law does not prevent a retired railroad employee from securing a different type of work or earning substantial sums after he has once retired. There is no limit on the kind of employment engaged in or the amount of money earned by a retired railroad worker, as long as he resigns from all employment at the time he retires and does not return to compensated service with any of his former employers.

Although the basic purpose of this provision is certainly defensible and probably meritorious, its application to railroad employees holding elective public office at the time of their retirement seems questionable and perhaps discriminatory. There is no need to stress how important it is in a democracy to make it possible for all qualified citizens to offer themselves as candidates for public office. The national welfare is ill served by laws or regulations which place obstacles in the way of those who are able and willing to seek office through the ballot box. In this instance, forcing a railroad employee who has been elected to public office either to relinquish that post or lose his annuity when he retires poses an unfair dilemma. Any career railroader, knowing about this mandate, would obviously be discouraged from becoming an active participant in the political process if he were approaching retirement years.

Frequently elective policymakers serving on local governmental bodies are part-time officers who receive comparatively small compensation. City and town councilmen, county supervisors or commissioners, township trustees, school board members, planning commissioners, and other local governmental officers usually perform their duties at times which do not conflict with their primary occupation. Even many State legislators are still regarded as part-time employees whose major tasks are completed during a 60-to-90-day session every 2 years. The salary received by most of these State and local policymaking officers is usually neither large nor is it expected to be their principal means of support.

The language of the Railroad Retirement Act, however, on its face absolutely requires any railroad employee, who has been elected by his fellow citizens to a compensated public office, to resign his position of trust in order to become eligible for retirement benefits. Moreover, under the law he cannot be selected later for and serve in that same position without losing benefits. In effect, this results in a legislative denial of an American citizen's right to hold elective public office. This is unfair both to the railroad employee who is willing to become a public servant and to the electorate which may be deprived of this person's services.

Apparently the Railroad Retirement Board has held that where remuneration for a public office is merely "incidental" or "insubstantial," a railroad employee holding such a position would not be rendering "compensated service" and would not have to resign from it in order to receive an annuity. However, it is questionable whether the specific terms of the law leave room for much flexibility on the definition of "compensated service." Except for payments to reimburse officers for actual out-of-pocket expenses, such as necessary travel, communication or secretarial costs, the phrase "compensated service" would seem to include all fees, salaries, or per diem wages paid for holding an elective position, no matter how large or small their total amount.

Moreover, determining which amounts should be considered "incidental" or "insubstantial" appears to be extremely difficult and arbitrary. What criteria should be used? By what measure would particular payments, such as $15 per meeting, $40 per month, or $1,500 per year be ruled to be either within or without the acceptable standards? A salary of $100 per month as a city councilman paid to a top business executive might properly to him be considered incidental, but to a retired career railroad employee, dependent on retirement benefits for his livelihood, this sum could mean a substantial increase in his income. Should one be deprived of the privilege of serving his community as a councilman, merely because his income from other sources is so small that his official salary becomes "substantial," whereas to one of his colleagues on the council the identical salary would be "incidental"? To place a premium on level of income as a determinant for public service is contrary to all precepts of American Government.

Another inequitable aspect of the current application of the law results from the great variation in compensation paid by State and local governments to their elective officeholders. Comparable jobs in different cities, towns, counties, and even States carry salaries and fees which range widely. For example, a city councilman in one city of approximately 25,000 population might be paid as much as $3,000 per year, whereas his counterpart in another city of similar size may receive only $300. Should the right of railroad personnel to hold office be qualified on geographical factors? Should a retired railroad employee be allowed to continue to serve in one city but not another?

The unfairness of this restriction becomes more evident if my understanding about its specific application is correct. I have been informed that in some cases, retired railroad employees have been permitted to retain public offices in which the compensation amounted to as much as $1,800 per year. Presumably this has been done on the grounds that $1,800 would be "incidental" or "insubstantial." It is not clear what standards have been used to hold that while payment of $150 per month would not be contrary to the restrictions of the law forbidding all "compensated service" to a prior employer, a greater amount, such as $200 or $300 per month, would be a violation. In any case, it means that a retiree's right to serve in a public office to which he was elected before retirement has been arbitrarily limited to those paying no more than $1,800 annually.

Let me cite the plight of one of my constituents as an example of the difficulty inherent in the present law and its application. A railroad employee for 45 years and a contributor to the retirement system for 32 years, he is eligible for retirement and for personal reasons would like to apply for a well-earned annuity. However, he is also now serving in his third 4-year term as a part-time member of the city council of a fairly large city, for which the compensation is $3,600 per year. Because of the restrictions in the retirement law, he has been informed officially that he would have to resign from the city council and could not be reappointed later to the same position if he were to draw retirement benefits.

The result is that my constituent faces a very unfortunate dilemma. Fully entitled by years of service and contributory payments to an annuity, he cannot retire unless he gives up the post on the city council. The fact that he has been elected to three consecutive 4-year

terms demonstrates that the people have been more than satisfied with his performance and want him to continue in office. As a conscientious public servant, he hesitates to break faith with those who voted for him by not completing his full term in office, yet there are compelling personal reasons why he should soon retire from his railroad job. He is forced to make a choice between two alternatives, one of which would be contrary to his principles, the other much to his personal disadvantage.

My bill would resolve this problem simply by amending the Railroad Retirement Act to permit currently working railroad employees to qualify for retirement benefits without being forced to resign from an elective public office, the compensation for which does not exceed $5,000 per year. Although valid arguments can be made for not extending this privilege to other types of jobs, the case for exempting part-time elective public offices is very clear and convincing. The number of railroad employees who would be affected by this amendment is not large, but this does not minimize the harm which present restrictions have on the comparative few to whom they apply.

I doubt whether it was the intention of Congress, when the Railroad Retirement Act was adopted, to legislate out of office duly elected officeholders of State or local governments. Moreover, surely it was not framed for the purpose of limiting the freedom of choice normally exercised by the people to choose their own representatives. Yet this is exactly the effect which the law now has on railroad employees holding public office who wish to retire. My amendment would provide a remedy but at the same time would not disturb the basic principle of the law; except for elective public offices paying less than $5,000 a year, railroad retirees still would be required to give up other "compensated service" jobs. In the interest of justice, I urge that careful consideration be given to this proposal as soon as possible.

Mr. President, I ask unanimous consent that the full text of my bill, which is very brief, be printed in full at the conclusion of my remarks.

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

The bill (S. 988) to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official, introduced by Mr. BAYH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That section 2 of the Railroad Retirement Act of 1937, as amended, is amended by adding at the end thereof the following new subsection:

"(k) For purposes of subsections (a) and (d) of this section, service performed by an individual as an elected public official shall not be regarded as 'compensated service' rendered to an employer or to any other person, if such service is compensable at a rate which does not exceed $5,000 per annum, and if such individual is deemed under section 1(o) to have a current connection with the railroad industry at the time he ceases to render compensated service to an employer."

SENATE JOINT RESOLUTION 43—INTRODUCTION OF JOINT RESOLUTION RELATING TO NATIONAL BANKING WEEK

Mr. JAVITS. Mr. President, I send to the desk a resolution asking that the President proclaim National Banking Week, at the request of the American Bankers Association.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 43) authorizing the President to proclaim National Banking Week introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 44—INTRODUCTION OF JOINT RESOLUTION DESIGNATING THE PURPLE IRIS AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES

Mr. GORE. Mr. President, I introduce for appropriate reference a joint resolution to provide for the designation of the purple iris as the national floral emblem of the United States, and I ask unanimous consent to have printed in the RECORD a letter dated February 6, 1969, from me to the distinguished senior Senator from Illinois (Mr. DIRKSEN) relative to the designation by the General Assembly of the State of Tennessee of the iris as the State flower of Tennessee.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The joint resolution (S.J. Res. 44) to provide for the designation of the purple iris as the national floral emblem of the United States, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

FEBRUARY 6, 1969.

Hon. EVERETT DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR EVERETT: The Congressional Record is an important document, particularly for reference purposes. Future generations will note our words, writ large here, and more voluminously our insertions, sometimes writ small. It grieves me, therefore, when I see an error in the Record, particularly one involving the great State of Tennessee.

On February 4, 1969, you mounted your charger for your perennial fight for the marigold (Togetes erecta). I recall the many bloody, gallant, but highly indecisive jousts between you and our former distinguished colleague, Paul Douglas. Just who will now rise up to champion the corn tassel, or some other sinus-inducing floral fluff, as the national flower against your super forays for the marigold I do not know.

As you stated in the Record, you have carried on this fight "for some years." I very much fear that some of your supporting documents are "some years" old and may have been used without having been thoroughly checked. Applying the rules of internal criticism, one might even deduce that some of this material was inherited from some ancestral solon.

Let me be specific. The State Flower you listed for the great Volunteer State of Tennessee is the Passionflower or Maypop (passiflora incarnata). Now, I have nothing against this noble plant. Indeed, it was adopted by the school children of Tennessee shortly after the General Assembly of Tennessee had, in 1911, authorized them to select a state flower. But in 1933, the General Assembly of the State of Tennessee designated the Iris as the "State Flower of Tennessee."

Knowing you to be a stickler for accuracy in the minutest details, the fact that your material reflects the situation as of 1911 leads me to believe that you may have inherited this material and this flower fight from some distant, and alas forgotten, predecessor

At any rate, I do want the record to show that the State Flower of Tennessee is the Iris, of the family iridaceae. It is "an herbaceous perennial of which there are about 170 species, including several North American species, the most common of which is the Blue Flag. While there are several different colors among the iris, and the act naming the iris as the State flower did not name a particular color, by common acceptance the purple iris is considered the State flower." My information comes from the *Tennessee Blue Book* for 1967–68, published by the Secretary of State of the State of Tennessee.

Incidentally, the Iris has noble antecedents in history and heraldry, since the French Fleur-de-Lis is a member of the Iris family. And this reminds me that President Nixon is soon, according to press reports, to visit President De Gaulle. Perhaps we should send him on his way armed with a Senate Joint Resolution declaring the Iris, or Fleur-de-Lis as the interpreter could be instructed to put it, to be our national flower. This would be truly a master stroke of diplomacy. Indeed, I would be glad to furnish the President a bouquet of Tennessee Fleur-de-Lis to carry along and present, in the fashion of the East, to President De Gaulle.

Just to make proper the presentation, I will, on Friday, February 7, 1969, introduce in a Senate a resolution calling on the President to declare the Iris our national flower.

Perhaps you might like to withdraw your resolution.

Sincerely yours,

ALBERT GORE.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Minnesota (Mr. MONDALE) and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of the bill (S. 860) to establish a Department of Consumer Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of the bill (S. 845) to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BENNETT. When I introduced the measure on February 4, I regretfully and inadvertently left the name of the

Senator from North Dakota (Mr. BURDICK) off of it and I want to make this correction.

Mr. GRAVEL. Mr. President, I ask unanimous consent that, at their next printing, the name of the senior Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the following bills introduced by me: S. 900, to amend the 1964 amendments to the Alaska Omnibus Act; S. 901, for the relief of William D. Pender; and S. 902, to amend section 1162 of title 18 of the United States Code.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from Nevada (Mr. BIBLE) be added as a cosponsor of the bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968.

Tht VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Maryland (Mr. TYDINGS), and the Senator from Oklahoma (Mr. BELLMON), be added as cosponsors of the bill (S. 811), the proposed Fair Farm Budget Act.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. MUNDT), I ask unanimous consent that, at its next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of the bill (S. 843), which would give farmers an additional month in which to meet the requirement of filing a declaration of estimated tax by filing an income tax return for the taxable year for which the declaration is required.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of my bill (S. 625), to amend the Internal Revenue Code of 1954 to increase the amount of credit allowable for investment in property used to protect the health of miners.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. MUNDT), I ask unanimous consent that, at its next printing, the name of the Senator from Colorado (Mr. ALLOTT) be added as a cosponsor of the joint resolution (S.J. Res. 12), the proposed constitutional amendment to reform the electoral college.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, at the request of Senator DODD, I ask unanimous consent that, at its next printing, the names of the distinguished junior Senator from Indiana (Mr. BAYH), the senior Senator from Utah (Mr. BENNETT), the senior Senator from Nevada (Mr. BIBLE), the junior Senator from Delaware (Mr. BOGGS), the junior Senator from West Virginia (Mr. BYRD), the junior Senator from Nevada (Mr. CANNON), the senior Senator from Idaho (Mr. CHURCH), the senior Senator from New Hampshire (Mr. COTTON), the junior Senator from Hawaii (Mr. INOUYE), the junior Senator from Louisiana (Mr. LONG), the junior Senator from New Hampshire (Mr. MCINTYRE), the junior Senator from New Mexico (Mr. MONTOYA), the senior Senator from California (Mr. MURPHY), the senior Senator from Wisconsin (Mr. PROXMIRE), the senior Senator from Maine (Mrs. SMITH), the senior Senator from Alaska (Mr. STEVENS), the junior Senator from Georgia (Mr. TALMADGE), the junior Senator from Texas (Mr. TOWER), and the senior Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Concurrent Resolution 7, which seeks to strengthen the Tokyo Convention on Hijacking.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 93—RESOLUTION TO AMEND RULE XXV OF THE STANDING RULES OF THE SENATE, TO CREATE A STANDING COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, I have submitted a resolution to create a standing Committee on Veterans' Affairs, thus adding my voice to that of many of my colleagues who have called for this measure.

I am doing this because of the great number of veterans in my State and their need for a standing committee in this body to deal with their growing problems.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 93) was referred to the Committee on Rules and Administration, as follows:

S. RES. 93

Resolved, That rule XXV of the Standing Rules of the Senate (relating to standing committees) is amended by—

(1) striking out items 10 through 13 in subparagraph (h) of paragraph 1;

(2) striking out the comma and the words "and national cemeteries" in item 5 of subparagraph (k) of paragraph 1;

(3) striking out items 16 through 19 in subparagraph (m) of paragraph 1; and

(4) inserting in paragraph 1 after subparagraph (p) the following new subparagraph:

"(q) Committee on Veterans' Affairs, to consist of eleven Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures, generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of services in the Armed Forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care, and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries."

SEC. 2. The second sentence of paragraph 4 of rule XXV of the Standing Rules of the Senate is amended by striking out "and the Committee on Rules and Administration" and inserting in lieu thereof "Committee on Rules and Administration; and the Committee on Veterans' Affairs".

SEC. 3. Paragraph 6(a) of rule XVI of the Standing Rules of the Senate (relating to the designation of ex officio members of the Committee on Appropriations) is amended by adding at the end of the tabulation contained therein the following new item: "Committee on Veterans' Affairs—For the Veterans' Administration."

SEC. 4. The provisions of this resolution shall take effect upon passage.

SENATE RESOLUTION 94—RESOLUTION TO REFER SENATE BILL 846 TO COURT OF CLAIMS

Mr. BENNETT. Mr. President, on Tuesday, February 4, I introduced a bill (S. 846) recommended to Congress by the Joint Commission on the Coinage. Today I submit a companion resolution. These two proposals are the result of action taken by the Treasury with the concurrence of the Joint Commission on May 18, 1967. On that date, sales of Treasury silver to purchasers other than domestic industrial users of silver were discontinued. Regulations were also issued to require purchasers of Treasury silver to execute end-use certificates certifying that the silver would be used in domestic manufacturing operations. This action was taken because it had become apparent by May 15 that the Treasury could not continue to fill orders being received for sales of silver without exhausting its stocks of silver within a relatively short period of time.

At the time of the termination of unrestricted sales of silver on May 18, 1967, some orders for silver which had been placed with the Treasury but had not been officially accepted were not filled. Several of the firms which had placed orders prior to the Treasury decision to stop unrestricted sales presented claims on the Treasury for the silver. After considering the matter, the Commission suggested that the Treasury ask the General Accounting Office to look into the claims and make a recommendation. The report from the General Accounting Office concluded that while there may not have been a legal responsibility for the Treasury to fill the orders, until that time, orders had been filled without official acceptance and, therefore, equity might require that the Treasury provide some relief to the firms involved.

As a result, the Commission recommended that the Treasury draft legislation to be introduced in Congress under which the claims would be referred to the Court of Claims for a determination of their legal and equitable merits and amounts, if any, due in compensation.

Mr. President, I hope that the Senate will take action on these measures promptly, because I understand that some of the firms involved have maintained a short position in silver since May 18, 1967, in confidence that they would receive the silver from the Treasury. It is important that the matter be brought to a final decision as soon as possible.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 94) was referred to the Committee on the Judiciary, as follows:

S. RES. 94

Resolved, That S. 846, entitled "A bill to compensate certain silver-dealer claimants by authorizing the sale of silver bullion", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims; and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress whether the claims of the silver dealers listed therein are legal or equitable in character and the amount, if any, which may be legally or equitably due to each claimant from the United States to be satisfied by the sale of silver bullion, as provided in section 2 of the bill.

SENATE RESOLUTION 95—RESOLUTION TO REFER SENATE BILL 880 TO COURT OF CLAIMS

Mr. TYDINGS submitted the following resolution (S. Res. 95); which was referred to the Committee on the Judiciary:

S. RES. 95

Resolved, That the bill (S. 880) entitled "A bill for the relief of Gisela Hanke", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner of the United States Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 96—RESOLUTION TO REFER SENATE BILL 881 TO COURT OF CLAIMS

Mr. TYDINGS submitted the following resolution (S. Res. 96); which was referred to the Committee on the Judiciary:

S. RES. 96

Resolved, That the bill (S. 881) entitled "A Bill for the relief of Commander Edward White Rawlins, United States Navy (retired)", now pending in the Senate, together with all accompanying papers, is hereby referred to Chief Commissioner of the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same in accordance with the provisions of said sections and shall report to the Senate, at the earliest practicable date, its findings of fact and conclusions thereon as shall be sufficient to inform the Congress (a) of the nature and character of his demand, as a claim legal or equitable, against the United States, (b) whether Commander Rawlins suffered non-promotion to the grade of Captain as a probable consequence of any arbitrary, capricious, inadvertent, improper, inequitable, or wrongful act or action or combinations thereof by or within the Department of the Navy, and (c) in such event, the amount legally or equitably due from the United States to the claimant, notwithstanding the lapse of time and any statute of limitations or laches.

NOTICE OF HEARINGS ON S. 1, THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. ALLEN. Mr. President, I should like to announce that the Subcommittee on Intergovernmental Relations, Committee on Government Operations, will hold hearings on S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, beginning on February 19 and 20 and continuing on February 25, 26, 27.

It is the purpose of S. 1 to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

S. 1 embodies, with some minor modifications, the provisions of titles VII and VIII of S. 698, which was passed by the Senate July 29, 1968, and is based on investigations made by the Subcommittee on Intergovernmental Relations over the last 4 years, on the studies and recommendations of the Advisory Commission on Intergovernmental Relations, and on many suggestions offered by witnesses in hearings held on S. 698 and other legislation.

The hearings on February 19 and 20, and February 25, 26, 27, will be in room 3302, New Senate Office Building, beginning at 10 a.m.

Any Senator or other person wishing to testify should notify the subcommittee, room 357, Old Senate Office Building, extension 4718, in order that he might be scheduled as a witness.

EXECUTIVE SESSION

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

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

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF THE INTERIOR

The bill clerk read the nomination of Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior.

Mr. ALLOTT. Mr. President, it is my pleasure to urge the confirmation by the Senate of President Nixon's nomination of Mr. Russell Train as Under Secretary of the Interior.

While the committee hearings on Mr. Train were somewhat brief, I believe they were revealing. Mr. Train has an impressive record in the field of conservation, as the hearings will show. But, more importantly, I believe Mr. Train has a realistic grasp of the problems of conservation confronting this Nation. Some of these problems have reached a critical stage, while others may become critical in the future if wise and appropriate action is not taken now or in the near future. Mr. Train understands and appreciates this.

Above and beyond these aspects, what impressed me most about Mr. Train was his understanding of the need for balance. The hearing record displays Mr. Train's recognition for the need of a "balanced program." He applied the concept of "balance" not only to questions of conservation but to questions of development as well.

Mr. Train shares Secretary Hickel's belief that more attention must be directed to the acquisition and preservation of "green areas" in the urban East. I might add that the committee recognized this need in 1964 when the Land and Water Conservation Fund Act was enacted. At the suggestion of the chairman, a proviso was added to the second paragraph of section 6(a)(1) of that act requiring that from the Federal share of the funds available for the acquisition of additions to the national forest system, 85 percent of the acreage added must be east of the 100th meridian.

From the hearing record, Senators will note that Mr. Train has an understanding of the purposes of the Multiple-Use and Sustained-Yield Acts. He recognizes the legitimacy and equal footing of all of the uses mentioned in the Multiple-Use Act.

Mr. President, I believe Mr. Train can make a significant contribution to the Department, and I congratulate President Nixon on his choice.

Mr. HANSEN. Mr. President, I am pleased to endorse Russell Train for the position of Under Secretary of the Interior. In nominating Mr. Train for this important post the President has chosen one of America's most distinguished and respected conservationists to help direct and guide our country's efforts in managing and protecting our national parks and related areas. It is also the duty and responsibility of this Department to manage significant areas of our natural resources. The economy of our country and the vitality of the West is interwoven with this Department.

Much of the West's water, minerals—including oil and gas—as well as other fossil fuels come under the direct supervision of Interior.

The expertise, the objectivity of Mr. Train, sharpened by his experience on the bench should serve him and his country well.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior? [Putting the question.]

The nomination was confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill clerk proceeded to read sundry nominations in the Department of Housing and Urban Development.

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

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

DEPARTMENT OF STATE

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

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

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

U.S. INFORMATION AGENCY

The bill clerk read the nomination of Frank J. Shakespeare, Jr., of Connecticut, to be Director of the U.S. Information Agency.

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

DEPARTMENT OF LABOR

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

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

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

The bill clerk read the nomination of Lee A. DuBridge, of California, to be Director of the Office of Science and Technology.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations at the desk reported today, from the Committee on Armed Services, the Committee on Post Office and Civil Service, and the Committee on Foreign Relations may be considered and confirmed en bloc.

The VICE PRESIDENT. Without objection, it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. HRUSKA. It has been observed, Mr. President, that some confirmations are being considered on the very morning when they are reported. It is desirable normally that they appear in print on the calendar and that they lay over for 1 day before their consideration, unless there are some extenuating circumstances.

The fact that the Senate will recess today until the 17th of February is such an extenuating circumstance. Therefore, I do not object to this particular consideration of nominations.

However, in the future, it would be better if an intervening day occur. This is the normal procedure.

Mr. JAVITS. Mr. President, reserving the right to object, I should like to know what nominations we are approving. We did not even hear the names. The ones I am asking about are the Post Office, and so forth.

Mr. MANSFIELD. The clerk has not reached those yet.

DEPARTMENT OF THE NAVY

The legislative clerk read the nomination of John W. Warner, of Virginia, to be Under Secretary of the Navy.

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

The legislative clerk read the nomination of Frank Sanders, of Maryland, to be Assistant Secretary of the Navy.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—NAVY, MARINE CORPS, AND AIR FORCE

The legislative clerk proceeded to read sundry nominations in the Navy, the Marine Corps, and the Air Force which had been placed on the Secretary's desk.

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

OFFICE OF EMERGENCY PREPAREDNESS

The legislative clerk read the nomination of Fred J. Russell, of California, to be Deputy Director of the Office of Emergency Preparedness.

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

DEPARTMENT OF STATE

The legislative clerk read the nomination of Joseph John Sisco, of Maryland, to be a Foreign Service officer.

Mr. JAVITS. Mr. President, I believe the clerk read "to be a Foreign Service officer." I think he has been nominated to be an Assistant Secretary.

Mr. FULBRIGHT. Assistant Secretary of State.

The VICE PRESIDENT. Without objection, Mr. Sisco's nomination to be Assistant Secretary of State is confirmed.

The legislative clerk read the nomination of Samuel De Palma, of Maryland, to be an Assistant Secretary of State.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Gerard C. Smith, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Martin J. Hillenbrand, of Illinois, to be an Assistant Secretary of State.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POST OFFICE DEPARTMENT

The legislative clerk read the nomination of Kenneth A. Housman, of Connecticut, to be an Assistant Postmaster General.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James W. Hargrove, of Texas, to be an Assistant Postmaster General.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of David A. Nelson, of Ohio, to be General Counsel of the Post Office Department.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Elmer T. Klassen, of Massachusetts, to be Deputy Postmaster General.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John L. O'Marra, of Oklahoma, to be an Assistant Postmaster General.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—ARMED FORCES

The legislative clerk proceeded to read sundry nominations in the Armed Forces.

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

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if any Republican Senator wishes to notify the leadership of any Republican nominees they are opposed to, we will do our best to put a "hold" on them, and not go through the rigamarole we have gone through this morning.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AUTHORIZATION FOR COMMITTEE ON APPROPRIATIONS TO SIT DURING SESSIONS OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized to sit during the sessions of the Senate in the 91st Congress.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON APPROPRIATIONS TO REPORT APPROPRIATION BILLS DURING ADJOURNMENTS OR RECESSES OF THE SENATE DURING THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during adjournments or recesses of the Senate during the 91st Congress, the Committee on Appropriations be, and hereby is, authorized to report appropriation bills, including joint resolutions, with accompanying notices of motions to suspend paragraph 4 of rule XXI for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

ANNOUNCEMENT OF SENATE PROGRAM FOR FEBRUARY 17, 1969

Mr. MANSFIELD. Mr. President, the resolutions reported today from the Senate Rules Committee dealing with the operating budgets of the committees and subcommittees of the Senate for the coming year will be the first order of business on Monday, February 17, 1969, immediately upon the Senate's return from the Lincoln's Day recess.

This will give every Senator a full 9 days to prepare for the consideration of these resolutions. We can expect rollcall votes on some of these resolutions and amendments thereto.

Therefore, immediately after the conclusion of morning business on Monday, February 17, 1969, the money resolutions will be considered until disposed of in the order they appear on the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I have taken up too much time. I shall await my regular turn.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGES

Mr. FULBRIGHT. Mr. President, by now it is common knowledge that our official program of international educational and cultural exchanges, funded through the Department of State, received a slashing cut last year through the action of the Appropriations Committees of the Congress, with the acquiescence of the executive branch. Startling as the budgetary cuts were at the time, it has taken some months for the realization to sink in that the damage sustained by the program was so grievous that its whole future has been placed in jeopardy. Since the beginning of this new Congress I have been receiving mounting protests not only from the academic community but from many sectors of American life. Numerous communications have been sent to me by my colleagues in the Senate, who seem to believe erroneously that the responsibility for drastic reductions in the exchange program rests with the authorizing rather than the appropriating committees. In this connection, I would suggest that at least a minimal step toward correcting the mistake made last year might be taken if the many organizations and individuals who have written to me would also communicate with the ranking members of the Appropriations Committees of the House and Senate.

This is not the occasion for a full scale review of the distressing situation which we face in the area of international education as a whole. In the weeks and months ahead—especially as we learn more of the new administration's position on this issue—I certainly intend to go into this matter thoroughly. However, at this juncture I would at least like to insert in the RECORD two of the many significant communications which have been sent to me outlining and condemning the damage done to the exchange program since the unfortunate action taken on the fiscal year 1969 budget. One of these communications is a resolution passed by the 135,000-member National Council of Teachers of English at its 58th annual meeting last year, entitled "Increased Support for Educational and Cultural Exchange." The other is a statement issued by the National Liaison Committee on Foreign Student Admissions, entitled "Recommendations to the New Administration on International Education." I would stress the fact that these are only two of the many important expressions of concern which I have received from around the country. For those who are interested in going further into this subject—and I would hope that that includes all my colleagues in this Chamber—I would recommend that they read the just issued sixth annual report to the Congress of the U.S. Advisory Commission on International Education and Cultural Affairs which is appropriately entitled "Is Anyone Listening?" This stimulating report has been printed as House Document No. 91–66, and thus is easily available.

Mr. President, I ask unanimous consent that the two statements referred to above be inserted in the RECORD at this point.

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

INCREASED SUPPORT FOR EDUCATIONAL AND CULTURAL EXCHANGE: A RESOLUTION PASSED BY THE NATIONAL COUNCIL OF TEACHERS OF ENGLISH AT THE 58TH ANNUAL MEETING, 1968

BACKGROUND

For 20 years the program carried on under the Fulbright-Hays Act has made important contributions to our colleges and universities. Thousands of American students, teachers, and scholars have had the opportunity under the program to study, teach, and do research abroad, and thousands of foreign students, teachers, and scholars have had similar opportunities in this country. The results of this exchange have provided, in the words of the Advisory Commission on International Educational and Cultural Exchange, "a beacon of hope" in these troubled times.

In recent years, Congress has regularly reduced the annual appropriation for the educational and cultural exchange program carried on under the Fulbright-Hays Act by the Department of State. This year it slashed the budget from $46,000,000 to $31,000,000. At the same time it imposed severe limitations upon the amount of these funds which might be used to send American students, teachers, scholars, and university lecturers abroad. All aspects of the exchange program have been sharply curtailed this year, but none have been affected so drastically as those dealing with Americans abroad. Currently, for example, more than 800 graduate students are studying in foreign countries on full grants. Next year the number may not exceed 100. There may be 20 students chosen this winter in the competition for Latin America; last year there were 60. Fewer than 10 students will win awards to study in the Far East; last year there were almost 40. Most dismaying is the fact that there will be no awards to Great Britain this year, and although final decisions have not been reached, it is possible that the same situation will prevail in Germany, France, and Italy. No one interested in the future of education, science, scholarship, art, or writing in this country can watch the emasculation of the Fulbright-Hays program without dismay. Be it therefore

Resolved, That the National Council of Teachers of English express to the President and to the leaders of Congress its concern over the dwindling support for this program, and its desire that the program as originally conceived be restored or that some adequate substitute be found for it.

RECOMMENDATIONS TO THE NEW ADMINISTRATION ON INTERNATIONAL EDUCATION: A STATEMENT ISSUED BY THE NATIONAL LIAISON COMMITTEE ON FOREIGN STUDENT ADMISSIONS

The National Liaison Committee on Foreign Student Admissions is composed of the following participating organizations: American Association of Collegiate Registrars and Admissions Officers, College Entrance Examination Board, Council of Graduate Schools, Institute of International Education, and National Association for Foreign Student Affairs.

The Committee is deeply concerned about the sharp retreat in federal government initiative and financial support with respect to activities in this field during the past few years. This retreat has been especially regrettable because it has taken place at a time of great ferment and demand affecting education throughout the world. From a national interest point of view, the special quality of international education relationships is that they afford a resilient and durable communications base under the fluctuating fortunes of political and economic policies. In collapsing federal support in this field at a time of generally low ebb in such policies, the nation is left doubly vulnerable. The initiative and funds required are not massive; the authorizing legislation is in most cases already enacted. In the interest of foreign policy objectives and of education generally, what is needed is a federal commitment to international education at a level that would bring much needed symmetry to our relationships abroad. The specific recommendations follow.

1. INTERNATIONAL EDUCATION ACT OF 1966

Specifically we urge that the Administration vigorously seek the funds necessary to implement the International Education Act. By the testimony of all concerned with education, this Act is an overdue step in the direction of enriching curricula and strengthening our university and college programs to deal effectively with the world in which we live. No one seriously quarrels with the vital purposes of this Act. It is urgent now to begin to supply the funds that will give meaning to Congress' intent in the passage of this legislation.

2. FULBRIGHT-HAYS ACT

Probably no program of federal sponsorship in the field of international education has had more prestige or created more good

will for the United States than the Fulbright Program. The recent drastic reductions in the financial support for this program gravely threaten the bi-national effort that has typified the program. The Fulbright Program has been a partnership not only between the United States and foreign governments but between the United States government and the colleges and universities. It has in almost every respect been a model of cooperative enterprise in international education. Furthermore, the program as a whole generates no dollar loss in monetary exchange. It should be enlarged rather than dismantled.

3. IMPROVING INTERNATIONAL EDUCATIONAL EXCHANGE

The federal government also has a very important responsibility for helping to strengthen the international educational exchange process. Funding in this area, mainly identified with "unsponsored" students, has been sharply reduced in recent years except for the Field Service of the National Association for Foreign Student Affairs. We propose specifically that—

(1) funds for the support of research relating to international exchanges and international education be supplied; virtually no federal support has been available in this field to investigate and evaluate the many assumptions and practices underlying the process of educational exchange.

(2) a strong comparative education function be maintained in government, preferably in the Office of Education; this function can be, and has been, an important central source of information for scholars in the universities, for the formation of educational policies and for the support of the development of professional quality in foreign student admissions work in the universities and colleges; the comparative education function in the Office of Education is currently in skeletal form for lack of support.

(3) funds be established either in the Department of State or Health, Education and Welfare to alleviate foreign student financial emergencies; experience in the last five to ten years points clearly to need for such funds for the student whose family sources of support have suddenly been cut off, or whose government scholarship has been terminated by political upheaval, or whose government's regulations change to block the continued flow of funds to him; events such as these throw unmanageable problems on the colleges and universities and often result in bitter disappointments for the foreign students involved; we believe the underwriting of this kind of liability is inevitably a federal government responsibility.

(4) the federal government expand support for counseling and testing services abroad; screening, counseling and testing of students abroad can most directly improve the quality of the student movement; we urge that the government in cooperation with the colleges, universities and private agencies greatly expand the small network of such services now available in incomplete form and in certain areas only overseas.

4. FELLOWSHIPS FOR FOREIGN GRADUATE STUDENTS

We propose that the federal government institute a program providing in the order of 2,000 full fellowships for foreign graduate students each year and that these fellowships be supplemented by appropriate per capita institutional grants to help meet the additional costs to the institutions. Federal support programs for American graduate students are extensive and most of these specifically exclude foreign students. Most graduate schools depend upon a strong mixture of foreign students—about 10% of the graduate school population. Most foreign students, not eligible for full fellowship aid, compete for research and teaching assistantships to help finance their study. The resultant situation adversely affects the quality of undergraduate teaching, relegates the foreign graduate students to a second class status, and impairs the competitive position of the United States in attracting outstanding foreign graduate student talent. We strongly recommend United States government initiative to correct the situation.

5. PROFESSIONAL DEVELOPMENT

We recommend the extension of federally supported professional development programs to permit those concerned with foreign student services in the colleges and universities (notably deans, admissions directors, and foreign student advisors, and their associated staffs) to have professionally relevant study and observation experience overseas. Those concerned with the management of foreign student programs have had little opportunity, as compared with their teaching colleagues, to understand the incentives, the systems and the processes overseas through which foreign students find their way to the United States. Opportunities for study and observation overseas could substantially improve the quality of services rendered by such personnel in the colleges and universities.

6. AGENCY FOR INTERNATIONAL DEVELOPMENT TRAINING ACTIVITIES

We urge the fuller utilization of the developing partnership between the Agency for International Development and the colleges and universities in the training of foreign nationals in United States higher education. This is a program that has been outstanding in its effectiveness in providing training specifically oriented to development needs and in assuring the return of the trainees to productive work in their home countries. We strongly recommend that Agency for International Development funds for these training programs be increased consistent with development objectives overseas.

STUDY EVALUATING CERTAIN MILITARY CONTRACTS AND PROCUREMENT PROCEDURES

Mr. FULBRIGHT. Mr. President, 2 weeks ago the public was informed of a study evaluating certain military contracts and procurement procedures. The paper, entitled "Improving the Acquisition Process for High-Risk Military Electronic Systems," was written by Mr. Richard A. Stubbing while attending Princeton University under the terms of a scholarship which he received for his superior performance as an official at the Bureau of the Budget.

After receiving a copy of this report in classified form from the Department of Defense, I received a substantially identical copy from the Bureau of the Budget which is unclassified.

The only difference is the deletion, in a chart of the unclassified version, of the names of two contracting companies—firms which are identified as General Dynamics and North American Aviation in an article appearing in the Washington Post of January 26, 1969.

This inconsistency accounts for some of the public confusion regarding the status of the document and is one more example of how a Government agency takes steps to restrict the distribution of information which is embarrassing to it. I am at a loss to understand how officials in the Department of Defense took it upon themselves to classify a document submitted by a scholar, who has absolutely no affiliation with the Pentagon, as a research project based totally on public documents.

Mr. President, in order to correct any confusion regarding the availability of this document I ask unanimous consent that it be placed in the RECORD at this point, along with an article by Bernard Nossiter in the Washington Post of January 26, 1969.

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

IMPROVING THE ACQUISITION PROCESS FOR HIGH RISK ELECTRONICS SYSTEMS

(By Richard A. Stubbing)

The attached paper entitled "Improving the Aquisition Process for High Risk Military Electronics Systems" was prepared to satisfy a course requirement while the author was in attendance at Princeton University in the 1967–68 school year. In the context of the course, the purpose of the paper was to explore quantitative approaches to a variety of problems. This paper has been on file in the Woodrow Wilson School at Princeton University since last May.

The following cautions should be observed in reading the paper: (1) In an effort to simplify the approach to a complex problem on an unclassified basis, the assessment of the performance of a weapons system was reduced to the single parameter of Mean Time Between Failure (MTBF) which measures continuous running hours. While MTBF is clearly an important factor, it is not the only one, and MTBF as a common denominator presents certain problems in comparisons of different electronics systems. (2) The primacy of return on net worth over that of profit on sales in evaluating corporate profitability advocated in the paper is a matter of some dispute in the financial and business community.

A growing and prosperous nation can afford many luxuries, but the low overall performance of electronics in major weapon systems developed and produced in the last decade should give pause to even the most outspoken advocates of military hardware programs. A sample of 13 major Air Force/Navy aircraft and missile programs with sophisticated electronic systems initiated since 1955 at a total cost of $40 billion, reveals the following overall performance:

[In billions]

	Total program cost
Canceled (2 programs)	$2
3-year operational life (phased out for low reliability; 2 programs)	10
Poor performance, electronics realiability less than 75 percent of initial specifications (5 programs)	13
Satisfactory performance, electronics reliability over 75 percent of initial specifications (4 programs)	15

Less than 40% of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further lustre when cost overruns and schedule delays are also evaluated.

What course of action can be offered to improve electronic system performance in future new weapon systems? In an attempt to answer this question, this paper will analyze the characteristics and results of recent large scale electronic systems developed for missile and aircraft programs. Actual program histories are documented, alternative procedures involving non-competitive and competitive situations are compared, and specific proposals involving greater use of competitive contractor developments are advanced for all future complex electronics systems.

GENERAL BACKGROUND

Electronics systems. Most World War II aircraft were equipped with basic electronic equipment for navigation and communication needs. The introduction of airborne radar late in the war for identification of hostile aircraft was the first major advance in airborne electronics equipment. The second and even more important breakthrough was the introduction of the computer into the aircraft avionics system for improved

navigation and to serve as an automated fire control system for both air combat and bombing missions. Every major aircraft system introduced since World War II features both radar and computer systems for improving air combat capability and for delivering ordnance with greater accuracy against targets under all-weather conditions. Also, each successive generation of guided missiles contains the latest in computer technology designed to increase the delivery accuracy of its nuclear warhead.

To provide the reader with some feel for the growth in complexity of electronics systems over this period, the following data is provided:

Comparative unit costs of electronic systems for aircraft and missile systems over time

Operational date:	Cost [1]
1955 aircraft electronics	X
1957 aircraft electronics	2X
1960 aircraft electronics	5X
1962 missile electronics	8X
1964 aircraft electronics	6X
1966 missile electronics	10X
1967 aircraft electronics	15X

[1] C. Teng, An Estimating Relationship for Fighter/Interceptor Avionic System Procurement Cost, Rand Corporation RM–4851, 1966, p. 13.

COMPARATIVE COMPLEXITY OF MILITARY VERSUS COMMERCIAL DEVELOPMENT PROGRAMS IN THE 1950's [1]

	State of the art exploitation	Relative technical difficulty
Military weapon systems:		
10 guided missile systems	High risk	High risk.
3 airplane systems	do	Do.
Commercial systems:		
4 electronic systems	Medium risk	Low risk.
2 atomic reactors	do	Do.
3 motor vehicles	Low risk	Do.

[1] Merton J. Peck and Frederic M. Scherer, "The Weapons Acquisition Process," 1962, pp. 290–91.

Aircraft and missile systems of the 1950's consistently attempt greater state of the art advances and face greater technical uncertainty than comparable commercial systems. Available cost data points up the significant increases in electronic systems unit costs over the past decade.

For purposes of this paper the degree of risk or uncertainty connected with each new electronics system for a major weapon system will be defined as follows:

Low risk—a system in which the entire set of hardware has been previously demonstrated as an entity in some prior program.

Medium risk—a system in which each of the major components (radar, computer, displays) has been successfully demonstrated in advance, but the separate components have never been integrated into a single system.

High risk—a system in which at least one major component must be redesigned. The radar, computer and related circuitry are the heart of each electronic system, and redesign in this area reflects the very highest degree of uncertainty as regards expected performance.

Finally, a definition of performance is required. Performance in every system will be measured in only one parameter—the mean time between failure of the electronic system (MTBF). This criteria reflects the continuous hours of operation reliability of the aircraft or missile electronics system between unscheduled failures. For comparison purposes every system has both a design specification MTBF drawn up when the program is launched and actual operational data reported in terms of MTBF after the system is deployed. The ability of a weapon system with all electronics working to achieve specified ordnance or warhead delivery accuracies is not separately addressed, but it should be noted that deficiencies of this nature will only accentuate the differential between MTBF design and actual performance data.

CONTRACTOR SELECTION PROCESS

Major weapons systems are procured from the aerospace industry, a group of some 60 companies with total 1966 sales of $24.2 billion, of which some 81% or about $20 billion were to the federal government—primarily DOD, NASA, AEC.[1] Included in this group are the end product producers of aircraft and missiles (Boeing, McDonnell/Douglas, Grumman, General Dynamics, LTV) and major sub-system producers of engines and electronic systems (GE, North American, Westinghouse, Sperry Rand).

A recent Rand study provides some data on the profitability of the aerospace industry compared with other industries over the period 1957–1964: [2]

PERCENT RATES OF RETURN IN 10 INDUSTRY GROUPS (1957–64)

	Net worth	Sales
Drugs	16.3	9.4
Aerospace	15.6	2.6
Autos	14.7	6.5
Chemicals	14.0	11.4
Office machinery	14.0	7.3
Electrical machinery	11.9	4.4
Petroleum	11.4	9.9
Food	10.7	2.3
Steel	8.4	6.3
Textiles	7.8	4.5

Of the major US industries, aerospace ranks *second* in return on net worth, a measure which provides a meaningful relationship between resources utilized and profits generated. While the low aerospace profit on sales is often cited by those who view aerospace profits as inadequate, this return does not relate input and output and has little economic value. The question of whether aerospace contract performance justified this high return on net worth will be considered later in light of the avionics systems developed over this period.

The weapons acquisition process is initiated when the service determines a requirement for a new aircraft or missile with certain operational capabilities. Following Secretary of Defense approval the service issues Request for Proposals (RFP's) to various prime contractors inviting each to define a possible operational system. Interested prime contractors (in almost all cases an aircraft manufacturer) then form teams with potential subcontractors—notably engines and electronics in the case of major aircraft or missile programs. These contractor teams then jointly develop a technical proposal which they feel can meet the system specifications and the time schedule restraints laid down by the potential customer. Rough contractor cost estimates also accompany each bid. At this point it is important to note that interested contractors submit proposals singularly high in optimism as regards schedules, cost and performance. Spectacular advances in electronic performance are always promised; at the same time uncertainties are minimized as each contractor team recognizes that each new development program represents some 10–15 years potential business heavily weighted toward high margin follow-on production contracts. Peck and Scherer conclude that R&D efforts constitute 20–25% of total weapon system costs.[3]

These design proposals are then forwarded to a Source Selection Board (SSB) convened expressly to select the best contractor team for the new system. Prior to 1963 these boards selected a single contractor to undertake the proposed program; commencing in 1963 a Contractor Definition Phase (CDP) was added in which the SSB selects the 2–3 most promising proposals and funds an extensive 12–18 month follow on effort for each designed to better define the risks and technical feasibility of each proposal before a final selection is made. These detailed proposals are then reevaluated and the contract award is made. Prior to 1960, the initial contract was CPFF in nature, while in recent years incentive type contracts reflecting cost, schedule and performance milestones have been awarded. In connection with these awards, two points should be noted:

1. The final selection under either procedure is made on the basis of a paper design—no prototype system is in sight prior to the selection of a contractor.

2. Deluged with paper work from each bidder the SSB is in large measure dependent upon the technical expertise of the contractor team in evaluating each proposal.

Turning to the electronics portion of each new weapon system, it is not surprising that in almost every instance a high risk proposal involving new or modified computers and radars is advanced. The rationale is simple: why submit a proposal which uses currently available electronics on a future generation weapon system? Each contractor wants his proposal to be the most attractive; operational performance is rated much more highly than cost savings, and the contractor understandably desires the added sales volume from designing and developing new electronics equipment rather than integrating available "off the shelf" equipment. Finally, in the electronics area the winning subcontractor inevitably "locks on" to more business than is ever contemplated when the original award is made. Under current procedures a single electronics subcontractor is retained for the entire life of the program. Every major weapon system today uses several generations of electronics equipment over its lifetime as evidenced by 4 different electronics systems for a recent tactical aircraft and 3 systems for a current missile system.

Why no electronics competition after the final airframe contractor is selected? In development programs, the answers to this question deal with the large costs associated with parallel contractor efforts, the delayed operational deployment and attendant "military risk" and the difficulty of integrating alternate electronics into a single weapon system. No mention is made of the potential for reducing risk and increasing performance from parallel competitive efforts. For follow-on production contracts again no competition is sought; the arguments now become those of non-interference with tightly established schedules and the added tooling expense required to qualify a second source contractor. The only competition which currently exists after a contract award is of the indirect variety involving the choice of an alternative weapon system as a substitute for or supplement to a weapon system currently under contract. However, given the 4–7 year lead time required to develop and produce a new weapon system, the probability of substitution between major systems is not great.

EVALUATION OF RECENT ELECTRONICS SYSTEMS

The following section draws heavily on several Rand studies and on the work of Peck and Scherer in analyzing available cost, schedule and performance data on electronic systems designed and developed from World War II until 1960. A later section will review electronics after 1960.

Radars (1943–57): Marschak compares the development of airborne radars during World War II with those developed in the 1947–57 period.[4] Four wartime radars were developed on a flexible basis starting with a general mission requirement but no detailed specifications; emphasis was placed on prototype flight testing in an operational environment *before* production commitment. Three postwar radars, by contrast, followed an inflexible approach with schedules and specifications determined in advance and production commitment initiated prior to the first flight tests. From the standpoint of technical risk

Footnotes at end of article.

there was little difference between the periods; if anything the postwar radars were less risky.

The comparative results of these programs were startling. In constant dollars the development cost of the less risky postwar radars was almost double that of the earlier systems. World War II radars were in operational use within two years from "go ahead" and showed high performance reliability, while the postwar radars took 4–7 years to achieve operational capability and proved unsatisfactory in meeting performance specifications. Also, due to the early production commitment the correction of flight test faults in postwar radars proved difficult and expensive. On balance, the performance of the flexible specifications approach to radar development utilized during the war was far superior to the postwar approach with predetermined specifications.

Electronic systems (1945–60): For an excellent overview from the standpoint of cost on weapons systems deployed in this period, A. W. Marshall and W. H. Meckling presented in 1962 the results of their analysis of 22 major systems.[5] Original cost estimates are compared with actual costs incurred for each system, adjusted for constant dollars and changes in production quantities. An actual cost factor based on 1.0 for the original cost estimate is then calculated for each system and then categorized according to degree of technical advance:

COST FACTORS BY WEAPON SYSTEM[1]

Small risk		Medium risk		High risk	
Cargo aircraft	1.6	Bomber	2.8	Missile	7.0
Do	1.5	Fighter	2.5	do	6.4
Do	.9	do	2.0	do	6.0
Do	.8	do	1.2	do	2.7
Fighter	2.0	do	.6	do	.8
Do	1.5	Missile	1.3	Bomber	4.0
				Do	1.2
				Fighter	4.0
				Do	1.0
				Do	.8
Arithmetic mean	1.4		1.7		3.4

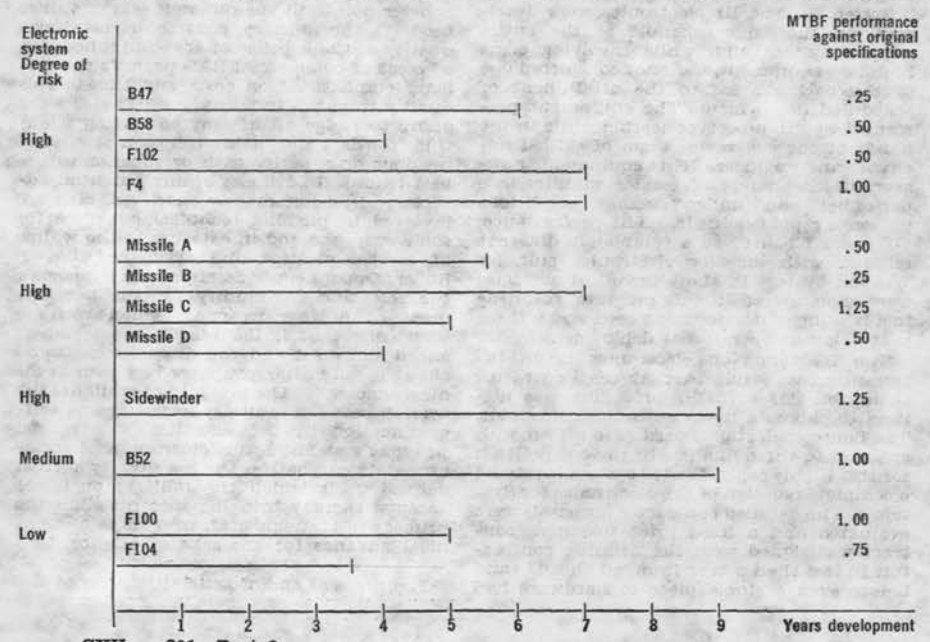
[1] Ibid. p. 472.

While this data is presented in terms of complete weapon systems, their high correlation with the electronics systems can be demonstrated. In the high risk programs characterized by cost increases averaging 240% over initial estimates, the largest cost increases are in missile development, which during this period advanced into a new and radically different technology involving computers and other electronic equipment capable of solving complex guidance and control problems without human assistance. System reliability in MTBF was aimed at an order of magnitude improvement over anything achieved before.[6] Bomber and fighter aircraft with large cost increases in this period also involved high risk electronic programs and experienced increases of over 100% in cost. By contrast, the four cargo and tanker aircraft which have much less stringent avionics requirements and normally rely upon already existing electronics show a low increase of only 20% over original cost estimates.

In a related effort which is not as well documented Marshall and Meckling examined 10 weapon systems on which data was available for delays in scheduled availability. Their data showed an average slippage of 2 years or 50% between the forecast and actual operational deployment of the complete weapon system.[7] Again, the systems with high risk electronics can be assumed to be among those with the higher schedule slippages.

The operational performance of electronic systems over this period will now be scrutinized. Again, performance will be measured in terms of original estimates vs. actual operational data using the criteria of MTBF. For simplicity the MTBF performance of each system in its first year of deployment will be grouped in quartiles—thus 12–37% will be listed as .25, .38–.63% as .50 etc. The following chart portrays the degree of risk (based on the earlier definitions) and total development time for electronics in 12 weapons systems deployed in the 1950–60 period compared with the first year's MTBF performance for each system:

CHART I.—RISK, DEVELOPMENT TIME, AND OPERATIONAL PERFORMANCE IN AIRBORNE WEAPON SYSTEMS



Although the sample is limited Table I highlights the inverse relationship between risk and performance in these systems. Of the 9 high risk programs six were far below expectations while Sidewinder, one of the high performers, benefitted from a leisurely 9 year development program. Excluding Sidewinder, the average MTBF of the 8 high risk programs is slightly over half of the original specifications.

Pertinent information on some of these 12 systems follows:

B47—the first jet bomber. Developed on a leisurely schedule from 1944 until 1949, then accelerated rapidly and deployed in 1950. An interim fire control system had to be substituted for a new avionics development that failed completely; the bombing system was so unreliable as almost to destroy the usefulness of the plane as a bomber.[8] The B52, developed on a more leisurely nine year basis, benefitted from the B47 experience.

F102—Delta wing interceptor for Air Defense Command. Original fire control system beset with continuing delays and had to be replaced with an interim electronics system. Initial operational tests revealed this interim fire control system was unsatisfactory and an extensive modification and retrofit program over the next two years was required to remedy the defects.

F4—A supersonic interceptor for the Navy and Marines. This is the one program over the period in which the weapon system was chosen on the basis of a prototype competition. Competitive prototype flight testing of the McDonnell F4 against the Chance-Vaught F8 in 1957 showed the F4 to be a superior aircraft and the production contract was awarded to McDonnell. The F4 electronic system was high risk—involving both a new radar and a new computer and its operational performance met specifications. The competitive prototype demonstration identified performance difficulties at an early stage, allowing sufficient correction time for fixes prior to delivery of production aircraft.

Missiles A, B, C. All high risk programs developed under crash schedules aimed at earliest possible deployment. Funds were unlimited and extreme concurrence (overlap of R&D and production) was practiced. The systems were operational on time; their MTBF performance, however, was very low on two systems and very high on the third.

Sidewinder—A heat sensing missile for air combat. A high risk program that had excellent results. Benefitted from the absence of crash schedules and successfully utilized the technique of exploring parallel approaches to certain key components with different contractors—each of whom had high expectations of a large production contract should his approach prove more successful.[9]

F100—A supersonic fighter bomber. The contractor deliberately chose a low risk, inexpensive, electronics system to minimize development time. The aircraft was deployed 4.5 years after contract award and the avionics MTBF met expectations.

F104—A supersonic fighter bomber. Successful development in under four years featured rapid flight testing of two prototype aircraft before commitment to production. A low risk electronics system was used in this aircraft.

Coupling the low operational performance of high risk airborne electronics with scheduling delays averaging two years and cost increases of 100–240% leads to the incomplete but nevertheless important conclusion that the electronics acquisition process in the 1950's suffered great deficiencies.

Electronic systems (1960-70): Have the electronic systems demonstrated improvement in the 1960's? The answer to date is a categorical "no"—in fact, the results already in clearly indicate a retrogression in electronics performance along with a telescoping of development schedules and continued large cost overruns.

Footnotes at end of article.

For purposes of analysis this section deals with 11 high risk airborne electronics programs designed in the last ten years for five recent weapon systems. Second and third generation electronics for a single weapon system are separately identified. Two systems involving about $2 billion in sunk cost which were cancelled during this period for poor technical performance were not included in the study sample. For security reasons the weapon systems will be coded A, B, C, D, E while successive electronic suits for a single weapon system will be identified A–1, A–2, etc. The following table identifies the risk, development time and first year MTBF performance for each of the electronics systems:

CHART II —HIGH RISK ELECTRONICS PROGRAMS, DEVELOPMENT TIME, AND MTBF PERFORMANCE

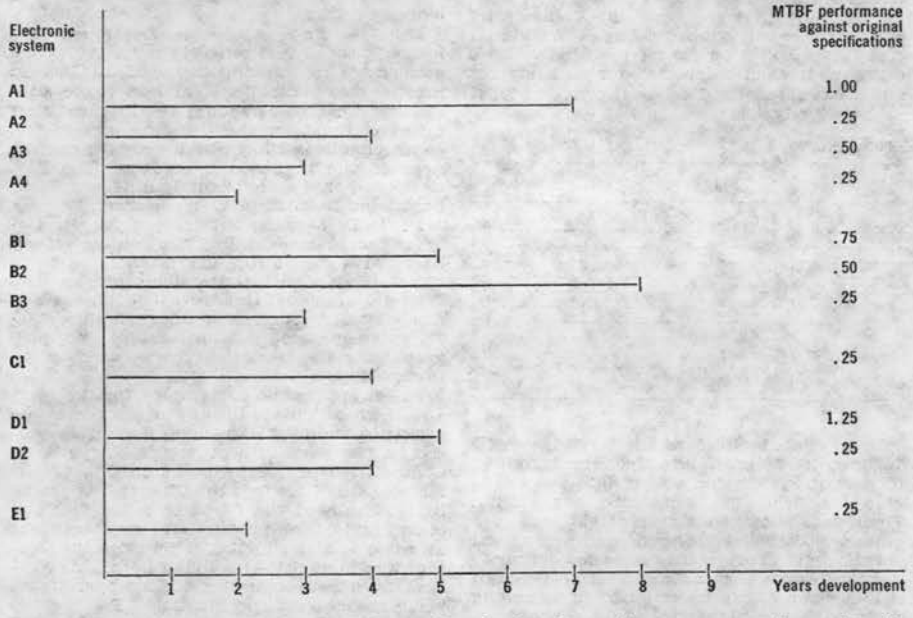


Table II discloses that these most recent high risk avionics programs have been characterized by sharply reduced development time periods (3–4 years vs. 5–7 years in the 1950's) and have resulted in lower and lower system performance. The eleven high-risk programs analyzed achieved an average MTBF less than 50% of design specifications, which is lower than the average 1950 experience cited earlier. Of special significance, the follow-on programs A–2, A–3, A–4, B–3, D–2, E–1 demonstrate sharply reduced performance from that achieved in the parent program, with an average MTBF only 30% of specifications.

Although the 11 high risk avionics systems do not provide a high confidence sample size, a linear regression and correlation analysis comparing system performance with (1) development time period and (2) average production cost for 300 units was run and the results are set forth in Tables III and IV (not printed in RECORD).

From Table III it should be noted that increased development time has a positive effect on system performance with a correlation coefficient (R) of .50. With a standard deviation of .33, an average development period of 5 years is required to achieve .50 reliability or 7–8 years to attain .75 reliability. In this context, the recent trend toward shorter (3-4 year) development periods is a step in the wrong direction to upgrade reliability.

Table IV compares electronics performance with average production cost and the negative linear regression line demonstrates that the more expensive (and complex) electronics systems result in lower system performance. While the coefficient correlation R=.42 is not highly significant for extrapolation purposes from this small sample, the trend toward lower performance with higher cost systems is borne out.

A closer look at some of the individual weapons follows:

System A. The A1 electronics were developed and flight tested on a relaxed schedule for the entire weapon system prior to ordering production aircraft. While each of the follow-on programs (A2, A3, A4) called for redesign of major components with a high degree of uncertainty, each was brought in on a "pressure cooker" basis with large quantities of production electronics sets on order prior to initial prototype flight testing of the new equipment. The results of this compressed effort were predictable: flight tests revealed unsuspected faults, costs soared as crash modifications and "fixed" were added to production line systems, and the MTBF of operational equipment fell to well under 50% of specifications. Each of the follow-on systems was developed by the initial System A electronics contractor.

System B. The B1 electronics were developed on the same schedule as the entire weapon system and, while involving some high risk equipment, were not considered one of the pacing areas to the attainment of scheduled deployment. The equipment performed well in prototype testing while in the hands of the contractor team of skilled scientists and engineers. This equipment, however, in the hands of service maintenance personnel and under combat conditions showed a rapid decline in MTBF performance.

System B2 involved a completely different mission with another electronics suit for Weapon System B. Many technical obstacles were encountered in this program, resulting in a tripling of development costs and a three year delay in operational deployment.

The B3 follow-on electronics is an interesting case study in that the Contractor Definition Phase (CDP) procedure was utilized to choose a new electronics contractor. The Source Selection Board gave a 12 month contract to three finalists in the competition for this highly sophisticated system involving a complete redesign of the electronics for System A. The detailed contractor proposals were evaluated and a fixed price incentive contract was signed with the winning contractor. In less than a year from 'go ahead,' (and before even a single piece of hardware had been delivered) the total contract had doubled in cost while at the same time the contractor was permitted to relax critical specifications for the new electronics. In this case, the new CDP procedure was unable to deter the usual cost escalation and downgrading of technical performance which follows selection of a single contractor.

System C. The electronics for this system was designed for sophisticated performance and was successfully demonstrated using contractor personnel, but the reliability of the electronics in operational aircraft in the hands of service maintenance personnel again fell off sharply from design specifications. A large modification program followed to correct some of the identified performance deficiencies.

System D. This is an instance of high performance and then low performance by a single contractor on successive electronics suits for a single system. The D1 system was deployed within five years and exceeded all specifications under operational conditions. The D2 system was developed in a shorter time period with a complete package redesign involving new computers and circuitry which encountered major technical obstacles and resulted in a very low performance when deployed operationally. Again, a massive retrofit program was required to correct glaring deficiencies. Actual development costs were triple original estimates, and were double costs set forth in an incentive contract negotiated one year after the development effort had been initiated.

AEROSPACE INDUSTRY PROFITABILITY VERSUS PERFORMANCE

Preceding sections have dealt with the relatively high return on equity for aerospace when compared with other U.S. industries and the declining trend in performance achieved in one important segment of this industry—the development and production of complex electronics systems. Is this an anomoly or is there no measurable relationship between profits and performance? This section will briefly analyze this situation.

In commenting upon the nature of the aerospace industry, Stekler points to its salient features as a high concentration of sales, absence of competition, high entry barriers and inadequate financial incentives on the individual company. He then adds "one would theorize that the performance of an industry with such a structure would not be outstanding. This, indeed, is the case." [10]

In a related vein where development strategies between aerospace projects and commercial ventures are contrasted, Peck and Scherer point out the different sets of values used: in the military, contractors maximize quality at the expense of cost and schedules, whereas in commercial R&D projects the primary emphasis is on costs and time.[11] This quality emphasis in military R&D reflects the desire to hedge all bets by advancing scientific frontiers and maintaining an arsenal of weapons on a parity with or superior to the best technical advances of any potential adversary. Decision makers, however, also are involved in pushing technical advances for their own sake and in catering to the whims of service prestige and scientific bias. J. Robert Oppenheimer described the support of the scientific community for the development of nuclear weapons "when you see something that is technically sweet you go ahead and do it and you discuss what to do about it only after you have had your technical success." [12] The preceding highlights the overlap between millitary necessity and self-gratification in the selection of advanced weapons systems; actual electronics performance data emphasizes the low quality against defined goals which the military customer accepts, thereby bringing into question the primacy of strategic goals over those of technical advance for the sake of science.

Footnotes at end of article.

The dollar profitability of the aerospace is compared with that of all U.S. industries in Table V (not printed in RECORD) for the period 1957–66. Aerospace, with a high wage structure and a reputation for inefficiency in production techniques,[13] still achieves a 12% greater return on equity than the average of all U.S. industrial firms.[14] In an effort to relate the performance of electronic contractors to profits, the profit trends of two leading contractors have also been plotted.

Contractor X whose volume is 98% government produced one highly successful military aircraft in the mid 1950's, then became involved in numerous highly complex electronics programs reaching 50% of total sales volume over the last decade with the following box score on six military hardware programs: one met system specifications, one cancelled for technical reasons; four programs with actual MTBF 25% of system specifications. A look at contractor X's profits over this period shows the remarkable fact that average profits were 40% above those of the aerospace industry and 50% above those of all U.S. industries. Only in the last two years does X show a return below that of the aerospace industry but still remains above the all industry average. The correlation of performance with profits is absent in this case.

Contractor Y had an even poorer performance record. Of 7 weapons systems with complex electronics developed over the period, not a single program measured up to expectations. Electronics reliability was the key deficiency in every case with actual costs 2–3 times original estimates reflecting overruns, schedule delays and modification efforts to improve low system performance. This company also ventured into the development of commercial aircraft in the late 1950's which proved abortive and resulted in major losses in 1960–61. The company today does 100% government work. With this dismal performance record and despite the absence of profits in 1960–61 Company Y shows an average return over the 10 years period above that of all U.S. industries and just below the aerospace industry average. Again, one must conclude that performance has little correlation with profit.

The above analysis leads to the conclusion that the current special partnership which exists between government and the aerospace industry not only results in a very high incidence of delivered electronics systems with degraded performance, but there is no effective mechanism in existing contractual arrangements to reward or penalize contractor performance. This results in the enigma of contractors X and Y where consistently low performance over the past decade is not reflected in corporate profits.

A recent statement by the president of a large aerospace firm concerning a highly publicized and technically plagued aircraft epitomizes the confidence in future government volume: "I have no idea how many aircraft (beyond the current contract) will be built, but remember that the B52, originally a single version aircraft, went through *seven* 'growth' designations." [15]

Why Not Greater Competition?

Single source contract awards for airborne electronics in the 1950's with CPFF contracts and close government supervision did not produce desired results. Neither did the use in recent years of the contract definition phase and incentive contracts. Available evidence demonstrates that when a single high risk course is pursued two unhappy alternatives must be faced: to accept an inferior product or to incur the large cost of revising or modifying a highly integrated program. One unexplored alternative remains to be tried for electronics systems involving a high degree of uncertainty—greater use of competitive development.

Competitive development involves the continued funding of at least two qualified contractors at the conclusion of the source selection process to develop and flight test different electronics suits for possible inclusion in a single major weapon system. The key to this process would be the emphasis on flexibility—allowing each contractor freedom to experiment with multiple approaches to the problems of uncertainty which must be overcome. The use of development competition with the prospects of large future production contracts to the winner should invigorate management and stimulate innovation features currently lacking in major weapon systems development competitions which have been described as exercises in optimism and exaggeration. Major areas of uncertainty can be defined in advance and the final evaluation of the contractors should weigh heavily upon their abilities to minimize the risk in these areas either through the successful development of new equipment or the substitution of existing equipment with lesser operational capabilities. With the historical record of consistently low performance following operational deployment, the flight test competition should also place a high value on performance under operational conditions to prove that the equipment design does not require a large corps of engineers and scientists to maintain it.

Opposition to full scale competition on major systems is built around the arguments that dual development programs will increase program costs, divert scarce resources away from other needed programs and will result in an unacceptable delay in the operational availability of the weapon system. These arguments are expressed diagrammatically below, (not printed in the RECORD).

Proponents of single contractor development argue that expenditure rate curve A is preferred to B or C and curve B is preferred to C.

How well do these arguments stand up in the face of experience? Development competition will increase costs and delay schedules over that of a single contractor program in which *all* of the critical initial predictions turn out correctly. Unfortunately, historical data shows this almost never occurs with unexpected technical obstacles always being encountered causing cost overruns and schedule slippages and moving the actual expenditure rate buildup to A'. Systems are being forced to experience "unacceptable delays" or to be deployed with extremely low operational performance, thus refuting the schedule and military necessity arguments offered against a stretched out, competitive program for new electronics system. The use of competition in the early phases of development is a deliberate attempt to spend additional resources early to reduce the uncertainty factor prior to the attainment of high expenditure rates (e.g., buildup rate C). This approach builds in longer development times to minimize the unforeseen schedule delays and to improve the operational reliability of the initially deployed systems.

As regards system reliability the single vs. competitive contractor approach would show the following patterns when comparing system performance with development time periods.

In Table VI (not printed in the RECORD) System A using a single contractor would experience a gradual fall off in specified MTBF performance followed by a sharp decline at 4 years when the system becomes operational. After a period of low performance, a series of modifications would be added to improve reliability to a level of .50 by year 8. System B, using a competitive approach, shows a sharp decline from original estimates in the first 2 years as the contestants refine their original estimates of system characteristics. Following the choice of a single contractor after 2 years, there is only a gradual decline in performance until initial deployment at the end of 6 years. Some improvements will be added but their magnitude will be considerably less than in A. Thus, the trade offs come down to a low performance electronics systems after 4 years requiring large modifications versus a higher performance system after 6 years involving few modifications.

Only fragmentary empirical evidence exists as to the effectiveness of competitive developments of electronics systems. The case of the F4 where prototype aircraft were flown and evaluated prior to the award of a production contract is the only instance of this type competition in recent years. The results in this case were excellent with the aircraft and electronics performance meeting system specifications.

On a related front, the introduction of a second source into the electronics for the Bullpup and Sidewinder missiles had beneficial results. Technical uncertainty had been resolved before a second source was invited to bid, but the electronics (which constitute 80% of total missile cost) dropped 50% for Bullpup and 70% for Sidewinder when two companies presented sealed bids for missile production contracts. To this experience can be added Secretary McNamara's oft stated claim that savings of 25% are achieved when a non-competitive contract is awarded competitively.

CONCLUSIONS

The recent trend in airborne military electronic programs has been toward highly complex, crash programs with established technical parameters almost impossible of attainment. Costs swell rapidly from original estimates; schedules slide to the right and the reliability of operational equipment in the hands of service personnel degrades rapidly from that called for in the original design.

Analysis of the actual program data in the 1944–1960 period with electronics equipment reveals that cost increases and schedule delays vary directly with the degree of risk associated with the program. Cargo aircraft, the F100 and F104, which used existing low risk equipment performed well. Systems of increasing complexity, however, requiring new radars, computers or circuitry experienced cost overruns of 200–300%, schedule delays averaging 2 years and most importantly, low performance when the operational system was deployed. Available data on the few successful high risk electronics programs deployed in this period showed them to be either highly flexible programs with no preconceived parameters of system performance (World War II radars, Sidewinder) or to have benefitted from early prototype flight testing prior to production (F4).

The data collected on more recent electronic systems is limited to high risk programs and reinforces conclusions from the early studies on cost increases and low system performance. Limited correlation analysis points to the need for 7–10 year development period before high reliability systems can be assured and to the inverse relationship between system performance and electronics production costs. Another significant observation is the direct relationship between short development periods (2–4 years) and poor system performance in follow-on electronics programs. The need for prototype flight test data prior to production commitment is highlighted by the major modification and retrofit programs initiated after the fact to correct development flight test deficiencies in operational aircraft.

One specific area of needed improvement is the current contractor selection process which relies primarily on the evaluation of paper estimates in the selection of major electronics contractors, and then awards follow-on electronics for the weapon system to the same contractor on a non-competitive basis. This need is further demonstrated by

the trend in recent years toward a buyer's market as a smaller number of major weapons systems have been initiated while the number of qualified sellers is increasing in the electronics market. The government, however, has not taken advantage of this potentially more competitive market condition and the producers of inferior equipment lacking financial incentives to better performance continue to earn a high profit return.

Competitive development of high risk electronics systems offers the best prospect of imposing maximum incentives on management and improving the quality and cost of the final delivered product. The earliest possible reduction of uncertainty through the exploration of multiple approaches to system design is the main feature of this approach. Emphasis on the relative case of maintenance at the operational level is another key factor in the final evaluation of alternate configurations. By implication, the use of competitive development would have the advantage of substituting achievable system performance and cost criteria for the "pie in the sky" promises which have been made in the past on airborne electronic systems.

RECOMMENDATIONS

New policy guidelines are required for the acquisition of future airborne electronics systems and should be based on the following two principles:

1. When early operational deployment (less than 5 years after "go ahead") is the major objective, then the electronics equipment should be limited to that which can be obtained with high certainty. The F100 and F104 programs successfully applied this technique.

2. When advance in technical capability is the primary objective, a minimum development period of 5–7 years and the institution of competitive development thru prototype flight test should be required for both first generation and follow-on electronics programs for a single weapon system.

Adding flesh to the second proposal, the following checklist is recommended for all high risk electronics programs:

(a) Provide broad descriptions of electronics system requirements in the RFP. (E.g., the end item, weapon system, the radar dish size, approximate weight and cube of the electronics equipment.)

(b) Continue use of the Contractor Definition Phase, but assure a variety of approaches to major areas of uncertainty in the choice of CDP contractors.

(c) Select at least two contractors to enter the development competition, again providing a diversity of viewpoints for resolving technical obstacles. The customer should not issue detailed specifications at this time, but should identify the key risk areas in the new system.

(d) Provide a funded competitive development of at least two years culminating in an extensive demonstration of prototype equipment in an operational environment with special emphasis on the potential maintainability of the equipment by service personnel.

(e) Select a final contractor on the basis of comparative performance in each of the identified risk areas and on the overall adaptability of the system to operational conditions.

A final note on systems which are expected to be in procurement for a number of years. Consideration should be given to the tooling up of a second contractor after the system has been completely developed to provide an element of competition in the award of annual requirements. Some proportionate formula would have to be established such that both contractors would receive a minimum level of work, but the lion's share of the production would go to the lowest bidder.

FOOTNOTES

[1] Aerospace Industries Association, Aerospace Facts and Figures 1967, p. 5.

[2] Irving N. Fisher and George R. Hall, Risk and the Aerospace Rate of Return, Rand Corporation RM5440, 1967, p. 6.

[3] Peck and Scherer, op. cit. p. 315.

[4] T. A. Marschak, The Role of Project Histories in the Study of R & D, Rand Corporation, p. 2850, 1964, pp. 5–21.

[5] A. W. Marshall and W. H. Meckling, Predictability of Costs, Time and Success of Development in the Rate and Direction of Inventive Activity, R. R. Nelson (ed.), 1962, pp. 461–475.

[6] Ibid., p. 471.

[7] Ibid., p. 473.

[8] Marschak, op. cit., p. 105.

[9] Ibid., p. 112.

[10] Herman O. Stekler, The Structure and Performance of the Aerospace Industry, 1965, p. 159.

[11] Peck and Scherer, op. cit., pp. 293–95.

[12] R. Oppenheimer in Brighter than a Thousand Suns (R. Jungk ed.) 1958, p. 296.

[13] Stekler, op. cit., p. 154.

[14] Fisher and Hall, op. cit., p. 4, Corporate Annual reports, and Economic Report of the President February 1968, p. 293.

[15] Roger Lewis, General Dynamics Corporation president, remarks at annual stockholders meeting April 24, 1968.

[From the Washington (D.C.) Post, Jan. 26, 1969]

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others; if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the sytems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new device by promising that the three crucial electronic elements will operate continuousuly for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 percent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned little systems of the 1960's are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950's. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedeviled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart (not printed here) A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1

is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard, But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F–111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F–4, a supersonic Navy interceptor. Even though the F–4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and makes things that work.

COMPETITIVELY PRICED OIL FOR NEW ENGLAND

Mr. AIKEN. Mr. President, inasmuch as a publication called Independent Petroleum Monthly in its January 1969 issue virtually charged the people of New England and the Members of Congress from New England with jeopardizing our national security in asking for a price for oil comparable to that paid by other parts of the country, I ask unanimous consent to have printed in the RECORD a release which has been issued by my office 1 hour ago.

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

A RELEASE FROM THE OFFICE OF GEORGE D. AIKEN, U.S. SENATE, FEBRUARY 7, 1969

Senator George D. Aiken announced today that if all other efforts to secure competitively priced oil for New England fail he will introduce a "National Defense Oil Subsidy Bill" to require the Federal Government to make up the difference between high prices in New England and the average national price elsewhere.

"The oil interests oppose a refinery at Machiasport, Maine on the ground that domestic oil is essential to the national defense," he explained.

"They brashly accuse New England of demagogery and endangering the national security because we want home heating oil and residual fuel oil at prices comparable to those paid in other parts of the country.

"If this concerns the national security, then the entire Nation should share the cost."

Senator Aiken pointed out that the Northeast consumes 20 percent of the total home fuel oil produced in this country yet is located at such a distance from U.S. oil sources of supply that oil producers say it is uneconomic for domestic companies to supply oil to the region at fair prices.

"This proposal would cost about $100 million annually in addition to the 27½ percent depletion allowance which the oil companies now receive, but it would cut average home fuel bills by at least $25 a year," he estimated.

Each year New England's oil import quota for fuel oil is being reduced to give larger portions of the quota to the petro-chemical industry.

"We should not subsidize the oil industry and make the New England consumers pay the bill," Senator Aiken declared.

"I object to the tribute we pay the oil industry through tax loopholes and monopoly operations, but in charging New England with jeopardizing national security they have gone too far.

"If New England must remain the captive market of the domestic suppliers for national security reasons then the Government should pay the bill."

RECOGNITION OF SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent that at the conclusion of the morning hour I may be recognized for 20 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears no objection, and it is so ordered.

RALPH McGILL

Mr. JAVITS. Mr. President, on behalf of the Senator from New Jersey (Mr. CASE), I ask unanimous consent that his statement mourning the loss of Ralph McGill, columnist and publisher of the Atlanta Constitution, be printed in the RECORD.

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

STATEMENT OF SENATOR CASE

The nation mourns the loss of Ralph McGill, columnist and publisher of The Atlanta Constitution, who died this week. His voice has served for years as the conscience of the South—indeed the entire nation.

Mr. McGill was truly a journalist-statesman and we shall miss his rich and trenchant prose which was so relevant to so many of the most important problems facing our nation. I think Mr. McGill's last column reflects the man he was. In an open letter to Health, Education and Welfare Secretary Finch, Mr. McGill wrote of his deep concern for school desegregation in the South. Secretary Finch issued a statement Tuesday in response to Mr. McGill's open letter in which he said he agreed with Mr. McGill that it is

"neither legally or morally defensible to 'turn back the clock' and to accept as public policy so-called 'freedom of choice' plans which do not bring about effective school desegregation."

I include as part of my remarks at this point in the RECORD Mr. McGill's last column as well as Mr. Finch's statement:

"LISTEN, PLEASE, SECRETARY FINCH

"(By Ralph McGill)

"Secretary Finch, if you have just a moment, sir, please lend an ear.

"In a small Georgia city the superintendent of the independent city school system has resigned. He reportedly was in opposition to proposals to merge the county and city systems in order to regain federal funds cut off by local decision two years ago.

"The superintendent is described as a strong proponent of the freedom of choice plan. Yet, reports are that there have been no crossovers whatever during the regular school months since the free choice plan was instituted. Two of the system's schools are all-white, one is all-Negro.

"So much for this story. Let us turn to other illustrations and to discussion of the broader issue.

"The freedom of choice plan sounds good. It is freedom. But Mr. Secretary, freedom of choice as it relates to public schools in the South, more especially the small-town-rural South, all too frequently is a complete non sequitur.

"Intimidation

"In some systems, for example, there have been charges of gross intimidation. In others, reports are made of private visits by persons who smile, but say rather grimly, 'You don't want to send your children to the white school, do you? I don't think they would be happy there. . . . It might not be safe. . . .'

"Freedom of choice has produced a modest amount of sincere operation. In all-too-many communities it has resulted in carefully screened tokenism and nothing more. There are freedom of choice communities where the all-white, or almost-all-white, school has a large, well-fitted-out band, a good gymnasium, and a reasonably good curriculum. The all-white, or almost-all-white, school will have state accreditation. The all-Negro school will have no band, no gymnasium, and will not be accredited.

"There is all too often no freedom in the freedom-of-choice plan. It too frequently is freedom in reverse. It offers a segregationist, racist dominated community or board an opportunity to proclaim a free choice while they covertly employ 'persuasions' to maintain segregation or meager tokenism.

"The problem of culturally deprived children increases. For some years it—the deprivation—has been exported to all major cities in the nation. The effects of the segregated school system, with its generations of discrimination against the poor—especially, but not altogether, the Negro poor—are starkly evident in every social problem we have today—ranging from children to adults.

"TRAGEDY

"It will be the greatest tragedy with the most foreboding consequences if public school officials are allowed to perpetuate dual systems.

"That the public school system needs restructuring so as to care for those who have been educationally starved in the past is undeniable. Huge federal funds will be required once the new structuring begins. To allow local boards to use federal funds to further establish their own blindness and narrow prejudice can lead only to further disaster.

"At a more pragmatic level, it is not good politics to curry favor with local or state politicians who presently urge leaving local boards to do as they please with the choice plan. The rising expectations of peoples long separated from a share in their country's benefits, plus the steady enlargement of voter registration, will in time react even in rural areas against those who desperately seek to maintain separation and denial of equal education for all children—in the name of freedom!

"You may be assured, sir, that the freedom of choice plan is, in fact, neither real freedom nor a choice. It is discrimination."

(This was Ralph McGill's last column)

"STATEMENT ON RALPH M'GILL BY ROBERT FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"We will miss Ralph McGill. His plea for equal opportunity for all our people was strong and eloquent. It was an eloquence that avoided stridency, that was always tempered by restraint. His concern was with progress—the future—and his words carried his hope for a better world for all those who have suffered from the unreasoning hand of bigotry and discrimination.

"The Nation, and particularly the South, has lost an articulate voice for moderation in race relations and for progressive change in those characteristics of American institutions that have thwarted the aspirations and freedom of any of our citizens.

"Mr. McGill's plea was for consistent efforts toward school desegregation. What became his valedictory column in the *Atlanta Constitution* was directed to me, as Secretary of Health, Education, and Welfare. I agree in total with his lifelong concern for upward progress in this area. To his final words, I direct this response: I consider it neither legally or morally defensible to 'turn back the clock' and to accept as public policy so-called 'freedom of choice' plans which do not bring about effective school desegregation.

"Mr. McGill, in his lifetime, made a singularly constructive impact on the attitudes of people in the South and across the Nation. Much remains to be done, but for all of us, Ralph McGill's efforts will stand as a benchmark for measuring our future progress."

Mr. JAVITS. Mr. President, I join with the Senator from New Jersey in calling attention to the outstanding character of this great columnist and publisher, whom I honor as one of the truly great editors of our country.

ADJOURNMENT OF THE TWO HOUSES FROM FEBRUARY 7, 1969, TO FEBRUARY 17, 1969

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the House concurrent resolution which is at the desk.

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 124 which was read, as follows:

H. CON. RES. 124

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday February 7, 1969, they stand adjourned until 12 o'clock meridian, Monday, February 17, 1969.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 124) was considered and agreed to.

COMMENDATION OF LEADERSHIP OF BOY SCOUTS OF AMERICA

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 133.

The VICE PRESIDENT laid before the Senate, House Concurrent Resolution 133, which was read, as follows:

H. CON. RES. 133

Whereas the Boy Scouts of America, an organization of American boys, was chartered by an Act of Congress in 1916; and

Whereas approximately 6,000,000 boys are currently members of this great youth organization: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the leadership of the Boy Scouts of America be commended for their fine work and praised for continually directing the Boy Scouts into programs which encourage Americanism and pride in our country's heritage.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 133) was considered and agreed to.

AUTHORIZATION FOR SECRETARY TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT, AND FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate, upon the conclusion of business today until Monday, February 17, 1969, that the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that they be appropriately referred; and that the committees of the Senate be authorized to file their reports.

The VICE PRESIDENT. Without objection, it is so ordered.

THE HUNGER EMERGENCY—FUNDS FOR THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, yesterday, the Committee on Rules cut the proposed budget of the Select Committee on Nutrition and Human Needs by over 40 percent. Apparently the committee took this action without a record vote and without even raising a question about the budget either with the chairman of the select committee or with the ranking minority member, the Senator from New York (Mr. JAVITS), when we appeared before them.

I want to say, Mr. President, that after thinking about this matter overnight, I have decided we have no recourse except to appeal to the floor for a restoration of the funds that we requested in our resolution when it went to the Rules Committee a few days ago. I intend, at the appropriate time, to make the appeal to my colleagues on the floor to restore this budget.

What we are dealing with here is one of the most critical problems confronting the country today; namely, the plight of millions of malnourished people suffering either from an inadequate amount of food or from the wrong kinds of food. It is a problem that cannot wait. The painful slash which has been made in the budget will make it impossible for us to carry out the mandate that we received from the Senate by a unanimous vote last summer.

Let us be very clear about what is at stake here. We sit comfortably in this body. We have just raised our own pay. I was one of those who voted for it. As the senior Senator from Illinois told us, "Senators have to eat, too." But Senators can eat. Other Americans do not eat. Many of them are not eating adequately.

As we consider this issue here today, we can go to the Senate restaurant and then we can go to the gym and work off our excess weight. But that is not the problem with millions of our fellow citizens. In the country that we govern, among those who look to us for leadership, are literally millions of people who do not eat often enough; not well enough; sometimes not at all. They are hungry. And sometimes they remain hungry because of bureaucratic breakdowns in our existing food programs.

They are children who are handicapped in their mental development, in the learning process, because they are faint from hunger.

They are babies who are mentally crippled, and irreparably so from the moment of their birth, because their mothers do not have enough to eat.

These people do not live in any one part of the country. They live in Harlem, in Appalachia, in the heart of every great city in this country, and in every geographical section.

I think it is a disgrace for this country, the wealthiest and most abundant country on the face of the earth, that this situation exists.

Last year, we decided to change all that. We began to take note of the serious hunger which did exist in our land. Unanimously, we established a Select Committee on Nutrition to investigate this terrible problem and assess its full extent and then recommend the needed solutions.

For the past 2 months, the committee has been hard at work. It has been said by some that we are making headlines as if that set us apart from some other committees of Congress. But these are no ordinary headlines. They seldom contain the names of Senators. They carry no wild charges or allegations. They are the sober conclusions of the best nutritionists, the most informed members of the medical profession in this field, and some of the most thoughtful citizens in our country.

What they report is that we have our own "Biafras" in various parts of this country crying out for attention.

Those are the facts this committee is developing. Yet our budget is cut just as we are about to move into full-scale field hearings and investigations.

I hope that, at the appropriate time, the 54 Senators who joined in cosponsoring the resolution to extend the life of this committee and to provide for the budget that we have asked, will be available to assist in what I regard as an important effort to restore these much-needed funds.

Let me now turn, Mr. President, to some of the shocking facts which we have already developed and of which the Senate should be aware.

They are facts which amount to a national emergency more serious than the spreading slick of oil that threatens the coast of California. Because it is harder to see, it is harder to combat. They are facts about malnutrition and hunger that kills and cripples millions of our fellow citizens as surely as the oil in that ocean kills the fish and fowl. They are facts which compel me to call for action, immediate action to feed our hungry people.

During the past month the Select Committee on Nutrition and Human Needs has received irrefutable testimony about hunger in this country, hunger that is painfully clear and hunger that is hidden from view in the form of malnutrition. We have heard expert witnesses whose testimony leaves no doubt that bad diets have created a public health emergency of serious proportions.

I shall briefly review that testimony, discuss its implications and suggest some immediate remedies.

First, let me highlight the findings of the national nutrition survey now being conducted by the Public Health Service of the U.S. Government. This survey conducted by specially trained medical personnel is a scientific study of thousands of families in the lowest quarter income brackets in 10 States. Its results are based on examinations of a large cross-sample of people living in diverse sections of the Nation. The preliminary results from two of these States as explained by the director of the survey, Dr. Arnold E. Schaefer, indicate that hunger and malnutrition in this richest of all nations is as severe as in some of the poorer nations of the world.

Consider the human meaning of these findings by the National Nutrition Survey:

Thirty-four percent of the preschool children examined exhibit anemia which causes "fatigue, listlessness, an inability to perform so serious that any doctor would pronounce its victims candidates for medical treatment."

In Texas, goiter, a disease that can be prevented for a quarter of a penny per person per year, and which we thought extinct in this country, is, by World Health Organization standards, endemic.

Growth retardation, often companion to permanent brain damage, is common.

Vitamin A deficiency, unknown to any child who simply drinks enough milk, afflicts 33 percent of our children under 6.

Some children in this country have rickets, scurvy, beri-beri, marasmus, and kwashiorkor diseases common in developing countries and usually associated with famine.

What do these and other findings of the survey really mean? The committee has learned from expert testimony that present nutritional deficiencies result in—

Children born with their brains already damaged because their mothers are severely undernourished and have not seen a physician or even a midwife until delivery.

Premature babies, 50 percent of whom may grow up to have "intellectual competence significantly below that which would be expected" in full-term infants. Decreased learning ability, body growth, rate of maturation, ultimate size, and productivity throughout life.

Lastly, early death.

The cost to the country of such mental and physical damage is incalculable. For millions of our people it means reduced productivity due to reduced intelligence, reduced learning capacity, and reduced employability. Compared to what it would cost to provide adequate food and medical care, it is a criminal waste.

The results of the survey are even more distressing when it is realized that the information has not yet been specifically broken down to relate malnutrition to income levels, and relate the findings to other symptoms of poverty. But there is no question that the nutritional deficiencies and their debilitating effects are most severe among the poor.

High infant mortality—

Dr. Charles Lowe testified—

is the hallmark of poverty in America.

In addition:

We know that the rate of premature births is often two and three times higher in poor than in well-to-do families. We know also that mental deficiency may be from three to five times as frequent in children of families living in poverty. In effect, malnutrition, high infant mortality and prematurity rates and high levels of mental deficiency together are abnormalities found among families living in poverty . . . Each of these aberrations feeds upon the others. Nutrition may be the key to breaking this chain. If we can ensure that the infants, children, and pregnant mothers of this country receive adequate nutrition, we could interrupt this cycle. Infant mortality and prematurity rates would decrease, and our children would grow and develop both in body and in intellect. Educational accomplishment and achievement would improve and economic status would rise.

The National Nutrition Survey marks a major step forward in the fight against hunger in this country because it proves beyond doubt for the first time that malnutrition is a cruel reality that many people cannot believe or have chosen to ignore.

Only 2 years ago the Surgeon General of the United States, Dr. Stewart, said:

We do not know the extent of malnutrition anywhere in the United States.

But in April of 1967, a U.S. Senate subcommittee, including the late Senator Robert Kennedy, went to Mississippi with the Senate Subcommittee on Employment, Manpower, and Poverty, and

there in the Delta, the Senators saw malnutrition and even starvation. They learned that many faced the choice between starvation and moving north to the ghettos of Chicago, Detroit, or New York. On their return, all nine members of the subcommittee unanimously recommended to the President that an emergency be declared in Mississippi and that various steps be taken to meet it.

The President did not declare an emergency and little was done. The Secretary of Agriculture asserted that he was restricted from acting because of legal technicalities which led Senator Kennedy to remark: "I can not believe that in this country we can not get some food down there." Senator Kennedy could not believe it then. I find it equally unbelievable now.

A year later, in April of 1968, the privately sponsored Citizens Board of Inquiry into Hunger and Malnutrition in the United States published an independent report on hunger in this country. Using national data, studies of particular areas and case histories, they estimated that 10 to 14 million Americans were going hungry. They demanded immediate remedial actions and were pilloried for supposedly exaggerated conclusions. But the Department of Agriculture suddenly found it could institute direct programs in a few critical counties.

That same April, CBS aired a documentary entitled "Hunger in America" which dramatically showed that millions of Americans are seriously undernourished. In a series of pathetic studies, the film showed the crippling effects of hunger on children in Alabama, on pregnant women in San Antonio, and on tenant farmers in Virginia. The film's narrator, Charles Kuralt, closed with the simple hope that in this land of abundance "the most basic human need, food, might someday become a human right."

That "someday" has not yet arrived and the poor and the hungry and the sick wonder why. So do I.

I am convinced from testimony already taken by our select committee that we are failing to feed our people adequately. The Agriculture Department reports expansion of the food stamp program into new counties, increased allotments of free commodities and improved school lunches. Still millions more do without because the stamps cost too much, the commodities are too heavy, too tasteless to eat, and last only 3 weeks of the month, the lunches simply do not exist for millions of schoolchildren or are not free for those who cannot pay.

And even if the stamps or commodities—I say "or" because regulations prohibit both from operating in the same county at the same time—were available, our people would still not be properly fed. The stamps do not buy enough and the commodities do not provide a balanced diet because as has been explained before they were never intended to. The primary reason for the commodity program is to dispose of surpluses. Only secondarily is it to feed hungry people. And it works just as intended.

The national school lunch program could take up much of the nutritional slack if only it reached more than 2 million of the estimated 7 million poor schoolchildren of the country. A few days ago, I was privileged to hear the testimony of Mr. B. P. Taylor, superintendent of a Texas school district, in which a unique and comprehensive nutritional and health program has been operating since 1959. In this poor, heavily Spanish-speaking area, Mr. Taylor's program has virtually eliminated anemia, vitamin deficiencies, and other symptoms of malnutrition among the students. The result of this success has been a 15- to 20-percent rise in school attendance, the near elimination of dropouts, and entrance to college by students from an area where nearly all the families are poor. If only a fraction of this dropout reduction could be realized nationally, it could mean a $300 billion increase in our national income during this century. This increase would come only from those children actually enrolled in grades 1 to 12 today.

This $300 billion is about $264 billion more than the estimated total cost of feeding every child now in school and their parents as well for the next 12 years.

While the findings of our committee and the national survey remain to be completed to fully determine the extent of hunger and malnutrition among us, results thus far, reinforced by previous congressional hearings, the findings of the Citizens Board of Inquiry and the CBS documentary, call for immediate action.

President Nixon recognized the gravity of the situation just a few days ago during his visit to the Department of Agriculture when he called on USDA to use its resources to eliminate malnutrition.

But we need more than general exhortations. Let me be quite blunt.

The poor people in America need help. They are not going to get it without Presidential and congressional leadership and unless the moral conscience of the American people is aroused to do for our own citizens what we clamor to do for the Biafrans. We need not await the results of either the select committee's studies or the national nutrition survey. There are steps which can and should be taken right now—steps that do not require new programs or new legislation—steps that many tried, unsuccessfully, to get the last administration and the last Congress to undertake.

We need, first, a declaration of national policy and urgency that no citizen of this Nation will be permitted to go hungry or malnourished.

Second, I urge that the Secretary of Agriculture use his authority to institute emergency food distribution programs in food stamp counties and counties without food assistance where there is a clearly recognized problem of hunger and malnutrition.

The Secretary is presently under Federal court order to distribute commodities in 16 California counties without food programs. Yet USDA refuses to either appeal or comply—in fact the Secretary is in contempt of court. Meanwhile people are going hungry in those California counties—and the State wants to help. USDA has the food. It is currently buying thousands of cans of pork. It should use these and other surpluses in California and places like Beaufort, S.C., where children get half the calories they need each day—and the worms eat much of that.

Third, the 22 commodities which USDA claims are available for distribution should actually be made available. Now, only eight to 10 get to the local warehouse and their value is a quarter to a half of the $12.70 a person claimed by USDA. There is no reason why when practically everything is in surplus according to USDA's own definition of that term, a fully balanced diet that will last a full month instead of running out the third week could not be provided.

Fourth, we should learn more from our experience with the food-for-peace program. Our committee has learned that it was not until last spring that we began to fortify the powdered milk that we distribute to our own hungry people while we have been fortifying powdered milk for distribution abroad for years. The food industry has now developed a nearly complete food product called CSM. It is a high protein mixture of precooked corn meal, soybean flour, and dried milk with vitamins and minerals added which, with some lettuce and citrus, or their equavilent, makes a better diet than many Americans now have. CSM is easy to prepare and use. It can form the base of a gravy or a soup. It can be made into breadlike products. Simple instructions on the package inform the recipient of the variety of ways to use CSM. For 7½ cents a pound we are sending CSM to hungry people abroad.

CSM is now available in the form of pasta—spaghetti, macaroni, and noodles—a food product commonly used the world over. Three-quarters of a pound of this pasta can provide all the proteins, vitamins, and minerals needed by an individual each day. Private industry is ready to produce it and it can be delivered to the Government at a cost of 10 cents per pound. It can be sold on grocery store shelves at a retail cost of 20 percent less than the pasta we now buy.

Several months ago, the Department of Agriculture was urged to demonstrate the use of this pasta in three cities but no action was taken. USDA could start tomorrow to include CSM pasta as the 23d commodity in the commodity distribution program. Further, it can work with private industry—grocery manufacturers—to assure that the pasta and other products such as fortified bread are available on shelves in grocery stores that redeem food stamps.

Fifth, the Agriculture Department should start complying with the food stamp law and charge for stamps what poor people normally spend for food instead of two or three times that much as is now often the case. I hope the new Secretary will increase the food stamp bonuses, too, to provide a total stamp value to let the recipient purchase a full month's supply of food instead of running out the 23d day of the month as is now the case.

Sixth, it is time we started using our schools to provide free breakfasts and lunches to all who need them and to educate parents and children in nutrition. Superintendent Taylor, of San Diego,

Tex., has already shown what can be done in one small school district. We can start to do that in every rural and urban ghetto school in America if we have the will and the leadership.

Seventh, it is time to commit funds to complete the national nutrition survey so that it can cover a minimum of 20 States as well as focus upon specific economic, ethnic, and other groups. The survey can be completed in the first 10 States by December 1969 and in the remaining 10 States by December 1970, but only if sufficient funds and personnel are made available.

Eighth, it is time Federal agencies began to monitor their own programs at the State and local level. As one of our witnesses said, "The only way to monitor programs that include nutrition is to monitor the food that actually gets into people. Just monitoring the amount of money spent, the number of counties involved, the number of programs going on, or the number of employees of the Department of Agriculture" will not tell whether people are hungry or malnourished.

These are only first steps—steps that may begin to return those who need assistance most in the Nation to a level of national nutrition that existed during the emergency period of World War II. Other steps must follow and these subsequent measures and new approaches and programs will be the subject of the select committee's future hearings.

The committee intends to thoroughly evaluate existing food assistance efforts, investigating administrative procedures and practices from the Federal to the State and local level. We are going to ask the tough questions that have not been asked before. And we are not going to assume there are any easy answers or that just because we have had programs on the books since the thirties or forties those programs are the answer.

We are beginning to learn that food may well be a key factor in breaking the cycle of poverty. Billions are being spent on subsistence welfare, expensive job training programs, and special education programs with disappointing results. The welfare families beget welfare families, the trainees do not hold their jobs, and the students continue dropping out. The result is frustration and anger both by those citizens who are paying for these failures with their taxes and those who are paying with their wasted lives.

Yet the reason for this failure and frustration may be that it is too little too late. The remedy may be as simple and relatively inexpensive as three square meals a day. This at least is a prerequisite. Nutrition, according to the best medical advice available, is the key to normal human development. The quality of food that a child receives during his first 2 to 4 years can program the rest of his life. Malnutrition during the last trimester of pregnancy and the first few months of life, can seriously limit intellectual development. Most of a child's brain growth occurs before he enters school.

If we are ever to really attack the "root cause" of poverty, this is surely the place. If we cannot win the battle against hunger in America, we will never win the war on poverty. This was put best perhaps by Dr. Lowe when he testified before the committee:

> This morbid chain must be broken: In my opinion the most readily accessible step is also the most critical. Were we to ensure that infants, children and pregnant mothers of this country receive adequate nutrition, we could interrupt the cycle and remodel the future.
>
> Interrupt the cycle and remodel the future.

It sounds too simple to resolve the seemingly insoluble problems we face. Yet, as is often the case with what seems insoluble, it may be the simple but basic approach, rather than the complex remedy, that provides the ultimate solution.

HUNGER BUDGET CUT IGNORES "NATIONAL SCANDAL"

Mr. JAVITS subsequently said: Mr. President, when the Senator from South Dakota (Mr. McGOVERN) spoke in protest about the cut in the budget for the Committee on Hunger, as it is popularly known here, I was under the impression he was going to speak at more length after the morning hour. I gather that is not so, inasmuch as his remarks are already in the RECORD.

Mr. President, I am the ranking Republican member of the Select Committee on Nutrition and Human Needs. I join with the Senator from South Dakota (Mr. McGOVERN) in expressing great regret that the Committee on Rules and Administration has seen fit to cut the Nutrition Committee's budget so very strikingly. Indeed, the 40-percent cut differs so vividly from the average 12-percent cut which was taken from the budgets of other committees.

Mr. President, I wish to state to the Senate that I have studied the amounts requested of the Committee on Rules and Administration for the budget of the Nutrition Committee. At my insistence it agreed in a most solemn way, and I can assure the Senate that it will confine its activities to 1 year to perform the ad hoc function for which it was designated.

As the ranking minority member, and inasmuch as 54 Senators supported the original resolution submitted by the Senator from South Dakota (Mr. McGOVERN) authorizing the committee, I must join with him in the expectation—and I shall support him when the proper time comes—that all of it, be restored.

We know that a prima facie case has been made on the existence of malnutrition. The preliminary report of HEW's survey team indicates enough instances of malnutrition, amounting to what in this country can be considered hunger, to justify the inquiry. The study will have great repercussions in the agencies of the United States dealing with the distribution of food.

It is really a national scandal that, with our farmers doing the greatest job in the world in raising food and fiber, there are somehow or other pockets of poverty in our country where these shocking situations, have been proven to exist.

I am satisfied that we can do the job in the space of 1 year, and I believe that the $250,000 is a reasonable budget request, considering the detailed and extensive studies which will be required.

I join with the Senator from South Dakota in his strong feelings on the matter, expressing the expectation, although it is unusual, that the Senate will act differently than the Committee on Rules and Administration indicated it should, and I will do my utmost to bring that about.

AUTHORIZATION FOR PRESIDENT OR PRESIDENT PRO TEMPORE TO SIGN ENROLLED MEASURES DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President or President pro tempore be authorized to sign duly enrolled bills or resolutions during the adjournment of the Senate from February 7 until noon Monday, February 17, 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

"ISSUES AND ANSWERS"—INTERVIEW WITH SENATOR MANSFIELD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the transcription of a television program in which I participated, "Issues and Answers," on Sunday, February 2, 1969, be printed in the RECORD.

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

ISSUES AND ANSWERS, FEBRUARY 2, 1969

Guest: Senator MIKE MANSFIELD (Democrat of Montana), Senate majority leader.

Interviewed by: Bob Clark, ABC Capitol Hill correspondent; Bill Lawrence, ABC national affairs correspondent.

Mr. LAWRENCE. Senator Mansfield, when you proposed talks with Castro's Cuba about plane hijackings, as you did yesterday, are you looking beyond that perhaps to the reestablishment of normal diplomatic relations with Cuba?

Senator MANSFIELD. Maybe this is a possibility. I didn't go that far, but I think something ought to be done to bring an end to these hijackings and to punish the hijackers, and the only way you can do it is through direct contact with Cuba.

Mr. LAWRENCE. Well, are they not thrown in prison by the Cubans when they get there? I was under the impression they were.

Senator MANSFIELD. A few are, but most of them are not.

Mr. LAWRENCE. Why should Castro want to talk to us, or we to him, in the light of the history of our——

Senator MANSFIELD. Well, I think Castro has been acting quite circumspectly in the handling of the incidents of the planes. The crews, the passengers are returned. Someday there will be a mishap of some sort and there will be a destruction of a plane with its crew and passengers, and there will be hell to pay if something isn't done about it. Why not face up to it now and forget this idea of images, prestige and face and see if we can't work out a common solution to protect American citizens who are, through no fault of their own, put off on flights of this nature?

Mr. CLARK. Senator, there is a growing feeling in Washington that the United States should take a more active role in trying to work out a common solution, or a peace formula, for the Middle East. Do you feel we should?

Senator MANSFIELD. Yes, and I think that President Nixon is working in that area. Just the other day he had a meeting with the National Security Council to consider all aspects of the Mid-East situation. I understand he is

giving a good deal of serious consideration to the possibility of joint U.S.-Soviet diplomacy in that direction and even four-power diplomacy with the addition of France and Great Britain.

Something will have to be done in that area to keep it from blowing up. He is aware of the gravity of the situation and I am quite certain, without knowing anything about his thinking, that he will face up to this matter as soon as he can and as soon as he has something to work on.

Mr. CLARK. You, of course, are a member of the Foreign Relations Committee. Would you like to see us move first in the direction of joint talks with the Soviet Union?

Senator MANSFIELD. Yes indeed and I would also hope we would advocate as much as we can, either singly or jointly, with these other nations, try and get the Arabs and the Israelis to sit down to see if they themselves cannot bring about a settlement without one being, in effect, brought to their attention by outside powers.

Mr. LAWRENCE. Do you agree with Governor Scranton who made a mission to the Middle East for Mr. Nixon that we ought to be more friendly with the Arab nations than we have been in the past? He seemed to imply, without quite saying so directly, that we had a policy of favoritism towards Israel.

Senator MANSFIELD. I didn't understand him to say that. He asked for a more even-handed policy, as I recall, and I think that is a good policy to pursue and it is the kind of a policy we have been trying to pursue down through the past two decades.

Mr. LAWRENCE. Do you think we do have an open commitment to the Israelis, though, that we will defend them in the event of aggression and that we will try to see that they move their ships through international waterways?

Senator MANSFIELD. We have no hard, fast, legal commitment. All we have is the Mid-East Resolution which says that we will come to the aid, on an armed basis, of any country in that area which is threatened by outside communist aggression.

Mr. CLARK. Well, if we take on this role of peace maker in the Middle East or try to move in that direction do you think we should also proceed with the plan that came out of the Johnson Administration to sell 50 Phantom Jets to Israel?

Senator MANSFIELD. Oh, I think that question is moot, now. That sale has been consummated and I believe it is a matter that is not up for discussion at this time.

Mr. CLARK. You wouldn't have any concern about, oh, perhaps tying some restrictions to that sale, or getting a promise from Israel that it would sign the Nuclear Nonproliferation Treaty or make some peace move conditional on that sale?

Senator MANSFIELD. I think it would be most inadvisable and certainly would not achieve such an objective.

Mr. LAWRENCE. Do you see any signs that the Soviets are trying to put new restrictions on Nasser in any moves he might be about to make?

Senator MANSFIELD. There seem to be some indications that the Soviet Union is aware of the difficulties confronting the world in the Middle East and is moving in that direction. Just what is being done I don't know. I don't think anybody in the government knows but there does seem to be efforts being made in that area.

Mr. LAWRENCE. Well, Mr. Nixon spoke out at his first news conference the other day about the real danger of a possible explosion in the Middle East bringing about a direct confrontation with the Soviet Union. Perhaps in tones more urgent than most Americans, at any rate, had realized. Do you think that is a fair statement?

Senator MANSFIELD. Well, it was a hard statement, it was a statement I am glad he made. I would hope it wouldn't reach that point. Therefore, before it does, we ought to work together to try and bring about some settlement of some kind in the Middle East.

Mr. LAWRENCE. Do you think it alerted the American people to a danger that most of them perhaps may not have been aware of?

Senator MANSFIELD. No, I think the American people have been pretty much aware of the situation in the Middle East.

Mr. CLARK. Do you think, Senator, there is anything we could or should try to do about the Iraq execution of Jews and spies?

Senator MANSFIELD. There is nothing we can do. It was a reprehensible act. I hope it is not repeated. I am glad that Israel has shown a degree of restraint because I do not favor this "tit for tat" policy which has been developing in recent weeks.

Mr. CLARK. President Nixon at his news conference last week referred to the Middle East as a powder keg that might bring a confrontation of the major nuclear powers. Do you share his feelings in that regard?

Senator MANSFIELD. Yes, to a large degree I do. It is an explosive area and the fuse is getting shorter all the time.

Mr. LAWRENCE. If we could switch for a moment to Vietnam, during the campaign, Mr. Nixon said up in New Hampshire, early in the campaign, that he had a plan to end the war in Asia—end the war in Vietnam—and bring peace in Asia.

Have you heard any more about that plan? He never did spell it out in the campaign.

Senator MANSFIELD. No, he was supposed to give that just around the time President Johnson made his March 31 speech. On the basis of that speech he felt he should say nothing about any proposals he might have for Vietnam at that time. I would assume to help the Administration then in power to carry out its proposals, and to inaugurate talks and eventually negotiations in Paris.

Now what his plans are I don't know, but a week ago Saturday he did have his first National Security Council meeting, which I understand lasted for some seven hours, at which the topic of Vietnam was the major point of discussion, and at which I assume all the possible alternatives were brought into being and laid on the table.

Mr. LAWRENCE. How closely are leading Members of the Senate, such as yourself being filled in on the developing plans of the Administration?

Senator MANSFIELD. Not closely at all, but that is understood. The Administration has been in power for only a week. I dare say that Mr. Rogers, for example, the Secretary of State, has been in contact with Senator Aiken, the ranking Republican on the Foreign Relations Committee, and Mr. Fulbright, the Chairman. I assume that Mr. Nixon and his people have been touch with the Republican leadership in the House and Senate.

If the occasion arises, I am sure we will be called in, but I think it is wise that he conduct his initial meetings with only the Republican leadership because he has to get his feet wet, so to speak, in the administration of the Executive Branch of the government.

Mr. CLARK. Do you think, Senator, as some of the war critics in the Senate do, that we should begin some sort of a phased withdrawal of American troops from Vietnam in advance of any progress at the peace talks in Paris?

Senator MANSFIELD. I would hope that would be possible, especially in view of the fact that the Army of South Vietnam has supposedly increased in size, effectiveness and efficiency and I believe some of their high officials have indicated that some withdrawals of U.S. troops can take place this year. I would hope that is possible.

Mr. CLARK. Well, don't you think, Senator, that it might be better tactics at the peace table to make any withdrawal of American troops at least contingent on progress at the peace talks?

Senator MANSFIELD. That is an idea, but I do think on the basis of what figures are available to me, that there has been a withdrawal of U.S. troops from the high of 546,000 to about 535,000 at the present time. How those occurred, I don't know.

Mr. CLARK. You feel that could be reduced substantially regardless of what happens in Paris?

Senator MANSFIELD. No, but I would hope it could be and that the slack would be taken up by the South Vietnamese themselves. It is their country, it is basically their war. They will have to decide their own destiny.

Mr. LAWRENCE. Senator, do you see any real change in what Mr. Lodge is trying to do in Paris, as compared to what Mr. Harriman would have done had he been able to get substantive talks going?

Senator MANSFIELD. None at all.

Mr. LAWRENCE. Do you think there should be any change?

Senator MANSFIELD. Well, I imagine Lodge is feeling his way too. They have only had one—maybe two meetings at the most. I believe only one real meeting, and they will be sparring for a little while. I hope they get down to bedrock soon, and bring this barbarous war to a conclusion so that we can bring all our men home in line with the Manila Agreement, the Manila Communique which said that after the stop of hostilities in Vietnam, our forces would be withdrawn within a six months period. This is a pretty short period, but I hope we can stick to it.

Mr. LAWRENCE. Do you think there is anything the President himself might do in a dramatic, perhaps, sort of way, to get these talks moving at a faster clip by, say, going to Paris and intervening directly himself?

Senator MANSFIELD. I don't think that would be feasible or worthwhile, but I do think that President Nixon has a greater degree of flexibility in the opening months of his term than he will have later, and that he could do things now which might be open to question at a later date.

Mr. LAWRENCE. Well, for example?

Senator MANSFIELD. Well, I don't know, because he is the one who is in charge of the foreign policy, the negotiations in Paris. He is the one who will have to see what the alternatives, the options are, and he is the one who will have to make the decision.

Mr. LAWRENCE. Do you feel he could make concessions that a Democrat, for example, couldn't make, and get away with it?

Senator MANSFIELD. Yes, I do.

Mr. CLARK. Another big question mark hanging over the Nixon Administration is the subject of missile talks with the Soviet Union. How do you feel about this? Do you think we should try to get missile talks, some sort of arms control or missile limitations talks started as soon as possible, or would you defer for eight or ten months, which seems to be the mood of the Administration and of Defense Secretary Mel Laird?

Senator MANSFIELD. As soon as possible, and at the Ambassadorial level. I would point out that the Soviet Union, at least indirectly, has indicated quite strongly that it would like to meet to discuss such matters as the ABM, the missiles, the Mid-East and others of prime importance. So far nothing has been done in the way of rejoiner, but, again, that is understandable because of the shortness of time in which the Administration has been in power.

Mr. CLARK. Well, if we are going to move ahead on missile talks, don't you think we should move as rapidly as possible, more rapidly than the Senate or the Administration has been moving, toward ratification of the Nuclear Proliferation Treaty?

Senator MANSFIELD. Oh yes; I do, and I was pleased that President Nixon said he was for the treaty. We are waiting for him now to tell us when he would like us to take it up.

Mr. LAWRENCE. Will you not move ahead

independently and schedule it, or will you wait for Presidential word on that?

Senator MANSFIELD. I think we will wait for the President to give us the go-ahead and throw his weight and support behind it.

Mr. CLARK. You are hopeful you will get that go-ahead very quickly?

Senator MANSFIELD. I hope so. I think it is needed. It is in our own best interests and we have nothing to lose but a great deal to gain.

Mr. CLARK. Your deputy in the Senate, Senator Ed Kennedy, called this weekend for a freeze on the construction of the so-called thin system of missile defense. This would be the $5 billion Congress appropriated last year as a starter system in the antimissile defense system. Would you agree with him on this?

Senator MANSFIELD. I certainly would because I think the arguments advanced in behalf of the thin missile defense, are pretty thin, themselves.

Mr. CLARK. So you would hold up, actually stop work, that is started or is about to be started on the thin missile system and hold that up until you get talks going with the Soviet Union?

Senator MANSFIELD. Well, I don't think they are really starting to build a missile system. They are buying real estate at the present time. They are finding a good deal of opposition in various parts of the country. This isn't a small undertaking. The initial talk is something in the area of $5 billion, they say. The minimum cost will be around $50 billion and very likely it will be $100 billion or beyond.

Mr. CLARK. But you would put the entire program into sort of a deep freeze until you test the Soviets in actual missile talks, would that be your position?

Senator MANSFIELD. Yes, that is my personal opinion.

Mr. LAWRENCE. Senator Mansfield, a number of Senators, including both hawks and doves, have recently urged an end to the draft without waiting for an end to the Viet Nam war.

Senator MANSFIELD. I think it would be most inadvisable at this time. I hope that it would be possible to carry out the Hatfield-Nixon proposals for a volunteer army but I think there are a lot of factors which still have to be considered. As you know, I am not enamored with the draft because I was one of the few who voted against the extension the year before last. Some other system, I would hope, could be provided but I do not think this is the time to do anything about a volunteer army, except to look into it and see what the possibilities and the prospects are and what the costs would be.

Mr. LAWRENCE. As Democratic leader of the Senate, you would certainly wait for a presidential recommendation on this score before moving independently?

Senator MANSFIELD. Well, I would think that the executive and the legislative branches could work together on that.

Mr. CLARK. Senator Mansfield, some of the more liberal Democrats in the Senate are apparently going to have a go at competing with President Nixon on the legislative front, and Senator Ted Kennedy has made it known he is going to offer his own legislative program.

Senator MANSFIELD. No, that isn't so. I think that Senator Kennedy was talking with a newsman and he told the newsman what he personally thought he would be doing this year. It is not a Party program. It could well be but it isn't. It is Senator Kennedy's own idea as to what he wants to become most interested in, and they are carry-overs, in large part, from what he has been advocating over the past three or four years.

Mr. CLARK. But he did say he is going to offer proposals on health and housing and employment and draft reform. This gets to be a rather comprehensive legislative program. Would you expect that he will have your support on most of these things?

Senator MANSFIELD. Oh, yes indeed, but let me emphasize the fact that this is not a Democratic Party program, that these are ideas which Senator Kennedy has been pushing and proposing for months and years and they are all worthwhile and will be given the most serious consideration.

There is no fight as of now, for example, between what the administration will offer—we don't know what it is—and what Senator Kennedy on his own will propose.

Mr. LAWRENCE. Senator, as the Senate Leader "and" a Democrat, what is your appraisal of the start of the Nixon administration? Good, bad, indifferent?

Senator MANSFIELD. Excellent. I think that he has done a good job. He is putting his ducks in order. He has shown himself to be considerate and cooperative. I have but one complaint and that is this wearing of the white tie.

Mr. LAWRENCE. You don't like it personally or do you think it is bad politics?

Senator MANSFIELD. I just don't like it.

Mr. LAWRENCE. Senator, it was Lyndon Johnson's position as a Majority Leader in the time of Dwight Eisenhower that he should cooperate very heavily, and I know that has been yours.

I wonder, though, if there isn't a difference, that President Eisenhower, General Eisenhower, was a man kind of above politics and Mr. Nixon has always been an intensively political personage. Can you play exactly the same kind of a role that Lyndon Johnson played in the Eisenhower Administration?

Senator MANSFIELD. I would hope to. We will do our best to make the President one of the really good Presidents of the country. In doing so it will mean we will have to make ourselves a good Congress. I operate on the basis that if the President does a good job the country benefits. If it is a poor job, we all suffer.

Mr. LAWRENCE. What about your colleagues, though, who might like to be President, themselves, in 1972? Are they going to react very favorably to this line? I remember Mr. Johnson took a beating——

Senator MANSFIELD. I think that Mr. Muskie and Mr. Kennedy and any others you might mention who happen to be in the Senate, will be cooperative and do their best because with them the country comes first, the party second.

Mr. CLARK. You are not concerned that with their own political ambitions they might try to upstage President Nixon?

Senator MANSFIELD. No, I don't think they will. I think they will try to be cooperative.

Mr. LAWRENCE. Do you see any sign of a tax cut this year, or do you think Congress is going to continue that 10 percent surtax?

Senator MANSFIELD. There will be no tax cut this year. I think the circumstances call for the continuation of the ten percent surcharge.

Mr. CLARK. You are going to have a debate in the Senate this week on that proposed Congressional pay raise.

Senator MANSFIELD. That is right.

Mr. CLARK. Where the salaries would go from $30,000 to $42,500. We know that you are generally in support of that pay raise.

Is there going to be an actual vote on this, or just talk on the Senate Floor?

Senator MANSFIELD. No, there will be an up and down vote as far as I know, on next Tuesday or Wednesday.

Mr. CLARK. Do you think that is the proper way to do it, to put every Senator on record as to whether or not he wants a pay raise?

Senator MANSFIELD. It is O.K. with me.

Mr. CLARK. One of the problems in this area is the old business of—you have 435 Members in the House who, of course, they are jealous of their own prerogatives and they want $42,500 a year too. Does that disturb you, the fact that you have got to carry all these House Members along with you?

Senator MANSFIELD. No, we will just have to face up to this problem, make our own decision and go on record and take the consequences, whatever they may be.

Mr. LAWRENCE. Senator, I was interested the other day that you proposed a constitutional amendment to write into the Constitution itself this business of limiting filibusters by a three-fifth vote. Is this the sort of business that ought to be in the Constitution?

Senator MANSFIELD. Really not. We ought to settle it ourselves, but so many of us are so dug in on our positions that it seems to be impossible to break down the present two-thirds rule and substitute instead a three-fifths rule, which I think is necessary, and allows enough in the way of flexibility to consider all kinds of legislation. I am not in favor of a straight majority cloture rule.

Mr. LAWRENCE. What if you put Rule 22 in the Constitution, why don't you put all the Senate rules in the Constitution?

Senator MANSFIELD. That is the only one in question and has been for so many years that it is one way I thought of to try and get rid of it once and for all.

Mr. LAWRENCE. As a political realist, could this be done?

Senator MANSFIELD. It is kind of hard.

Mr. LAWRENCE. The states simply wouldn't adopt that sort of amendment, would they?

Senator MANSFIELD. Very hard.

Mr. CLARK. Senator, do you think this Congress is going to come to grips with electoral reform—this is a problem that almost got us into a constitutional crisis last November—that this Congress will come to grips with it and produce some sort of a constitutional amendment to resolve the problem.

Senator MANSFIELD. Well, let me answer it this way. We will come to grips with it in this Congress, but I doubt that in the next two years we will be able to pass anything resembling a constitutional amendment. Perhaps four years from now.

Mr. CLARK. That means really you don't think this Congress is going to resolve the problem. In effect it is going to be put off until the 92nd Congress?

Senator MANSFIELD. That is right. We will lay the ground work. I hope we will report out legislation, go into this matter quite thoroughly and be prepared in the next four years to pass legislation which I would like to see passed this year. As a matter of fact, right now.

Mr. LAWRENCE. Senator, why, after such a narrow squeak as we had in the last election, do we need more time? Aren't the members of Congress directly enough concerned?

Senator MANSFIELD. Yes, but they have so many different plans and proposals. Senator Birch Bayh of Indiana will do his best to push this matter to a conclusion. He is the leader in this field, but he has a subcommittee he will have to get legislation out of. Then he has the full Committee, then he has the Senate and the House and those things take time. Constitutional amendments are not passed overnight.

Mr. CLARK. President Nixon at his first news conference said his administration policy at this time is going to be to continue to oppose admission of Communist China to the United Nations. Do you agree with Mr. Nixon or with Senator Kennedy who said recently we should take the initiative in trying to bring China into the United Nations?

Senator MANSFIELD. Well, I would say that what President Nixon said at this time is all he could say in view of the shortness of the time he has been in office. As far as Senator Kennedy's proposition is concerned, in time that will have to happen because you just can't ignore 750 million people, you can't blot out the geography which is called China. It will have an influence on the affairs of Asia in the Pacific and per-

haps other parts of the world as well. Perhaps now it is not the time but in time it will have to be—there will have to be some sort of an accommodation, I would assume that those are matters which Mr. Nixon is looking into now and I am hopeful that on the basis of the Chinese initiative for the resumption of the Warsaw meetings between the U.S. and Chinese ambassadors on February 20, that these matters will come up for consideration in addition to the usual ones about Taiwan, and an American presence on the Asian mainland.

Mr. LAWRENCE. Senator, President Nixon has already made law and order a first-priority of his administration. How much support and money is the Democratic-controlled Congress going to give him on this question?

Senator MANSFIELD. A lot of support and all the money needed.

Mr. LAWRENCE. Is there any danger though that the pendulum is perhaps swinging a little too far to the right and that the civil liberties of all of us—as opposed to just civil rights—might be in some danger?

Senator MANSFIELD. I don't think so, although that is always a possibility. It is my belief that, based on the realities as they exist at the moment, and on the experience of the past four or five years, that Mr. Nixon, his Attorney General, Mr. Mitchell, and others will go into this problem—it is the most important problem internally—with open eyes, aware of all the pitfalls and potholes they will encounter, and do the best they can to try and restore to this country a degree of law and order, with justice, which the country is demanding and is yearning for.

Mr. CLARK. The new budget, as you well know, Senator Mansfield, contains $81 billion for defense. You instructed all Senate Committees this past week to keep close watch on government operations generally. Would you like to see a full investigation of defense costs, something like the old Truman Committee in World War II?

Senator MANSFIELD. That is being done by the oversight committee in the Armed Services Committee known as the Senate Preparedness Subcommittee.

Yes, I would like to see that continued and accentuated because $81 billion is too much money to spend on defense when we have so many other problems confronting us internally and in the fields of foreign policy where the money could be better spent.

Mr. LAWRENCE. Senator, now that we are about to reach the moon, can we just about cut out these big space expenditures almost entirely?

Senator MANSFIELD. Oh, yes. This may be heresy but I think we can reduce our space expenditures still further. Perhaps not the Apollo program, but there has been too much money allocated to space. Something in the order of close to $30 billion and I think that that money could be used elsewhere.

I am not interested in a race to the moon, to Mars or Venus. I would hope that the Soviet Union and the U.S. could work in cooperation, cut down expenses, and do this thing not on a basis of a chip on the shoulder but on the basis of a possible benefit for all mankind.

Mr. CLARK. Senator, our time is up. Thank you very much for being our guest on "Issues and Answers."

NOTICE OF HEARINGS ON S. 607, THE UTILITY CONSUMERS' COUNSEL ACT OF 1969—ADDITIONAL COSPONSORS OF BILL

Mr. MANSFIELD. Mr. President, on behalf of the junior Senator from Maine (Mr. MUSKIE), who is chairman of the Senate Subcommittee on Intergovernmental Relations, I should like to announce that the subcommittee will hold hearings on S. 607, the Utility Consumers' Counsel Act of 1969, on February 17 and 18, and resuming on March 10.

It is the purpose of these initial hearings to receive the views of State and local officials with respect to the merits of the legislation and develop informational material as a background for the subcommittee's further consideration of the measure.

Mr. President, S. 607 was introduced by the junior Senator from Montana (Mr. METCALF) on January 24, 1969, and it is cosponsored by Senators AIKEN, DODD, HART, KENNEDY, MCGOVERN, NELSON, TYDINGS, YARBOROUGH, YOUNG of Ohio, and myself.

Mr. President, the junior Senator from Rhode Island (Mr. PELL) also wishes to cosponsor S. 607, and I ask unanimous consent that he be so listed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the hearings on February 17 and 18 will be held in room 3302, the New Senate Office Building, beginning at 10 a.m. The time and place of the hearings resuming on March 10 will be announced later.

Senators or other persons desiring to testify with respect to S. 607 should notify the Subcommittee on Intergovernmental Relations on extension 4718, room 357, Old Senate Office Building.

The text of the bill and detailed introductory remarks appear in the CONGRESSIONAL RECORD for January 24, beginning at page 1765. In essence the bill provides, as Senator METCALF stated in his introductory remarks:

Utility consumers with rights declared to be theirs in the Presidential consumer messages of 1962, 1964, and 1968—the right to be informed and the right to be heard. It would strengthen State regulation by providing regulators with information needed by them to carry out the large tasks assigned them by legislators. It would provide consumers with competent counsel before commissions and courts.

The bill has four principal objectives:

First. To require utilities to report to regulatory bodies information which is pertinent to regulation and to understanding of utility rates and procedures;

Second. To require the Federal Power Commission and the Federal Communications Commission to report this information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest extent possible;

Third. To establish, at the Federal, State, and local levels, offices of Utility Consumers' Counsel, to represent the interest of utility consumers before regulatory commissions and courts, and

Fourth. To establish a grant program to finance study of regulatory matters.

PRESIDENT NIXON

Mr. MANSFIELD. Mr. President, the President is to be congratulated for the way he has conducted himself in his first few weeks in office, for his candor in answering questions, for his care in not making too many promises, and for his general attitude and outlook both as they affect the affairs of the Nation at home and our relations throughout the world.

A good start has been made. A needed and necessary trip to Western Europe will be undertaken. Our hopes for its success go with the President. Perhaps other meetings in Europe, in Latin America, in Asia and elsewhere will be undertaken at a later time; and out of this, we may be able to develop a "negotiation not confrontation" policy—in the President's words—which will redound to the benefit of not only our own people but all peoples everywhere.

Mr. HRUSKA subsequently said: Mr. President, it was with a great deal of gratification that I listened to the remarks of the distinguished majority leader a short while ago commenting upon the recent activities of the President of the United States.

I find myself in full agreement with the proposition and with the thoughts advanced that things are progressing well, that not too many promises have been made, and that some well-considered plans and positions have been announced in many areas, particularly the travel which President Nixon contemplates abroad with a view to advancing and improving our foreign relations and our position in general abroad.

I believe also that general gratification extends to the fashion and the substance with which the President has met the press during the two press conferences which have been held so far, in which the President has made direct and candid answers, has spoken to the point, and is obviously well informed on the points he undertook to speak upon.

On all these points I agree. The President is entitled to our further good wishes. This would particularly apply to his plans for traveling abroad.

I know that not only the Members of this body but the whole Nation wish for him not only safety in his travels but also fruitfulness in the results thereof.

ROMNEY SHOULD NOT GIVE UP ON HOUSING GOALS

Mr. PROXMIRE. Mr. President, I have written Secretary George Romney of the Department of Housing and Urban Development, to caution him against a "defeatist attitude" reflected in a recent Romney news conference. Secretary Romney had been quoted by the press that he might have to ask for a downward revision to the Nation's housing goals because they were "unrealistic."

Now, Mr. President, the Housing Act goals are both realistic and essential. I urged Secretary Romney not to cut back the low-income housing programs in the Johnson budget for fiscal years 1969 and 1970. I asked Secretary Romney for assurances that he would do his best to move these programs forward.

I ask unanimous consent that the complete text of the letter be printed in the RECORD at this point.

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

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.:

While I was glad to hear of your support for the 6 million, ten year housing program during your confirmation hearings, I was

deeply concerned over recent press reports that you feel the goals of the 1968 Act might have to be revised downward on the grounds that they are unrealistic. I sincerely hope you have been misquoted on this point. The hearing record on the 1968 Housing Act makes it abundantly clear that the 10 year program is both feasible and essential to our nation's welfare.

When you came before our Committee for confirmation, Mr. Romney, I asked you who would fight for resources for our cities—especially in housing—in this Administration. You answered that you would. You are the man who must carry the battle for low income housing in this Administration or no one will.

This is why I was particularly unhappy to read that you were reported to call the housing goal for this year's "unrealistic". You agreed at that hearing that the record showed we have the resources to do this job and to attain this goal. If you as the leader, the champion of low income housing, do not play this role, I ask again, who will carry the ball for this major economic failure in our nation: adequate low income housing?

To illustrate, the Department of Housing and Urban Development submitted an exhaustive 90 page study demonstrating the economic feasibility of a 10 year program for providing 6 million low and moderate income housing units. The conclusions of this study, which appears on Page 1311 of the Senate hearings, were reaffirmed by President Johnson's Annual Report on National Housing Goals as required by Title 16 of the 1968 Housing Act.

The 1968 HUD study shows that at no time during the 10 year program do the resources devoted to housing exceed 4.94% of GNP, compared to a percentage of 5.6% achieved in 1950. Thus, the program goals are well within historically realized production levels.

Moreover, outside studies, including those of the Douglas and Kaiser Commissions and the National Housing Conference, have all reached independent judgments that those goals are attainable. In addition, they give detailed blueprints as to how the sites, codes, and other hindrances can be overcome.

The report by President Johnson for 1969 indicates that housing construction expenditures would rise from 3.1% of GNP in 1968 to 3.4% in 1969, and 3.8 percent in 1970 in order to meet our national housing goals. Given the will to implement the housing goals in the 1968 Act, an increase of three-tenths of one percent in the percentage of GNP devoted to housing construction should not be beyond our economic capacity.

I hope that the Nixon Administration will not adopt a policy of despair or permit a defeatist attitude to weaken the national commitment to better housing. You are right in pointing out that we should not raise false expectations or promise more than we can deliver. But the frustrations and tensions in our inner cities will also increase if we do not make a maximum effort to achieve our housing goals.

I urge that you support the housing programs contained in President Johnson's budget recommendations. If the previous studies and reports prepared by your department are in error, I would like an equally exhaustive analysis of what housing goals are feasible. I would hope you would agree with me, however, that the weight of the evidence establishes the feasibility of the 6 million, 10 year housing program and that the estimates for fiscal year 1969 and 1970 are attainable, given the resolve to request and secure the necessary funds. I shall look forward to your assurances on these points in the near future.

WILLIAM PROXMIRE,
U.S. Senator.

Mr. PROXMIRE. In the course of the letter, I said:

When you came before our Committee for confirmation, Mr. Romney, I asked you who would fight for resources for our cities—especially in housing—in this Administration. You answered that you would. You are the man who must carry the battle for low income housing in this Administration or no one will.

This is why I was particularly unhappy to read that you were reported to call the housing goal for this year "unrealistic". You agreed at that hearing that the record showed we have the resources to do this job and to attain this goal. If you as the leader, the champion of low income housing, do not play this role, I ask again, who will carry the ball for this major economic failure in our nation: adequate low income housing?

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The report by President Johnson for 1969 indicates that housing construction expenditures would rise from 3.1% of GNP in 1968 to 3.4% in 1969—

Or, as I point out, they are far less, about 65 percent of what they were in percentage of gross national product, in 1950—

and 3.8 percent in 1970 in order to meet our national housing goals. Given the will to implement the housing goals in the 1968 Act, an increase of three-tenths of one percent in the percentage of GNP devoted to housing construction should not be beyond our economic capacity.

OIL DEPLETION ALLOWANCE CAN OFFSET TAXES ON OTHER INCOME

Mr. PROXMIRE. Mr. President, during the debate of January 22, 1969, on the confirmation of Walter Hickel to be Secretary of the Interior, I spoke at length on the responsibilities of the Secretary over the oil industry. During that speech I pointed out the many special tax privileges which the oil industry receives. I listed the fact that dry holes can be written off; that the industry can "expense" in one year through the intangible drilling and development cost deduct many items which other companies must capitalize and depreciate over the life of the asset and which, in fact, the companies do capitalize and carry on their books for other than tax purposes; the notorious 27.5-percent depletion allowance; the 14-point Western Hemisphere deduction; and the "golden gimmick" by which oil royalties paid by American oil firms to Middle Eastern sheiks and potentates are offset against the actual taxes owed in this country.

During that debate I described the depletion allowance and then went on to say:

The depletion allowance can be used to offset income from sources other than oil. Those who invest in gas and oil often do so in order to reduce their taxes from other sources.

STATEMENT CHALLENGED

At this point in the debate the Senator from Iowa (Mr. MILLER) raised a question about my statement. As he said, and quoting from page 1509 of the RECORD for January 22:

It is the understanding of the Senator from Iowa that the percentage depletion deduction is only available with respect to oil properties, or the income from oil properties. If I understand the Senator's statement, he has a different understanding.

I replied that I certainly did have a different understanding and that I would be delighted to provide the evidence for the RECORD and substantiate my statement.

I shall do that now.

NOT A SIMPLE MATTER

The matter is not simple and there is no reason why the Senator from Iowa or others should necessarily be aware of the way in which percentage depletion can be used to offset income from other sources. In fact, I am told that even the experts at the Treasury were unaware of it until a number of actual examples of companies using the device were pointed out to them. So far as even the informed public is concerned, this may be a new tax loophole for the oil industry.

TRADITIONAL DEDUCTION

Mr. President, as we all know, the percentage depletion deduction in the case of oil is 27½ percent of the gross income from the property—the value of the oil at the wellhead—but the deduction is subject to the limitation that it cannot exceed 50 percent of the profit from the property. Thus, if the sales of oil from a lease amount to $50,000, and the lifting costs and other expenses chargeable to the lease amount to $40,000, the percentage depletion deduction would be $5,000—50 percent of the profit of $10,000 from the lease—rather than 27½ percent of $50,000. Accordingly, with normal operations the percentage depletion deduction will not offset income from other sources. Thus far, the Senator from Iowa (Mr. MILLER) is correct.

CARVED-OUT PRODUCTION PAYMENTS

However, by resort to carved-out production payments—a tax gimmick—it is possible to manipulate the income and deductions from an oil lease so that the percentage depletion deduction will in effect offset income from other sources. By use of the carved-out production payment, the percentage depletion deduction will be artificially increased in the year of the carve-out, followed by a resulting loss in the year of the payout which can be used to offset nonoil income. This tax gimmick has been used for years in the oil industry and recently has been used for hard minerals as well.

I ask unanimous consent that a specific example of how this gimmick is used be printed in the RECORD.

There being no objection, the example

was ordered to be printed in the RECORD, as follows:

SPECIFIC EXAMPLE

To illustrate, let us assume in the example I have given above, that the gross income from the oil lease each year amounts to $50,000.

The annual expenses are $40,000. The depletion deduction without a carve-out would be limited to $5,000. That is, without manipulation the taxpayer would pay a tax each year on $5,000 or one-half of the annual profit from the lease.

But let us assume that in December of every other year the taxpayer carves out a production payment of $50,000 which is payable out of the production of the next year.

What this means is that the owner of the well receives $50,000 in cash near the end of year one. He gets this from a bank, another oil company, a steel company, or a charitable foundation, to name a few of the types of institutions which have made such transactions in the past. The oil producer then agrees to pay it back by delivering his production in the following year until full payment is made, plus an additional amount of production to cover interest to the bank or oil company or corporation who paid him the $50,000.

NOT A LOAN

One would think that the nature of this transaction was a loan. Very few companies pay a producer in full for a product they do not receive until many months later. They may make some small down-payment, but usually they do not make a final payment until delivery has been made or several months after delivery has been made.

But in the extractive industry, this transaction *is not* treated as a loan for tax purposes. Only if the seller fails to make the production payments in the following year would it be treated as a loan.

DEPLETION OFFSETS OTHER INCOME

Because of this feature in the tax laws, depletion is used to offset taxes which would otherwise be paid on other income. Incidentally, the tax reform package just submitted by the Treasury would repeal this special privilege and treat the production payment gimmick as a "loan" which is the true nature of the transaction.

HOW PROFITS ARE TREATED AS A LOSS

To return to the example we have given, the aggregate result for each two year period would be a $7,500 loss to deduct from income from other sources. This result comes from the additional percentage depletion deduction resulting from the carved out production payment.

In the year of the carve-out the gross income from the lease would be $100,000 ($50,000 sales of oil plus the $50,000 carved-out production payment). The percentage depletion deduction would be $27,000 (27½ percent of $100,000) since the profit from the lease would be $60,000 (lifting costs and other expenses remaining at $40,000). As a result, in the year of the carve-out there would be a taxable income from the lease of $32,500 ($60,000 profit from the lease less percentage depletion of $27,500).

But this taxable income would be more than offset in the following year for the lease would then produce an ordinary loss of $40,000. The holder of the production payment would receive the $50,000 proceeds from the sales of oil and the taxpayer would have $40,000 of expenses deductible from other income. Aggregating the two years the taxpayer would have a tax loss of $7,500 from the lease ($40,000 loss in the year of payout minus $32,500 taxable income in year of carve-out).

The actual profit for the two-year period from the lease would be $20,000 but thanks to percentage depletion an overall loss of $7,500 is created to offset income from sources other than the oil lease.

GIMMICK WIDELY USED

Mr. President, the principle in the relatively simple example I have given above has actually been used by some of the largest oil, sulphur, and mining companies in the United States. The results have been staggering. The taxes on other income which would otherwise have been paid, but which were offset by the "production payment" gimmick, have run into the hundreds of millions of dollars.

EVEN GREATER OPPORTUNITIES FROM INTANGIBLE DRILLING AND DEVELOPMENT COST DEDUCTION

While percentage depletion can be used in the above manner to create losses which can offset non-oil income, the deduction for intangible drilling costs offers even greater opportunities. The cost of intangible drilling—even on a successful well—are deductible without limitation even though the oil companies capitalize such costs on their books. Individuals as well as corporations deduct these capital expenditures without any limitation. By contract, if a farmer drills successfully for a water well, he cannot deduct the drilling costs but must capitalize and recover them through depreciation over the useful life of the well.

BIG TAX PRIVILEGES

The oil companies have amazing tax privileges. These make it possible for some of the largest and most powerful companies in the country to pay a smaller percentage of their income in taxes than is paid each year by the ordinary family of modest means.

EXTENSION OF TIME FOR JOINT ECONOMIC COMMITTEE TO FILE REPORT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Joint Economic Committee be granted an extension of time from March 1, 1969, to April 1, 1969, to file a report of its findings and recommendations with respect to the Economic Report of the President as required by section 5(b)(3) of Public Law 304, 79th Congress.

It has been necessary for the Joint Economic Committee to defer its hearings until the latter part of February and early March in order to give the new administration an opportunity to consider the issues and prepare their testimony. Consequently, it is necessary to have a later filing date.

The VICE PRESIDENT. Without objection, it is so ordered.

FEDERAL RESERVE DISCOUNT MECHANISM REPORT—SUPPLEMENTAL VIEWS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the supplementary views to the Federal Reserve Discount Mechanism: System Proposals for Change, be printed with the report.

The VICE PRESIDENT. Without objection, it is so ordered.

MISMANAGEMENT IN HEW PAYROLL CENTER

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to a report of the Comptroller General No. 164031 dated January 17, 1969.

In this report the Comptroller General calls our attention to a serious case of mismanagement in the payroll center of the Department of Health, Education, and Welfare.

This report cites many specific examples of irresponsible actions, such as—

Seven checks totaling $1,528 were issued to prospective employees who never reported for duty.

Two hundred and fifty-seven checks totaling $44,119 were paid to employees who had resigned from 1 to 24 months previously.

One hundred and five checks totaling $16,083 were paid to employees who supposedly were on leave without pay.

Sixteen checks totaling $2,295 were paid to intermittent employees for periods when they were actually not employed.

Sixty-eight duplicate and triplicate payments totaling $17,171 were made to employees for the same period or purpose.

Some 33,154 savings bonds with a purchase price totaling about $1,605,000 were erroneously issued.

A $31.3 million check for payroll deductions drawn in favor of the Internal Revenue Service on August 1, 1966, had been left lying around and kept on hand for over 3 months.

Ninety-five checks totaling $43,195 drawn in favor of the Civil Service Commission for insurance and retirement payments for Government employees had not been properly forwarded.

There were 1,661 checks totaling over $308,000 and cash totaling $541 found lying loose in an unlocked file drawer in one of the offices.

The Comptroller General summarized his comments on the agency as follows:

The number of discrepancies noted during our examination, and the general lack of control over essential documents was far in excess of that which should be expected in a payroll operation where there is little, if any, tolerance for error.

There is no excuse for such mismanagement, and in private industry someone would be fired.

This report should be read by every Member of Congress, and I am asking the Finance Committee to give it their special attention.

At this point I ask unanimous consent that a series of excerpts from the report further commenting on these errors be printed at this point in the RECORD.

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

EXCERPTS FROM THE COMPTROLLER GENERAL'S REPORT NO. B-164031 OF JANUARY 17, 1969

The Assistant Secretary, Comptroller, in January 1962, established the Division of Central Payroll (DCP) in the Office of the Secretary. During June 1962, a decision was made to use computer equipment originally acquired for the Food and Drug Administration (now a part of the Consumer Protection and Environmental Health Service) and to centralize the entire payroll processing operations in Washington, D.C., rather than to split the operation between Washington, D.C., and Baltimore, Maryland. . . .

At June 30, 1968, DCP was paying about 110,000 employees whose gross annual earnings for the fiscal year then ended aggregated about $858,000,000. . . .

Since processing the first check, DCP has experienced a high rate of error which has precluded the automation of other functions such as fiscal accounting, leave accounting, and personnel management and related ac-

tivities. The HEW internal audit staff made a review of the centralized payroll system in April 1964, about a year after the system began operation. As a result of that examination, the internal auditors issued a report to the Assistant Secretary, Comptroller, which included the following statement:

"The number of discrepancies noted during our examination, and the general lack of control over essential documents was far in excess of that which should be expected in a payroll operation where there is little, if any, tolerance for error." . . .

SALARY PAYMENTS MADE TO PERSONS NOT ENTITLED TO BE PAID

We noticed that 1,451 Government paychecks amounting to $288,233 had been returned to DCP by payees or the agents designated to handle paychecks because the checks had been issued erroneously. Also, 89 personal checks amounting to $15,757, representing refunds from persons who had been overpaid, were received by DCP. To the extent possible from the data available to us, we have categorized the checks in the table shown below by the types of errors involved.

Types of errors	Number of checks	Total amount of checks
Payments to prospective employees who never reported for duty	7	$1,528
Payments to employees who had resigned 1 to 24 months previously	257	41,119
Payments to employees who were on leave without pay	105	16,083
Payments to intermittent employees for periods when they were not employed	16	2,295
Duplicate and triplicate payments to employees for the same period or purpose	68	17,171
Checks issued in incorrect amounts	230	52,117
Unclassified because of missing documents	857	173,677
Total	1,540	303,990

. . . Also, we noted that five former employees cashed salary checks although they were not entitled to any salary payment. The five employees were commissioned officers of the U.S. Public Health Service (PHS). The officers resigned from PHS on the dates shown in the following table, and each received full monthly pay checks through September 30, 1966. The unearned pay checks that were cashed by recipients are summarized below.

Last date for which employee was entitled to be paid Commissioned officer:	*Amount overpaid*
A, June 18, 1966	$1,982
B, June 18, 1966	1,635
C, July 17, 1966	1,852
D, Aug. 13, 1966	1,067
E, Aug. 27, 1966	875
Total	$7,411

The issuance of erroneous checks through September 1966 to officer A did not come to the attention of DCP until February 1967 when officer A wrote to DCP complaining that his 1966 W–2 withholding statement was in error. A DCP official informed us that similar complaints from the other four officers led to discovery of the issuance of the remaining erroneous checks.

As of April 1968, DCP had collected $5,847 of these unearned payments and collection efforts were continuing.

ERRONEOUS ISSUANCE OF SAVINGS BONDS

For the pay period ending July 29, 1967, 33,154 savings bonds with a purchase price totaling about $1,605,000 were erroneously issued to the designated agents for distribution to employees who had not had appropriate amounts withheld from their pay. When DCP personnel discovered this error the Deputy Assistant Secretary, Finance, instructed the designated agents to return all 33,154 bonds to DCP and not to distribute them to employees.

TIMELY DISPOSITION NOT MADE OF AUTHORIZED DEDUCTIONS

We noticed that a $31.3 million check for payroll deductions drawn in favor of the Internal Revenue Service on August 1, 1966, had been kept on hand for over 3 months. We also found 95 checks totaling $43,195 drawn in favor of the Civil Service Commission for insurance and retirement payments, which had not been forwarded to the Commission. After we brought these matters to the attention of DCP personnel, the checks were forwarded to the Treasury Department and the Civil Service Commission.

CASH AND CHECKS LEFT IN UNLOCKED FILE DRAWER

In addition to the checks discussed above, we noticed 1,661 checks totaling over $308,000 and cash totaling $514 in an unlocked file drawer. The checks had for the most part been issued during the 6-month period preceding the date we noted them; however, some were older—the oldest being dated over 2 years prior to the date we noticed the checks. The 1,661 checks consisted of the following:

	Number of checks	Amount
Government checks returned by payees and designated agents	1,451	$288,233
Personal checks primarily for refunds of payroll overpayments	210	20,633
Total	1,661	308,866

Most of the Government checks and all the personal checks have since been deposited in the Treasury. . . .

The errors in earnings and taxes withheld as reported on withholding statements could, in all likelihood, have had a direct effect upon taxes paid by employees to Federal and State governments unless the errors were subsequently detected and corrected. So far as we can ascertain from the records for individual employees, none of the errors we have cited had been corrected prior to the time we brought our findings to HEW's attention. A summary of the possible effect upon Federal income taxes of the total estimated monetary value of errors for 1965 follows:

Result of errors	Erroneously reported income and tax withholdings	Possible effect on income taxes: Overpayments	Possible effect on income taxes: Underpayments
Taxable income understated by	$2,872,000		[1] $402,080
Taxable income overstated by	328,000	[1] $45,920	
Erroneous credit given for taxes not withheld	21,440		21,440
Erroneous credit given for taxes withheld	478,560	478,560	
Total		524,480	423,520
Combined total of overpayments and underpayments	3,700,000	948,000	

[1] Based upon the minimum effective tax rate of 14 percent of the erroneously reported taxable income.

There were no overstatements of earnings for State tax purposes disclosed by our review, but understatements would, we estimate, total $2,400,000. Because of the differences in tax rates in various States, it was not practical to estimate the effect of the estimated understatements of earnings on State tax revenues. The estimated errors in States taxes withheld were as follows:

Type of error:	
Erroneous credit given for State taxes not withheld	$2,500
Taxes withheld but employee not given credit	997,500
Total	1,000,000

The errors we found in gross pay, tax deductions, and leave balances resulted from the use of incorrect pay rates, improper adjustments of earnings and tax deductions, and clerical inaccuracies in maintaining employees' annual and sick leave balances. The errors were brought to the attention of DCP personnel and appropriate corrective action was taken.

NEED FOR EQUAL RETURN FROM GOVERNMENT BONDS TO EVERYONE

Mr. WILLIAMS of Delaware. Mr. President, earlier this week the Federal Government arranged the financing of a multibillion-dollar bond issue. These bonds were sold to the public at interest rates varying from 6¼ to 6½ percent with maturities ranging between 15 months and 7 years.

During the same week the Treasury Department announced a more intensive program to increase sales of series E bonds to the public.

Series E bonds are sold to the wage earners, members of the Armed Forces, and the smaller investors in general, and significantly they are paying only 4¼ percent and must be held the full 7 years in order to get this return.

It is unconscionable that the Federal Government would show such a disparity in the manner in which it treats the different investors.

When the sale of series E bonds was first initiated the principle was that they were to be sold to the small investors in limited amounts that could be purchased during any one year, and they bore interest at rates slightly higher than that being paid by banks or that paid by the Government to the large investors in Government bonds.

In recent years this situation has been reversed, and now the Government is paying 6¼ to 6½ percent to the large investors while at the same time asking the wage earners of America to lend their money to the Federal Government at 4¼ percent on the premise that we are fighting a war and that it is an act of patriotism.

If interest rates on Government bonds are to be presented on patriotic principles then let it be equally applicable to all who invest.

I renew the recommendation which I made to the previous administration; and that is, that the Federal Government initiate a new savings bond program where it will pay to the small wage earners a rate of interest comparable to that being paid to the banks and large investors.

EXTENSION OF TIME FOR FILING OF APPLICATIONS OF CERTAIN LANDS IN ALASKA

Mr. WILLIAMS of Delaware. Mr. President, in the closing days of the 90th Congress S. 3406 was reported to the Senate Calendar. The purpose of this bill was to extend by 5 years the period of time in which the State of Alaska could make its selection of certain lands which had been allotted to it when granted statehood.

I ask unanimous consent that a copy of that bill be printed at this point in the RECORD.

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

S. 3406

A bill to amend the Act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (h) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), as amended, is amended by striking out "ten years" and inserting in lieu thereof "fifteen years".

Mr. WILLIAMS of Delaware. Mr. President, recognizing that last year there had been a major oil discovery in the Alaskan region I asked that this bill be passed over on the Consent Calendar until such time as additional information could be obtained from the various departments as to how its enactment would affect the interests of the U.S. Government.

Under date of October 29, 1968, I directed identical letters to the Honorable Stewart L. Udall, Secretary of the Interior, and the Honorable Charles J. Zwick, Director of the Bureau of the Budget, asking for a restatement of the positions of their departments on this legislation along with answers to a series of questions as to how its enactment would affect the U.S. Government.

At this point I ask unanimous consent that there be printed in the RECORD a copy of my letter of October 29, 1968, as addressed to the Honorable Charles J. Zwick followed by a copy of his reply thereto under date of January 4, 1969 along with attachments.

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

OCTOBER 29, 1968.

Hon. CHARLES J. ZWICK,
Director, Bureau of the Budget,
Executive Office Building,
Washington, D.C.

DEAR MR. ZWICK: In the closing days of the session S. 3406 was left on the Senate Calendar without any action being taken. This is the bill introduced by Senator Bartlett and Senator Gruening, the purpose of which was to extend the time for the filing of applications for the selection of certain lands by the State of Alaska to fifteen years.

In the Committee Report the Departments are quoted as having endorsed this proposal; however, I note that the endorsements of the respective agencies appear prior to the recent discovery of a major oil field in that area. I am therefore asking for a new report from your Bureau as to how the enactment of this bill would affect the position or equity of the United States Government. Does the Bureau of the Budget still recommend its enactment upon the convening of the next Congress?

In addition to stating the position of your Bureau I would appreciate answers to the following questions:

1. The effective date of the charter granting Alaska statehood, along with both effective and expiration dates of the rights extended to that state for claiming certain acreage.

(a) The number of acres allocated to the state under this option.

(b) A record of all extensions or modifications of this agreement along with the expiration date of the final agreement.

2. Was there a special agreement on mineral leases outstanding at the time Alaska was admitted to statehood and how were they affected by these options?

(a) How would they be affected by an extension of the dates as proposed in S. 3406?

3. Were the recent major discoveries of oil fields in the Alaskan Region made on government-owned or state-claimed lands and were they government or state leases?

(a) If government lands or leases from the government, give the dates.

4. Would the enactment of this legislation extending the filling date permit the state to claim any of these newly discovered oil fields as state lands which otherwise they would not be able to do without the legislation?

5. In what way and to what extent would the enactment of legislation extending this filing date react either favorably or adversely to the financial interests of the United States Government?

(a) Do you have any estimate as to the amount of revenue involved?

If it is the position of your Bureau that the enactment of this legislation is favorable to the interests of the United States Government, please explain, or if your Bureau recommends against the enactment, explain how it would adversely affect the Government's interests. At the same time I would appreciate receiving any additional information which you feel should be considered in making a decision on this legislative proposal.

Yours sincerely,

JOHN J. WILLIAMS.

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., January 4, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your October 29, 1968 letter to the Director regarding S. 3406, 90th Congress, a bill which would have extended the time within which the State could select Federal mineral lands which are under lease. Preparation of the 1970 budget has prevented an earlier reply.

A key question in your letter was whether we would recommend enactment of such legislation by the next Congress.

In view of changed circumstances such as described in your letter, the Bureau of the Budget changed its position concerning this legislation in letters sent to Congressman Aspinall on September 4, 1968, and September 5, 1968, and to Senator Jackson on September 5. Copies of those letters are attached.

Our current position on such legislation is that there is, in process, a general appraisal and review of Federal mineral and land policies which would have a direct effect on any such legislation, and would be directly affected by its enactment. We, therefore, still prefer that no congressional action be taken in this area until both we and the Department of the Interior have had an opportunity to complete analyses which are underway.

We understand that the Department of the Interior will reply to the technical questions (1 through 3) in your letter. We will not repeat that information here.

Your question #4 is, "Would the enactment of this legislation extending the filing date permit the State to claim any of these newly discovered oil fields as State lands which otherwise they would not be able to do without the legislation?"

At present, it is impossible to reply with certainty. The recent discoveries were on lands which the State has already selected after approval by the Secretary of the Interior under sec. 6(b) of the Alaska Statehood Act. However, they are adjacent to Federal lands on which oil is very likely to be found, and it has been on lands in Naval Petroleum Reserve No. 4 which is part of the same geologic area.

Selection of over 100,000,000 acres of Federal lands was authorized to continue for 25 years after passage of the Statehood Act. Included in the Act was the privilege of selecting lands leased prior to the passage of the Act for a period of five years. Later, the Act was amended allowing selection of lands leased after passage of the Act and extending that privilege another five years.

Reinstatement after January 3, 1969, of the privilege of selecting leased lands permits the State to withhold selection of mineral lands until they are a known and valuable property and then to select only the acreage required to maximize the value of the selection. Alternatively, the State, without such legislation, must after January 3, 1969, select lands more or less at random, guided, however, by available knowledge about where the more attractive areas with potential for oil and gas activity are. Thus, considering the Prudhoe Bay strike, and given current knowledge of the geology of the North Slope, the State could under present law and even without the extension legislation, select large areas of the slope on a highly advantageous, rather than random, basis. We should note that, at the present time, there are a number of uncertainties surrounding the whole question of Federal lands and minerals in Alaska, including State selections.

1. If Naval Petroleum Reserve No. 4 were terminated in the manner proposed in legislation introduced by the late Senator Bartlett, those lands would be returned to the public domain and would be available for selection, unless they were immediately put under Federal lease, in which case they would be available for State selection only if extension legislation were enacted.

2. In order to protect the Alaska natives by preserving the status quo, and pending the outcome of the Government's appeal from a recent court decision regarding state selections, the Department of the Interior has been following a policy of not leasing lands in Alaska and of withholding final action on State selection applications. If this policy is continued, no additional lands would be insulated from State selection by virtue of issuance of mineral leases. Further, we believe the question of competitive versus noncompetitive leasing merits further study.

3. The need for extension legislation is also affected by the question of sharing of revenues with the States. The Department of the Interior has underway studies of various mineral policy questions including revenue sharing, as does the Public Land Law Review Commission.

Your question No. 5 is: "In what way and to what extent would the enactment of legislation extending the filing date react either

favorably or adversely to the financial interests of the United States Government? (a) Do you have any estimate as to the amount of revenue involved?

We presently do not have information sufficient to respond definitively to this question; several of the uncertainties listed above will have a direct bearing on the answer. However, we believe the effect would be adverse if the State were thereby enabled, as suggested above, to select leased lands of proven value. Under present law, Alaska receives 90% of the revenue from oil and gas leasing on Federal lands. Therefore, regardless of the passage of extension legislation and regardless whether Alaska selects any more lands, under present law only 10% of revenues from leases on Federal land in Alaska would go to the Federal Treasury. In connection with the extent of the effect on the financial interests of the United States, at the request of the Bureau of the Budget, both Interior and Defense are evaluating the oil and gas potential of Naval Petroleum Reserve No. 4. These evaluations should be completed early in 1969. It may be possible to use such information coupled with other available information to assess the oil and gas potential and to extrapolate to the revenue implications of the leasing of Federal lands outside the Reserve on the North Slope.

However, because we do not now know the value of these oil lands, while at the same time knowing it is potentially enormous, we have sought to move deliberately in this vital resource area. Therefore, while we don't have an answer to the question of value at this time, that in itself is sufficient reason for careful and prudent decisions.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

SEPTEMBER 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that hearings have been scheduled for tomorrow, September 6, on S. 3406, a bill which would extend by an additional fifteen years the period during which the State of Alaska may select Federal lands which are already under lease, permit, license or contract under the Mineral Leasing Act.

On July 3, 1968, we sent you a report on this legislation which concurred in a report from the Department of the Interior favoring a five-year extension. However, a number of developments have caused us to wish to consider further several aspects of matters dealt with by this legislation.

The rapid pace of mineral exploration and the large oil strike on the North Slope of Alaska in particular lend emphasis to the tremendous significance of Federal mineral and land policies. We have been discussing with the Department of the Interior the need for a general appraisal and review of these policies. The Public Land Law Review Commission study of revenue sharing and the related Department of Interior analysis of mineral leasing act sharing will provide information useful in this review.

In these circumstances, in a September 4, 1968 report, we asked Chairman Aspinall for an opportunity to reconsider our position on H.R. 17874, the identical House bill, with the objective of making a specific recommendation on the legislation early in the next session of the Congress. The Department of the Interior concurred in that request. We, therefore, recommended that the House Committee defer action on the legislation until the next session of the Congress.

At today's House Subcommittee hearing on H.R. 17874 there was discussion of the Bureau's report of September 4, 1968, and a question arose as to our view concerning a brief extension of the period cited in that legislation rather than deferral of legislative action as recommended in our report.

We today reported to Chairman Aspinall that we continue to prefer deferral for the reasons outlined above. We stated, however, that if the Committee believes an extension covering the period of further study is essential, we would not object to an extension of up to six months.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

SEPTEMBER 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that during today's Subcommittee hearing on H.R. 17874 there was discussion of the Bureau's report of September 4, 1968, and that the question arose as to our view concerning a brief extension of the period cited in that legislation rather than deferral of legislative action as recommended in our report.

We continue to prefer deferral for reasons outlined in the September 4th report. However, if the Committee believes an extension covering the period of further study is essential, we would not object to an extension of up to six months.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

SEPTEMBER 4, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Hearings have been scheduled for September 5, on H.R. 17874, a bill which would extend by an additional fifteen years the period during which the State of Alaska may select Federal lands which are already under lease, permit, license or contract under the Mineral Leasing Act.

You may recall that the Department of the Interior has sent to your Committee a report favoring a five-year extension. We had previously concurred in a similar Interior report to the Senate Committee on S. 3406, an identical bill. However, a number of developments have caused us to wish to consider further several aspects of matters dealt with by this legislation.

The rapid pace of mineral exploration and the large oil strike on the North Slope of Alaska in particular lend emphasis to the tremendous significance of Federal mineral and land policies. We have been discussing with the Department of the Interior the need for a general appraisal and review of these policies. The Public Land Law Review Commission study of revenue sharing and the related Department of Interior analysis of mineral leasing act sharing will provide information useful in this review.

In the circumstances, we would appreciate opportunity to reconsider our position on H.R. 17874 with the objective of making a specific recommendation on the legislation early in the next session of the Congress. The Department of the Interior concurs in this request. Accordingly, we recommend that the Committee defer action on this legislation until the next session of the Congress.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

Mr. WILLIAMS of Delaware. Mr. President, it will be noted that in Mr. Zwick's reply he states:

We understand that the Department of Interior will reply to the technical questions (1 through 3) in your letter. We will not repeat that information here.

Notwithstanding the fact that my letter as addressed to Secretary Udall was also dated October 29 and that between that date and January 20 I was promised on repeated occasions that the Secretary's reply had been prepared and was awaiting his signature, I regret to report that to date I have not received an answer.

I cannot understand why the Secretary of the Interior was not more interested in replying to these questions since they now all admit that millions of prospective Government revenue are involved in the decision that may be made on this proposal.

I ask unanimous consent that my letter of October 29 as addressed to the Secretary of the Interior, the Honorable Stewart L. Udall, be printed at this point in the RECORD. His failure to reply should be noted by the Interior Committee should any thought be given to considering this question at this session of Congress.

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

OCTOBER 29, 1968.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

MY DEAR MR. SECRETARY: In the closing days of the session S. 3406 was left on the Senate Calendar without any action being taken. This is the bill introduced by Senator Bartlett and Senator Gruening, the purpose of which was to extend the time for the filing of applications for the selection of certain lands by the State of Alaska to fifteen years.

In the Committee Report the Departments are quoted as having endorsed this proposal; however, I note that the endorsements of the respective agencies appear prior to the recent discovery of a major oil field in that area. I am therefore asking for a new report from your Department as to how the enactment of this bill would affect the position or equity of the United States Government. Does the Interior Department still recommend its enactment upon the convening of the next Congress?

In addition to stating the position of your Department I would appreciate answers to the following questions:

1. The effective date of the charter granting Alaska statehood, along with both effective and expiration dates of the rights extended to that state for claiming certain acreage.

(a) The number of acres allocated to the state under this option.

(b) A record of all extensions or modifications of this agreement along with the expiration date of the final agreement.

2. Was there a special agreement on mineral leases outstanding at the time Alaska was admitted to statehood and how were they affected by these options?

(a) How would they be affected by an extension of the dates as proposed in S. 3406?

3. Were the recent major discoveries of oil fields in the Alaskan Region made on government-owned or state-claimed lands and were they government or state leases?

(a) If government lands or leases from the government, give the dates.

4. Would the enactment of this legislation extending the filing date permit the state to claim any of these newly discovered oil fields as state lands which otherwise they would not be able to do without the legislation?

5. In what way and to what extent would the enactment of legislation extending this filing date react either favorably or adversely to the financial interests of the United States Government?

(a) Do you have any estimate as to the amount of revenue involved?

If it is the position of your Department that the enactment of this legislation is favorable to the interests of the United States Government, please explain, or if your Department recommends against the enactment, explain how it would adversely affect the Government's interests. At the same time I would appreciate receiving any additional information which you feel should be considered in making a decision on this legislative proposal.

Yours sincerely,

JOHN J. WILLIAMS.

CASTRO'S CUBA AFTER 10 YEARS

Mr. YOUNG of Ohio. Mr. President, more than 10 years ago, in fact, in late December 1958 Fidel Castro and his small guerrilla force of fighting men came out of the Sierra Maestra Mountains, which had been their base for some years, in their hit-and-run fighting against the dictatorial regime of Fulgencio Batista. On January 1, 1959, Fidel Castro and his small force of fighting men entered Havana and paraded down the main thoroughfare. The tumultuous welcome of more than a million men, women, and children crowding throughout the broad avenues of Havana shouting and weeping for joy was so tremendous, enthusiastic, and expressed so much happiness and relief as to be almost beyond belief.

For years preceding this time a former sergeant of the Cuban Army, Fulgencio Batista, had been in power, not by election, but by force and violence. For years preceding this New Year's Day, dictator Batista had ruled Cuba with its 7 million population as his own fiefdom. His had been a cruel, corrupt dictatorial regime. New York racketeers had arranged with him to operate the gambling houses and casinos of Havana, and that beautiful city had become the vacation center of the Western Hemisphere and the gambling mecca bringing in shiploads of pleasure-seeking vacationers along with gangsters and racketeers from New York who controlled the gambling syndicate. All the time Sergeant Batista, dictator of this beautiful island in the Caribbean, was depositing in his secret Swiss bank accounts the millions he took in during his years in power by crushing his own people into further oppression with taxes and corruption that was rampant throughout all Cuba and from huge sums he skimmed from the gambling tables.

Then, on that New Year's Day he suddenly and secretly left for Europe to join his Swiss bank account. Throughout the years since that time he has been enjoying the good life and sun on the French Riviera and at his luxurious villa in Spain.

At the time of the triumph of Fidel Castro it was said that administration leaders and our Central Intelligence Agency were overwhelmed with surprise over the sudden turn of events. To me that always seemed peculiar. It happened that I was vacationing in Florida the latter half of December having dissolved my law firm. It seemed well known in Key West, Miami Beach, and Palm Beach among those with whom I talked that the guerrillas had won the war in Cuba and that Batista would either be executed or exiled within a few days. County and State officials in Florida with whom I talked and also many in private life knew the facts. Finally the CIA and officials of the Eisenhower administration learned what had been common knowledge in Florida.

During the intervening 10 years our relationship with dictator Castro and members of his regime has been most unsatisfactory. In fact, sometimes stormy and grim.

President Eisenhower in January 1961 severed our diplomatic relations with the Cuban Government. Our Embassy in Havana was closed. Our Ambassador and members of his staff returned immediately to the United States.

Unfortunately for this Nation, and in my judgment to our prejudice, we have been since that time compelled to deal with Cuban officials through members of the staff of the Swiss Embassy. We thereby lost our own listening post and open window to all that has gone on in Cuba during the past 10 years.

Of course, what has gone on in this little island close to Key West, Fla., has generally speaking become known to us. Unfortunately, there have been delays in acquiring precise knowledge. This was made clearly evident to all Americans in October of 1962 and at some other periods.

Immediately following the time our Government severed all diplomatic relations with Cuba and placed reliance upon the Swiss Embassy to look after our interests, Fidel Castro's Cuban Government confiscated the property of American corporations and individuals and there was considerable financial loss involved. Whether such procedure would have been followed by the Cuban Government had we not severed diplomatic relations is a matter for argument.

Then there was the missile crisis of 1962 and our blockade of Cuba and an eyeball to eyeball confrontation between President Kennedy and Premier Khrushchev. Khrushchev blinked. The missiles were withdrawn. War was averted.

Also, there was the horrendous blunder of our CIA training Cubans and some Americans in Guatemala for an invasion of Cuba and liberation of its people from the Castro rule. The abortive Bay of Pigs invasion took place. Some Americans were killed, hundreds of Cubans killed and taken prisoner. The poorly planned invasion was crushed. Then our Government paid a huge ransom in medical supplies to secure the release from imprisonment of some hundreds taken prisoner in that invasion. Even today, thousands of Cuban refugees are being maintained at the expense of our Government while they are no doubt plotting further invasions.

Almost daily we read of hijacking incidents. Unfortunately we have no embassy nor staff in Havana but are dependent on the Swiss to make protests to the Cuban Government. This is illustrative of the fact that we have been prejudiced through these years because we lack means of direct communication with the Government of Cuba.

We might as well face the fact that apparently the present Cuban regime is firmly entrenched. To our knowledge no rebellion nor guerrilla warfare is being waged against Fidel Castro and his government.

It appears that of all the 7 to 8 million men, women, and children living in Cuba, an overwhelming majority are better off physically and financially than they were 10 years ago, and from all the knowledge we Americans are able to acquire, an overwhelming majority of these Cuban people do support and uphold the present administration. I express regret over the fact that Fidel Castro does have the support of a huge majority of his people, but we should not be blind to the facts.

The Castro regime is totalitarian. It is Communist. The regime of Fulgencio Batista was totalitarian. It was fascist. Communist dictators and fascist dictators govern by decree. The voice of the people of countries so misgoverned are not heard nor are their votes tolerated. Surely the regime of Fidel Castro and its operations are abhorrent to freedom-loving men and women of our country.

Very definitely, to speak for a moment regarding Western Hemisphere nations, the fascist militarist regimes of Brazil, the Argentine Republic, and now Peru, are abhorrent to freedom-loving citizens everywhere. Yet, at the time in the Argentine Republic, so-called, the generals overthrew the duly elected President and sent him into exile, we did not break diplomatic relations with Argentina. When the generals of the Brazilian Army by a midnight coup overthrew the President of that great nation, our Government did not sever diplomatic relations with that regime. Now, in recent weeks, the militarists of Peru have ousted the duly elected President. He is exiled from his own country. These fascist generals by decree have expropriated property of American corporations to the extent of many millions of dollars. In our newspapers we read advertisements of the Standard Oil Co., denouncing the fact that the fascist rulers of Peru have seized their property, giving no compensation whatever. Yet we continue to permit American businessmen to sell the products of American factories to all these fascist governments and their nationals, but the products, even medicines, produced in America may not be sold to the Cuban Government nor to Cubans. Americans are barred from visiting Cuba. The Communists, who also govern by decree, have taken over Cuba. Hence diplomatic relations were broken. American businessmen and farmers may not profit with any trade with that country. In those other republics, so-called, of South America—Brazil, Argentina, Paraguay, and most recently Peru—where fascist rulers govern by decree, our embassies have not been closed. Trade between Americans and the nationals of those countries has not been barred.

Historically, Athens was the cradle of democracy. Yet when Fascist colonels overthrew the constitutional govern-

ment in a midnight coup, our Government did not close our Embassy nor break diplomatic relations. Our Government continued uninterruptedly to recognize this Fascist regime in Greece.

We have recognized for many years the ruthless and bloodstained tyrant Francois Duvalier whose dictatorship has impoverished the people of Haiti. Haiti is one of the most beautiful islands in the Western Hemisphere. Along the coastal area and inland as one climbs into the beautiful terrain of the Temperate Zone the land is fertile; the jungles are lush. Yet, the ironhanded rule of Duvalier has so impoverished the inhabitants of Haiti that it is the slum of the Western Hemisphere, with the lowest per capita income anywhere in our hemisphere. That iron hand of Duvalier is also a bloodstained hand. Citizens suspected to be hostile to his regime are executed without trial. Still, we recognize this tyrant and have diplomatic relations with his government.

The United States recognizes and supports the Fascist regime of dictator Franco in Spain. In fact, liberty loving Spaniards, now being further oppressed by new censorship and more restrictions recently applied by Franco, claim that except for the support of the United States his regime would have been overthrown years ago.

Our country maintains diplomatic relations with every Fascist regime in the entire world. Our Government maintains diplomatic relations with every Communist government in Europe, with the exception of little Albania. The United States maintains diplomatic relations, in fact, with all governments governing by decree and by single party rule except for Albania and Cuba.

It has been said that early in 1959 President Eisenhower's Secretary of State, John Foster Dulles, was at the time advised by our CIA that the Fidel Castro government would topple in a matter of weeks, so he advised President Eisenhower to follow a hard line policy toward the Castro regime—a policy which eventually led to a complete break in diplomatic relations and possibly to many of the crises and difficulties that ensued through the years. Whether that Washington gossip is historically true or not, I do not know.

I do know that depending upon the Swiss Embassy in Havana as our listening post has proven through almost 10 years to be unsatisfactory and inadequate. Let us hope that President Nixon and Secretary of State Rogers will reassess all facets of our relationship with the regime governing Cuba. Very likely for all I know they have already commenced reappraising our policies relating to President Dorticos, of Cuba, and all other officials supporting Fidel Castro. No doubt the contrast as to what we have been doing in dealing with Peru and what we have done in dealing with Cuba has become a matter of concern.

We Americans despise communism. Yet we have no right to direct the people of Cuba as to what sort of government they must maintain any more than we have a right to direct the people of Yugoslavia that they must not have a Communist regime.

The evidence is overwhelming that Cuba has a viable government. This is a Communist government which Americans generally despise. It is a government, however, that appears firmly in power and has been for a period of 10 years.

Whether or not the tyranny of the present government of Cuba is as bad or as worse than the tyranny and corruption of the Batista government that preceded it, is not a matter to be considered. We do know however that the people of Cuba, those who work in the sugar cane fields and the people crowded in the slums of Havana, Santiago, and other cities, are from all reports better off in every way and enjoy greater contentment and a better life than they had during the Batista regime.

Mr. President, on February 4, 1969, there appeared in the Christian Science Monitor, one of our Nation's great newspapers, a very informative article by James Nelson Goodsell, the Monitor's Latin American correspondent, entitled "Now We Begin the Second 10 Years." In his article, Mr. Goodsell points out that while there is discontent in Cuba, while there are shortages, and while many have not reconciled themselves to the Communist government, for the most part Castro enjoys the allegiance of the great majority of Cubans. He reports that the poor and underprivileged who form the great mass of the population are somewhat better off than they were 10 years ago. In the Wall Street Journal of February 5, 1969, there appeared a front-page article entitled, "Fidel's Experiment, Most Cubans Appear Content With Castro's 10-Year-Old Regime," which confirms Mr. Goodsell's observations and conclusions regarding conditions in Cuba today and the stability of the Castro government.

I ask unanimous consent that these articles be printed in the RECORD at this point.

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

[From the Wall Street Journal, Feb. 5, 1969]

FIDEL'S EXPERIMENT: MOST CUBANS APPEAR CONTENT WITH CASTRO'S 10-YEAR-OLD REGIME—JAILS HOLD 10,000 DISSENTERS, BUT IMPROVED EDUCATION, HEALTH, WAGES WIN FAVOR—FREE CALLS ON PUBLIC PHONES

(By Herbert G. Lawson)

SAN ANDRES, CUBA.—Antonio Toledo, a barefoot, nearly toothless tobacco farmer, warmly greets an American visitor to his dirt-floor home in this remote western mountain valley. A photo of Fidel Castro hangs on one wall, but the family's most cherished possession is a wall rack full of china plates and coffee cups.

"We never had those before the revolution," say Mr. Toledo. "We have more money now." Though he has refused to yield to pressure to give up his land to the state, he's glad to sell his output to the government and notes that it gives him free fertilizer that has quadrupled his crop. His grandchild will go to a free, modern boarding school in the valley. He and his family now have two doctors nearby; before the revolution, medical help for the 8,000 people in the valley was 35 miles away—over a mountain without roads.

Mr. Toledo's enthusiasm for Cuba's 10-year-old Communist regime isn't shared by everyone on this tropical island of eight million people. But Castro's enemies appear far outnumbered by those who fervently or passively accept the revolution. "No matter what happens, capitalism is dead here," asserts one pro-Western diplomat in Havana.

BLAMING FIDEL

A visitor, however, finds some signs of discontent directed at Premier Castro, and U.S. intelligence sources report isolated acts of rebellion. "Fidel gets more personal blame for problems, and there's been more mud splattered on him in the past several years," says one analyst. But most agree that the unrest isn't a serious threat—at least for now—to the Castro government.

But if the 41-year-old Fidel is firmly in the saddle, it is equally apparent that Cuba is susceptible to change. The hallmark of the revolution has been experimentation, and it continues. Nowhere else in the Communist world has Marxism been applied with more free-wheeling exuberance. The result is a Cub of many faces, some of them contradictory and all fascinating.

Havana and the countryside wear a well-scrubbed look. Litter barrels are everywhere and the capital remains the airy city of sun and sea, skyscrapers, broad avenues and tropical flowers that once made it a tourist mecca. Still visible, too, are the slums, but they seem less crowded and far neater than the tenements of Mexico City or New York.

The mood of the country is subdued. One recent Mexican visitor who knew Cuba under the Batista dictatorship compares the two eras: "There are no beggars on the streets and there used to be a great many. But the people aren't as friendly now; they used to stop you on the street and ask how you liked Cuba."

TOURISTS ARE GONE

Most tourists are gone now, unless one counts the Russian technicians who swarm around the swimming pool at Havana's Hotel Nacional or the bearded Americans of the New Left who flock to Cuba despite State Department strictures against such travel. Hotels and other buildings are aging as gracefully as they can in the face of a severe shortage of paint and nearly everything else. Few cars are seen on the streets, though there are plenty of British Leyland buses, trucks and military vehicles.

One face of Cuba is that of austerity. It is a nation where rationing now is more severe than in war-time England and where, even when ration stamps are available, stores are likely to be empty of appliances, most clothes, many food items and all luxury goods.

But there is also a Cuba of the millennium, a place where no one will pay rent beginning next year and where most medical care is free and far more abundant than in the past. Public phones, baseball games, wedding banquets, education and even funerals are on the government. Despite the monotony of the diet, no one is starving, and most people, in fact, appear well fed and reasonably well dressed.

POLITICAL PRISONERS

Another face is autocratic. This is a thoroughly totalitarian state where 2.5 million people—nearly one in three—are members of vigilante groups on nearly every block called Committees for the Defense of the Revolution. No opposition press is tolerated and the jails contain 10,000 or more political prisoners, including former high-level Communists who challenged Castro's leadership. The premier recently gave public support to Russian suppression of the liberal Czech government.

But there is also a more tolerant Cuba where the Catholic Church still functions despite some government restrictions, where students and intellectuals feel some freedom to express anti-Castro views at social gatherings, where artists have Czech-style freedom of expression and where racial integration of the 27% black and mulatto population is

genuine. The regime, with a large core of enthusiastic supporters, tries to avoid a police-state atmosphere and prefers the carrot to the stick.

Then there is Puritan Cuba. Lotteries and prostitution have been outlawed, night clubs may open only three nights a week, all other bars are shuttered and Castro recently cracked down on Havana's hippies by rounding up several hundred of them in a sudden downtown street raid. Those that couldn't prove useful employment wound up in work camps in eastern Camaguey Province.

But the sensual Cuba of former times can't be suppressed entirely. The girls of Havana and the countryside prefer short miniskirts and somehow—even when wearing fatigues on militia guard duty—look as if they have just come from a beauty parlor. The love of music in this land of palm trees (especially American rock and roll) is such that the government in December was forced to rescind an early 1968 order for a total closedown of all night clubs and adopt the present three-day-a-week schedule.

And amid all this is a Cuba still full of sights and sounds reminiscent of its earlier strong ties to the U.S. A high official of the government film industry, driving a group of Americans in his Russian-made Volga station wagon, suddenly begins singing "I'm in the Mood for Love." And Cubans still make a soft drink they call Coca-Cola that tastes much like the U.S. product, even though Coke syrup is no longer available from the U.S.

Havana, where nearly one-fourth of all Cubans live, reflects all the contradictions of the revolution. Fidel loves ice cream, formerly a luxury in Cuba, and has decreed that the people should have it in abundance. The result is ice cream everywhere, including at the Coppelia, a two-story cantilevered ice cream parlor in downtown Havana that seats 5,000 and where the customer can choose from 52 flavors, including guava. Five scoops with syrup costs $1.50, and it's worth it. There are always long lines, despite the fact the Coppelia is open all day and most of the night.

WAITING IN LINE

Meanwhile, no milk is available except for children and the aged. And though Cubans appear to have adequate supplies of staples like rice and beans, many other foods are almost as scarce as milk. At grocery stores and restaurants, there are always long lines. "Someone from each family is constantly in line," complains one young man who lives in Havana.

A visit to Fin de Sigo, a big department store in the old quarter of Havana, is depressing. Long lines of glass merchandise cases are completely empty; the men's department is blocked off, the racks devoid of any clothing. A few bored clerks stand around watching the equally scarce shoppers. The only crowd is in the lingerie department where women line up to buy stockings. Not a single appliance is in sight, nor are there any toys or children's clothing except for cotton school uniforms ($3.23 for a cheap skirt).

Such shortages—caused by the lackluster performance of Cuba's economy and the diversion of capital into agricultural industry—inevitably cause some unrest. At a party in a private home in Havana, a 20-year-old teacher confides that he would like to flee the country. "I don't believe our government's propaganda," he says. But he can't leave legally under the refugee program while he is of military age. Part of his family already has gone to Miami, and he eagerly watches Miami television (Bewitched is a favorite show).

There are other hints of disenchantment. A university student says her brother recently saw two militiamen shot to death in Oriente Province, the eastern mountain region where there have been persistent reports of antigovernment activity. Other observers report incidents of farm workers deliberately breaking cane seedlings before planting them and of chains being thrown across power lines to short them. "But it's all two-bit vandalism," says one. "The security here is too good for there to be any percentage in it."

FLEEING CUBA

Nevertheless, Castro was concerned enough to lash out at saboteurs in a major address last September, citing 51 major acts of sabotage, including arson in schools and sugar warehouses.

But analysts of Cuban affairs agree that Castro has dealt effectively with most dangerous citizens by jailing them or, more often, by giving them a chance to leave. More than 500,000 Cuban refugees now live around the world, including 400,000 in the U.S. About 1,000 weekly arrive by air in Miami, and a unknown number flee by various illegal routes. One U.S. source says about 900 have made their hazardous exit by swimming into the U.S. naval base at Guantanamo or jumping its fence. The most spectacular mass flight occurred last month when 87 refugees dashed into the base. An undetermined number of others were killed by Cuban soldiers in the escape attempt.

Would-be refugees who want to follow the normal route face still another of Cuba's long lines, this one at the Swiss embassy in Havana. As soon as they announce their intention to leave by applying at the embassy, they become "gusanos," or worms, in the view of the state. Many lose their jobs and go to farm labor camps while waiting the several years before space is available on a flight out; one embassy source reports 70,000 now are on the waiting list. All who leave Cuba forfeit most of their possessions when they go.

Those who stay behind to build the revolution are resourceful. Mechanics are geniuses in patching up rusty 1950-vintage U.S. cars. Women sew their own clothes from the yearly ration of slightly more than 21 square yards. "No two women in Cuba dress alike," proudly says one government clerk.

WAGE CEILING

The minimum wage here is generally $85 a month. The sum seems small, but most families include two or more breadwinners because the state is rapidly taking over the job of child-rearing. A maximum wage of $700 a month is set by the government, but few earns it. Pensions are guaranteed to all at whatever age they become unable to work. The pension is $60 a month, plus free food, lodging and medical care. Almost everyone works for the state because all businesses are nationalized; however, some 20% to 27% of land remains in the hands of farmers with small acreages. "The tendency is to eliminate this last ownership, but no definite date is set," says a foreign ministry spokesman.

The greatest beneficiaries of the revolution appear to be the rural poor and the young. Youth is worshipped in Castro's Cuba. The head of the information office of the foreign ministry is 26. The schoolmaster at a 300-student boarding school here in San Andres is 20. Teachers are often teen-agers.

Olga Chamero is a pretty, blond diplomat who, at age 16, went to her first foreign assignment in Colombia, Now 24, she's served in Peking and soon may leave her job as an analyst of U.S. affairs to join Cuba's UN mission. She wears chic clothes and dines occasionally at the several elegant restaurants in Havana largely reserved for diplomats. She also carries a carbine on guard duty and is an ardent revolutionary. "Cubans are free to talk against the revolution but not to act," she says. "We have the right to defend the revolution and we will."

Negroes also are finding a new role in Cuba, Alfonso Herrera, another foreign ministry analyst, recalls that he was the country's first Negro consul, serving in Jamaica in the early 1960s. He was a master builder before the revolution. Although few black Cubans have risen to top government or party posts, they are highly visible in many technical and middle-management jobs, including Cubana Airline pilots.

Even those Negroes with relatively humble jobs say they like the new Cuba. A young woman at the cigar counter of a Havana hotel says she left the island to live in New York for 12 years but returned when the revolution began. "I'm very happy," she says. "Now the country belongs to us and no one can take it away."

GAINS IN MEDICAL CARE

Cubans are especially proud of their new health system. Dr. Albert Sabin, developer of oral polio vaccine, said after a recent visit that health services "are very well organized and vaccine is being carried to the children extraordinarily well." Hospitals have risen in every major city, and hospital beds have more than doubled since the revolution. The bulk of new facilities are in rural areas that had little or no medical care before.

Here in San Andres, where no medical care existed before the revolution, Dr. Antonio Lara and another physician man a tiny "public health post." There is an examination room, a two-bed labor room and a delivery room. Dr. Lara lives at the post and is on call 24 hours daily with six days off each month.

His more serious cases go by ambulance to Pinar del Rio, the provincial capital 35 miles away. There a local party official whips out statistics on medical services in the province: 310 doctors now compared with 226 before the revolution; eight hospitals now against one before ("and it was very bad"); 700 nurses, up from 66 before 1959.

A good measure of overall health care is infant mortality, doctors agree. In Cuba, according to World Health Organization figures, annual infant deaths per 1,000 births are 39.7. This compares with 108.2 in Chile, 91.5 in Guatemala and 62.9 in Mexico. The U.S. rate is 22. The Cuban death rate from gastroenteritis, a major cause of death in Latin America, has also dropped sharply to a level well below most other Latin lands.

FIGHTING ILLITERACY

More controversial than medicine but equally impressive in the view of some observers is the burgeoning school system of Cuba. Castro has declared war on illiteracy and promised his people a free education to the limit of individual ability. The first building to go up in the many new communities dotting the countryside is a schoolhouse. Teachers eager to instill a revolutionary concept of history as well as to turn out trained workers are special heroes of Cuba's revolution.

Here at Integrated School No. 1 in San Andres, 280 primary and secondary students live and study on a modern campus of red-brick buildings. Classroom bells have been replaced by recordings of popular Cuban songs played over a loudspeaker. ("Three Beautiful Cuban Girls" announces the end of class.) The children go home only one Sunday every two weeks. At school, they spend six hours in class work, two hours cultivating rice in fields nearby and devote evenings to study, sports or other planned activities. The classrooms are as modern as most in the U.S., and the library is well-stocked, including seven volumes of Karl Marx.

Castro's claim—and it is credible when one sees the masses of uniformed school children throughout the island—is that nearly every educational statistic has doubled under communism. The number of primary and secondary students is now 1,617,000, or more than twice the 781,000 a decade ago, he told an audience at Cangre a few weeks ago.

Cuba's infant film industry is an arm of the educational movement. On a balmy night, 50 citrus growers in a community 30 miles west of Havana gather in a new meeting hall to watch a film brought by a mobile govern-

ment unit with a portable generator. Such units carry movies to every remote corner of the island.

A LESSON VIA SLAPSTICK

On this particular evening, the citrus growers are treated to a documentary of Fidel's Aug. 23, 1968, speech in defense of the "bitter necessity" for Russia to invade Czechoslovakia. The peasants are impassive during the documentary but break into prolonged laughter at the feature film, a Cuban-made farce called Death of a Bureaucrat. It copies a slapstick scene from an old Laurel and Hardy movie while neatly putting over the regime's campaign against red tape.

The primary aim of all Cuban education is to create what Che Guevara, the country's slain guerrilla leader, called the "nuevo hombre." This new man is ill-defined, but everyone talks about him. He is, in Che's poetic description, a Socialist man freed from the "alienation" of modern life. Fidel has described him as the man of the future who will not need or use money or work for any personal gain in "a society free of selfishness."

In practice, many Cubans seem to display sincere zeal in working for their country's goals. But many also seem to submerge their own identity in the process. Octavio Cortaza is a handsome young intellectual who is making his mark as a film director after studying Czech film techniques. When asked how Cubans reacted to the Russian invasion of Czechoslovakia, he answers: "There was some confusion (in Cuba) at first until we learned what our position would be."

[From the Christian Science Monitor, Feb. 4, 1969]

NOW WE BEGIN THE SECOND 10 YEARS

(NOTE.—Ten years have passed since Fidel Castro gained power. No one can say they have been peaceful years. In one way or another the Western world has been particularly conscious of Cuba's presence. As to the next 10 years, Cuba watchers wonder whether Dr. Castro will be able to maintain his remarkable staying power.)

(By James Nelson Goodsell)

RIO DE JANEIRO.—Ten years ago Fidel Castro and a small legion of supporters came out of Cuba's Sierra Maestra mountains and took control of the island nation. Neither Cuba nor the Americas have been the same since.

The victory of Dr. Castro in his long struggle against the dictatorship of Fulgencio Batista signaled the end of an era, but it was unlike many another government changeover in which a simple change of power took place.

Though it was not clearly seen at the time, Cuba's new leaders determined basically to alter the island's political, economic, and social structure. And in the 10 years since their coming to power, that has been done.

The intervening years have been stormy for Cuba and for the Western Hemisphere—especially for the United States, Cuba's northern neighbor 90 miles across the Florida Straits.

EVENTS RECOUNTED

Events of those years are well known, such as: the gradual worsening of U.S.-Cuban relations and the eventual break in diplomatic ties; Cuba's confiscation of U.S. property; the abortive Bay of Pigs invasion; U.S.-Soviet missile confrontation; Cuba's support for guerrilla activities throughout Latin America; and a host of other incidents which have repeatedly focused attention on the island nation in the Caribbean.

In the process, Premier Castro embraced Marxism and turned his nation's economy into what it has become largely a Communist system.

As such Cuba's long years of economic ties with the U.S. and its capitalistic system have been broken.

There has been a natural turning on the part of Dr. Castro to the Soviet Union and the Communist bloc nations for economic assistance, for trade, and for a variety of other links.

ISOLATION NOTED

Largely as a result of the prodding of the U.S. and Venezuela, Western Hemisphere nations voted to remove the present Cuban Government from its role in the Organization of the American States and to sever trade and diplomatic ties. Nations of this hemisphere, with the exception of Mexico, did so, albeit reluctantly in some cases.

Cuba, in a sense, is geographically isolated, outside its natural position as part of the New World. The Premier has himself noted this isolation and "rather unnatural position," as Radio Havana called it last year. But this siutation has not caused Cuba the harm that many forecast several years ago.

In fact, Dr. Castro's staying power has been a surprise to many hemisphere observers. And when he celebrated the 10th anniversary of his coming to power Jan. 2, some commentators took specific note of his success in remaining in power, indicating that this might be his greatest accomplishment.

What has made it possible? There are many answers, and a full explanation depends on a combination of these answers.

In the first place, it seems evident to most visitors to Cuba today that, despite the continuing number of Cubans who want to leave their island, the majority of the 7 to 8 million on the island pay allegiance to Dr. Castro in one degree or another.

This is not to say there is no opposition to the leader. There is. But countryside folk, the "guajiros," for whom Dr. Castro's revolution has brought improvement in a variety of ways, are strongly in support of him.

Moreover, though there is some evidence of youthful rebellion in Cuba, just as it exists in almost every part of the world today, Cuban youth tends to support Premier Castro and the changes which he has brought about on the island.

The opposition is concentrated generally, although not exclusively, in the remnants of the onetime important middle class and among city dwellers, particularly in Havana, for whom the revolution has not been so promising as it has for the guajiros.

"It has been a classic example of Robin Hood," a British observer in Havana said some months ago. That may well be an oversimplification of the situation, but it probably is fair to say that under Dr. Castro, those who had little economic wealth before he came to power now share somewhat in the nation's economy. But those who previously enjoyed a position of moderate or substantial means find the present system not to their liking.

REVOLUTION CLOUDS VIEW

What makes the situation hard to describe and analyze is the very fact of the revolution's having taken place. Under the Communist system, former economic values no longer are entirely valid in assessing the position of the island's economy.

To many a Cuban now in the U.S. in exile or wanting to go into exile, change in Cuba is onerous and bitterly detested. A sizable lobby of exiles, living in Miami and its environs, wants to return in force and overthrow the Castro government. Reports of continuing plots against Dr. Castro are legion in Havana.

But though there is obviously some evidence that an overt opposition to the Castro government still exists on the island, the likelihood of Dr. Castro's overthrow is dim.

The government is propped up not only by widespread citizen support, but, equally important, by the strong armed forces: The Army is viewed by most observers as the strongest, best equipped, and best trained in Latin America. Moreover, the U.S. itself has put a brake on the efforts of exiles and others to plan and plot Dr. Castro's overthrow.

Whether this situation will continue in the new Nixon administration is a large question mark. Cuban exiles in Miami appear extremely happy that Richard M. Nixon is in the White House. They view it as a new opportunity for them.

SOME DISCONTENT ADMITTED

Exiles in Miami assert that there is widespread discontent in Cuba upon which they can call when the time is right. They may well exaggerate the situation, but there is some discontent which even Castro officials admit.

Discontent is largely in the form of grumbling over rationing, shortages, and other conditions. If the view of recent visitors to Cuba is correct, grumbling over rationing is currently one of the biggest problems for the Castro government.

Food, clothing, and a variety of household goods are in short supply. The rationing of available goods is a necessary consequence. For city dwellers, in particular, rationing is onerous. But many agricultural workers, eating in community dining halls, appear to be eating better than in the past.

"There are hundreds in the countryside who will tell the visitor that they are faring better as a result of Castro," a Swedish businessman who knew Cuba in pre-Castro days said recently. "The situation, of course, is difficult for some people, but I believe there may be better times ahead for both urban and rural Cubans."

Many Cuba watchers in the U.S., both those friendly and those antagonistic to the Castro government, do not fully agree with the view that conditions may improve. In fact, according to some, conditions are deteriorating and showing signs of an increasing deterioration.

DROUGHT CUTS SUGAR OUTPUT

A recent U.S. Government agricultural report on Cuba suggests this is the case. Admittedly it is written without a close firsthand knowledge of the situation, which would not be the case if the U.S. had an embassy in Havana. The report says Cuban food production is down 25 percent during the Castro years.

There are warnings that such reporting may give a false impression to Cuban exiles and others who would like to see the end of the Castro government. The point is made even in administration circles in Washington that part of Cuba's current agricultural problem is climatic. The island has been hit by the most serious drought in its recorded history, cutting back sugar production significantly. Most countries in Latin America have been similarly hit. And all of them are making adjustments.

The big goal in current Cuban agriculture is a 10-million-ton sugar harvest in 1970. Targeted steps along the way have not been met, due to drought as well as such factors as inefficiency, lags in transport, and poor machinery.

Whether Dr. Castro will be able to turn in a 10-million-ton harvest next year seems problematic to most observers.

ALL-OUT EFFORT SEEN

But the leader says he can do it. And observers expect the Cuban economy to focus largely on this goal, which, if realized, will allow him to supply all needed sugar for barter with the Soviet Union and then sell substantial amounts on the world market for good foreign exchange, with which Cuba can purchase goods from Western Europe and Japan.

Thus, as Premier Castro commemorates the past 10 years in office, he can survey an island nation which has weathered a variety of storms, both climatic and man-made—and survived, even if at times somewhat shakily.

"If I had said that Castro would be around in 10 years way back in 1959," a U.S. diplomat in Washington said recently, "people would

probably have thought I was a little balmy—and I would have thought so myself.

"But here it is 10 years later and he still is in power."

This diplomat and others say then that perhaps Dr. Castro's biggest success has been his ability to remain in power over this period. Castro supporters would say the biggest success is the change under way in Cuba.

What the next 10 years hold is anyone's guess. But Dr. Castro clearly believes he will be around. Havana Radio, following the Jan. 2 celebrations, said, "Now we begin the second 10 years."

Mr. YOUNG of Ohio. Mr. President, our neighboring countries, Canada and the Republic of Mexico, have recognized the government of Fidel Castro. Both of those nations maintain profitable trade with Cuba. In 1966, Canadian wheat growers exported 24,500,000 bushels of wheat to Cuba and received $49 million in payment. In 1967, Canada exported more than $39 million of Canadian products to Cuba; France, $54.7 million; the United Kingdom, $24 million; Italy, $21 million; West Germany, $10.5 million; and Spain, $27.8 million.

Cuba and the United States historically have enjoyed close economic and cultural ties with each other. In 1898 Americans fought in Cuba alongside Cuban patriots to free that island from Spain. We are neighbors. Americans should be good neighbors to the 7 million or more people of Cuba. President Dorticos of Cuba has been seeking for several years to have diplomatic relations restored. In fact, the Cuban Government has indicated its willingness to negotiate with our Government on the subject of compensating U.S. citizens, and corporations for the losses they sustained by reason of the seizure of their property by Cuban authorities, provided that diplomatic relations between our country and Cuba are resumed. It has been awkward to deal with the Castro government through a third party, the Swiss Embassy. That is not much of an open window to enable us to know precisely what is going on in Cuba, although no doubt we have some CIA agents in Cuba, for what, if anything, that may be worth. We would do far better and secure a more accurate picture of what is going on in Cuba were we to have an Embassy in Havana, staffed with American officials.

There are many recurring problems between our two nations, the most serious at present being the rash of hijacking incidents. Our State Department officials report that these are not encouraged by the Castro government, and that many hijackers have been locked in jail upon reaching Havana, or put to work at hard labor in the sugarcane fields. It is obvious that with an Embassy in Havana we could deal directly with this problem and others, and solve them more quickly and with a minimum of difficulty. Without a doubt were President Dorticos, of Cuba, to order the arrest of hijackers landing there and hustle them aboard the same aircraft for a return trip to American authorities there would be no more hijacking. That could be one of the conditions made by us before renewing diplomatic relations. What have we to lose by permitting a Cuban Embassy and a Cuban ambassador in Washington? Nothing.

Furthermore, it seems clear that the leaders of the Soviet Union seek to disengage themselves from their expensive relationship with Castro's Cuba. This has been costing the U.S.S.R. more than $1 million a day. To indicate his ingratitude, Castro has supported the Chinese Communists in their bitter and intense ideological battle with the Russians.

Castro continues to support efforts to overthrow Latin American governments. It is apparently a fact that the Cuban Government aided and abetted guerrillas seeking to overthrow the Government of Bolivia and establish a Communist government there. This attempt resulted in disaster for the Cuban leadership. As a condition for recognition and resumption of normal relations between the United States and Cuba, we should demand that the Cuban Government cease any further attempts to subvert the government of any Latin American country. Obviously, were we to have a minister or an ambassador in Cuba with the usual staff we would know almost immediately of any violations of such an agreement.

Why should we continue to officially ignore the Castro regime while Canada, our progressive neighbor to the north, profits from commercial relations with Cuba? The United Kingdom, France, and many other nations have recognized the Government of Cuba now in existence for almost 10 years and have been prospering by their trade with Cuba. We should resume diplomatic relations with Cuba and obtain the same economic benefits through trade and commerce as our allies and our neighbors to the north and south. Furthermore, we are at a continuing disadvantage in dealing with Cuba through a third party, the Swiss Embassay. Cuba without a doubt would become a good customer of the United States. Cubans need American products including medicines, drugs, clothing, beef, and many other nonstrategic products of American farms and factories. We Americans, in turn, would no doubt import Cuban products such as sugar, rum, and fruits produced in the tropics, simply to mention a few. Trade makes for good neighbors. Good neighbors make for peace.

Let us hope that our President and the Secretary of State will propose a diplomatic exchange and take the blinders from our eyes which should have been removed years ago. In fact, should never have been placed there in January 1961 by President Eisenhower less than a month before the end of his term of office.

THE ABM: A NATIONAL DISASTER IN THE MAKING

Mr. HARTKE. Mr. President, over the past several years I have followed the debate over whether this Nation should build an anti-ballistic-missile system with a deepening sense of unease. I have listened while the voices of our most outstanding scientists and distinguished leaders in the Congress have spoken out against such a system as being not only exorbitantly expensive but, in all likelihood, extremely dangerous to our national security. But even while the anti-ABM arguments grew more and more cogent and persuasive, the former Secretary of Defense, Mr. McNamara, in clear violation of his own best judgment, last year advocated that we take the first large steps toward commitment to just such a program. And a majority of the Congress voted to go along.

That decision urgently requires reconsideration and reversal.

If on no other grounds, the near-unanimous testimony of the scientific community should be enough to convince us that the proposed Sentinel ABM system must not be allowed to go forward. Men of such distinguished and proven judgment as Dr. Hans Bethe, Dr. Richard Garwin, Dr. George Kistiakowsky, Dr. Jerome Wiesner, Dr. Herbert York, and indeed, the man who is now President Nixon's chief scientific adviser, Dr. Lee DuBridge—all have expressed the single most compelling argument against our building an ABM system: It will not work; it will not and cannot do the job its proponents claim for it.

The reason is perfectly simple: No conceivable ABM system can successfully intercept a missile attack which has been planned with the knowledge that ABM's are deployed. Through the use of decoys, chaff, radar jamming, and other such devices readily accessible to any nation that has an ICBM capability anyway, incoming missiles can penetrate an ABM shield in sufficient numbers to utterly devastate our industrial and population centers. Our only recourse then would be massive thermonuclear retaliation against the attacking country. But this is precisely the recourse that we now have, without an ABM system. What then will we have gained by building one?

We are told that the so-called thin ABM system now planned is to protect us against a Chinese, not a Soviet, attack. This was Secretary McNamara's painfully reluctant rationale last year in asking us for a $5 billion authorization. We need only glance at the character of the alleged Chinese threat to see how specious that rationale was and is.

First of all, the hard fact is that the Chinese have not yet even tested a booster rocket powerful enough to use as an ICBM. But after they have done so, it will still require at least 4 years before they can deploy an operational ICBM. Our best available estimates now are that if the Chinese have a successful test during the current year, by the middle or end of the next decade they may have between 25 and 75 ICBMs. These, however, will be similar to our own early Atlas and Titan missiles—that is, liquid-fueled, nonhardened launching sites, and requiring hours to prepare for firing. And even so modest a capability as this is now seriously threatened by the disorder and confusion caused by the so-called cultural revolution and by factional clashes within their defense industry.

We are left, then, Mr. President, with a situation in which, 6 to 10 years from now, the Chinese ICBM capability will be extremely limited in size and technologically obsolescent. It will be of a character that would provide us with a minimum of 12 hours' warning before an ICBM could be launched against U.S. targets—12

hours during which our own Minutemen ICBMs could strike Chinese launching pads in only 30 minutes, and even less time required for a Polaris strike. In short, any remotely probable Chinese ICBM capability developed during the 1970's can be effectively deterred or destroyed prior to launch by existing American weaponry.

There is still another consideration in regard to this not-very-ominous nuclear threat from China. Every responsible observer agrees that the Soviet Union has been effectively deterred by our massive nuclear capability; Soviet leaders are fully aware that any attack on the United States or our principal allies would be countered by immediate and total devastation of their land and people. But now we are asked to believe that the Chinese, with their far less sophisticated and extensive weapons capability, cannot be deterred in the same fashion. What we are asked to believe, in other words, is that the Chinese leaders are suicidal lunatics. I, for one, Mr. President, politely decline to share so simplistic, indeed paranoid, a view of the nature of our adversaries.

But the implications of our move toward construction of an ABM system are wider and more serious than these considerations alone would indicate. For the Soviet Union is not, and cannot afford to be, an indifferent observer to any major escalation in our military-strategic capability. Just as we should be forced to respond to any large strategic change in their military posture, they must surely respond to any such change in ours. It is all very well for leaders in this country to proclaim that our building of an ABM system is motivated solely out of concern about China. But if such statements carry so little conviction to so many of us—for the reasons I have just outlined—how much less convincing must they sound to the perennially suspicious and distrustful men in the Kremlin?

More especially today, with a new Secretary of Defense who only a few years ago was insisting that we ought not hesitate to launch a nuclear first strike against the Soviet Union if we thought it in our interest to do so—today, especially, Soviet leaders cannot help but assume that the deployment of an ABM system on our part constitutes a direct threat to themselves. And they will surely respond accordingly.

That response can only be an escalation in the arms race of such proportions as to make previous military spending by either country seem an innocent trifle by comparison. For in addition to what our distinguished majority leader has estimated must be a $100-billion expenditure on a fully operational ABM system alone, the two superpowers will then have to pour additional numberless billions into devising means of piercing the ABM shield that each will then have. Escalation breeds counterescalation: that is one of the tragic lessons of Vietnam. It is also a lesson that has been borne home to us throughout the entire post-World War II era. To ignore it now is to invite nothing less than an economic and social catastrophe for our beloved country—and in return to gain not one iota of increased military security.

But will these inconceivably vast expenditures not have to be justified somehow by those who urged them upon us? Will we not be told that our security has been improved? And is it not then all too likely that our diplomats and theirs, our military men and theirs, will to some degree begin to feel less inhibited, less cautious, less circumspect, less dedicated to avoiding a showdown—in a word, less deterred?

God forbid that such a mentality should begin to appear anywhere on this agonized and infinitely dangerous planet. Yet I fear that such must be the inevitable result of the kind of heedless, reckless program now being so insistently urged upon us by men who have not wished to look beyond the immediate benefits to themselves and to the military and corporation bureaucracies they represent.

The time is now, Mr. President, to call a halt to this mad spiralling of the arms race. The time is now to move resolutely and definitively toward world peace and disarmament. The indispensable first step is to bring to a halt, before it gains irresistible momentum, this ill-conceived, monstrously wasteful ABM program. Should we fail to do so, we will surely earn—and surely deserve—the anguished condemnation of posterity.

Even though there has been a tentative withholding of any further action on the matter, I think these remarks are of great importance at this time to alert the Nation to the fact that an antiballistic missile can do nothing except promote rather than curtail the arms race.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The VICE PRESIDENT. The Chair, pursuant to Public Law 86-380, reappoints the following Senators to the Advisory Commission on Intergovernmental Relations: the Senator from North Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. MUNDT).

ADDRESS BY SENATOR THOMAS F. EAGLETON ON CRIME CONTROL TO THE MARYLAND BAR ASSOCIATION

Mr. TYDINGS. Mr. President, the highlight of the Maryland Bar Association's midwinter meeting in Baltimore was the eloquent and forceful address of my colleague, the distinguished junior Senator from Missouri, THOMAS F. EAGLETON. The address was delivered at the annual "bench meets bar" luncheon and gave clear direction to those seriously interested in improving the administration of justice.

Senator EAGLETON has an excellent background in law enforcement and criminal justice. As district attorney in St. Louis, as attorney general of Missouri, and as chairman of the Governor's Citizens Committee on Delinquency and Crime, Senator EAGLETON has confronted the crime problem, learned that simplistic solutions make fine rhetoric but assure little progress and concluded that an effective crime control program demands action on many fronts. Action, as the junior Senator from Missouri told the Maryland Bar Association, must be taken to improve the level of police training and compensation, to assure the efficient management of our courts and to make our correctional institutions into rehabilitative centers. Legislative action in these areas is essential—both at the Federal and State level—but the concerned attention of organizations such as bar associations and civic groups will also be necessary if legislators are to be able to develop an effective crime control program.

Senator EAGLETON's background in criminal justice and his forceful demand that rhetoric about crime cease and action begin makes him a most welcome member of the Committee on the District of Columbia, of which I am chairman. I look forward with great pleasure to Senator EAGLETON's assistance as that Committee analyzes and legislates to combat the crime problem in the Nation's Capital.

Mr. President, Senator EAGLETON's address to the Maryland bar gives guidance to our crime control efforts. His speech was excellent and deserves wide attention. I, therefore, ask unanimous consent that Senator EAGLETON's speech to the Maryland Bar Association be printed at this point in the RECORD.

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

SPEECH BY SENATOR THOMAS F. EAGLETON TO MARYLAND STATE BAR ASSOCIATION, BALTIMORE, MD., JANUARY 17, 1969

The President's Commission on Law Enforcement and the Administration of Justice began its report:

"There is much crime in America, more than ever is reported, far more than is solved, far too much for the health of the nation."

During the past election year, no politician failed to recognize the national concern over the rising crime rate, and few missed an opportunity loudly to echo that concern.

Throughout the land "law and order" became one word, indivisible; sometimes with an addendum about justice for all—often without.

Now the campaign is over. The time has come to translate vocal concern into visible action.

Two or four years from now, the soaring campaign oratory of 1968 will seem hollow indeed if there has not been a noticeable downturn in the national crime rate.

Unfortunately, there is no national panacea. As a United States Senator, I recognize that there is much that the federal government can do, especially through increased financial assistance, to improve the quality of state and local law enforcement.

But law enforcement has been traditionally the responsibility of state and local government, and it should remain so.

I have observed the problems of law enforcement at these levels firsthand—as District Attorney of St. Louis and as Attorney General of Missouri—and more recently as Lt. Governor of Missouri and as Chairman of the Governor's Citizens Committee on Delinquency and Crime. I would like to share some of this committee's observations with you today.

Although the committee's report deals specifically with Missouri, the problems of state and local law enforcement transcend state lines. In fact, the Maryand Governor's Committee on Law Enforcement and the Administration of Justice and its Missouri counterpart and our successor agency, the

Missouri Law Enforcement Assistance Council, must deal with the similar problems of inadequate data, money, and organization.

Our committee recognized that high priority must be given to improvement in the quality of opportunity and life in the areas and among the people most exposed to the deprivation that often leads to crime.

One needs only to drive 10 blocks from the downtown area of almost any major city to find good reason to push for social reform.

These conditions of hopelessness are not conducive to compliance with the law or respect for the system under which they breed.

We cannot belittle the importance of substantial governmental assistance to education, welfare, employment, housing, transportation, and other programs in a long term attack on the conditions which breed crime and delinquency.

But neither can we ignore the problems within the justice system which demand immediate attention. As Senator Tydings stated on the floor of the Senate last Monday: "Crime control is a pre-requisite to progress of any kind in this country." I thoroughly agree.

Police departments are too often undermanned, under-trained, under-equipped and under-paid. Courts are overloaded; procedure and manpower have failed to keep pace with increased volume. City and county jails are overcrowded. Our correctional system is under-equipped and inadequately staffed. Confinement or release depends more on the defendant's ability to pay a bondsman than the merit of his case.

In many cases, even the data necessary to define and measure the dimensions of the problem is unavailable.

What can be done to effect substantial improvement within the justice system? We must first recognize the urgent need for immediate action. Government at all levels, each working within its sphere of competence and jurisdiction, must place high priority on improving our system of justice.

The Missouri Citizens Committee found a lack of accurate data respecting all areas of our system of law enforcement and administration of justice. This must be remedied in order that operations and planning can be conducted intelligently and efficiently.

Standardization of qualifications and training is also necessary for uniformity in the administration of justice.

Salary scales for police, institutional staff personnel and parole and probation officers must be raised to a rate commensurate with private enterprise and other government service having comparable qualifications, duties and responsibilities. Then, and only then, will qualified personnel be recruited and retained within the justice system.

Legislation must be enacted to establish minimum standards for all jails and lockups consistent with those of the American Correctional Association, and a system of uniform jail inspection must be developed.

A uniform method of court record keeping and reporting to a central state agency should be introduced, especially in our misdemeanant courts. More efficient and business-like procedures must be used in all phases of the judicial process, using such tools of modern technology and management competence as computers, microfilm, modern filing methods, improved standardization forms, etc.

I believe that the present justice system has adequate breadth, depth and capacity to accommodate modern, progressive and effective programs. But to make that system work, it is incumbent upon groups such as this, groups of intelligent and interested citizens, familiar with the system and its inadequacies, to urge action and work for change.

I commend this group on its efforts in preparing the District Court Act, now pending before the Maryland legislature, and for its study of the Juvenile Court System. I understand also that the Bar Association will sponsor a Citizen Conference on the Administration of Justice.

But an even larger burden falls to legislators. I fear that many legislators who bellowed "law and order" so loudly before the election will now bellow "fiscal responsibility" with equal volume and fervor. Such an attitude would be the height of irresponsibility.

Of course, these measures will require the expenditure of substantial sums of money, but the cost of inaction will be far greater—in terms of dollars, and in terms of human suffering, by victims and criminals alike.

In these times of turbulent change it is well to remember the words of Alfred North Whitehead, "The art of progress is to preserve order amid change and to preserve change amid order." Progress will not be cheap, nor will it be easy. But it must come.

LOCAL GOVERNMENTS AND SAFE STREETS

Mr. HRUSKA. Mr. President, since the enactment last Congress of the much discussed Omnibus Crime Control and Safe Streets Act of 1968, State and local governments across the Nation have begun to utilize the provisions of title I in a nationwide effort to improve law-enforcement machinery. This legislation provided a "block grant" approach as the means of implementing this new Federal grant program. Instead of the traditional "categorical grant" approach with literally thousands of State and unit of local governments applying and vying for attention and assistance through Washington, the Law Enforcement Assistance Administration of the Department of Justice administers the bulk of the program directly through the States. The objective is to provide much greater levels of discretion and flexibility at the State and local levels in formulating ways to combat crime, setting priorities, and in carrying out individualized programs to meet individual local needs.

In the January issue of American County Government, official magazine of National Association of Counties, appears a most informative article on the implementation of this new "safe streets" program, and on its various possibilities, approaches, and problems with which State and local governments are dealing as they begin the difficult task of doing something about crime. The article was written by Jerry Laughlin, legislative assistant at NACO, who has followed the legislation and the implementation of the new program closely. It goes beyond the typical effort to outline the provisions of the act, and has something important to say about State-local collaboration. As a former elected county commissioner, I can well appreciate the deep concern that local elected officials have for improving our law-enforcement systems. I am particularly pleased with the fact that this well-written article stresses the initial importance of greater involvement of elected local policymakers in the implementation of this new Federal program.

Since the article was written for county officials, it stresses county involvement. The ideas advanced, however, will be valuable at all levels of State and local government.

I ask unanimous consent that this artice, entitled "Safe Streets," be printed at this point in the RECORD, so that my colleagues will have the opportunity to read it.

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

SAFE STREETS

(By Jerry Laughlin)

In the aftermath of a peak of public concern and dialogue on our nation's "crime problem," states and local government units, aided by the newly enacted "Safe Streets" legislation, are beginning the more difficult task of doing something about it. Under the pressure for immediate action, there will be a continuing temptation for public officials to avoid the obvious and difficult task of planning concerted and effective action, and instead, demonstrate tangible hardware and "show piece" programs without regard to the overall relation or effect on the total crime problem.

We know relatively little about crime or how to prevent it. We do know that any solution to the total problem will have to come as a result of the better and more efficient working of complex criminal justice systems. These systems not only involve the various functional law enforcement disciplines—police, sheriffs, courts, corrections—but each function within the system must operate under a welter of state, county, city, town, and village jurisdictions. In New York State, there are over 3,600 separate units of law enforcement. In Cook County, Ill., there are 100 separate units. It is crystal clear that the nation's counties, with their broad and varied law enforcement functions, and particularly the role of the county sheriff, will become increasingly involved in any consideration of the complex multi-functional multi-jurisdictional challenges to better and more efficient law enforcement in the nation.

Under the omnibus "Crime Control and Safe Street Act of 1968," the states, counties, and cities of the nation will have the opportunity to take a long look at their efforts in the broad field of law enforcement. They will also have the opportunity to undertake a mutual and coordinated planning effort which could surpass anything done in the past to strengthen and improve crime control effectiveness.

Under the act, administered by the Law Enforcement Assistance Administration within the Justice Department, $19 million will be distributed for planning purposes to states and local government units this fiscal year. The money will be apportioned by block grants on a population basis to the states, but at least 40 per cent of each state's allocation for planning must be made available to local units to participate in the formulation of a comprehensive state plan.

The state plan, when it is submitted, will lay the foundation for an application for "action" in support of state and local programs. The law requires states to "make available" at least 75 per cent of these action funds to local units. This year's appropriation for the "post-planning action" is $29 million, and expectations are that next year Congress will increase such funds to as much as $200 million. Thus, local planning effort and input into the state's overall comprehensive plan will be extremely important. That plan will be the basis for determining to whom federal aid funds will go and how they will be spent.

It is understandable, then that Congress placed a good deal of emphasis on planning for more effective law enforcement systems. The law states: "It is the purpose . . . to encourage states and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of state and local problems of law enforcement."

The federal guidelines for planning grants

make it clear that the purpose of state planning funds transferred to local units should be to: "provide local components of the comprehensive state plan, or studies, recommendations, analyses, and data to be used in formulating, revising or expanding the state plan, and where appropriate, establish and support continuing planning units or capabilities."

Counties have many options under the above concept. In many metropolitan areas, they will be able to provide the areawide leadership for a joint county-city, of multi-county approach to planning and for a greater degree of coordination, both functionally and by jurisdiction, within the law enforcement process. Such areawide comprehensive planning, particularly in high-crime rate metropolitan areas, could be a significant component of the state plan.

As an alternative to, or in preparation for, the development of an overall planning approach involving the various law enforcement disciplines and the many jurisdictions within an area, counties may want to approach the problem by developing studies and analyses of the scope of the problem and the possibilities and alternatives for the roles which each function and jurisdiction might play in evolving a total approach. In many cases, sufficient data must be developed to guide local and state decision making at a later date. In other cases, these analyses may reveal that for some counties or regional areas, with limited planning resources, concentration in particular law enforcement or criminal justice areas would offer the greatest return while other areas are being suitably planned at the state level (e.g., statewide criminal justice information system, statewide institutional planning for maximum security offenders, and statewide advanced crime laboratory.)

A countywide or multi-county law enforcement planning agency could be established to provide continuous, ongoing input into the state plan, which must be updated each year. Such an agency, either newly created or as a new dimension of the county's present planning capacity, could serve as a research facility for fact finding, analysis, and interpretation. It could provide alternative proposals and preferred alternatives. It would serve as an ongoing means of stimulating and coordinating more functionally oriented planning in the various law enforcement functions and within the smaller jurisdictions. The level of local planning funds available for such continuing operations, both under the "Safe Streets" legislation and, possibly, with assistance from the Department of Housing and Urban Development (HUD) comprehensive regional and local planning programs will determine how many such entities can be supported in a given state and on what basis. This factor could be a real restraint which local government should recognize and perhaps seek to alleviate.

One of the advantages of establishing such continuous planning in the law enforcement area will be the opportunity to develop "in-house" planning capacity and to discover and analyze problems on a constant basis. Present law enforcement planning efforts have been highly limited. Even the large consulting firms, with general systems analysis, operations research, and organizational development capabilities have had relatively little experience in the field. In addition, there exists an extreme shortage of law enforcement planners possibly due, in part, to the fractionalization of responsibility for the various law enforcement functions between states, counties, and municipalities. Effective planning, even on a single county basis, much less a metropolitan and regional basis, must begin to transcend jurisdictional boundaries and local agency responsibilities.

Law enforcement planning is increasingly becoming a major concern of regional councils of governments and their member local governments. A consideration of programs—which councils are adopting with great frequency and which are thought to be of primary importance as services to the counties and cities which the councils serve—shows law enforcement planning near the top of the list. Two examples indicate the possibilities.

The North Central Texas Council of Governments has established a regional police academy. The academy has the advantage of centralization for more in-depth and specialized instruction by highly trained law enforcement experts than would be available to the police officers of each individual county and city.

Other programs under way or being mapped out include police-community relations, uses and needs of detention facilities, and standardized communications, and records system.

The Metropolitan Atlanta Council of Local Governments has developed programs in recruit training, traffic school, safe burglary and auto theft seminars, use of the FBI's computerized National Crime Information Center, advanced police education scholarships, a regional teletype center, a fugitive squad, and a voluntary gun registration program.

In 1968, HUD, in cooperation with the Justice Department, gave out "701" grants for study designs to confront problems of organization and planning activities in the law enforcement area. Assistance for law enforcement planning can be part of an overall comprehensive planning grant from HUD.

Since the guidelines for "Safe Streets" grant applications give preference in many instances to "multi-jurisdictional" activities, many counties might find that their own regional councils offer a preferred opportunity for the counties in cooperation with other units of government to develop and participate in law enforcement planning.

Whatever the various areawide developments and opportunities, counties are presented with a unique chance to get in on the ground floor of comprehensive law enforcement planning. As an areawide unit with a broad tax-base and heavily involved in a broad range of law enforcement functions, counties can do much to bring about coordinated, efficient systems both within their own jurisdictions and in relationship with neighboring units. Over half of the present 231 Standard Metropolitan Statistical Areas (SMSA's) are within single counties.

Planning should be done on as broad a basis as possible, both in regard to the integrating and coordinating of functional areas (police, courts, and corrections) and in regard to political jurisdictions and geographic areas. Speaking of the latter, the federal guidelines state that "planning efforts on a regional, metropolitan, or other 'combined-interest' basis are encouraged and should receive priority." In addition, counties can be key building blocks to concerted and efficient metropolitan and regional action in larger areas.

County governments, particularly those with interrelated law enforcement functions and some developed capacity for countywide planning, can bring stability and initiative to beginning this planning effort. Counties, generally, have heavy responsibilities in all areas of law enforcement. Also, they have the geographic size to be a cohesive uniting factor, in either a single county-wide approach to crime planning, or as a major part of a multi-county, metropolitan, or regional effort.

Several broad, rather undefined areas for reform suggest themselves as particularly appropriate planning subjects for effective county action.

1. Coordinating police services—Counties with effective planning could develop service agreements with their smaller component jurisdictions to share limit resources and to make county wide operations more effective. (California's counties have utilized such intergovernmental agreements on a widespread basis).

2. Joint police recruitment, selection, training programs. Counties or groups of counties could develop effective mechanisms for recruiting, selecting, and providing the training needed within the various jurisdictions.

3. Joint records and communications. Counties could establish an areawide records center, enabling police at all levels within the area to conduct inquiries without duplication of effort and facilities.

4. Field operations, criminal investigation, work with juveniles, vice control, and special task forces. (In Suffolk County, N.Y., and Dade County, Fla., county investigators can be called into incorporated municipalities).

5. County correctional centers. Counties could play an effective role in establishing a countywide system of small centers with improved capacities for work experience, counseling, half-way house services, and other rehabilitative programs.

6. Courts. Counties, now greatly involved in administrative criminal courts systems, could bring about substantial changes in the processing of criminal cases and the number and calibre of judges and administrators essential to the total perspective of crime control.

Adequate law enforcement planning, even at less complicated levels, such as functional data compilation and analysis, will enable law enforcement and elected officials, to make more considered judgments on the allocation of resources. Comprehensive planning, in its most sophisticated sense, can serve as a basis for the establishment of systems or adaptations of planning-programming-budgeting (PPBS), almost a prerequisite for multi-year planning in today's complex economic and governmental structures. The federal comprehensive plan standards recognize this.

With a continuing crime planning capacity, counties or groups of counties can begin to identify and document the fundamental objectives involved, the major feasible alternatives, and the impact of proposed or current programs on other programs, other agencies, and other levels of government, and the progress being made. Adequate and efficient law enforcement planning can assist counties to place in perspective the principal issues of where "action" money should be spent and in what priorities.

County or areawide planning can eliminate the pitfalls which are bound to develop between the competing functional systems of law enforcement in their individual needs and the resources to meet those needs. Likewise, adequate plans can assist in meeting the debate which is bound to develop as program spending increases between socially-oriented "people" programs and "hardware" acquisition. Both types of programs have an important role to play in crime control efforts, and it is essential that the blend be balanced, realistic, and calculated to most effectively implement well defined goals.

Much confusion exists in the "comprehensive planning" required by federal programs in other more developed areas of planning. The confusion partially results from the inability of planning organizations and mechanisms to come to grips with the actual process of decision making, and, eventually, demonstrate ability to initiate bold action to implement planning efforts. Too many plans have gathered dust because the locally elected official was not consulted and involved from the beginning of the planning effort. Too often, planners of all varieties develop plans outside the realm of practical realities. The extent elected county officials are involved, either directly in the planning process or with constant coordination, will often determine

the degree of success in implementing a law enforcement plan which will, of course, require substantial local matching funds. This will be particularly true in law enforcement, which cuts across so many "sacred cows" of function and political boundary. The significance of the elected official to the success of the "Safe Streets" program is recognized by the guideline requirement that balanced representation of the state "supervisory board" (in essence a board of directors for the entire program within the state) must include representation from local government units by elected policy-making or executive officials and by local law enforcement representatives.

The same important role for the elected official should be apparent in local areawide planning efforts. Perhaps more than immediately apparent to some law enforcement professionals is the fact that elected officials with significantly policy-making authority can often assist in the difficult task of beginning to coordinate and make more effective the interrelated working of a complex criminal justice mechanism.

Implementation of "Safe Streets" programs requires that more attention than ever be paid to the continuing dichotomy between the planning process and the elected representative who must approve plans and appropriate local funds to carry them out. "Local evaluation of law enforcement problems" as expressed in the federal guidelines, should and must involve the local elected official in the decision-making process from the beginning. The act's purpose is "to encourage the state and units of general local government to prepare and adopt comprehensive law enforcement plans" and to encourage "units of general local government to carry out programs and projects to improve and strengthen law enforcement."

The elected official as the legally elected decision maker will necessarily play a large role in the approval and carrying out of the plans. What kind of a role, however, is not clear. A negative, obstructionist, or narrow attitude on the part of local elected officials with respect to adequate and balanced law enforcement, including attention to courts, corrections, and police, could hinder the effectiveness of funds spent for planning.

On the other hand, a spirit of understanding and cooperation on the part of the elected official could bring about the appropriate climate to stimulate necessary change. If this spirit is present from the start, many hurdles usually encountered as the plans reach the approval and funding stages, might be avoided.

There exist two potential barriers to an effective role by the elected officials. First, there still exists in this complicated, technical, and diverse area, the danger of law enforcement functionalists from all levels of government talking only to each other as the program progresses. Notwithstanding adequate representation of the local elected official on the state plan "supervisory board" admixed with adequate representation of law enforcement agencies, the communications gap, so common in other federal-state programs, could impair implementation of plans and action.

A second area for concern lies in the common situation where the functionalist system, itself, although drastically in need of improvement and reform, will not or cannot reform. This is particularly true, in county-level functional areas, with court operations, juvenile systems, and adult corrections. There has often been no demand for change by the elected official, himself. Here informed and involved elected officials can stimulate much needed impetus for change.

At the same time law enforcement planning efforts begin to materialize they should be integrated and coordinated with other comprehensive planning efforts in closely related fields such as health, welfare, highway safety, and housing. In relation to this "social" aspect, professional law enforcement planners and their elected officials will probably have to suffer the same type of initial shock which other planning efforts have undergone in reaction to citizen involvement and participation.

In an area as diverse and having as much effect upon people as law enforcement, local government will find considerable pressure to involve the citizen, particularly the poor who suffer more than any from inadequate law enforcement. Law enforcement planners will be increasingly called upon to find appropriate mechanism for listening to and involving the citizen in setting goals and determining priorities.

As counties, many for the first time, move toward large-scale law enforcement planning, it will be increasingly important to keep two factors in balance. First, the temptation for "action now" will most likely be overwhelming. Mounting public pressure, internal county organizational pressure, and the deadlines and demands of federal and state administrators could lead to minimal and superficial local planning efforts in order to achieve immediate results. Secondly, because the problem of law enforcement reform in all its dimensions is so diverse and complex, there will be the danger of bogging down in technique or reaching for planning goals which are neither politically nor economically feasible. Only careful and considered planning, involving all the law enforcement functions and all the jurisdictions, will result in sound criteria for action and a blueprint for much needed change.

THE ABM SYSTEM

Mr. ELLENDER. Mr. President, I read in the RECORD of last Tuesday that there was quite a debate on the question of the anti-ballistic-missile system that was authorized by the Congress last year. I regret I was not present to participate in the debate.

I am proud to say that in the Appropriations Committee, as well as on the floor of the Senate, I opposed and voted against the appropriation of funds to construct the ABM. The reasons advanced by the Department of Defense at that time for the construction of the ABM, as I understood them, were that we had to do something to protect ourselves against China. Of course, that was just a thin veil to get authority for the Department of Defense to proceed with this program.

But it developed later that the reason for the beginning construction was to be able to bargain better with Russia. In other words, if we gave the Pentagon authority to build an ABM, it would give the State Department a little leverage in our approach to discussions with Russia, not only on the ABM program, but on other matters in which both countries are vitally interested.

It was my privilege to spend 53 days in Russia last year. I am now in the process of preparing a report on my visit. I found much progress in Russia. I found that the people of Russia were very desirous of being friendly with us.

It is my belief that unless and until we can dispel the fear that now exists between us and Russia, I doubt that we can come to any concrete conclusion on any of the great world problems that confront both the United States and the U.S.S.R.

Mr. President, during the last 20 years our country has spent in excess of $130 billion in order to isolate Russia.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 4 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, in addition to that, we spent billions of dollars in order to construct a ring of steel around the periphery of Russia. We started out with Japan, we went on to Okinawa, we went on the the Philippines, and on to North Africa, and, of course, Europe.

On my third visit to that vast country, I was asked, "Why do you build those airfields?" Of course, my answer was, "For defense." But you could not make the Russian people believe that by any means.

Mr. President, it strikes me that if we are to be in a position to deal with Russia, we should find some ways and means of bridging that vast chasm that exists between us, the fear that exists between us, and the suspicions. I can find no solace in saying that we will be able to do business with them if we continue to build up the forces that have resulted in so much fear among the Russian people in the past.

Mr. President, the reason, advanced by the Secretary of Defense as to the necessity for constructing the ABM system was that it would allow our diplomats to negotiate from a position of strength in order to deal with the Soviet Union. I have often argued and stated that I thought it was a mistake for us to permit the Department of State and the Defense Department to live so closely together. The military should be the servant of diplomacy, and not its master. Today it is difficult to tell who is leading whom. For the last 20 years it has seemed to me that the Pentagon's cart has been allowed to get in front of the diplomatic horse. In my humble judgment, if we continue such a process, I can see no hope for real international cooperation on the things that matter.

I notice from a statement by President Nixon that he proposes to visit our NATO allies next year.

I am very hopeful that he will make no effort to renew or to extend the NATO alliance.

What our country needs now are ways and means whereby we can get the people of Russia and the people of the United States to work closer together.

To me, it is farcical for us, in one instance to say that we want world peace and to deal with Russia, and then, in another instance say that we want to re-create the NATO alliance in order to protect Western Europe from Russia.

The fear that now exists in the minds of the Russian people is bound to be increased if we keep on doing things which intensify that fear.

I do not know anything that will tend in that direction more than if we continue to deal with and re-create the NATO alliance with which we have been dealing and carrying the whole burden for the past 20 years.

We should learn from history that this has not worked.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

Mr. ELLENDER. I ask unanimous consent to proceed for 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Russia, in the meantime, has grown stronger than ever before. Every time we do anything further to widen the breach between our two countries, the longer it will take to get together.

It is my candid opinion, and my judgment, that our country should, by all means, find ways and means to deal with the Russian people. The more we do to widen the chasm which exists between us and Russia today, the longer it will take the two superpowers of the world to get together.

Russia appears to be our only real antagonist in the world today. It is a country which is capable of giving us trouble because of its huge population, its immense resources, and the military technical knowledge it possesses. If Russia takes means to protect itself against the United States, and we do the same thing, we should be able to avoid the areas of conflict so as to get together and reach agreement on the other issues of concern to us both.

Mr. President, it is my further belief that we will have a hard time making progress with Russia if we depend solely on dealing with the Russian leadership. What we need to do is to get the people of Russia and the people of the United States better acquainted with one another.

As I stated 10 years ago, in my reports on my visits to Russia, that can be accomplished if only we will engage in a realistic exchange program.

I am hopeful that this can be realized in the future. If we can have many Russians from all walks of life visit America, even if we have to follow them around with FBI agents, it would pay us to do it. I think what we should do is make the Russians envious of our way of life so that they will in turn get their leaders to let them live more as we do.

Now, Mr. President, I knew Mr. Khrushchev very well, and as I said on many occasions—and I was criticized for it—I do not know of a leader in Russia more anxious to respond to the will of the Russian people than Mr. Khrushchev.

Many things have happened in Russia between the visits that I made there in 1955, 1956, 1957, 1961, and 1968 which make me believe that all these changes did not come about because the leadership desired it but because the people demanded it. Trends toward more liberal ways of doing things have been established, and those trends cannot be reversed, no matter what the leadership desires.

What we should do is encourage those trends. I feel confident that if we can do that, there is no question that the relationship between us and Russia can be improved. Then all the billions of dollars being spent by us, as well as Russia, in preparing war, could be used in better ways so as to make the people of the United States and all over the world happier by taking the resources of Russia, the United States, and other countries and converting them into commodities to be used in trade.

Again, I would certainly advise that we try to trade with Russia, that we try to make available to Russia our know-how in agriculture and, in that way, it is my sincere belief that we could find some ways and means to get closer to the Russian people. This would prevent us from having to spend billions of dollars which could be utilized in this country to assist the needy.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I should like to say to the Senator that that is as refreshing a speech as I have ever heard the distinguished Senator make. As the Senator knows, we often agree and we often disagree. But the Senator's remarks sounded to me like the ALLEN ELLENDER of the Taft-Ellender bill, and I would like to congratulate the Senator.

Mr. ELLENDER. I thank the Senator very much.

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA ON POVERTY PROGRAM, TAX LAWS, AND MIDDLE EAST, FEBRUARY 5, 1969

Mr. BYRD of West Virginia. Mr. President, on February 5, 1969, I made statements for television regarding the Office of Economic Opportunity, tax laws, and the Middle East situation.

I ask unanimous consent that the transcript of these statements be printed in the RECORD.

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

BYRD FOR PHASING OUT OEO

I think the Office of Economic Opportunity should be phased out this summer when its Congressional authority expires. I am not opposed to all of the programs that come under the OEO. In fact, I have had generally good reports from West Virginia concerning Project Head Start and the Neighborhood Youth Corps, but the Job Corps, Vista, and some of the Community Action Programs, have often come under heavy fire in West Virginia. In some areas—Washington, D.C., for example—these programs have been used to foment unrest among the poor, and the war on poverty has at times become a war against society. So the time has come to separate the good from the bad programs. The bad should be dropped, and the good programs should be transferred from OEO to other agencies where they will be more efficiently administered for the benefit of the poor—who all too often under the present set-up have received little or no real help from the millions of dollars spent.

BYRD URGES NEW LOOK AT TAX LAWS

It is disturbing to me that a few American citizens with very large incomes manage to escape paying personal income taxes. Recent testimony before a Congressional committee showed that 155 persons with adjusted gross incomes above $200,000—21 of whom had incomes of more than one million dollars a year—paid no income taxes in 1967. This is not fair. I think that Congress must do something about it. The average taxpayer in West Virginia pays his share while a few with big incomes throughout the country get away with paying nothing. I also think that Congress should take a new hard look at tax-exempt foundations, and such things as commercial properties and business enterprises that pay no taxes because they are owned by churches and charitable organizations. The tax laws should be equally applied to all businesses and to all citizens.

COOL THE ARMS RACE, BYRD SAYS

The events in the Middle East are a serious threat to world peace. There is urgent need for the United States and the Soviet Union, backed by Britain and France, to exert their influence, individually and through the United Nations and other channels, in getting the Arabs and Israelis to start talking with one another instead of shooting at one another. There can be no meaningful, lasting peace in the Middle East except by agreement between the Jews and the Arabs themselves. The United States and the Russians should take immediate action to cool the arms race that has been fostered in the Middle East by agreeing between themselves to de-escalate their part in the weapons buildup that has armed the opposing sides. Failure to do this may result in another war.

THE NUCLEAR NONPROLIFERATION TREATY—SURVIVAL OR DISASTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement prepared by Senator MONTOYA.

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

STATEMENT BY SENATOR MONTOYA, READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. MONTOYA. Mr. President, advocates of the non-proliferation treaty believe it will stimulate further progress toward arms control and disarmament, an objective which they consider necessary for a lasting and secure peace. They point out the Article VI, which requires the parties to continue negotiations on additional disarmament measures, and hold that the treaty will not endure unless the nuclear powers take additional steps in the direction of disarmament and an improved international security system.

One of these steps, in this view, would probably be a limitation on growth of the nuclear weapons stockpiles of the existing nuclear powers (this has sometimes been called "vertical" proliferation as opposed to "horizontal" proliferation, which refers to the spread of nuclear weapons to additional nations). Many non-nuclear states have already declared that it is unfair to expect them to renounce ever acquiring nuclear weapons when no corresponding curb is placed on the existing nuclear powers, and to ask them to submit their peaceful activities to inspection when no inspection requirements are placed on the states known to be producing weapons. Accordingly, they have made it clear that they will expect the nuclear powers to reach agreement in a reasonable time on measures curtailing their nuclear power, such as a comprehensive nuclear test ban or a cutoff of the production of fissionable material for weapons purposes.

Another step considered by many as necessary to keep the non-nuclear nations as members of a non-proliferation treaty would be the development of a more reliable system to provide the non-nuclear nations security against nuclear attack by a nuclear power. Since non-nuclear nations would be asked to renounce the nuclear weapons which might deter a nuclear attack against them, some of these states have contended, the existing nuclear powers would be obligated to improve the world's present peacekeeping and security systems to make up for the renounced nuclear weapons. The security assurances resolution passed by the Security Council in conjunction with the treaty is a first step. The devising of such measures, proponents contend, would be one step more toward the replacing of a security system based on deterrence and involving an upward spiral of armaments with a less dangerous

system based on international peace-keeping machinery. Reducing international tension through such measures, this view holds, would make it easier to resolve underlying political problems.

Proponents of the non-proliferation treaty also believe that the peaceful nuclear technology of non-nuclear nations will benefit by the treaty. First, they contend that by foregoing attempts to manufacture costly nuclear weapons, non-nuclear states will be able to devote more of their resources to and concentrate their efforts on the development of peaceful uses of nuclear energy. Second, in addition to the specific provisions of the treaty to encourage international cooperation in the peaceful uses, they believe the treaty will create an atmosphere conducive to an expanded program for promoting peaceful technology because it will alleviate fear that exchange of information and material and technology might be used for weapons purposes.

In their view, the treaty must cover the manufacture of all nuclear explosives, even if intended for peaceful purposes, because any nuclear explosive can be used as a weapon. They believe that it is in the interest of nuclear powers such as the United States to make provisions to assure the non-nuclear-weapon signatories that they will have fair access to any potential benefits of nuclear explosions to compensate these nations for giving up the right to manufacture nuclear explosives themselves, and indeed they believe that without such provisions some non-nuclear nations would be unlikely to accept the treaty. Under Secretary Katzenbach said on April 26, 1968:

". . . The peaceful application of nuclear explosives is still in a relatively experimental stage. Its technical and economic feasibility has not yet been fully demonstrated, its collateral effects are not completely known, and it is too early to judge whether it will achieve broad political acceptability.

Several things are clear, however. One is that even an optimistic assessment of its potential uses would not justify the enormous expenditure of time, money, and scientific and technical talent required to develop nuclear devices for this purpose alone.

A second inescapable fact—brought to light during the development of the draft treaty—was that a treaty against the proliferation of nuclear weapons would be unsatisfactory if it did not cover *all* nuclear explosives devices, including those intended for peaceful uses. This is because there is not now, and we cannot conceive that there ever will be, any type of peaceful nuclear device which would be incapable of being used for destructive purposes.

Faced with these facts, the treaty negotiators evolved what we believe is a fair, sensible, and workable approach to the problem of peaceful nuclear explosions. They coupled nuclear weapons with other nuclear explosive devices in the treaty's basic provisions. At the same time, recognizing both the economic absurdity of a country's developing nuclear explosives solely for peaceful purposes and the inequity of giving any commercial advantage to nuclear-weapon states, they inserted an article requiring all parties to cooperate in insuring that potential benefits be made available on a nondiscriminatory basis to non-nuclear-weapon parties.

The treaty makes clear that the charge for the explosive devices used will be as low as possible and exclude any charge for research and development. Services are made available through an appropriate international body with adequate representation of non-nuclear-weapon states. It does not, however, rule out bilateral arrangements for such services so long as there is no resulting discrimination. Thus it avoids premature decisions assuring non-nuclear-weapon states who are party to it that they will not be discriminated against if and when it proves technically and economically feasible.[1]

A STEP TOWARD MORE EFFECTIVE CANCER TREATMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement prepared by Senator MONTOYA.

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

STATEMENT OF MR. MONTOYA, READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. MONTOYA. Mr. President, our age abounds in acts of technological outrage. Wherever we turn we can see the fruits of man's mind being put to work in warped ways to the further detriment of people. At times it takes the form of a military adaptation of a laboratory process. Other times it is an industrial or commercial misapplication of scientific research. But this is not always the case.

In my home state of New Mexico we have always been proud of the major research being done at the unique facilities located there. Much of America's front line of defense has had its genesis in my home state. There is a concentration of first class minds in New Mexico, many working on basic science, which other areas would do well to seek to match.

Many of these men and women are responsible for breakthroughs which can be the saving of life instead of its destruction. Louis Rosen of the Los Alamos Scientific Laboratory, has been working on such a contribution in the field of cancer treatment through radiation therapy.

The suffering and agony such a development can mean are immeasurable, and some of Mr. Rosen's results deserve mention. I include such an article, from the December 1968 issue of Nuclear Applications, for inclusion in the RECORD.

POSSIBILITIES AND ADVANTAGES OF USING NEGATIVE PIONS IN RADIOTHERAPY

(By Louis Rosen, Los Alamos Scientific Laboratory)

(NOTE.—Recent advances in accelerator technology make possible the attainment of very-high-intensity beams of protons at energies well above the pion-production threshold. It appears that both circular and linear machines will be useful for this purpose. The latter promise beams of $\geq$1 mA under well-controlled conditions. Such proton beams are adequate for providing pure high-intensity beams of negative pions for radiation therapy, under conditions of favorable geometry and of variable size and energy distribution. With π^- beams, it is feasible to deposit, at essentially any depth in the human organism, at least 100 rad/min of high-linear-energy transfer radiation. This is quite sufficient for radiation therapy on deep-seated tumors and is accomplished under more favorable conditions than attainable with other radiation sources.)

INTRODUCTION

Information from England, where reasonably good records are kept for the entire population, indicates that 40% of cancer cases are now treated primarily by radiation, 40% primarily by surgery, and the remainder by chemotherapy. Of the 80% of cases treated by radiation or surgery, combined treatment accounts for a substantial fraction. Therefore, even a small improvement in radiotherapy techniques would benefit a large number of patients.

A substantial proportion of radiotherapy treatments are apparently total or partial failures. Often this comes about because metastasis has already set in, but in some cases the radiation is inadequate for the purpose at hand. One seeks to overcome these latter difficulties by a better choice of radiation.

The effective treatment of malignancies by radiation involves using types and quantities of radiation adequate for lethal injury to all malignant cells with no more damage to healthy tissue than can be tolerated by the host organism. In practice, and with radiation sources now in use, the radiotherapist must strike a delicate balance between destruction to healthy and tumorous cells, and frequently the dose delivered to the tumorous cells is limited by the viability of healthy tissue following irradiation.

The ideal mode of tumor treatment would be one that destroys all the malignant cells, without in any way affecting surrounding tissue or healthy tissue in the tumor volume. This cannot be achieved, even when radioactive substances can be implanted within the tumor. However, this ideal situation could be best approached if one were to use negative pions as the radiation source. This was initially shown by Fowler in an analysis in which he compared negative pions to electrons, gamma rays, x rays, protons, and heavier ions. More recently, I have made calculations for K^- and antiprotons. Although these latter have some of the virtues of π^-, they are not superior in cancer therapy. In fact, they are not quite as effective because the energy deposition of their reaction products is less localized.

As of this moment, it is not feasible to use π^- beams in cancer therapy. To do so would require the beams from all pion-producing accelerators in the world, focused on a single patient, and even then the irradiation time would be excessive (months to years). However, some of the high-flux proton accelerators now being designed referred to as "meson factories," will permit radiation therapy with negative pions and in reasonable times.

THE PHYSICS OF CANCER TREATMENT BY RADIATION

All ionizing radiation affects mammalian cells through ion pair production and excitation of atoms and molecules. On the average, $\sim$30 eV is dissipated per ion pair. Since the ionization potential for atomic constituents of cells is $\sim$13 eV, this leaves $\sim$20 eV to be dissipated by exciting atoms and molecules to bound states and by heat generation. Most of this 20 eV produces atomic excitation followed by dissociation, fluorescence, or energy transfer. However, in complex molecules, such as are abundantly found in tissue, a substantial fraction of the excitations will appear as kinetic energy of the atoms in the molecules.

The specific ionization produced by radiation depends on the type and energy of the radiation. Gamma rays produce $\sim$10 ion pairs per micron along their path, while alpha particles, near the end of their range, produce $\sim$500 times as many. There lies the difference between low- and high-linear-energy transfer (LET) radiations. This difference manifests itself in many ways and has profound effects on the response of cells to radiation.

Some quantitative understanding of the effects of ionizing radiation on cell survival has been obtained from analysis of a great variety of experiments. Typical results of such experiments are shown in Fig. 1 (Fig. 1 not printed in RECORD), which displays cell survival probabilities as a function of radiation dose for human kidney cells. A change in curve shape is apparent and the sigmoid curves at low LET are indicative of cell death due to accumulated sublethal injury that is subject to early repair while the ex-

[1] Department of State Bulletin, May 20, 1968, p. 648–9.

ponential curves at high LET are indicative of cell death due to single irreversible events. Cell survival depends in the following way on the kind and quantity of radiation:

$$S = \exp -\left(\frac{D\sigma_1}{1.6L}\right)\left\{1-\left[1-\exp\left(-\frac{D\sigma_2}{1.6L}\right)\right]^n\right\},$$

where

S=survival probability for a uniformly irradiated cell population

D=dose in rads; σ_1 and σ_2=inactivation cross sections in μ^2

L=linear energy transfer in MeVcm²/g; $n \approx 6$.

The σ's are cell inactivation cross sections.[a] It appears that σ_1 increases more rapidly than does σ_2, as a function of LET.

The relative biological effectiveness (RBE) of a given type of radiation, defined as the ratio of the dose of 200-keV x rays to produce a given biological effect to the dose of the type of radiation under consideration for producing the same effect, is known to be much greater for high-LET than for low-LET radiation. This is specifically true for cell survival following radiation, but is also true for many other cell processes.

The objective of radiation therapy is to injure all tumorous cells, in a given volume, to such an extent that not one of them will be able to initiate regrowth of the tumor. At the same time, one must minimize damage to the reproductive capacity of surrounding tissue.

However, in the best of circumstances, the reproductive capacity of tumorous cells is never more sensitive to radiation than that of dividing healthy cells. Often the tumor contains anoxic regions and these are, in fact, less sensitive to low-LET radiation by perhaps a factor of 3 than are normal cells. A measure of this effect is the oxygen enhancement ratio (OER), defined as the ratio of the dose required to produce a given effect (e.g., 50% survival) in anoxic cells to that in oxygenated cells. Experiments indicate that it varies from ~3 for lightly ionizing radiation to 1 for multiply-charged ions.

Figure 2 (not printed in RECORD) shows that the oxygen effect is significant. Also from Fig. 2, it can be seen that the OER is ~3 in a pair of mouse-tumor survival curves, one fully oxygenated and the other anoxic.

Figure 3 (not printed in RECORD) indicates that high LET can remove the sensitivity difference between oxygenated and anoxic cells. This constitutes one very important advantage of this highly ionizing radiation: the injury is not subject to modification by oxygen or recovery.

One school of thought holds that for low-LET radiation, most of the cell deaths result from chemical reactions of peroxides on long chain molecules in the cell nucleus. In anoxic cells, peroxides are less readily produced by radiolysis, and this may account for lesser sensitivity. Cells irradiated with highly ionizing particles are killed mainly by direct interaction of these particles with long chain molecules, depolymerizing these molecules. High-LET radiation therefore interacts with anoxic and oxygenated cells in approximately the same way. However, it should be emphasized that the high effectiveness with which densely ionizing radiation damages the reproductive capacity of cells is not well understood.

In radiation therapy, one usually relies on dose fractionation (subdivision). Total doses with x-rays comprise ~5000 rad delivered in ~20 doses during a four-week interval. Dose fractionation is effective because recovery of healthy tissue, between irradiations, takes place at a faster pace than does recovery of tumorous tissue. Experience indicates that, in general, surviving healthy tissue responds better to altered conditions than do tumorous cells and repopulates faster.

The race between repopulation of normal tissue and of tumorous cells favors the normal cells because many tumorous cells die as a result of poor nutrition, but it also favors the tumors because they usually contain anoxic cells which are more resistant to radiation.

For dose fractionation to succeed, it is essential to increase the total dose at appropriate intervals and in precisely the right amounts so that the repopulation of normal cells can overtake the repopulation of tumorous cells. Success or failure therefore depends on the leeway one has as a result of the differences in radiation sensitivity and in healing characteristics of tumorous and normal cells.

CHARACTERISTICS OF NEGATIVE PIONS

The potential therapeutic properties of negative pions have been long recognized. These therapeutic properties result from the unique characteristics of negative pions and their interactions with atomic nuclei.

Pions have positive, negative, or zero charge. The charged pion with which we shall be concerned is an unstable particle of mass ~140 MeV. It has zero spin, an isotopic spin of unity, and a mean life of $\sim 2 \times 10^{-8}$ sec. If uncaptured, it will decay into a muon and a mu neutrino. The muon in turn decays into an electron, a mu neutrino, and an electron neutrino. The range-energy relation for negative pions is shown in Fig. 4 (not printed in RECORD). It is apparent that for purposes of therapy, pions must have energies of 25 to 200 MeV. Now, pions of this energy have a long mean-free-path for nuclear collisions. The uncharged member of the species lives a very short time ($\sim 10^{-16}$ sec mean life) and decays into two gamma rays. The positively charged member almost always comes to rest without undergoing nuclear interaction and then decays. The negatively charged pion also comes to rest before interacting. However, it is captured in an outer orbit of a heavy atom (e.g., an oxygen atom, assuming the slowing down medium is water), replacing an electron in that atom. In a time of $<10^{-10}$ sec, the pion cascades down from one orbit to the next, causing the emission of low-energy x rays, and finally comes to rest in the lowest orbit of the capturing atom. In this orbit, the wave function of the pion overlaps that of the nucleus, and the negative pion is captured by the nucleus.

REACTION PRODUCTS FROM THE CAPTURE OF NEGATIVE PIONS BY OXYGEN

Oxygen accounts for the major fraction of the mass of atoms contained in tissue and is responsible for the capture of most negative pions coming to rest in tissue. A small fraction of the negative pions is captured by carbon and nitrogen, but the resulting energy deposition is not much different from that for oxygen. We will, therefore, confined our attention to ^{16}O. Upon capture of a π^- by ^{16}O, the mass of the pion is converted into energy with the consequent violent disruption of the ^{16}O nucleus. From this nucleus emerge neutrons, protons, alpha particles, ^6Li, Be, B, and C ions. The neutrons, although they carry off a sizable fraction of the total kinetic energy, account for a relatively small portion of the energy deposition in the vicinity of pion capture. The charged particles, on the other hand, create ionization all along their trajectories. Furthermore, since the ^{16}O nucleus is equivalent to multiple alpha particles, the dominant mode of decay involves the emission of one or more alpha particles among the reaction products, and these are almost always of short range, as is the case for the heavier ions. Figure 5 (not printed in RECORD) shows the disintegration of an ^{16}O nucleus following capture of a negative pion. The oxygen was contained in nuclear emulsion. A complete accounting of the energy deposition along the path of a negative pion beam as it traverses and comes to rest in water is shown in Fig. 6 (not printed in RECORD). Approximately 30 MeV of energy is deposited in the immediate vicinity, within a few millimeters, of the capturing nucleus. Most of this energy produces high specific ionization (high LET), and it is this ionization on which one relies for destroying the cancer cells. Figure 7 (not printed in RECORD) shows the distribution of specific ionization resulting at the point where negative pions of 96-MeV energy are stopped in water.

Although a significant amount of energy is deposited by neutrons, one should recognize that this is neutron therapy at its best, from the standpoint of depth-dose distribution. The depth-dose distribution is now more favorable than for neutrons from an external source. The neutrons can be imagined to focus on the tumor site from all directions while the elastic and inelastic interactions occur at high energy, where the therapeutic effects of neutrons are at their best.

To recapitulate, absorption of a π^- in issue involves new phenomena that have no counterpart with more conventional types of radiation. At the end of its path, a π^- is captured by a nucleus of O, C, or N. Of the total rest mass of the pion, ~40 MeV is expended in overcoming the binding energy of the nucleus, 70 MeV is carried off by neutrons, and ~30 MeV appears in the form of protons, alpha particles, and heavier ions. The particles of $Z \geqq 1$ are mainly of short range and high-ionization density and produce local high-level energy deposition in the immediate vicinity of capture. By appropriately adjusting the energy of the pions, this intense high-LET, high-RBE local radiation can be deposited within the tumor region with minimal effect on surrounding tissue.

TABLE I.—ENERGY PARTITION FOR π^- CAPTURE IN WATER[2]

	Mev.
Average binding energy	40.0
Kinetic energy:	
$Z>2$	4.5±0.5
$Z=2$	8.0±0.4
$Z=1$	16.5±0.6
Neutrons	70.0±5.0
Total	139.0±5.1
Mass of π^- 139.6 mev.	

Table I shows the energy inventory resulting from a beam of negative pions that comes to the end of its range in water.

For a tumor situated ~10 to 15 cm from the surface, a π^- beam that uniformly irradiates the tumor may be expected to deposit about three times as much energy per unit path length in the tumor as along its path leading to the tumor. For conventional x radiation and also for irradiations with fast neutrons, the entrance dose will exceed the tumor dose by a factor of ~2. In addition, the energy along the path of the pion beam is delivered at low dE/dx, while the dose deposited in the tumor is at high dE/dx due to the heavy ion component of the star. This makes the RBE for pions better than x rays by a factor of ~3. Furthermore, the tumor-to-entrance dose ratio is a function of depth of tumor, becoming more favorable for pions than for x rays or neutrons the greater this depth.

[a] They are empirically determined parameters that relate to the average probability for a lethal encounter of a quantum (or particle) with a cell when a specific cell population is subjected to a given type of radiation. There are two σ's because of the assumption, implicit in the above equation, that the effect of radiation containing a spectrum of LET can be reduced to that of two idealized radiations—one of high LET and one of low LET.

Radiations of constant LET, if such were achievable, would be represented by a single σ, the magnitude of which would be the probability for a lethal encounter when one quantum (or particle) per cm² impinges on a target comprising one cell per cm².

One should not overestimate the value of a high tumor-to-entrance dose ratio. However, it should be kept in mind that there are side effects of radiation and some of them may be quite subtle. For example, effectiveness of radiation may be enhanced by the immune-defense mechanism of the body. One must, therefore, try to avoid adverse effect on the immune-defense mechanism. It is reasonable to suppose that one is more likely to retain natural immunity if one minimizes the total radiation exposure.

There are also late effects of radiation. Sublethal cell injury can apparently result in uncontrolled proliferation of cells (e.g., cancer, leukemia) and life-shortening in general.

A second major implication for cancer therapy of the high-LET distribution achievable with negative pions at the tumor site concerns the oxygen effect, as previously indicated. The OER decreases from 3 for x rays to 1 for heavy ions. For π^- (and also for neutrons), this effect appears to be $\sim$1.5. The effect for neutrons is somewhat substantiated by experiment, whereas the effect for π^- is calculated.

COMPARISON OF VARIOUS TYPES OF RADIATION FOR THE TREATMENT OF CANCER

It is not easy to make a meaningful comparison of the efficacy of various types of radiation. The figure of merit varies with the type of tumor, its depth, and the characteristics of the surrounding tissue. It is taken to be the ratio of damage done to cells in the tumor region to damage done outside this region. In Fig. 8 (not printed in RECORD), it is assumed that the figure of merit includes the oxygen-enhancement ratio, which is estimated to be 1.0 for heavy ions, 1.5 for π^-, and 3.0 for electromagnetic radiation. The definition of figure of merit is, of course, open to some argument. However, all other things being equal, one should certainly try to minimize the body burden and the side effects assocated therewith.

Figure 9 (not printed in RECORD) illustrates the depth-dose distribtuion of various kinds of charged particles. In calculating REM, the values used for RBE correspond to a degree of injury that destroys cellular reproductive capacity. Although the calculations on which these curves are based necessarily contain approximations, the trends shown are certainly meaningful.

PROSPECTS FOR INTENSE PION BEAMS

What are the prospects that pion beams will one day be adequate for therapeutic purposes? The designs of accelerators for such purposes have been discussed previously.[2]

TABLE II.—COMPARISON OF PROPOSED MESON FACTORIES

	H-cyclotron, TRIUMF[1]	Ring cyclotron, Zurich	Linear accelerator, LASL
Energy (Mev.)	200–500	510	100–800
Average current (ma.)	0.1	0.08	1
Beam extraction (percent)	100	90	100
Beam emittance (milliradian cm.)	0.2	----------	?
Cost of facility (millions of dollars)	27	21	55
Funding situation	(2)	(3)	(2)
Completion date	(4)	(5)	(5)

[1] Tri-University Meson Facility, Vancouver.
[2] Partially funded.
[3] Funded.
[4] 1973–74.
[5] 1972.

There are today three meson factories authorized and partially or completely funded: one in Switzerland, one in Canada, and one in the United States. Table II gives the main parameters for these facilities. Biomedical work has not been a major justification for any of these facilities, but I suspect they will all be involved, to some extent, in biomedical research and in negative pion therapy. In fact, we have proposed that a clinical facility be built as part of the Los Alamos Meson Physics Facility. This has not yet been approved. One milliampere of 800-MeV protons will pass sequentially through various targets in the main vault. Most of the beam will be transported to a beam dump, preceding which we can have a thick meson-producing target. The fluxes achievable will permit irradiation of patients with an intensity of 100 rad/min. The beam handling will be as shown schematically in Fig. 10 (not printed in the RECORD) and the exposure room as shown in Fig. 11 (not printed in the RECORD). Detailed calculations by Thiessen show that it will be possible to tailor pion beam to any desired configuration and to adequate purity by judicious use of electric and magnetic fields. Figure 12 (not printed in the RECORD) shows isodose curves calculated on the basis of present magnet technology. Note the flatness of energy deposition.

There is, of course, the problem of delineating the volume to be irradiated and determining the pion energy distribution that will produce stopped pions uniformly in that volume. It may well be possible to determine the precise volume where the pions stop by determining the direction of emitted neutrons and x rays. Alternatively, one might direct positive pions of identical energy distribution into the specified volume and use the positrons from μ^+ decay to produce a map of the density distribution of stopped pions.

CONCLUSIONS

The above arguments indicate that negative pions would be the treatment of choice in many applications of radiation to the treatment of cancer. The essential points are few and simple:

1) High-LET radiation damages anoxic cells more readily than does low-LET radiation for the same damage to normal tissue.

2) The physical distribution of energy deposition can be much more favorable and more controllable for negative pions than for uncharged radiation, because charged particles are susceptible to electromagnetic steering and focusing.

3) Negative pions provide a very favorable depth-dose distribution, compared to other forms of radiation, because of the Bragg ionization peak and the conversion of mass into energy upon capture by one of the heavy-atom constituents of tissue.

High-intensity monoenergetic beams of π-mesons will therefore make possible large localized deposition of high-LET radiation with minimal damage to surrounding tissue, and this is an objective of radiation therapy.

ACKNOWLEDGEMENTS

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I am indebted to Stanley B. Field for calling my attention to Ref. 23.

REFERENCES

1. J. F. Fowler, Private communication (1968).

2. P. H. Fowler, "1964 Rutherford Memorial Lecture: π Mesons versus Cancer?," *Proc. Phys. Soc.*, 85, 1051 (1965).

3. L. Rosen, "Meson Factories," *Phys. Today*, 19, 21 (1966).

4. M. Haissinsky, Ed., *The Chemical and Biological Actions of Radiation*, Vol. V, Academic Press, New York (1961).

5. C. Behrens, Ed., *Atomic Medicine*, 4th ed., Williams & Wilkins, Baltimore (1964).

"THE MEXICAN AMERICAN: A NEW FOCUS ON OPPORTUNITY"—1967–68 ANNUAL REPORT OF THE INTERAGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement prepared by Senator MONTOYA.

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

STATEMENT OF MR. MONTOYA READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. MONTOYA. Mr. President, on January 28, 1969, I introduced a bill, S. 740, to establish the Interagency Committee on Mexican-American Affairs on a permanent basis. I was joined on the original bill by 18 other colleagues from both sides of the aisle. Since then, five other Senators have joined as sponsors of this measure. The tremendous support which this measure has generated is heartwarming and encouraging.

Mr. President, to better understand the problems which the Spanish-speaking American community face and what the Interagency Committee on Mexican-American Affairs has been doing to alleviate those problems, I include at this point in the RECORD a copy of the 1967–68 annual report of the Interagency Committee.

ANNUAL REPORT OF THE INTERAGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS, 1967–1968

"A Father of five children in Los Angeles, California was unemployed for a period of nine months due to his lack of education and skills. A number of times, he and his family lived in their automobile while he searched for a job. In February, 1968, he heard of the Mexican American Opportunity Foundation and was enrolled in their on-the-job training program. He now is earning $2.75 an hour working for a company where he was placed."

"We are moving forward. Nobody knows better than you know how far we have to go. . . . A lesser people might have despaired. A lesser people might have given up a long time ago. But your people didn't give up. They believed.

"They believed that they were full-fledged citizens of the greatest nation on earth, even if others didn't always treat them as such." (Lyndon B. Johnson, El Paso, Tex., October 28, 1967.)

INTERAGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS,
Washington, D.C., July 30, 1968.

DEAR MR. PRESIDENT: I have the honor to present herewith a report on the activities of the Interagency Committee on Mexican American Affairs for the year ending June 30, 1968.

Respectfully,

VICENTE T. XIMENES,
Chairman.

Approved:

Orville L. Freeman, Secretary of Agriculture; Cyrus R. Smith, Secretary of Commerce; W. Willard Wirtz, Secretary of Labor; Wilbur J. Cohen, Secretary of Health, Education, and Welfare; Robert C. Weaver, Secretary of Housing and Urban Development; Bertrand M. Harding, Acting Director of the Office of Economic Opportunity.

THE WHITE HOUSE,
Washington, June 9, 1967.

(Memorandum for: Honorable W. Willard Wirtz, Secretary of Labor; Honorable John W. Gardner, Secretary of Health, Education, and Welfare; Honorable Orville L. Freeman, Secretary of Agriculture; Honorable Robert C. Weaver, Secretary of Housing and Urban Development; Honorable R. Sargent Shriver, Director, Office of Economic Opportunity; Honorable Vicente Ximenes, Commissioner, Equal Employment Opportunity Commission.)

Over the past three years, many members of my Administration have had discussions with Mexican American leaders and others interested in their problems. They have discussed the value of our programs to Mexican

Americans in their search for equal opportunity and first-class American citizenship.

The time has come to focus our efforts more intensely on the Mexican Americans of our nation.

I am therefore asking the Secretary of Labor, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture and the Director of the Office of Economic Opportunity to serve on an interagency committee on Mexican American affairs. I am asking Commissioner Vicente Ximenes of the Equal Employment Opportunity Commission to chair this committee.

The purpose of this committee is to assure that Federal programs are reaching the Mexican Americans and providing the assistance they need; and seek our new programs that may be necessary to handle problems that are unique to the Mexican American community.

I am also asking this committee to meet with Mexican Americans, to review their problems and to hear from them what their needs are, and how the Federal Government can best work with state and local governments, with private industry and with the Mexican Americans themselves in solving those problems.

I would like to be kept informed, at periodic intervals, of the progress being made.

LYNDON B. JOHNSON.

(The Secretary of Commerce was added to the Committee by Presidential letter of January 15, 1968)

WHO ARE THE MEXICAN AMERICANS?

There are approximately 10 million Spanish-surnamed citizens in our country, of which six and a half million reside in the Southwest. In 1960, Mexican Americans represented over 12 percent of the total population in the five Southwestern States; this group is the largest minority in each of these States.

The Mexican American may be a descendant of the Spanish explorers Cortez, Cabeza de Baca or Coronado. Or he may have recently immigrated from Mexico and may very well be a descendant of the great Aztec civilization. Or he may be a mestizo from the union of Indian and Spanish.

There are others in the United States who have the same features, background, language and surnames. For example, there are Puerto Ricans, Spanish Americans (from Spain), Central Americans (from Costa Rica, Panama, etc.), and South Americans. Therefore, among the Spanish-speaking Americans—the second largest minority group in our country—we find a great diversity in origin yet a great commonality in traditions and language. They have also shared the same problems and experiences as citizens of the United States and in this report the term "Mexican Americans" is used as a general designation.

As the Anglo American moved out into the frontier lands of our Nation, the Mexican American gave way as did the American Indian. He lost lands which he had held for centuries; he lost his footing in his own community. He became the governed in his village. His language, which had been the tongue of commerce, became a mark of the "foreigner." Suddenly this was no longer his land or home.

The Mexican Americans were pushed into menial jobs as the years passed; their children rarely reaped the benefits of education. There appeared in towns, villages and cities certain poor sections, or barrios—the ghettos of Mexican Americans. Caught in a vicious circle, the Mexican Americans set the patterns of poverty which their children, to the present, encounter.

Some moved to other sections of the country, to the Northwest, to parts of the East. Their lot has not been much better. The Puerto Ricans, for example, landed on the east coast to find that American citizenship on paper meant nothing to employers or landlords.

Mexican American migrant farm workers make up more than half of the migrant stream in the United States. For example, they account for about 64 percent of the migrants who come into the State of Michigan. They also are as far away from the Southwest as New Jersey.

A FOCAL POINT IS CREATED

On June 9, 1967, the President established a Cabinet committee designated as the Inter-Agency Committee on Mexican American Affairs "to assure that Federal programs are reaching the Mexican Americans and providing the assistance that they need, and (to) seek out new programs that may be necessary to handle problems that are unique to the Mexican American community."

The President appointed to the Committee the Secretaries of Agriculture; Commerce; Labor; Health, Education, and Welfare; and Housing and Urban Development; and the Director of the Office of Economic Opportunity. Vicente T. Ximenes, a member of the Equal Employment Opportunity Commission, was appointed chairman of the Committee.

The President created the Committee to help meet the pressing needs of more than 10,000,000 Spanish surnamed Americans—the Mexican Americans of the Southwest, the Puerto Ricans on the mainland, the Cubans, and others. Often forgotten, although the second largest in the nation, this minority has serious problems.

These problems, at this point in the economic and social development of our people, are unique in dimension, geography, and cultural derivation. Further these are factors which militate for their continuation unless vigorous action is taken. Among these is the continuing contact with the original cultural sources in other countries which other minorities no longer have.

The Mexican Americans in the Southwest, for example, have ties of language with nearby Mexico and this serves to envigorate cultural traditions. Americans of Polish descent, for example, are now long removed from the well springs of their ancestral heritage.

And though the problems, if anything, are more complex than those of other minorities, the community's resources are more scarce. Mexican Americans have no colleges or other educational institutions they can call their own, no substantial private institutions, virtually no funding for their organizations, and, until June 9, 1967, no unit anywhere in the Federal government that was specifically concerned with their problems.

In general terms, the Inter-Agency Committee on Mexican American Affairs serves as the central liaison point between the Spanish-surnamed communities of the United States and the Federal government.

Generally, the Committee:

Lends technical assistance to Federal agencies which have either grant-in-aid or direct programs of significance to the community so that these programs will match the real needs of the community;

Lends technical assistance to community organizations seeking program assistance from the Federal government;

As occasion demands, matches the needs of the community with both private and public resources outside the community;

Provides research and statistical assistance to Federal agencies, serving as a clearing house for the agencies and the community on what is happening in this field; Alerts Federal agencies to the largely untapped personnel resources of the community and supplies placement assistance;

Assists Federal agencies in the communications field so that the government can, in a meaningful way, let the community know what services are available.

There has been a need for these services for a long, long time. For a variety of reasons the community's very real needs had been neglected by the Government. During October 1967, however, through the medium of Hearings ordered by President Johnson, the community's needs and proposed solutions to the community's problems were highlighted to the leaders of the Government in a history-making manner.

As a result of these hearings in El Paso, the community is seeking more Federal action, and is expecting more action—and the Committee is providing the kind of help which it is uniquely qualified to provide to other agencies, Federal, State, local and private.

How it does this and with what results is set forth on the following pages:

THE COMMITTEE STAFF

Supporting the Committee, a staff, of small size but extensive familiarity with the problems of the Spanish speaking/or the Federal departments and agencies, carries out these functions:

Program and Project Assistance: This involves the two-part activity of guiding Mexican American groups to the program resources of the Federal Government and helping agencies identify and respond to the needs of the Mexican American community.

Too often Federal programs which fit perfectly the needs of other segments of society, fail to match the needs of this community. Without assistance Mexican Americans too often lack the familiarity with government structure and procedure to take advantage of Federal programs that already exist.

Research: The staff maintains an overview of public and private research of use to the Mexican American community. Essentially, this consists of evaluating and synthesizing the relevant research of others and the stimulation of such research.

There is literally no such institution as a Mexican American college or university and with the end of the Ford Foundation's Mexican American research project at the University of California at Los Angeles, there is no research clearing house of any kind for the community other than that of the Committee.

Job Placement: Given the low level of Mexican American participation in Federal employment and the rising interest in recruiting talented members of the community, the staff works to help fill this gap. The Committee has been matching potential professional-level employees with suitable Federal positions and those in private industry whose increasing interest has also been stimulated by the Committee.

Public Information: From time to time information is prepared for the press, radio, television, and magazines to alert the Mexican American community of Federal activities.

THE EL PASO HEARINGS

The first assignment of the Committee, mentioned in the President's memorandum establishing the Committee, was "to meet with the Mexican Americans, to review their problems and to hear from them what their needs are, and how the Federal Government can best work with State and local governments, with private industry and with the Mexican Americans themselves in solving these problems."

Consultation with leaders

Consultation with Mexican American leaders and "grass roots" representatives was immediate and intensive. Emphasis was on positive action, on solutions, not mere statements of problems. As the President told Chairman Ximenes during the discussions of the plans, "the time for soothing generalities is over; we must now move to the solution of the problems."

The President personally picked the date and the place of what was designated the Cabinet Committee Hearings on Mexican

American Affairs: El Paso, Texas, October 26th through October 28th.

The location was to make the meeting easy of access for the Mexican Americans and to be free of interruptions in the time of two score and more of Federal officials attending. Above all, it was to assure that the Government officials would meet face to face with the Spanish-surnamed people and would listen to solutions.

Selecting participants

Obviously, not all Mexican Americans could attend. Great care was taken in issuing invitations to give geographical balance, a full range of views and experience, and representation of all occupations from migrants to professionals.

Suggestions were solicited from individuals, national organizations, government officials—both appointed and elected—at national and local levels, educational institutions, private business, and many others.

Nearly 25,000 nominations were received by the application of several dozen standards. This large number was sifted in an attempt to find 1,500 participants able "to talk about what can be done through specific programs to achieve the rightful ambition of Mexican Americans to play their full role in our society."

Selecting subjects

Subjects were chosen with like care. Six concurrent panels of Federal officials were set up to run continuously morning and afternoons for two days. The 1,500 participants were assigned to sessions according to their experience and interest. In each case a Mexican American was appointed monitor to chair the panels and assure full hearing of all viewpoints.

Panels were on Agriculture; Labor; HEW; Housing and Urban Development; Poverty; Economic and Social Development.

In addition, 50 round tables were held concurrently on the evening separating the first two day-time sessions. These were exclusively for the participants to discuss presentation of their views to the officials on the panels.

Community cooperation

Public rooms in six hotels, classrooms and the auditorium of the University of Texas at El Paso, and facilities of the U.S. Army from Fort Bliss and Fort Sam Houston were used. The staff of the Committee was augmented by Army personnel, officials and staff of the El Paso Chamber of Commerce, and other community groups and private citizens—Mexican Americans and others—whose cooperation was unfailingly generous and helpful.

Federal participants

The Hearings were opened by Vice President Humphrey. For the first time in American history, this number of Cabinet members and several score high Federal officials gathered in one place in the country outside of Washington to meet with one group of citizens for two days of give-and-take.

The meetings were concluded by a speech of President Johnson. He brought with him the President of Mexico who also addressed the final session. A traditional Fiesta arranged by citizens of El Paso concluded the historic gathering and marked what has since been called "a watershed in Mexican American affairs, a milestone in democratic government, and the greatest step forward to date in centuries of Mexican American history."

PROBLEMS DEFINED, DIRECTIONS CHARTED

The specific problems the Mexican American community has faced were minutely examined at El Paso, some for the first time. From this came affirmation of goals long held and some new directions.

Typical of the problems:

In the five Southwestern states, Mexican Americans, 14 years of age and older, have only 8.1 years of schooling, compared with 12.0 years for average Anglo-Americans of the same age.

Mexican American children have a school drop-out rate that is over twice the national average.

Mexican Americans in barrios had an unemployment rate of 8 to 13 percent in 1966 as compared to a national average of 4 percent for that year.

Subemployment rates for Spanish-surnamed residents of the slums were 42 to 47 percent.

Employment of Mexican Americans by the Federal Government was in need of attention. The Civil Service Commission report indicated, for example, that the Selective Service Board had no Spanish-surnamed employees above the Grade of GS–8, and in the Department of Justice, only 62 top-level positions out of a total of 11,695 were held by Mexican Americans.

The 1959 family income under $3,000 of *urban* Spanish-surnamed families was 28.5 percent in Arizona; 17.5 percent in California; 28.6 percent in Colorado; 33.1 percent in New Mexico; and 47.3 percent in Texas.

The 1959 family income under $3,000 of *rural* Spanish surnamed families was 50.4 percent in Colorado; 53.8 percent in New Mexico; and 69.2 percent in Texas.

In Arizona 32.4 percent of the dilapidated homes belong to Mexican Americans and in Colorado 24.3 percent of such housing belongs to the Spanish-surnamed citizen.

Out of discussions by the 1,500 Mexican Americans, Federal officials and other participants of these and a myriad of other problems came more than 1,000 specific recommendations and agreement on the fundamental new directions:

The cultural differences and background of the Mexican American community must be acknowledged and understood;

Bilingual education in all phases of instruction should be developed;

Federal agencies must develop and practice an "out-reach" philosophy in bringing services to the Mexican American community;

Federal employment opportunities must be opened further to the Mexican American community;

The community must be involved in all aspects of program planning whether it is in school activities or model cities programs;

Problem solving must be undertaken through the cooperation of Government, private industry, and Mexican American civic and service organizations.

(*An example of the response from Federal agencies:*)

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE.

To: See Below.
From: The Secretary.
Subject: Departmental Work Plan for Mexican-Americans.
Date: January 16, 1968.

Several months ago, I asked the Department to develop a special focus for the problems of Mexican-Americans directing our programs more pointedly to this neglected portion of our population. I designated Joseph Colmen to assist me in this effort, and to organize for our work with the President's Interagency Committee on Mexican-American Affairs.

I appreciate your preliminary work in inventorying what we have been and are doing that helps Mexican-Americans. Some forward thinking was included in reports which you assembled for the Interagency Committee. The Committee's hearings in El Paso identified additional needs.

Now we must demonstrate by action our good intentions. I would like your assistance, therefore, in preparing a specific work plan. The format attached has been provided for your response. It treats separately the recommendations growing out of the El Paso hearings, to which we owe a response; and the plans you create based on your knowledge of your programs.

Although long range plans are necessary, I want to stress the importance of doing everything you can now within our current funding authority to meet the needs of Mexican-Americans. This includes assigning this responsibility to people within your agency who can and will get results and giving them your full support.

Addressees: Harold Howe II, Commissioner of Education; Robert M. Ball, Commissioner of Social Security; Mary E. Switzer, Administrator, Social and Rehabilitation Service; William H. Stewart, M.D., Surgeon General, Public Health Service.

PROGRAMS AND PROJECT ASSISTANCE

Refined by the discussions at the El Paso hearings, the Committee's work of initiating and expediting programs took on new vigor and speed. Set forth below are programs and projects which reflect the new impetus arising from Committee activity during the period of this report.

MANPOWER AND TRAINING

Concentrated Employment Programs have been established in comprehensive effort against hard-core employment. A total of $30,415,166 has been allocated for the programs in San Antonio, San Francisco, Los Angeles, Phoenix, Albuquerque, Denver, Waco, and Oakland which account for over 40 percent of the entire Mexican American population.

More than 18,000 Mexican Americans have been trained or are receiving training through institutional Manpower Development and Training programs. This number included 2,500 specially developed training slots designed to serve the unique needs of the Mexican Americans in various California cities.

In addition to the regular U.S. Department of Labor-funded on-the-job training programs in which Mexican Americans also participate, $3.3 million has been allocated for 3,900 on-the-job training slots for Mexican American trainees. Projects are being administered by Mexican American social service organizations in Richmond, Santa Rosa, Fresno, Los Angeles, San Diego, Salinas, Pico Rivera, Santa Clara, California; Denver, Colorado; and Maricopa County, Arizona. For the trainees who speak Spanish, the projects include prevocational English classes.

Operation SER (Service—Employment—Redevelopment) created in 1966, is now mounting Mexican American manpower programs in thirteen Southwestern cities in which more than 3,000 unemployed persons, mainly Mexican Americans, will receive job preparation and placement services. Operation SER is directed by Jobs for Progress, Inc., a non-profit organization sponsored by major Mexican American organizations; The League of United Latin American Citizens and the American GI Forum of the U.S. Operation SER has received approximately $7 million in Manpower Development and Training Act funds.

Mexican American youths in the Neighborhood Youth Corps increased to 38 percent in the Southwest during the 1967 summer work program as contrasted with 25 percent earlier.

Federal Government recruitment and employment

The Post Office Department in the last two years has added Mexican Americans to its staff at about 60 times the rate that it averaged in the last 120 years.

Civil Service Commission survey of Federal employment indicates that, during the period of June 1965 to November 1967, there was an increase of 41 percent in Spanish surmaned Federal employees in the Southwest. Over 9,000 such appointments were made from June 1966 to November 1967, with hundreds more being added to the Federal rolls in most recent months.

The number of Mexican Americans in positions paying over $11,000 per annum has

virtually doubled in this period in the five-state area.

This trend towards increased representation of Spanish-surnamed Americans in the upper levels is dramatically reflected by the 1967 increase of 185.2 percent in Spanish-surnamed GS–15 appointees since the 1963 level.

Much of this progress is the direct result of regular meetings and constant communication of the Inter-Agency Committee staff with ranking agency personnel directors and special departmental task forces created to make recruitment and hiring practices more responsive to the Mexican American community.

Activities have included the launching of recruiting drives by member agencies of the committee at schools and colleges with substantial Spanish surname enrollment. For example, during early 1968, the Department of Health, Education, and Welfare conducted recruitment drives through eleven cities in the Southwest. Since February, the Department has hired 134 Mexican Americans up to and including GS–15 level (paying more than $18,000 a year).

New job element rating techniques and examining procedures are being designed to eliminate unnecessary experience or educational requirements for entry level positions. The Department of Housing and Urban Development has pioneered in new testing procedures which will permit the Government to evaluate the job potential of workers whose abilities might not be reflected by written examinations.

The Inter-Agency Committee is furnishing both technical assistance and information on talented members of the Mexican American community to interested Government agencies through a Committee staff-operated pool.

The Inter-Agency Committee has compiled and published a listing of over 1,400 Spanish-surnamed students who graduated from college during the current year. The first such compilation has been distributed to Federal agencies, private employers and other interested groups. Reports received by the Committee indicate a great interest among these employers. For example, one large national corporation has already hired 22 recent graduates and one school system has mailed applications to over 175 education majors who appeared in the booklet.

The Civil Service Commission is studying a new Federal merit promotion policy to assure fairer consideration of Mexican American employees for advancement and to assure that employees are more fully informed about promotion opportunities; the Civil Service Commission has also committed itself to substantially more emphasis on training for lower level employees to assist their advancement.

The Civil Service Commission, Federal personnel officers, union officials and leaders of minority group organizations are reviewing proposed changes in the procedures for filing, investigating and resolving complaints of discrimination within Federal agencies.

Civil Service Inter-Agency Boards of Examiners in the Southwest regions are working with Mexican American organizations to locate candidates and to identify employment problems. Use is being made of the Spanish language media to advertise job openings and examination announcements.

Agencies are being encouraged to recruit and hire bilingual and bicultural employees where there is a demonstrated need for employees with these qualifications. In the four Civil Service Regions with substantial Mexican American population, the Commission is now especially employing Spanish-speaking persons for public information and testing positions.

Federal-private cooperation in employment

The Inter-Agency Committee, in conjunction with Plans for Progress (a unit in the Executive Office of the President, staffed by executives loaned by industry to intensify private sector cooperation) and the Community Relations Service, sponsored the Southwest Employers Conference on Mexican American and Indian Employment Problems. More than 200 representatives of private industry convened on July 10, 1968 for a three-day conference in Albuquerque, New Mexico. Another is being considered for California.

Efforts to enlist the interest of industry in hiring Mexican Americans include specific assistance to companies in devising equal employment opportunity programs as well as almost daily contact with business executives regarding the employment of Mexican Americans.

Education

In January, 1968 that President signed the Bilingual Education Bill amending the Elementary and Secondary Education Act. The bilingual and bicultural education provisions authorize research, experimentation, demonstration and operating activities. These include the development of curricula, methods, materials, media and administrative procedures relating to bilingual instruction.

Primarily through ESEA funds, HEW has sponsored research and demonstration programs for pre-school and elementary students of multi-lingual and multi-cultural backgrounds in San Antonio, El Paso, Travis County, Texas; Northern New Mexico and Las Cruces, New Mexico. Included are the Southwestern Educational Development Laboratory in Austin, the Good Samaritan Pre-School Bilingual Program in San Antonio and Project Follow-Through in Corpus Christi.

Related Activities involve the utilization, in Denver, Colorado, and in eleven Texas counties, of televised programs to teach English and to strengthen self-image among Mexican American students through an understanding of their total cultural heritage. Under the Experienced Teacher Fellowship Program, the University of Arizona is training teachers of bilingual-bicultural students.

Through the talent Search Program of HEW, $854,125 has been made available for nine projects in the Southwest to identify talented high school students and encourage them to complete high school with a view toward pursuing a higher education.

National Defense Education Act loans, Economic Opportunity Grants, Guaranteed Loans and the Work/Study Program are being utilized increasingly by colleges in the Southwest to help needy Mexican American students. For example, Our Lady of the Lake College in San Antonio has made use of all such aids in its Project Teacher Excellence and the West Texas University continues financial aid to students with an effort to educate non-profit organizations in the uses of Work-Study participants.

A Mexican American Affairs Unit of the Office of Education was established at the urging of the Inter-Agency Committee on Mexican American Affairs. The Unit has conducted a field survey among the Mexican American communities in the Southwestern States, now being analyzed.

Migrant training and education

In Florida, Texas, and California, a Migrant Compensatory Education Project has been established to provide basic and remedial education, occupational training, vocational rehabilitation, health and food services and economic support to 1,000 migrant youths and their families.

In Illinois, the Office of Economic Opportunity has established a program of adult basic education service for Mexican American migrants setting out of the migrant stream.

In Arizona, a series of television tapes are being utilized to teach the adult Mexican American migrant of low literate level how to speak basic, simple English.

In Texas, the Department of Health, Education, and Welfare, under Title III of the Elementary and Secondary Education Act, has set up special bilingual instruction for migrant children. The Rio Grande Valley Education Service Center will serve over 70,000 Spanish-speaking and migrant children in four Texas counties.

In Mesilla Valley of Dona Ana County, New Mexico, educational radio is being utilized to increase the communication skills of over 500 children from migrant agricultural families and other disadvantaged children.

In Northern New Mexico, the Home Education Livelihood Program is providing adult basic, general and vocational education as well as assisting in the establishment of farm cooperatives and small village industry.

Eight High School Equivalency Programs have received funding for their second year from the Migrant Division of the Office of Economic Opportunity. Seventy-five percent of the youths are migrants and over seventy-five percent are Mexican American. Programs are in Claremont, California; Pueblo, Colorado; Lincoln, Nebraska; Eugene, Oregon; Pullman, Washington; El Paso, Texas; Madison, Wisconsin; and Roswell, New Mexico.

The Migrant Division of the Office of Economic Opportunity has funded twelve information and referral centers for migrants and seasonally employed farmworkers in areas with large numbers of Mexican Americans. Mexican American migrants are in eight of the twelve areas covered by the information centers.

Migrant labor

The influx of bracero labor, citizens of nearby countries who compete with U.S. citizens for jobs, was reduced during the past year to only 0.4 percent of its 1959 level in terms of man months of employment, or to 1/250 of its former number.

The Department of Labor has established higher housing standards for farmworkers who are hired through the Employment Service Offices.

The Inter-Agency Committee, in support of community efforts, continues to urge the enactment of legislation extending the right of collective bargaining to farm laborers.

The 1968 Sugar Beet wage rate determination provides a 5.9 percent to 7.7 percent increase in piece rates and a 10 cent increase in the hourly rate. Stricter protective provisions for minors and more stringent regulations governing labor contractors were also approved by the Secretary of Agriculture.

Agriculture and rural development

Seven counties in Texas, each containing a Mexican American population of 10 percent or more, are on a Commodity Distribution Program target list of the Department of Agriculture's efforts aimed at the nation's 1,000 poorest counties—counties which had not previously obtained coverage.

The Forest Service has reallocated $1,000,000 for additional use in revegetation of grazing lands in Northern New Mexico and in Colorado, benefiting the many Mexican Americans in the area who conduct small farming operations.

The Forest Service is dividing its contracts into smaller units so that small village groups can bid, thus creating jobs and stimulating the depressed economy in areas of Northern New Mexico.

The Forest Service has provided funding for the Trinchera Ranch Exchange to provide job and economic development in Costilla County, Colorado, where over 70 percent of the population is Spanish surnamed.

Statistical data

The Bureau of the Census will include in the 1970 Census a notation on the language spoken in the home if it is other than English and other questions to acquire data needed to define and attack problems of the Spanish-speaking.

HEW has changed its surveys so that Mexican American school enrollments will be counted more usefully.

The Civil Service Commission report on minority group Federal employees has been expanded to include more vital information

on Mexican American employment in the Federal government.

Housing

The Santa Clara County Housing Authority in conjunction with the California Better Housing for Mexican Americans Committee has received a planning grant for public housing units for 450 families and 250 elderly people.

The East Los Angeles Improvement Council has received $1,850,000 for the construction of moderate income rent supplement housing units.

Funds have been granted for the construction of 300 units of low rent and rent supplement housing for elderly people, 50 percent of whom are Mexican American.

The Home Improvement Project in Albuquerque received an additional $73,000 in March, 1968 to continue its program of rehabilitation of homes and employment for the unskilled unemployed.

Model Cities

The Model Cities Program now includes several cities which contain a high percentage of Spanish surnamed population: Fresno, California; San Antonio, Eagle Pass, Waco, Texas; Denver, Trinidad, Colorado; Albuquerque, New Mexico; and Saginaw, Michigan, and New York.

NEIGHBORHOOD FACILITIES

The first HUD assisted neighborhood facility, opened in February 1967, was the LEAP Community Center in Phoenix, Arizona, with a grant of $185,226 and serving nearly 3,000 Mexican American families. Since, many projects have been completed to serve the needs of Mexican American families, including centers in El Paso, Carrizo Springs, Texas; Pagaso Springs, Colorado; Flagstaff, Arizona; Delano, Calexico, California. Grants for these projects totalled $900,700.

Committee aid on programs and projects, tabular summary [1]

ACTION TAKEN

Program contacts:	
Federal	1,410
State and Local	128
Private	697
Mexican-American organizations	1,758
Policy changes recommended	49
Community projects:	
Acted upon	257
Guidance provided	133
Individual hardship cases aided	35
Projects initiated by committee	37
General information and assistance	1,094
Meeting arrangements:	
Interagency	307
Private sector	60

PLACEMENT ACTIVITIES

Total applicants	438
Total referrals	1,092
Total placements	119
Employment contacts with private companies	66

AREAS OF ACTION	*Individual actions*
Education	320
Health, welfare, poverty	138
Rural matters, migrants	165
Housing	118
Justice and immigration	115
Military	53
Manpower	208
Research	63
Miscellaneous	34

[1] The figures in this table reflect requests and situations which require one or more written communications which are in the intergency Committee's files for this year. They do not include requests and situations subject only to telephone and personal contacts. These latter outnumber those in the table many times but involved situations which could be disposed of without time-consuming correspondence or documentation or which already existed in the Inter-Agency files or in other agencies, government or private.

SPANISH SURNAME EMPLOYMENT, FEDERAL GOVERNMENT

	1965	1967	Percent increase
Worldwide	59,853	68,945	15
Southwest	38,715	54,558	41
Arizona	1,704	2,251	32
California	9,372	15,297	63
Colorado	3,246	4,397	35
New Mexico	5,261	6,741	28
Texas	19,132	25,872	35

Identifiable Federally funded projects established to serve the specialized needs of Mexican Americans (not including other projects by which Mexican Americans, and others as well, are served, 160.)

SOME FEDERAL GOVERNMENT POSITIONS TO WHICH MEXICAN AMERICANS HAVE RECENTLY BEEN APPOINTED

Chairman, Inter-Agency Committee on Mexican American Affairs.

Ambassador to Paraguay.

Ambassador to El Salvador.

Representative to the United Nations General Assembly, with rank of Ambassador.

Chairman, United States Section, United States-Mexico Commission for Border Development and Friendship.

Member, National Transportation Safety Board, Department of Transportation.

Commissioner, Equal Employment Opportunity Commission.

Member, United States-Mexico Commission for Border Development and Friendship.

Member, National Advisory Commission on Income Maintenance Programs.

Executive Assistant to the Federal Co-Chairman, Four Corners Regional Commission, Economic Development Administration.

Special Assistant to Commissioner Member, Equal Employment Opportunity Commission.

Community Relations Specialist, U.S. Civil Rights Commission.

Women's Advisory Committee for the War on Poverty (2), Office of Economic Opportunity.

Regional Director, Bureau of Work Training Programs, Department of Labor.

Deputy Regional Director, Bureau of Work Training Programs, Department of Labor.

Consultant (to assist in internal review of the impact of its programs in Mexican American community), Department of Labor.

Director, Southwest Area, Department of Housing and Urban Development.

Executive Director, Peru, Peace Corps.

Staff Member, President's Council on Youth Opportunity.

Member, National Advisory Committee for the Bureau of Education for the Handicapped, Office of Education, Department of Health, Education, and Welfare.

Consultant, Food and Drug Administration, Department of Health, Education, and Welfare.

Coordinator for the West and Southwest Equal Employment Opportunity Program, Post Office Department.

Director, Mexican American Education Unit, Office of Education, Department of Health, Education, and Welfare.

Consultant, Advisory Committee on Books for Poor Children, Department of Health, Education, and Welfare.

Member, Board of Appeals and Review, Post Office Department.

Special Assistant, Office of Civil Rights, Department of Health, Education and Welfare.

Director, Office for Spanish Surnamed Americans, Department of Health, Education and Welfare.

Legislative Counsel to Governor of American Samoa, Department of the Interior.

Director, National Capital Region of National Park Service, Department of the Interior.

Assistant General Counsel, Equal Employment Opportunity Commission.

Project Manager for Equal Employment Opportunities, Civil Service Commission.

Member, National Advisory Committee on Welfare, Department of Health, Education and Welfare.

Member, Title III Advisory Committee, Office of Education, Department of Health, Education and Welfare.

Member, Advisory Committee on Graduate Education, Department of Health, Education and Welfare.

Educational Research and Training Specialist, Office of Economic Opportunity.

Attorney, Civil Rights Division, Department of Justice.

Member, Education Professions and Development Act Advisory Committee, Department of Health, Education and Welfare.

Consultant, Mexican American Education Project, U.S. Commission on Civil Rights.

Personnel Staffing Specialist, Department of Health, Education and Welfare.

Personnel Staffing Specialist, Department of Labor.

Members, Advisory Committee on Guidance and Counseling, Department of Health, Education and Welfare.

Member, Advisory Committee on Vocational Education, Department of Health, Education, and Welfare.

Information Officer, Social Security Administration.

Consultant, National Institutes of Health.

District Director, Bureau of Work Training Programs, Department of Labor.

Program Analyst, Office of Economic Opportunity.

Compliance Officer, Department of Health, Education and Welfare.

Assistant Executive Director, Research, Inter-Agency Committee on Mexican American Affairs.

Chief, Program Division, Inter-Agency Committee on Mexican American Affairs.

Special Assistant to the Executive Director, Inter-Agency Committee on Mexican American Affairs.

Program Specialists (2), Inter-Agency Committee on Mexican American Affairs.

Administrative Assistant to the Chairman, Inter-Agency Committee on Mexican American Affairs.

The primary objective of the Inter-Agency Committee on Mexican American Affairs has been to find whether Federal programs are reaching Mexican Americans and to seek new measures, where such are necessary, to handle the community's unique problems. The programs mentioned in this report result from this kind of special attention to the Mexican American's needs.

However, the most vital—and somewhat intangible—function of the Inter-Agency Committee has been that of education. The Inter-Agency Committee found a great lack of knowledge and understanding within the agencies in regard to the Spanish-surnamed American. It also found a great willingness among the Government and private sector officials to learn and to communicate with the Spanish-speaking people of our nation. Therein lies progress.

On the other hand, the Committee has also found it necessary to acquaint the Mexican American community in the resources which exist for them in Government and the private sector. The ultimate success of this liasion role will be to bring the three—Government, private sector and people—together and establish a permanent trust among them.

VINCENTE T. XIMENES,
Chairman.

MAN'S INHUMANITY

Mr. PELL. Mr. President, recently there was brought to my attention an excellent editorial from the Providence Sunday Journal. The editorial was published on the occasion of Jewish Book Month, but its message I believe is time-

less. It is an eloquent reminder that injustices to our fellow man must be of immediate and deep concern to each of us.

I ask unanimous consent that the editorial entitled "Man's Inhumanity" be printed in the RECORD at this point.

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

MAN'S INHUMANITY

"In the literature of the Holocaust, there is conveyed that which cannot be transmitted by a thousand facts and figures. We learn to suffer in these pages; and we learn anger. It is that anger which must serve to instruct us. For if we are angry, we care. And if we care, our concern must outstrip the fact, once again."—From the general introduction to *Out of the Whirlwind*, and anthology compiled by Albert H. Friedlander.

The theme of Jewish Book Month, Nov. 15 to Dec. 15, is Resistance and Redemption, commenorating the 25th anniversary of the Warsaw Ghetto uprising. The events that occurred in Poland in the early 1940s were among the most terrible examples of man's inhumanity that history has recorded. They constituted the bitterest, most excessive chapter in the systematic murder of six million Jews. They form a testament that Man must not forget, as horrible as it is to remember.

The Jewish population of Poland in September, 1939, was 3,300,000. About 400,000 lived in Warsaw. Five years later, the Nazi Holocaust had destroyed the Warsaw Ghetto and all its occupants and the number of Polish Jews had been reduced by 2,800,000 or 85 per cent in the gas chambers of the concentration camps.

The story of the ghetto, the walled city within a city of 100 square blocks, into which the Jews were herded beginning in October, 1940, is so horrible that the mind recoils. The systematic "resettlement" engineered by the Nazis in 1942 kept ghetto residents ignorant of their impending fate until somehow realization of the true meaning of the word "resettlement" became widespread. The desperate uprising of the remaining 40,000 or 50,000 Jews in 1943 and their total destruction is an atrocity that challenges Man's ability to comprehend. The anti-Semitism and unwillingness of all but a few Polish Christians to act or speak against the diabolical treatment of Jews and the massacre that followed are a matter of record.

Remembering all this is painful. Some say that to do so feeds the emotions and builds hatred which is no antidote to the original poison of the Nazi era. If hatred and desire for veneance were the aims, there would be good reason to forget—to let the past fade into history.

But the relevance of the Holocaust of the 1940s is the sin of silence in the 1960s, the inclination to look the other way, to ignore the later wall—in East Berlin; to be fatalistic as Vietnam and the Vietnamese people are destroyed and to plead helplessness in the face of famine in Biafra and India and Latin America; to yield to the injustices committed against minority groups, the indigent, the disabled; to remain passive as clubs fall on innocent victims; in short, to learn nothing from the past and to live in isolated, comfortable, and complacent exile from society while everywhere there are suffering and wrong.

Mr. PELL. Mr. President, once again I urge on my colleagues the importance of pressing ahead with the ratification of the Genocide Convention, a ratification that we have been far too long in moving ahead and acting upon.

I commend in this regard the Senator from Wisconsin (Mr. PROXMIRE) for the excellent work he has done in keeping this matter fresh in our minds.

TOWARD THE RECONCILIATION OF EUROPE

Mr. PELL. Mr. President, a national policy panel of the United Nations Association of the United States has issued a report entitled "Toward the Reconciliation of Europe." The panel was headed by Theodore C. Sorenson, former special counsel to Presidents Kennedy and Johnson, and Peter G. Peterson, chairman of the board of Bell & Howell.

A press release was issued a few days ago summarizing the recommendations of the panel. Because I think that these recommendations deserve the widest possible attention. I ask unanimous consent that the full text of the press release be printed in the RECORD at this point.

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

UNITED NATIONS ASSOCIATION OF THE UNITED STATES OF AMERICA PRESS RELEASE

WASHINGTON, D.C.—A fresh initiative for the reconciliation of Europe was urged on the Nixon Administration today by a National Policy Panel of the United Nations Association of the United States headed by Theodore C. Sorensen, Special Counsel to former Presidents Kennedy and Johnson, and Peter G. Peterson, chairman of Bell and Howell. The 24-member group included John J. McCloy, Thomas K. Finletter and Dr. Henry A. Kissinger, until his appointment as foreign policy advisor to President Nixon.

Assessing the situation in Europe following the invasion of Czechoslovakia, the UNA Panel outlined a course of action toward greater Western unity, a rapproachement with Soviet Union, and a European settlement that could resolve the German problem. "The premises and assumptions of the past, valid as several of them at times have been in forming United States approaches, are no longer adequate as guides for United States policy," the Panel asserted.

The Panel called for early Presidential affirmation of the "importance which the United States attaches to its relationships to Western Europe," and suggested that the 20th Anniversary NATO Council meeting in Washington in April be converted into a "summit meeting—designed both to develop and to reinforce a new sense of solidarity in the Alliance."

The UNA Panel also recommended that the Nixon Administration, after consultation with our NATO allies, propose a Four Power Summit conference to set up a European Security Commission for the preparation of the general principles of a European settlement. The Commission would be composed of West Germany, East Germany, Italy, Poland, Czechoslovakia and Hungary, in addition to the United States, Soviet Union, Britain and France.

The Commission would also create machinery for crisis management. But its basic function would be to negotiate, for the approval of the Four Powers, the military posture and arms control safeguards of the NATO and Warsaw Pact forces in the Central European region including the two parts of Germany, Poland, Czechoslovakia and some neighboring areas. Such negotiations would involve a freeze in present NATO and Warsaw Pact troop strength in the area, a 10-percent cut in all forces after one year with adequate inspection, and provision for subsequent across-the-board cutbacks and reduction of nuclear warheads stockpiled in the zone.

At the same time, the Four Powers would propose to West and East Germany negotiations between themselves for a step-by-step program for the eventual reunification of Germany, based on acceptance of the Oder-Neisse line as the eastern frontier and the provisional character of Germany's division.

The UNA Panel recognized that the Czechoslovak invasion showed Moscow's strict limitations on liberalization in Eastern Europe, but pointed out that "the Soviet Union, deeply aware of its own dilemmas with its allies, might well conclude that its own best interests would be served by a new effort to resolve the German question. If that question is not resolved it could some day plunge Europe again into bloody conflict."

The strategy outlined for strengthening Atlantic unity after a NATO summit conference included:

1. "Close and continuing consultations with our European allies on new political or military commitments and developments in weapons technology . . . with a deep perception as to their options and dilemmas."

2. Encouraging the development of a European caucus in NATO, enabling the Europeans to assert more initiative and making possible the ultimate emergence of a European defense community.

3. In the present European situation, retention of present United States forces in Europe and enlargement of present military contingents of other NATO partners much nearer to previously agreed force levels. Should larger European contributions be made, the United States should in principle support appointment of a European Supreme Allied Commander in Europe—provided an American remains in a position to fulfill U.S. statutory requirements on the control of nuclear weapons.

4. Establishment of a NATO Payments Settlements Authority to help equalize balance-of-payments by the purchase of medium term bonds from deficit countries and the corresponding sale of its own bonds to surplus countries.

5. Making the U.S. Representative on the North Atlantic Council a member of the President's National Security Council.

6. A "Nixon Round" of negotiation on non-tariff barriers to trade.

7. "A more humanistic approach" to Western unity by common work on common problems, through establishing an International Urban Institute, an International Foundation for Education, and inviting our allies to join in a space program in which "an Atlantic astronaut could symbolize a new spirit of common adventure".

In addition to its major recommendations for a European settlement, the Panel urged Congressional passage of the East-West Trade Bill and repeal of all inconsistent legislation as "a matter of major priority". It recommended that the Executive Branch liberalize export controls, "retaining controls only over those items that can demonstrably be shown to augment significantly the war-making capacity of an Eastern European country which cannot obtain such items elsewhere or manufacture them itself".

The Panel proposed enlarging United Nations efforts to develop East-West common interests through expanding the role of the UN Economic Commission for Europe, and a substantial increase in the inspection capabilities of the International Atomic Energy Agency.

The full 36-page statement, entitled Toward the Reconciliation of Europe, has been communicated to the appropriate officials in the Nixon Administration and to leaders of Congress. The list of panel members who signed the statement is attached.

The United Nations Association for the United States, which sponsored the Panel, is a non-profit organization devoted to research and education to improve United States participation in international organizations. Its previous policy reports are two on China, the United Nations and U.S. Pol-

icy, one issued in October, 1966, and the other in September, 1967, by a panel headed by Robert V. Roosa; and Stopping the Spread of Nuclear Weapons in December, 1967, by a panel headed by Burke Marshall.

Chairman of the United Nations Association is Arthur J. Goldberg, former U.S. Ambassador to the UN and Supreme Court Justice. The Association has 175 chapters throughout the United States, collegiate units on nearly 600 campuses, individual members numbering more than 70,000, and the affiliation of over a hundred national voluntary organizations.

Early in its deliberations, a group of Panel members had the benefit of discussions in Brussels with members of the European Economic Community, and with representatives of the U.S. and other missions to NATO. Subsequently, members of the Panel met at the Villa Serbelloni, Bellagio, Italy, maintained by the Rockefeller Foundation, for consultations on the issues being considered by the Panel. The following European consultants were present at the Bellagio meeting:

Dr. E. H. Van der Buegel, The Hague, Netherlands.

Dr. Fabio Luca Cavazza, Agnelli Foundation, Milan, Italy.

Dr. Max Kohnstamm, Comite d'Action pour les Etats-Unis d'Europe, Brussels, Belgium.

M. Jean Laley, Administrative Institute, Paris, France.

Dr. Klaus Ritter, Director, Stiftung Wissenschaft und Politik, Munich, Germany.

The officials in Brussels, the European participants, and the Rockefeller Foundation are in no way responsible for any content in the Panel's report.

UNA-USA NATIONAL POLICY PANEL ON ATLANTIC RELATIONSHIPS, EASTERN EUROPE AND THE UNITED NATIONS

Theodore C. Sorensen, Chairman, Partner, Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison.

Peter G. Peterson, Vice Chairman, Chairman of the Board, Bell and Howell Company.

Walker L. Cisler, Chairman of the Board, the Detroit Edison Company.

Oscar A. de Lima, Chairman of the Board, Roger Smith Hotels, Incorporated.

Thomas K. Finletter, Partner, Coudert Brothers.

Richard N. Gardner, Henry L. Moses, Professor of Law and International Organization, Columbia University.

Ernest A. Gross, Partner, Curtis, Mallet-Prevost, Colt and Mosle.

Edwin Huddleson, Jr., Partner, Cooley, Crowley, Gaither, Godward, Castro and Huddleson.

James N. Hyde, Lawyer, Consultant to Rockefeller Brothers Fund.

Joseph D. Keenan, International Secretary, International Brotherhood of Electrical Workers.

Henry A. Kissinger,* Professor of Government, Center for International Affairs, Harvard University.

Robert Kleiman, Editorial Board of the New York Times.

Philip M. Klutznick, Senior Partner, Urban Investment and Development Company.

Col. Laurence J. Legere, Institute for Defense Analyses.

John J. McCloy, Milbank, Tweed, Hadley & McCloy.

James S. McDonnell, Chairman of the Board, McDonnell-Douglas Corporation.

G. William Miller, President, Textron, Incorporated.

Emanuel R. Piore, Vice President and Chief Scientist, International Business Machines Corporation.

Thomas C. Schelling, Professor of Economics, Center for International Affairs, Harvard University.

Gen. Cortland V. R. Schuyler, Commissioner of General Services, Executive Department, State of New York.

Marshall D. Shulman, Director, Russian Institute, Columbia University.

Joseph E. Slater, President, Salk Institute for Biological Studies.

Mrs. Robert J. Stuart, Formerly, President, League of Women Voters of the U.S.A.

*Dr. Kissinger served as a member of the Panel until his selection by the President-Elect as his Special Assistant for National Security Affairs. He did not participate in the drafting of the final report.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE NONPROLIFERATION TREATY

Mr. THURMOND. Mr. President, I am astounded at the weakness many have shown recently in the face of growing Soviet strength and provocative actions in Europe, Mediterranean, Indian Ocean, Red Sea, and other areas. Apparently, there are those who still ignore history. America's strength has been the only significant deterrent to the Soviets the last 20 years. It has been the policy of this country for many more years to negotiate from strength. To sound the trumpets of the past, there are those who would negotiate from fear and forget the catastrophies of history when the balance of power favors the adversary.

Mr. President, I ask my colleagues and my countrymen, are we going to be trapped again as we have the last few years? Are we going to risk the security of our great Nation on the word of the Soviets? My distinguished colleagues, I hope and pray your answer is "No." If you approve the Nonproliferation Treaty and engage in arms control talks now and do not continue the ABM program, you are playing right into the hands of the Kremlin. That will give the Communists their long sought advantage at the negotiating table.

In my view, the Soviets have given no concrete evidence of genuine good faith. Last August, their invasion of Czechoslovakia crushed what little faith some may have had. It is too early to talk about negotiations. Disapprove the treaty, start the approved Sentinel system, regain our superiority in weapons systems, and then talk arms control. In any arms talk in the near future, the first Soviet demand will be for the United States to defer our nuclear missile programs while they continue to accelerate their program. If the Soviets are hurting from an economic squeeze because of the billions they are spending for starting the arms race, then why ease their pain at the expense of our security. Although expensive, our Nation can bear the costs longer than the Soviets when our security and way of life are the stakes. It is high time our allies—such as Great Britain, France, West Germany, Japan, and others—carry a much bigger share of the costs and the armed forces. For instance, our $79 billion for defense is almost three times as much as all our allies together.

Mr. President, one of our most highly respected and reliable publications in the United States has briefly and succinctly analyzed our failures, the threat, the risks of arms control talks, and the needs and costs of defense in two exceptionally fine articles. These articles appeared in the February 3, 1969, issue of the U.S. News & World Report. They are entitled "The Chances for an End to the Arms Race" and "The Price of Power for United States."

I would like to quote from this magazine article on our defense needs in order to leave no doubt about what is "sufficiency":

> The list of needed weapons includes a modernized nuclear Navy, new planes for the Air Force, new weapons for ground warfare, modern multiple-headed atomic missiles, a start on an antimissile-missile system, investment to try to catch up with Russia in the use of space for military purposes.

Although my analysis reveals the Soviets have a much greater nuclear weapons threat than the articles reflect, I commend these articles to you as excellent summaries of the pitfalls that lie ahead by being lulled into false security by the Soviets. It is time to have the courage and the determination to move ahead with defense programs that guarantee our security and not rely on the Soviet's promise without deeds for peace. For once, let the Soviets make the first move toward peace. Let them ratify the Non-Proliferation Treaty rather than wait for the U.S. ratification before they show signs of genuine good faith. Let them stop some of their nuclear programs and cease their ever increasing aggressive actions.

Mr. President, I request unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks.

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

[From U.S. News & World Report, Feb. 3, 1969]

THE PRICE OF POWER FOR UNITED STATES: ONE-SIDED ARMS BURDEN

It is a staggering defense load that Richard Nixon has inherited—with no relief in sight. Communists aren't about to give up their global ambitions, and U.S. allies aren't about to offer more help.

Mr. Nixon is to discover quickly that the price of power in today's world comes very high and is not likely to decline.

At this time, two superpowers hold the key to world stability. The No. 1 power is the United States. The No. 2 power is Soviet Russia. Russia is expansionist in its goals. The U.S. seeks to avoid an upset in the present power balance.

The new President has indicated that he will seek to persuade the major non-Communist nations of the world to give the U.S. more help in maintaining today's balance of power. All present signs are that these nations, content to have the U.S. guarantee their security, will give little response.

To maintain its power and place in the world, this country is spending 79 billion dollars annually on defense. This expenditure represents 92 cents out of every $10 spent for all purposes, public and private. In dollar totals and in proportion of total spending, the American effort far exceeds that of any

major ally. The charts on these pages help make that clear.

WHERE THE MONEY GOES

Of the 79 billion dollars earmarked for defense, 28 billion dollars in the year to end next June 30 and 25 billion in the following year are accounted for by the war in Vietnam.

However, if the war gradually deescalates, or even ends, the savings in defense costs are expected to be modest—no more than half the war's cost. A defense budget approaching 70 billion dollars a year, or even in excess of that, is expected to continue.

The reason? Huge investments lie ahead in modern arms, in new installations, in defense systems that are regarded as essential if the U.S. is not to lose its position as protector of the non-Communist world.

CAUGHT IN A BIND

The cost of arms is spiraling. Nevertheless, military planners insist the costs will have to be met. Needed defense investment, they report, has been neglected for years past as war in Vietnam diverted the U.S. military establishment and drained off much of its arms stockpile.

Military services today are ready with a shopping list for arms that totals in excess of 100 billion dollars. This is at a time when American cities are standing in line with a trillion-dollar shopping list of their own and vast programs of welfare and river-basin development and pollution control are waiting to be carried out.

The list of needed weapons includes a modernized nuclear Navy, new planes for the Air Force, new weapons for ground warfare, modern multiple-headed atomic missiles, a start on an antimissile-missile system, investment to try to catch up with Russia in the use of space for military purposes.

It is when a President faces up to the mammoth demands of military and of domestic programs for money that his thoughts turn to two sources of help:

1. One line of exploration is in the field of agreement to limit arms expansion, even to consider a start on disarmament. Experience of the past does not promise much progress or early progress in this field.

2. The second exploration is directed at getting other major nations—Great Britain, France, West Bermany, Japan, among others—to take on more of the burden of defense. First soundings in this area have not proved encouraging. It is cheaper for allies to depend on the U.S. and its taxpayers. Yet American officials are finding that if the balance of power in the world is to be maintained, large and modern military forces are essential.

IN THE MIDDLE EAST

Soviet Russia even now has deeply penetrated the Mideast with a show of power that keeps growing. The Soviet Navy in the Mediterranean is approaching the U.S. Sixth Fleet in size. Russian military aid and thousands of "advisers" are to be found in Egypt, Algeria, Yemen, Sudan and the Somali Republic. This area is vital to Western Europe, which gets its oil from this region. However, Western Europe is unwilling to take on any responsibility. President de Gaulle of France, in fact, appears determined to stir up trouble rather than help with peace.

INDIAN OCEAN AND INDIA

The vast region east of Suez is becoming a vacuum as the British pull out. Russia already has two naval task forces in the area, is seeking to turn the Red Sea into its own "lake," using it as a base to influence Saudi Arabia. The Soviets are building naval bases for the Somali Republic on the Gulf of Aden and the Indian Ocean. To the east is the biggest plum of all: India. The U.S., its naval forces already spread thin, is not moving in. The warning is that the entire area could go by default unless the U.S. starts moving.

On January 21, Adm. Thomas H. Moorer, Chief of Naval Operations, told Congress that Soviet movements in the Indian Ocean and the Mediterranean are a threat to American naval supremacy. He added: "I expect it to increase in the years ahead."

As an example of the Navy's needs, Admiral Moorer disclosed that 58 per cent of the Navy's 900 ships are more than 20 years old. He said work will have to begin now on an expensive building program if this country is to have a modern Navy superior to Russia's in the coming decade.

IN SOUTHEAST ASIA

Even if war in Vietnam were to end tomorrow, U.S. would find its hands full. The historic American policy of maintaining a balance of power in Asia faces an unprecedented challenge from Red China, only starting to come into its own as a nuclear power. Long-term threats to Laos, Cambodia, Thailand and Burma are growing, with free-world countries still unable to mount anything approaching united resistance. No help can be expected from the European allies—or from Japan—in that part of the world. With its own forward outposts in the Philippines, Okinawa and Japan all endangered by political opposition in those places, U.S. is going to have to develop mobile, far-ranging forces—or a set of expensive new bases—if it is to keep Red China in check.

One instance of the kind of cost involved: The U.S. found it necessary to spend 500 million dollars to build six new air bases in Thailand.

STANDING ALONE

The foregoing is just part of the global problem. Joint defense of Western Europe presents a whole set of other expenses. So does maintaining a nuclear balance with the Soviet Union. In all corners of the globe it is mainly U.S. power that keeps Communist expansion in rein.

Here at home, with domestic problems pressing in, with taxes rising, the question is heard time and again: Why won't others of the big free-world nations do more?

The answer: Those nations insist they are doing enough. Staff members of "U.S. News & World Report" in four major capitals—London, Paris, Bonn and Tokyo—cabled the details.

From London: Britain, battling for solvency, is convinced it can pay no more for defense than at present.

The trend, in fact, is for reduction of British forces—including withdrawal of troops from Asia by 1971.

The bulk of the British budget is spent on social services, including education, free medical care and subsidized housing for the poor. Britain spends three times as much on social welfare as it spends on defense.

It is unlikely that Britain would raise more money for defense even if the U.S. threatened to cut back its forces throughout the world. The prevailing opinion in London is that such a withdrawal would only spur America's allies to do the same thing.

The British, clearly, are quite content to rely on the U.S. to preserve the military security of the West.

From Paris: Under President de Gaulle, France has sought independence of the U.S. through its own nuclear strike force.

But economic and social problems are placing the program in jeopardy. Military spending has been cut to the bone and represents 4.34 percent of the gross national product—about half as much as the U.S. proportion.

The result is a strike force far behind schedule and becoming less credible all the time. France's Army and Navy are short of arms and technicians. Since 1952 manpower in the services is down 40 percent. Only 1 of every 100 Frenchmen is in the armed forces. In the U.S. the proportion is 1 of every 57.

Government officials in Paris feel the U.S. can safely reduce its forces in Western Europe. They see no threat from Russia. However, they want the U.S. to maintain two divisions in Germany for the foreseeable future.

Gaullists agree that Europeans should do more for their own defense, but feel this is a "long-term problem of European unity." Meanwhile, they are counting on America to maintain the present balance of power with the Soviets.

From Bonn: West Germany is not at all impressed when it is suggested that the country is not spending enough on defense because the figure amounts to only 3.8 percent of total outlays. Bonn points out that it maintains the largest European force in the North Atlantic Treaty Organization, second only to that of the U.S.

This year's military budget totals 4.7 billion dollars. The Germans argue they cannot afford more because of massive and still-growing social-welfare programs. This part of the federal budget amounts to over 6 billion dollars—but that is only the beginning. The total welfare bill, including local spending, actually amounts to 24 billion dollars. By 1972 the figure will exceed 31 billion.

And if the U.S. pulled out of Europe? The Germans probably would do no more. Likely to prevail would be this kind of argument: "If the Americans don't think the defense of Europe that important any more, why should we?"

As to American military spending in Europe, the official German line is—as it always has been—that the U.S. is not so much defending the Allies as it is taking care of its own national security—so why shouldn't Washington keep on defending and paying?

From Tokyo: Defense is a controversial subject in Japan. Militarism has been an anathema since the nation's defeat in World War II. That is one reason. Another: The Japanese do not feel imperiled from any quarter.

Japan spends a minuscule .9 percent of its total outlays on defense. The tendency has been to concentrate national energies on economic development while downgrading defense.

Still, the alliance with the U.S., under whose umbrella Japan has been able to make its startling postwar recovery, is taken for granted by most Japanese as more profitable to America than to Japan.

A recent poll shows that only one third of the Japanese believe the mutual-security treaty with the U.S. has been beneficial, and 70 percent want the treaty either revised or abrogated.

Japanese leaders feel differently, but find it both politically and economicaly profitable to go slowly on defense expenditures. To some, large military expenditures by Japan are considered a foolish extravagance so long as the U.S. willingly bears the burden.

All around the globe, the story is much the same.

It is against such a background that a new Administration in Washington is being forced to weigh the price of power in today's world.

THE CHANCES FOR AN END TO THE ARMS RACE

Disarmament talks are getting closer—but the warning is out: Don't expect much progress unless there is a real change of heart in the Kremlin.

At the center of Russia's latest bid to start disarmament talks with the U.S. are three major factors:

1. Without wasting a moment, the Kremlin wants to test the Nixon Administration—to gauge what kind of men and attitudes Russia must deal with over the next four years.

2. Soviet leaders, moreover, face a worsening economic squeeze at home and need a respite from the costly arms race far more than the U.S. does.

3. Significantly, Russia has virtually overtaken the U.S. in nuclear long-range mis-

siles and seeks to get the U.S. to "freeze" further developments now.

The Soviet offer was made January 20—the day Richard Nixon was sworn in as President. Moscow announced it was ready to "start a serious exchange of views" on arms controls.

The U.S. replied the next day, saying the matter would be given priority.

The outlook for progress is far from rosy, despite the polite exchange. Realists in Washington predict it will be months before serious talks even get under way—and perhaps years before anything concrete is achieved.

There is plenty to be negotiated, once both sides get down to business. One goal would be to find a way to halt the build-up of ICBM's—intercontinental ballistic missiles—on both sides.

As matters stand, each country has enough nuclear power in just that one field of weapons to kill 90 million citizens of the other country.

Another prime topic is antimissile-missile systems, now starting to require expenditures of billions of dollars in both countries. Some authorities say the Soviets now realize such a system is of doubtful value and astronomically costly.

Other proposals likely to appear on any serious agenda:

Ending underground nuclear tests.

A reduction in nuclear-weapon stockpiles.

Prohibition against the placement of nuclear weapons on the ocean floor.

Cuts in U.S. and Russian troop strength outside the two countries.

A ban on chemical and bacteriological-weapon development.

Underlying reason for pessimism is basic: The U.S. does not trust Russia, and Russia does not trust the U.S.

WORDS OF CAUTION

President Nixon is already being cautioned by advisers—both in the State Department and in the Pentagon—of pitfalls that lie ahead.

The first potential trap: Merely by proposing talks, the Russians will attempt to induce Mr. Nixon to defer the deployment of MIRV's—new multiple warheads—for American missiles. That would give them an immediate major advantage by getting the Americans to stand still while the Soviet Union continued its nuclear-missile build-up at full speed.

Another drawback to the talks for the U.S. is that there is no foolproof way in sight to assure Washington that the Russians would keep their word and not build up arms secretly.

Moscow refuses to allow on-ground inspection of weapon sites in the Soviet Union and other Communist-bloc countries. Both the U.S. and Russia employ orbiting "spy satellites" to photograph each other's missile installations, but this method has its limitations—failing to show, for instance, whether a missile has one or many nuclear warheads.

This limitation works far harder against the U.S. than against Russia because there are many open sources of information about American weapons, including technical magazines, available to Moscow. Russian sources of this kind simply do not exist. Without adequate safeguards, many Americans fear, the U.S. might fall far behind the Russians if the Kremlin broke its word and proceeded with weapon development.

THREAT TO NATO?

Some American military officers also fear the talks might delay or halt a build-up in the strength of the North Atlantic Treaty Organization. Revitalizing the Alliance—a policy favored by President Nixon—is considered especially urgent as a result of the Russian invasion of Czechoslovakia.

All these matters, the Nixon Administration feels, must be carefully considered before the talks begin. Secretary of Defense Melvin Laird, who says the U.S. must negotiate "from a position of strength," has said privately the review may take more than six months.

The talks originally were scheduled to begin last September at a summit meeting between President Johnson and Russia's Premier Kosygin. But the U.S. refused to proceed after the Russians invaded Czechoslovakia.

Washington maintained the atmosphere was wrong for discussion after such a display of Russian aggression.

Now, however, with the shock of the invasion wearing off and a new Administration in power, the Russians apparently view the climate as better.

A key question Mr. Nixon will have to decide: Is any feasible agreement with the Russians to limit the nuclear-arms race worthwhile for America?

The price for America could be high. Experts say the U.S. would be forfeiting its over-all leadership in nuclear know-how and an opportunity to take advantage of its lead in the development of multiple warheads.

A workable agreement, on the other hand, would pledge the Russians to abandon plans to build their ICBM strength to about 2,000—double the number presently planned by the U.S.

U.S. officials wonder if the Russians are willing to pay any price—no matter how small—in return for American concessions. Diplomats say there is no sign the Kremlin is ready to match the sacrifice it is certain to demand of the U.S.

Nevertheless, it is known that the pressures are mounting fast on the Russian leaders to reduce the heavy economic burdens of the arms race.

Moscow spends billions each year supplying arms to North Vietnam, the Arabs, and Cuba. The cost of space exploits and building a huge new naval fleet is also enormous—and all the while Russian consumers are complaining they want more spent on them, not on bombs.

Demands by the people are increasing for many things—from more cars to fashionable clothes—which can't be produced now because of Russia's military budget.

Some Americans believe, therefore, that Russia truly means business.

GOOD SIGNS

One U.S. view was voiced by former Secretary of Defense Clark Clifford, who said in the days before he left office that domestic and foreign pressures on Soviet decision-makers "make us reasonably confident that their expressed interest in strategic arms talks is genuine."

But the new Administration is taking a cautious attitude. Past experience in dealing with Russia has left deep scars.

S. 992—INTRODUCTION OF BILL RELATING TO AMENDMENT OF THE DRAFT LAW

Mr. JAVITS. Mr. President, the question of reform of our draft laws—"Who serves when not all serve?"—is still very much with us.

I am today introducing a bill to amend the Military Selective Service Act of 1967. It incorporates my conclusions after months of the most intensive study of the problems which exist under our current law. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at the conclusion of the Senator's remarks.

Mr. JAVITS. Mr. President, there is hardly any Federal law on the books which so immediately and drastically affects the Nation as does the Selective Service law. In times such as these, the draft law involves literally a question of life or death for thousands of our young men. Whatever our party, whatever our views on the war in Vietnam, it is clearly our responsibility to insure that the law pursuant to which our young men are called upon to risk their lives for their country is as fair and equitable as the product of our legislative skill and effort can make it. We also bear the responsibility to insure that the Selective Service law, and the systems set up under it, operate efficiently so that our armed services can be insured of the availability of suitable manpower when the need arises.

It has been apparent for some time that the current Selective Service law and the manner in which the Selective Service System now operates are neither as fair nor as efficient as they should be. Moreover, the failure of the Congress to make the necessary reforms when the Selective Service law was last before us, in 1967, coupled with the failure of the last administration to utilize its authority to reverse the order of call, even without using a lottery, now threatens irreparable damage to our universities and grave problems to the armed services. The present system of drafting the oldest first, together with the abolition of all graduate student deferments, has resulted in a situation in which commencing in the next few months, the great majority of draftees will probably be graduate students. Obviously this will have a tremendous impact on universities throughout the country. It will also have a significant impact on the armed services, since up to now the average age of draftees has been about 19½. The Department of Defense has consistently maintained that the needs of the armed services are far better served by younger draftees, who generally are more amenable to training and have fewer dependents.

The bill I am introducing today would deal with this problem as well as the numerous other problems which have arisen under Selective Service laws. In summary, my bill would do the following:

First. It would reverse the present order of call, establishing the 19-year-old age group as the prime selection group.

Second. Those over the age of 20, and those deferred as students on the date of the new law would be phased into the prime selection group over a 3-year period. During the first year after the effective date of the act those who were over 24 years old would be included; during the second year those who were between the ages of 22 and 24 on the effective date would be included; during the third year those who were between the ages of 20 and 22 on the effective date would be included; and treated as constructive 19-year-olds. Any registrant deferred while 19 and whose deferment ended thereafter would be included in the prime selection group during the year after his deferment ended.

Third. It would authorize the use of a lottery to select persons from the prime selection group. The particular type of lottery, and whether it would operate

on a national rather than a regional basis, would be left to the President.

Fourth. It would permit, but not require, as present law does, student deferments in peacetime. Students would include not only students at 4-year colleges, as under present law, but students or trainees in junior colleges, community colleges, technical colleges, vocational schools and apprenticeship training programs as well.

Fifth. Graduate student, occupational and hardship deferments would continue to be permitted, but the President would be required, whenever he determines there is a substantial probability that persons inducted into the armed services will be engaged in armed conflict or Congress has declared war, to terminate or restrict all student and occupational deferments, except those absolutely necessary to the maintenance of a successful military effort.

Sixth. Student and occupational deferments would be granted on a uniform basis throughout the Nation.

Seventh. The Selective Service System would be reorganized and simplified through the establishment of area and regional boards along the lines called for in the Marshall Commission's report. The system would be directed to utilize automatic data processing techniques, to the extent possible, to speed up its present tortoise-like pace of handling cases.

Eighth. The amendment of 1967 which overruled the Supreme Court's Seeger decision by restricting the availability of conscientious objector status only to those who pacifism is based on conventional religious training or belief would be repealed. Genuine pacifists, though agnostics or atheists, whose beliefs involved "duties superior to those arising from any human relation" would be accorded conscientious objector status once again.

Ninth. Draft board procedures would be reformed by repealing the 1967 amendments which eliminated the Justice Department's role in reviewing conscientious objector cases, required the Justice Department to proceed with prosecutions or appeals requested by the Director of Selective Service or to notify Congress in writing of reasons for not doing so, and required the Federal courts to give precedence to Selective Service cases over all other cases, allowing registrants to have counsel represent them in draft board proceedings, with counsel provided for indigent registrants, as in criminal cases, and requiring each draft board to provide every registrant with information concerning the draft law.

Tenth. Complete studies would be made of, first, the feasibility and desirability of a volunteer army; second, military youth opportunity schools to habilitate those presently unable to qualify for service; and third, a national service corps, and the desirability of authorizing service in such a corps as an alternative to military service.

Eleventh. The 1967 amendment precluding judicial review of classification decisions except as a defense to a criminal proceeding, which requires persons wishing judicial review to assert their claim at the risk of being convicted as a draft-dodger if unsuccessful, would be changed to permit judicial review of questions of law. The right of persons who comply with induction orders, rather than risk criminal conviction, to obtain review by utilization of habeas corpus proceedings would also be made explicit.

Twelfth. Draft delinquency would be limited to unlawful acts relating to a registrant's status, thus ending the practice of using the draft as punishment for protest activities.

I believe that each of the changes I have enumerated above are essential if we are really to reform our Selective Service laws. The changes are obviously far-reaching and require an explanation:

Reversal of the present order of call and use of a special transition system for graduate students: In his 1967 message on draft reform, President Johnson announced that he intended to change the present order of call under which men are ordered for induction on the basis of "oldest first," from age 26 down, to an order of call in which 19-year-olds would be considered the prime selection group and a lottery would be used to select the particular individuals to be inducted from among those in the prime selection group. These changes were in accordance with the recommendations of the Marshall Commission Report on the Selective Service System and have also been suggested by numerous other critics of the present draft system. Although there has been some division of opinion concerning the use of a lottery, opinion concerning the desirability of drafting 19-year-olds first has been virtually unanimous.

The 1967 amendments to the Selective Service law did not change the power of the President to establish 19-year-olds as the prime selection group. But they did require continued use of the present "oldest first" method of selection within any designated prime selection group, thus forbidding use of a lottery. Apparently because of his inability to use a lottery, the President refused to designate 19-year-olds as the prime selection group.

I believe this decision was most regrettable. As I noted above, continuance of the practice of drafting from age 26 down coupled with the aboltion of graduate student deferments poses a severe threat to universities throughout the Nation and may have grave implications for the Armed Forces, for it is entirely possible that in the next several months the vast majority of draftees will be graduate students. In this connection, it is one of the more remarkable commentaries on the present operation of the Selective Service System that they have been unable to inform my office, despite repeated inquiries which have been made by my staff, of even the approximate number of graduate students who will be drafted in the coming months or what the effect on the graduate schools will be. We have, however, been able to gain some indication of the magnitude of the problem from other sources. We know, for example, from a study recently prepared by the Scientific Manpower Commission that well over 40 percent of all U.S. science students in graduate schools are potentially liable to induction in the next few months.

Mr. President, as I indicate below, I believe that when there is a likelihood, as there is now, that draftees will participate in armed combat, then all student deferments should be restricted to the minimum necessary to sustain armed military effort. If that were done the impact of the draft on students generally would be diluted. Under the present system, however, the impact of the draft will bear very heavily on graduate students. This is not necessary, and is certainly undesirable either from the standpoint of graduate education or from the standpoint of the needs of the Armed Forces, which find themselves faced with the prospect of having to process men whose average age is probably close to 24 instead of 19, the average age of inductees for the last few years.

The solution is, I believe, to utilize a special transition provision for incorporating older men—graduate students will usually be found among this group—into the prime selection group along with 19-year-olds over a 3-year period. Under my bill during the first year men over the age of 24 on the effective date of the act, during the second year men between 22 and 24 on the effective date of the act and in the third year men between the ages of 20 and 22 on the effective date of the act would be placed in the prime selection group along with 19-year-olds. With this system there would be no possibility of a graduate student completely avoiding exposure to the draft, yet the impact on graduate schools would be significantly ameliorated. Furthermore, there would be much less of an increase in the average age of draftees going into the armed services.

I would like to point out also that these changes are, for the most part, within the President's power to make under existing law. I therefore believe they should be instituted by our new President as soon as possible.

The lottery: Much of the discussion concerning reform of the draft in recent years has centered on the adoption of a lottery system to select those who are to be inducted into the armed services. Usually, calls for the use of the lottery have been coupled with recommendations for reversals in the order of call. As I have previously explained, I believe that the order of call can be reversed with or without use of the lottery system. Presently, the President has no power to order the use of the lottery system because of the amendments to the Selective Service law enacted by Congress in June 1967. Since I do not believe that there is anything inherently unworkable or unfair in the use of a lottery, my bill would provide the President with the power to order its use. I must, however, confess to certain skepticism concerning the desirability of a lottery over the present system.

In the last analysis, what we ask of the system of selection is that it be fair as well as efficient. It is true that under a lottery system, selection would be completely "random" and would not actually take place until the draftee had become a member of the prime selection group. But as a practical matter dates of birth

are also "random" and the mere fact that a person's date of birth is established before he actually becomes a member of the prime selection group does not operate to make an "oldest first" system of selection from within a prime selection group any less fair than a lottery. Moreover, an "oldest first" system has certain advantages. It is much easier to administer and leads to much greater certainty as to who will probably be drafted and who will not.

To elaborate this a little further, most proposals for a lottery have suggested that the lottery be conducted each month by scrambling the birthdays within the month to establish a certain order. Induction orders would then be issued to those persons who are born on the dates in order of their selection until the month's quota has been reached. I do not understand why such a system is inherently any fairer than one which merely proceeds, each month, to induct persons in the order in which they were born in that month, based on their birthday.

Thus, while I do not oppose a lottery, in principle, I see no reason to require its use by legislation. For that reason, my bill merely authorizes the President to order the use of a lottery and does not require him to do so. In that respect I note that my bill is different from the comprehensive bill introduced last year by the senior Senator from Massachusetts (Mr. KENNEDY).

Student and occupational deferments: The question of whether there should be student and occupational deferments from the draft is a troublesome one. Even the Marshall Commission was divided on this point, with the majority favoring practically complete abolition of student deferments with the minority recommending their continuance. I personally plead second to none in the value which I place on higher education. While this leads me to the conclusion that student deferments should be continued in peacetime, I cannot, in conscience, reach that conclusion when this country is engaged in armed conflict and it is likely that draftees will be engaged in combat. When we know that there is a substantial likelihood that the young men who are called are not going to be merely inconvenienced, but required to risk their lives for their country, there exists for me a moral imperative which can be satisfied only by assigning the risk involved in service in the Armed Forces with the most rigorous equality. Furthermore, I do not believe that the abolition of student deferments in wartime will significantly impair our educational system. Indeed, based on our experience after World War II and the Korean war the evidence is all the other way. Furthermore, reversal of the order of call and establishment of a prime selection group embracing a 1-year span would even further reduce any possible substantial impact that the abolition of student deferments during periods of armed conflict might have on colleges and universities.

Thus, my bill would permit—not require as does present law—the President to grant student deferments in peacetime. He would, however, be required to terminate or restrict them to those absolutely essential to the military effort whenever there was a substantial probability that draftees would be exposed to armed conflict or the Congress had declared war. The same requirement would be imposed for graduate student deferments and occupational deferments.

One of the most basic inequities of present law is the availability of student deferments only to full-time students at colleges and universities. It is this feature, perhaps more than any other, which serves to make our present system of student deferments so discriminatory. Only those students who are able to afford the luxury of a full-time higher education are eligible. Another source of inequity has been our past insistence that local boards be given almost complete discretion to decide questions of student deferment and occupational deferment without having to comply with any national standards concerning these deferments. This had led to wide discrepancies in the treatment of individuals and has generated much of the call for reform heard in recent years.

My bill attempts to deal with these problems in several ways. It provides that when student deferments are available that they be granted not merely to full-time students at colleges and universities but, subject to Presidential regulations, as uniformly as possible consistent with the needs of the Armed Forces to all students pursuing a course of instruction or training in a college, university, junior college, community college, technical college, vocational school apprenticeship training program or similar occupational instruction programs. The bill further specifies that student and occupational deferments should be governed by national criteria, to be prescribed by the President.

With the adoption of these provisions we can end, perhaps once and for all, the spectacle of blatantly different treatment being accorded to persons in similar circumstances by different local draft boards.

Reorganization of the Selective Service System: Closely related to a need for uniformity in the granting of deferments and exemptions is the need for streamlining and centralizing the administration of the Selective Service System. The Marshall Commission went into this question in great detail. The Commission proposed, as a replacement for the present decentralized system of local boards, a structure of eight regional offices with a substructure of area offices established on a population basis with at least one in each State. The Commission foresaw the necessity for approximately 300 to 500 of such area offices. The Commission also recommended the use of "modern data handling equipment" to facilitate processing registration and classification. My bill incorporates these recommendations. I feel particularly strongly about the need for the system to install and utilize automatic data processing equipment to speed its processing of registrants. I have already mentioned the unavailability of information concerning graduate students. Also, anyone familiar with the present working of the Selective Service System is immediately struck by the immense backlog of cases always in the system's "pipeline." Because of the inordinate delay in handling cases, many registrants in the past have actually been able to escape induction by using various procedures designed to capitalize on the delay inherent in the system. Perhaps as good an indication as any of the delays inherent in the present system is the fact that although most deferments for graduate students ended in June 1968, few graduate students were reached for induction until late last fall. It is with this background in mind that I have included in my bill provisions specifically requiring the Selective Service System to utilize automatic data processing equipment.

Conscientious objectors: My bill would make no change in our tradition of according conscientious objector status only to those conscientiously opposed to war in any form. However, it would repeal the amendment adopted in 1967 designed to overrule the Seeger decision of the U.S. Supreme Court. In that decision, the Court construed the words "belief in relation to a Supreme Being that involves duties superior to those arising from any human relation" as used to define "religious belief" to require granting conscientious objector status to persons holding "a given belief that is sincere and meaningful and occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." In short, the Court held that genuine pacifists, though they may be agnostics or atheists, were entitled to conscientious objector status. The 1967 amendments deleted from the act the language which the Supreme Court had construed to reach this conclusion. My bill would restore the original language of the act. I believe that the spirit, if not the letter, of the first amendment to the Constitution prevents us from drawing lines in this area based solely on orthodox religious belief. Deep and genuine pacifistic beliefs can be premised on secular principles, and I believe that the same reasoning which impels us to exempt from service those whose conscientious objection to war in any form is premised on religious belief also impels us to grant the same exemption to those whose pacifism is equally deeply felt and genuine, but not based on traditional religious concepts.

With regard to conscientious objection to particular wars, I recognize that many responsible groups and individuals, including a minority of the Marshall Commission, have recommended changing our existing law to accommodate such objections. I am also aware of the responsibility of each citizen to make his own moral judgment on our country's participation in any war, particularly as that principle has been elaborated by the Nuremberg tribunals after World War II. Yet, I do not believe that the existence of this responsibility necessarily implies that a democratic government must completely accommodate all such moral judgments.

The government of any nation has not only the right, but the obligation, to provide for the nation's defense. In so doing, it could with no violation of fun-

damental democratic principles impose upon all citizens, without exception, the duty to serve in the armed forces. Such being the case, the answer to the question of who shall be accorded conscientious objector status must be a compromise between the accommodation of individual moral judgment and the need for a fair and efficient system of raising armed forces.

There are at least two insurmountable practical difficulties involved in allowing conscientious objection to particular wars which in my mind precludes our acceptance of this principle. They are: First, the difficulty of establishing a standard by which to determine whether an objection to a particular war is actually "conscientious" rather than merely political. Conscientious objection to war in any form is generally capable of demonstration. It is based on inviolate principles in which political considerations play no part. On the other hand conscientious objection to a particular war must by its very nature involve some political considerations. Second, if we allow potential draftees to be accorded exemption based on their conscientious objection to a particular war, we are clearly bound to extend the same privilege to those already in the armed service who were drafted prior to the commencement of the war to which they object. One does not need much knowledge of current military planning requirements to recognize the insuperable difficulties such a system would place in the way of intelligent military planning.

Reform of draft board procedure and judicial review: Since classification decisions of draft boards may well mean life or death to any given individual it is hardly necessary to emphasize the need for procedural safeguards to insure that individuals are accorded due process and fair treatment by the Selective Service System. Clearly, the stakes here are as great for the individual as in many criminal actions. Furthermore, in the vast majority of cases the word of the Selective Service System is final; the courts have only extremely limited powers to review decisions made by the System.

My bill would make several reforms in present procedure, which are enumerated in the summary I have already given of the provisions of my bill. While I believe that all these reforms are necessary, some of them are of particular importance. In this category I include the provisions allowing registrants to have counsel to represent them at draft proceedings, with counsel to be provided for indigent registrants, as in criminal cases. Surely, if we accept the principle that criminal defendents are entitled to legal representation there is no conceivable reason for denying counsel to registrants in contested proceedings before draft boards, where the stakes are often higher than they are in criminal proceedings.

Equally elementary is the principle that each potential draftee should be provided with information concerning his rights under the draft laws when he registers. Yet, surprisingly enough, this does not appear to be the current practice. There have been several reported instances of registrants being inducted simply because they were ignorant of the availability of deferments. Particularly egregious was the example right here in Washington of high school students who were drafted because they were unaware of their statutory right to a deferment.

Another very important reform is the need for at least some judicial review of the actions of the Selective Service System. In particular, the 1967 amendment precluding judicial review of classification proceedings, except in a criminal case, is unnecessary for efficient administration of the Selective Service System and certainly is not desirable from the standpoint of registrants who are thereby forced to assert their rights under the Selective Service law at the risk of a criminal conviction. Fortunately, the Supreme Court in its recent Oestereich decision has given the judicial review clause inserted in section 10(b)(3) of the act by the 1967 amendments a very narrow reading. The Court also affirmed the availability of relief by way of habeas corpus to one who decides to comply with an induction order.

I believe that this right to proceed by habeas corpus after induction should be specified in this statute, and my bill so provides. My bill also provides that judicial review shall be available prior to induction when questions of law only are involved. The need for this provision is best illustrated by a pending controversy concerning the interpretation of the provisions of the act pertaining to mandatory deferment of students presently in their second year of graduate school. Although a literal reading of this statute appears to allow such students mandatory deferments until the end of their academic year, the Director of the Selective Service System has issued a regulation providing that such students may be deferred only until the end of the academic semester. At least three law suits have been brought to challenge the validity of these regulations in the case of second-year graduate students who received their induction notice this fall and were granted deferment only until the end of the semester, rather than until June 1969, the end of the academic year.

The Government itself concedes that the correct reading of the statute is a close question. Yet it also asserts that because of the language of section 10(b)(3) the court should not adjudicate these controversies. Apparently, it is the Government's position that the graduate student involved either allow himself to be inducted in the Army and then bring a habeas corpus proceeding or refuse to be inducted and assert his rights as a defendant to a criminal proceeding brought by the Government. Considering the fact that the question involved in these law suits directly affects thousands of graduate students throughout the country now in their second year, the Government's position seems difficult to justify. Apparently, at least one Federal district court agrees, since last week a U.S. district court in Texas issued an injunction staying the induction of the graduate student involved in one of the pending cases. The injunction only applies to the one student involved in that particular case and the Director of the Selective Service System has requested the Department of Justice to appeal the decision. I have advised the Solicitor General of my belief that while the Government has a perfect right to argue the merits of the case, on which I am not passing any judgment, I do not believe that it is in the public interest for the Government to contest the justiciability of the issue involved, since it has such broad application for so many thousands of students throughout the country. Under my bill, there would be no question as to the justiciability of this kind of issue in the courts.

Clarification of draft delinquency and the use of the draft as punishment: Among the most disturbing reports concerning the operation of the Selective Service System in recent years were those indicating that the current Director of the System considered it proper for local boards to accelerate the induction of those involved in protest activities directed against the draft. To put the matter bluntly, the draft at certain times has been and may still be used as "punishment" for those who in the judgment of local boards have abused their right to lawfully protest against the current operation of the Selective Service System. I can conceive of nothing more inimical to the traditional notions of the draft and to our democratic system than the use of induction as a punishment against protest. We have laws on the books to define the proper limits of protest. If those laws are violated the violators should be judged, not by local draft boards, but by the courts, and appropriate punishments meted out, under the law, not the regulations of the Director of the Selective Service.

Mr. President, I recognize that there have not been too many recent reports of this kind of abuse of the Selective Service System. Nevertheless, the issue has been raised, and I believe it is time to put the notion that the draft laws can be used as punishment to rest once and for all. Therefore, appropriate provisions have been included in my bill to confine draft delinquency to action directly affecting draft status. Under these provisions the Selective Service will continue to be permitted to accelerate induction of draft dodgers, but will not be able to use the draft as a club to stifle dissent over Selective Service reform.

Studies of a volunteer army, military youth opportunity schools and a national service corps: I have dealt above with the immediate reforms my bill would make in the existing draft structure. I am also concerned, however, with the longer term. In that connection, there are at least three major questions which deserve detailed study: They are a voluntary army, national service and the habilitation of the millions of our young men who are presently unable to qualify for service in the Armed Forces. With respect to the habilitation of youth and national service, these have been the subjects of intense discussions for several years now and I shall not take the time of the Senate to elaborate my views on them, which have already been stated elsewhere, except to ask permission that some previous statements of mine relat-

ing to the programs be printed at the end of my remarks.

I have also recently explained my doubts as to the current desirability of the abolition of the draft entirely in favor of a voluntary army and ask that my speech concerning this subject also be printed in the RECORD. I should like to add here only that my current doubts concerning the desirability of a voluntary army are just that—doubts, not ironclad convictions. Unquestionably, the idea of a voluntary arm has numerous attractions.

But until the questions of the cost, the efficiency and the compatability of what would be an essentially mercenary army with the maintenance of democratic institutions are more fully explored, I cannot conclude, on the basis of presently available evidence, that a voluntary army would, in the long run, be practicable or desirable. In that connection, I am aware, of course, of the President's recent directive to the Pentagon to report on possible ways of ending the draft. The Pentagon report, however, will obviously consider the question primarily from the standpoint of cost and efficiency. I believe that a more broadly focused study is required, one which would consider the broad sociological questions involved in ending the draft, as well as the purely practical considerations. A few days ago, the senior Senator from Pennsylvania (Mr. SCOTT), introduced a bill (S. 781) to establish a commission to study the voluntary army and elaborated on the need for a broader study than that requested by the President. I entirely agree with his views.

In conclusion, Mr. President, I would like to compliment the distinguished senior Senator from Massachusetts (Mr. KENNEDY), who was the author of a comprehensive draft reform bill during the last Congress, for his leadership in the fight for draft reform. Although my bill differs in several important respects from his, certain sections of my bill do closely parallel his bill, and I acknowledge my debt to him for the work he has done on this critically important issue.

Mr. President, I ask unanimous consent to have printed in the RECORD various articles, editorials and other pertinent material on this subject.

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

TOWARD AN EQUITABLE DRAFT LAW

(Speech by Senator JACOB K. JAVITS prepared for delivery to the Maxwell School of Public Affairs, Syracuse University, Sept. 30)

In offering answers to great public questions, perhaps the first obligation of any thoughtful American is to be aware of the fragility of "final solutions."

In an era when many of our people dissent from a war in which the nation is engaged, it is only natural that the selection of those who must carry the burden should be the subject of heated discussions, for anguished expressions of uncertainty—even calls for civil disobedience. There is no escape from freedom's dilemma: so long as many of our people consider the cause unjust, the will and the way to pursue that cause will be matters of public controversy.

It is difficult to make hard and fast decisions on matters such as these in a time of bitterness and uncertainty as to the course of tomorow's events. The best we can do, the most we can do—as well as the least that we can do—is to make those decisions by applying to new situations our two-hundred year-old experience in how freedom is retained.

Many prominent figures in both political parties have sugested that the United States employ a wholly Volunteer Army after the conclusion of the Vietnam War. Such a decision must be weighed with care and with regard for the historic consequences. Appropriate studies as to the economic and psychological cost factors must be undertaken. The results of those studies should be subject to intense public scrutiny and debate.

While I have reached no final conclusion in the absence of necessary relevant data, I cannot help but wonder whether an army of mercenaries is in the best tradition of a free republic. Up to now, at least, free men have been willing to bear the burden of fighting for their own freedoms. Surely, the results of professional armies throughout history should give us long pause before we risk that course. Hessians have been associated with expanding empire. The road to empire is one we have good reason to wish to avoid. Let's be careful not only of the nature of our cause, but of those we choose as our champions.

No matter how we, as individuals, feel about a given course of national action, we are the responsible inheritors of a tradition that demands *equal* service and *mutual* obligation.

If American men must carry arms in Vietnam, then all American men should be obliged to risk the possibility of such military duties. National standards of fairness and equity are key elements in any law requiring military service of United States citizens. The current Selective Service law, as written by the Congress and administered by the President, simply is not in keeping with a social contract calling for equality under the law. It is a testimony to the fact that too often precept departs from practice.

Student deferments are prime examples of special treatment accorded to particular groups of our citizenry. Calling older men to military service first cripples the development of family living, and arbitrarily forces men in their maturing years to mark time with little certainty as to what their future holds.

There are more than 4,000 draft boards in the nation. A law which permits one of these boards to defer a Peace Corps worker or a pilot who ferries military cargo, yet permits another board to order the induction of men who perform the same tasks, is not a law in accord with the principles of equality.

A law which varies in its application from state to state, city to city, town to town, vitally requires drastic change. It is not a law in accord with the principles of equality.

A law which calls into question the rights of conscientious objectors cannot be squared with the First Amendment guarantees of religious liberty. The current law refuses conscientious objector status to pacifists who refuse to profess a conventional belief in the Supreme Being. Men of pacifist convictions are not permitted the right of Judicial Appeal from draft board decisions. They are, instead, forced to risk a criminal conviction if they wish to assert their claim in the courts. A law which refuses the right of judicial review to those challenging the application of that legislation is not a law in accord with the principles of American equality.

If there is one thing the United States cannot afford in 1968, it is tolerance of injustice, inequity, inequality, and—yes—inefficiency. For the current Selective Service law is inefficient, too, insofar as it unnecessarily disturbs the lives of large numbers of young men and women over unnecessarily long periods of time; it is inefficient insofar as it unnecessarily wrenches out of shape for reasons of the draft—not of education—our great intsitutions of higher learning. The law is not only unfair, it is also inefficient.

The stubborn refusal of the present Administration to utilize automatic data processing techniques has created a big backlog of cases within the system.

It seems to me, therefore, that we are under an obligation to bring Selective Service legislation into line with the principles for which we say we stand.

Even now, without changing a line of the Selective Service law, the President can carry out the promise he made in 1967 to order the call-up of nineteen-year-olds before tapping the pool of older eligibles. I think he should exercise that authority now.

Existing law provides that graduate students may also be treated automatically as if they were nineteen and called up in the same manner as their younger fellow citizens.

I ask the President to implement, by phasing in, that section of the law as well.

It seems to me that a four-year transition period during which graduate students take their place in the nineteen-year-old pool, is in order. This will at least stabilize the educational programs of America's graduate schools. The draft law, as it now stands, could well destroy the foundation of our system of higher education.

Graduate students serve also as instructors at the undergraduate level. If they are removed en masse from the educational process, chaos could result. Yet I have been unable to get from officials of the Johnson Administration any statistics which indicate the extent of the expected impact of the amended draft law on America's colleges and universities. This is why I think a transitional system of selection would better preserve the structure of the educational system. I would suggest that in the first year 24- and 25-year-olds be included among the draft group—continuing through the fourth year—at which time 21- and 22-year-old graduate students would take their places among those obligated to serve. This system would, at the very least, permit continuity in one of the most important educational elements of American society.

But these recommendations are made only to bolster, with some degree of impartiality, a law which in the long-run finally needs substantive amendment. It is my belief that the Presidential authority to call 19-year-olds first should be made mandatory.

I strongly favor a law which authorizes the use of a national lottery system to determine those in the group subject to call who must render military service.

I urge a law requiring the establishment and maintenance of uniform national standards for student and occupational deferments. The President, given the nature of the current international situation, should be permitted latitude in determining the quality and the numbers of deferments granted under an equitable draft system. I recommend that he be permitted and *not required*, as he is now, to grant student deferments. The major criteria for his decisions in this area must be related to the principles both of equal service and equal opportunity. When national security permits, the President should be required to grant deferments to students not only at four-year colleges or universities, but also to *students who wish to attend vocational schools, technical and junior colleges and join apprentice programs.* Perhaps no other element in the current law so demonstrates its inequity, its unfairness, as that section which requires the deferment of the four-year college undergraduate, alone.

How seriously can a young man take our protestations of freedom and democracy when he is obliged to serve in Vietnam because his whole background—of financial capability, of home necessity, of previous education, or even of choice—precludes attendance at a four-year college? With what seriousness can he consider himself a free citizen when he sees other young men spend those same years on a college campus? One young man serves

because of his deprivation; the other escapes that service without regard necessarily to the contribution to the national interest attributable to his college education.

If justice is blind then let her blindness be complete—let her blot out unequal treatment of those born to poverty and those born to good fortune. The blood of the advantaged may well be shed on their country's behalf with as much grace as the blood spilled by those born to less fortunate circumstance.

Let's not delude ourselves when we speak of Selective Service, when we talk about the draft, we speak about the possibility of the loss of life. It is this very factor which lends such heat to the discussion, which raises it to so high a place on the national agenda.

Because we speak of life and death, I recommend that the President be required to end all student deferments, if, in his judgment, *there is a substantial risk that a potential draftee be exposed to armed conflict.* So long as we are engaged in a tragic conflict in Vietnam, we must all bear the burden of that conflict. Such deferments as are required by the national interest for college or graduate students should stand the same test as employment essential to the national interest as a basis for deferment.

I further suggest that a new draft law provide for the re-organization of local draft boards so as to assure uniformity of the law's application and to improve the efficiency of its execution.

In 1967 the President appointed a Commission headed by former Assistant Attorney General Burke Marshall. The Commission recommended a streamlining of the draft board system and a pool of draft eligibles drawn from a national rather than a local lottery. I endorse those proposals. Congress is under a moral obligation to reflect the best of the American tradition. At a time when much of the world looks upon us with a cold eye, it is more important than ever that we do justice to our people.

This is why I urge the repeal of Congressional amendments enacted at the past session which were aimed at curbing the rights of conscientious objectors and the Constitutional right of judicial review for draftees. A law which limits the right of appeal to criminal proceedings requiring a young man to risk disgrace and jail to make a legal point—is an act of vengeance unworthy as an expression of the legislative will.

Congress is obliged to mandate an opportunity for individual appeal and the right of counsel applicable from the lowest to the highest court in the land. The Supreme Court has established a test for the validity of conscientious objection. The Congress should accept that test as a basis for determining the individuals' right to refuse military service because of a system of higher values which he holds "superior to those arising from any human relation."

Congress should also take steps to insure that men are not drafted because they are ignorant of their rights under the law. We cannot tolerate a situation such as the one recently reported in the Washington Star, in which high school students are inducted because they are unaware they are entitled to an automatic deferment.

We live and will live for some time to come in a world torn by crisis and confusion. But we are obliged as Americans to bear the burdens of that crisis and that confusion with patriotism, dignity and pride. We can do so only if those burdens are borne equally among us.

[From the New York Times, Nov. 22, 1968]

NEW PRESSURE ON THE DRAFT

Sharp increases in draft quotas and in the percentage of college graduates among those eligible for induction spell trouble for the new Administration and Congress unless both act quickly to achieve overdue reforms in the Selective Service System.

After months of low quotas, Selective Service headquarters announced shortly after the election that the quota would rise to 26,800 in January, nearly double the average for the preceding six months. At that time, draft boards will be tapping unusually high numbers of college graduates as a result of last February's decision to eliminate exemptions for most graduate students. Selective Service Director Hershey has advised local boards to defer induction of graduate students until the end of the term in January.

It is quite proper that graduate students, many of whom heretofore have been able to escape conscription altogether, be made to carry their share of the burden that has been placed on American youth by the nation's military commitments. But these students, many of whom have strong antipathies to the persisting inequities of an antiquated Selective Service System and to the war in Vietnam, are unlikely to accept their fate as quickly as have most of their less articulate contemporaries. If the high quotas continue, the already strong opposition to the draft is bound to escalate.

A speedy end to the war in Vietnam would, in time, ease this pressure, But ending the war will not eliminate substantial military manpower requirements and will not relieve the Administration and Congress of their responsibility to revise what President Johnson has called the "crazy quilt" structure of Selective Service. Even if President-elect Nixon can achieve his campaign goal of a post-Vietnam, all-volunteer army, there will be a continuing need for at least some kind of stand-by draft.

Sensible proposals for a more equitable draft law were put forward nearly two years ago by the National Advisory Commission on Selective Service, headed by Burke Marshall. These proposals were ignored by Congress when it extended the Selective Service Act in 1967. They were ignored this year when Congress turned its back on efforts by Senator Edward M. Kennedy and others to legislate reforms. They can be ignored again only at the risk of growing disaffection among the nation's youth, their teachers and their parents.

[From the New York Times, July 17, 1968]

THE DRAFT

It took the Grasshopper Gazette, a Washington school newspaper whose staff ranges in age from 11 to 14, to elicit from the Vice President his views on changing the Selective Service Act. Mr. Humphrey would induct men by lottery and take younger men first, as recommended last year by the National Advisory Commission on Selective Service.

A similar proposal was made last week by Governor Rockefeller in a full-page advertisement headlined "Our Hated Draft." Richard M. Nixon, who has advocated abolition of the draft in favor of a volunteer, professional army after the Vietnam War is ended, has indicated he also advocates drafting the youngest first.

Senator McCarthy has called for a more "fair and equitable" draft law, but so far his principal plea has been for a broader definition of conscientious objection and for greater opportunities in alternative service. The Senator has indicated indirectly that he favors a draft lottery. That makes it virtually unanimous on behalf of drastic change in present procedure.

Congress gave the Administration authority to draft 19-year-olds first in the Selective Service Act of 1967, but this authority has not been used. Nor, curiously, has the Administration so far accepted an invitation to submit to Congress specific proposals for a random selection system, although President Johnson urged random selection in his draft message last year.

Other recommendations of the Advisory Commission for discontinuance of most deferments and for a thorough overhaul of Selective Service administration have been largely ignored by the Administration, by Congress and by the candidates—although Senator Edward M. Kennedy, who is not exactly a candidate, has introduced a comprehensive draft reform bill.

Meanwhile, the glaring inequities of the present system constitute a growing source of public dissatisfaction and youthful disaffection. Seventy-nine percent of Columbia College seniors expressed opposition to the draft as unfair in response to a questionnaire distributed last spring. One hundred student leaders have signed a pledge to refuse military service. The biennial conference of the American Civil Liberties Union last month called for active opposition to present draft laws. The nation's best known pediatrician, the chaplain of Yale and two others have been sentenced to two years in prison for conspiracy in support of draft objectors.

This is clearly a national issue that merits more attention than it has received not only from the candidates, but, more urgently, from the present Administration and the Congress.

[From the Washington (D.C.) Post, Jan. 13, 1969]

DRAFT REVISION URGED TO AID GRADUATE STUDY

The Scientific Manpower Commission warned yesterday that unless Selective Service policies are changed the Nation's long-range supply of trained personnel will be "seriously and detrimentally" affected.

The warning was based on a survey taken last fall at 1237 science departments offering the doctor of philosophy degree. This represents more than half of such departments in the United States.

The survey found that as many as 38 per cent of the fulltime first- and second-year male graduate students in science are potentially liable for induction in the armed forces in the months ahead. If foreign students are not included, the figure rises to 46 per cent of the U.S. males.

Among male graduate students teaching in these science departments, 43 per cent of all first- and second-year men, or 50 per cent of all U.S. students, are potentially liable for induction.

The Commission noted that the "present order of drafting oldest men first" places the graduate students "in top priority to fill draft calls, which are expected to stay at high levels through next summer."

The Commission is a private nonprofit corporation organized by scientific societies, including the American Association for The Advancement of Science, the American Chemical Society and the American Institute of Physics.

Draft deferments for all graduate students except those in medical and dental studies were ended in 1967 by President Johnson in response to criticism that such deferments favored affluent young men at the expense of the poor and minority groups who couldn't afford to go to college.

In its report yesterday, the Scientific Manpower Commission warned:

"Unless present draft regulations are modified, the number of U.S. males now engaged in advanced scientific training in the Nation's graduate schools will be substantially reduced during the coming months. Adequate numbers of graduate teaching fellows to assist undergraduate students may not be available in many universities, and research projects now under way may be delayed or curtailed by the loss of graduate research assistants.

"The loss of substantial numbers of current first- and second-year graduate students will result in a related decrease in the enrollment in advanced graduate classes for several years to come.

"The Nation's supply of newly trained

Ph. Ds in the sciences will be seriously curtailed in the early 1970s."

Another part of the report seemed directed at the incoming Nixon Administration with a view toward changing Selective Service policies.

The report said:

"The Commission is greatly concerned that current provisions of the Selective Service law and its implementing regulations will seriously and detrimentally affect the Nation's long-range supply of trained personnel, its ability to support its defense and its civilian economy, and the integrity of the educational processes through which its resources of highly trained personnel are produced.

"It believes that the findings in this report clearly indicate the probability of serious disruptions in normal professional education programs as well as the withdrawal of substantial numbers of trained persons from the economy."

[From the New York Times, Nov. 21, 1968]

DRAFT RATIO IS UP FOR COLLEGE MEN: GRADUATES ACCOUNT FOR 16 PERCENT OF JULY–OCTOBER CALLS

(By David E. Rosenbaum)

WASHINGTON, Nov. 20—The percentage of new draftees who are college graduates has more than tripled since last July when graduate students became eligible for induction.

Manpower experts at the Department of Defense estimate that 9,500, or 16 per cent, of the 59,300 men drafted from July through October were college graduates. Before July, the percentage had been running under 5.

If the draft quota for the fiscal year ending June 30 is to be reached, draft calls in the first six months of 1969 will have to be double those of the last six months of 1968.

The January draft call, which has already been announced, is 26,800, the highest since last May and about double the monthly average for July through December.

The percentage of those drafted who are college graduates will undoubtedly rise above the current 16 per cent, officials believe.

About 650,000 men became ineligible for a student deferment in June because they either completed their undergraduate studies, completed the first year of graduate school or received a graduate degree. Local draft boards are just now catching up with their backlog of reclassifications.

Draft deferments for most male graduate students were abolished last February under a policy recommended by the National Security Council and relayed to local draft boards by Lieut. Gen. Lewis B. Hershey, director of Selective Service.

While local boards continued to have discretion to grant deferments as they saw fit, General Hershey's recomendation was generally followed.

After the abolition of graduate deferments was announced, university officials voiced dire predictions about how their graduate classes would be decimated, how they would have only women as teaching assistants and how men would be pulled from their courses in midterm.

In fact, such a stituation has not materialized. At a meeting of education officials two weeks ago, Fred H. Harrington, president of the University of Wisconsin and president of the National Association of State Universities and Land-Grant Colleges, said that less than 10 percent of those admitted to graduate school for the 1968–69 school year had been drafted.

However draft calls were extremely low in the last half of 1968, averaging about 14,500 a month. They will average well over 25,000 a month in the first six months of 1969, officials believe.

In addition, because of the delay in reclassification of men who had student deferments last year, the names of many eligible men had not yet reached the top of the draft list by this fall.

Thus, university officials still see a grim road ahead.

John F. Morse, director of Federal relations for the American Council of Education, who has kept university officials posted on draft laws and regulations, said today:

"We're still really worried. When the draft calls go up and all the recent graduates are reclassified, there seems to be no getting around the fact that an awful lot of graduate students are going to be drafted."

Graduate students and universities were given some consolation yesterday when it was announced that General Hershey had advised local draft boards to permit graduate students to finish their school term before they report for induction.

This will keep students from having their course work abruptly disrupted, and it will mean that teaching assistants are not drafted in the middle of a course they are teaching. But it will not help universities much in their long-range planning, Mr. Morse said:

Universities must plan their enrollments further ahead than a few months, Mr. Morse said. The most a student could postpone his induction would be a few months.

In fact, Mr. Morse said, while there are a few "horror stories" of students being drafted this fall while in the middle of a term, very few graduate students were inducted after they had begun their course work.

REASONS FOR INCREASE

There are two major reasons why the percentage of draftees who are college graduates leaped so far this summer and fall.

First, the ending of graduate deferments meant that a large number of men who had received such deferments in the past were eligible to be drafted. Some men enrolled in graduate school when they graduated from college last June and were subsequently drafted. Others, who might otherwise have gone to graduate school principally as a means of avoiding the Army, did not even enroll for a graduate degree.

A second reason is that beginning July 1, 1967, all men who had ever had undergraduate deferments, became eligible for the draft when their 2–S deferment or subsequent deferment ended, regardless of whether they were over the age of 26 or fathers.

In the past, men could stay in school until they were 26 or became a father while they were in school and avoid the draft entirely. The first men to be affected by this law were those who graduated from college last June.

The Army, which takes nearly all of the draftees, has made special efforts to channel the college graduates into jobs where their education could be of use.

An aide in the office of the Assistant Secretary of Defense for Manpower said jobs had been divided into three categories: jobs such as electrical and laboratory work, directly related to a college education; jobs such as clerical work, marginally related to college students; and jobs for which a college education would be of no value.

An attempt is made to place the college graduate in the first two categories. But in many cases, according to the manpower expert, there simply are not enough such jobs available.

[From the Washington (D.C.) Evening Star, Sept. 16, 1968]

WHO MUST SERVE? THE DRAFT SYSTEM: A COLLECTION OF INCONSISTENCIES

(By Barry Kalb and Donald Fitzhugh)

The U.S. Selective Service System is a collection of some 4,000 semi-autonomous local boards, governed by a federal law and a set of regulations that at times conflict, and by a steady stream of memos, letters and directives from state directors' offices and the office of the national director, Gen. Lewis B. Hershey.

The inconsistencies and lack of standardization in the system have been recognized by critics of the system as well as by many local board members themselves.

Francis A. Gregory, chairman of D.C. Local Board No. 15, commented: "This variation in policy from board to board means that a man, by the accident of where he happens to live, might be inducted, whereas another guy in another area is deferred."

Examples of inconsistency in classification were cited on Feb. 28 by Sen. Edward Kennedy, D-Mass., as he introduced a bill to modify the system. Kennedy noted:

"Kentucky classified any registrant attending school "below college level" as 2–A—occupational deferment; Arkansas classified registrants in 'business school or similar institution' as 2–S—student deferment; Kansas classified registrants in a 'vocational, technical, business, trade school or any institution of learning below college level' as 2-S.

"Returning Peace Corps volunteers are put at the top of the list in some states, while others put them at the bottom."

The National Advisory Commission on the Selective Service, headed by former Asst. Atty. Gen. Burke Marshall, stated:

"The present Selective Service System is based on a rule of discretion, applied locally by more than 4,000 different groups following guidelines that are general in nature. Its lack of uniformity is a consequence of a deliberate policy of decentralization, which is considered one of its strengths.

"This commission sees the overriding need to be the opposite: To achieve the greatest possible degree of equity demands . . . a system based on impartial standards uniformly applied throughout the nation. The commission proposes, in short, to introduce a new controlling concept into the Selective Service System: the rule of law, to replace the rule of discretion."

Gathering information about local boards is difficult; many board members are unwilling to talk to outsiders. All three members of Bethesda Local Board No. 54, for example, refused to speak to a reporter, either on the phone or in person.

It is even difficult to obtain board members' names. However, progress has been made in this area, largely through the efforts of Rep. John Moss of California, chairman of the House Foreign Operations and Government Information subcommittee.

Moss, a persistent critic of the draft system, has kept up a running battle with Hershey in an effort to make data on to board members more accessible to the public. He had been particularly annoyed by a section of the Selective Service regulations that appeared to exempt the system from the provisions of the 1967 Freedom of Information Act.

This section states that the national director "reserves the right to make exceptions to the general information policy in a particular case giving due weight to the right of the public to know and the interests of the individual or individuals involved."

On March 21, in a statement inserted in the Congressional Record, Moss noted a partial victory in his battle.

"In an enlightened change of mind," Moss wrote, "the Director (Hershey), acceding to a subcommittee recommendation, has issued a new regulation which requires the public posting of names of local draft board members, government appeals agents and advisers at each board office to which such personnel is assigned."

Additional progress in this direction was offered by a Feb. 13 ruling in the U.S. District Court in Philadelphia, stating that local boards must disclose certain information about their members, including names, addresses, ages, lengths of service on the board

and military affiliation. (No member of the military is allowed to sit on a local board.)

But this decision is being appealed and National headquarters will not apply it throughout the system.

The Marshall Commission found that of approximately 16,670 board members, more than 71 percent were 50 years of age or older. More than 95 percent of all board members are 40 or older.

Since the commission made its report, Hershey has issued a regulation prohibiting anyone over 75 years of age from serving on a local board. National headquarters says this ruling forced the retirement of more than 1,500 board members as of the first of this year, and has affected an undetermined number since.

Despite this ruling, however, statistics for members of Washington's local boards show that 50 percent of the approximately 75 members of the District's 16 local boards are 60 years of age or over. About 87 percent are 50 or over, in contrast to the national figure of 71 percent. And no District board member is under 40.

A good example of the thinking of many board members is provided by Stephen James, who just retired as chairman of Silver Spring Local Board No. 53, a post he had held since the board's founding in 1940. This board, with some 26,600 registrants, is second in size in Maryland only to the industrial area of South Baltimore.

James, while he was still a member of the board, consented immediately to an interview and answered every question put to him. His major criticism of the system, in fact, was that the boards are not more open to the community.

SEES IMPROVEMENT ROOM

However, he does not place the entire blame for lack of communication between board and community on the board.

"People in the community take the board too much for granted," he says. "If there were interest, we would be responsive to it." On the other hand, he continues, "the greatest improvement we could make would be to spend more time with the registrant. He's not an inert thing, don't you know. He's a human being."

Along with the subject of age goes the question of length of service. Hershey's regulation also stipulated that no one may serve on a local board for more than 25 years. However, this stipulation has affected nobody as yet, since Hershey has ruled that years of service will be counted from the passage of a 1948 draft law—in other words, nobody will have officially served 25 years until 1973.

FIVE YEARS PROPOSED

The Marshall Commission, in contrast, recommends terms of five years for board members.

There have also been proposals to limit the term of the national director. One suggested method would be to have the President appoint a director every four years. It has also been proposed that the director be a civilian.

At present, however, Hershey, who has been national director since the system was founded in 1941, seems invulnerable, although he has drawn some sharp criticism.

In a letter Hershey sent to all local board last October he "suggested" that any man convicted of participating in an illegal protest against the Selective Service be declared delinquent.

It is normal procedure to declare a registrant who has failed to comply with Selective Service regulations as a delinquent. Delinquents are normally reclassified 1–A and put at the top of the draft eligible list.

The letter produced a storm of protest. Draft regulations, it was argued, give the system no jurisdiction over outside demonstrations, even if they do happen to affect the system. Lawbreakers should be punished by law enforcement agencies, critics protested.

Some draft board members joined in the protest. "The draft is not intended to be, nor should it be, a punitive body," says Irving Yochelson, chairman of D.C. Local Board No. 12.

WOULD NOT RECLASSIFY

Francis A. Gregory of District Local Board No. 15 said that if such a registrant came before him, "I would not reclassify him. I would keep him in that deferment . . . whatever he had done, even if he tore up his card."

Gregory says that his board makes a distinction between directives and letters, and treats them accordingly.

Moss charges that Hershey, by sending a letter instead of a directive, was attempting "a subtle form of directing by circumventing the Administrative Procedures Act," which requires placing directives to federal agencies in the Federal Register.

HERSHEY FIRM ON STAND

Although the status of the suggested procedure remains unclear, following conflicting statements by Hershey and the Department of Justice, Hershey has as much as admitted that he favors using the draft as an instrument of punishment.

Appearing before a Senate subcommittee hearing this spring, he defended his suggestion under pointed questioning by Senate draft critics by pointing out that if demonstrators were left to be prosecuted, they might go to prison, and "I'd rather see them in the Army than in prison."

The dispute may soon be settled. The Justice Department filed an 82-page brief with the Supreme Court two weeks ago suggesting that local boards reclassifying young men in compliance with Hershey's letter may not be doing so "in a manner consistent with the Selective Service Act and the Constitution."

The brief, filed in the case of James J. Oestereich, a 24-year-old divinity student who was reclassified, says it is "difficult to conclude" that the letter from Hershey "did not in effect invite local boards to utilize delinquency reclassification in a punitive fashion."

"NEIGHBOR" CONCEPT

Local boards were set up with the idea that a registrant's case would be reviewed by someone who lived in his neighborhood. But the Marshall Commission concluded in its report that "the 'neighborly' character of local boards seems to exist more in theory than in fact."

Selective Service law requires that board members live within the county or city they service. But in large metropolitan areas, a man who lives on one side of town may be as far removed from the other side in background and way of thinking as if he lived in the next state. In the District for example, few board members live within the areas they serve although all live within the city limits.

TWO EXAMPLES

To pick only two examples, Grayson McGuire, chairman of D.C. Local Board No. 6, which covers the area in Northeast around Catholic University, lives off upper 16th Street in Northwest. Joseph C. Khuen, chairman of Local Board No. 21, says none of his members live in the area they serve.

The Marshall Commission has recommended a complete restructuring of the draft board system. These are the commission's major suggestions:

1. National headquarters should issue clear policies to be applied uniformly throughout the country.

2. A structure of eight regional offices, aligned for national security with the eight regions of the Office of Emergency Planning, should be established to administer selective service policy and monitor its uniform applications.

3. An additional set of area offices—between 300 and 500—should be established on a population basis, with at least one in every state. These officers would take over the job of registering and classifying registrants in accordance with policy directives from national headquarters.

4. Local boards, still composed of volunteer citizens but reduced in number should be retained, but in a role as a court of first appeal for registrants. (The commission notes: "The prospect of a man's being able to take his case to a group of citizens divorced from the federal system has great strength and merit.") The local board members should represent all elements of the public they serve, and women, presently excluded, should be allowed to serve.

But a federal task force, headed by Hershey, recently rejected these and other recommendations, concluding that "an adequate degree of uniformity can be attained with the present structure."

The 4th Circuit Court has called the range of review of Selective Service decisions "the narrowest known to law," and a local attorney who has recently published a manual on draft law, points out that a registrant has to risk going to jail merely to obtain a court hearing on his classification.

LEGAL MAZE PRESENTS DRAFT OBSTACLE COURSE

(By Barry Kalb)

A lawyer writing in the California Law Review characterized the Selective Service System this way:

"The Selective Service System will often appear to be an administrative obstacle course, covered with more legal pitfalls and frustrations than anything ever encountered in the vastness of American bureaucracy."

So, it would seem, any draft registrant confronted by 300 pages of draft regulations, 25 pages of federal law on the draft and 75 pages of local board memoranda would be well advised to hire a lawyer.

But appearances can be deceiving. For lawyers generally are considered persona non grata by the Selective Service System.

Specifically, the need for legal counsel would seem to be greatest when a young man is appealing his draft classification before his local board, arguing over who will control the next two years or so of his life.

But lawyers, under Selective Service regulations, are not allowed at such hearings, although this rule is not rigidly adhered to. A patchwork pattern of policy exists all over the country, and the confusion was compounded early this year by an administrative move that left everyone guessing.

In March, the Selective Service newsletter stated: "The board may . . . permit counsel and witnesses (at personal appearance hearings) if it sees fit to do so."

National headquarters did some quick back-tracking, however, and the next month, the newsletter rectified its "error" by quoting the Selective Service regulations, which state:

"The local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant . . . provided . . . that no registrant may be represented before the local board by anyone acting as attorney or legal counsel."

Even this statement leaves some question, since a lawyer, presumably, could appear in a "non-legal" capacity. Selective Service officials, when asked to explain, merely quote the regulations.

The confusion is illustrated in the Washington area. Most District board chairmen who were questioned said they would allow a lawyer to accompany a registrant at a hearing. Indeed, Col. John T. Martin, District draft director, said he has directed all boards to admit lawyers. But the chairman on Alexandria board No. 10, Abbie Mintz, said law-

yers are not allowed under any circumstances.

In an attempt to assure the draft registrant of legal advice, Sen. Edward Long, D-Mo., introduced a proposed amendment to the Administrative Procedures Act that would supersede the draft regulations and permit lawyers to attend hearings in any case.

Speaking for passage of the proposal during debate on the Senate floor, Sen. Ralph Yarborough, D-Tex., remarked:

"I think that one of the most basic denials of rights under our governmental system is the denial to a registrant under Selective Service System of the right to counsel before a draft board."

APPEALS AGENT CITED

During hearings on the amendment, Long read a letter from Ronald May, a government appeals agent—a lawyer who voluntarily serves both the local boards and the registrant where possible—who said in part:

"I would like to recommend very strongly the passage of this legislation. As a matter of fact, I think that it does not go far enough. At the present time, the Selective Service Law is monstrously weighted against a registrant who seeks a classification other than 1–A (draft eligible)."

But the amendment was defeated.

In an attempt to fill the gap, a group of Washington lawyers launched a monthly periodical last spring, the "Selective Service Law Reporter."

RESPONSE (FAVORABLE)

Michael Tigar, who edits the publication, says that the "general response from members of the bar and others has been very favorable." Five issues have been published so far.

Tigar, an associate with the law firm of Williams & Connolly, says that one of the major purposes of the periodical is to inform the lawyer and provide a forum for legal comment on the draft process.

"Here is a system of administrative law that is more than 40 years old and has never been subjected to a critical valuation by members of the bar," he says.

Another major concern of lawyers and draft critics is the difficulty of obtaining a court hearing on a local board decision. Before the registrant who is fighting induction can even consider going to court, he must wade through a maze of personal appearances, appeals, written explanations and, as a last step, he must commit a criminal act by refusing induction.

RISKING JAIL

"The crowning irony," says Tigar, "is that as a general rule, you can't seek a (court) review of board action unless you refuse induction. You have to risk jail."

Let us assume that a young man is so sure that his classification is incorrect, that he refuses induction. What are his chances of obtaining a favorable decision?

Not very good. Judges have been wary of acting on draft board decisions. A judge in the 4th Circuit Court summed up the difficulty in a 1957 opinion:

"In a prosecution for refusing to submit to induction, the scope of judicial inquiry into the administration proceedings leading to the defendant's classification is very limited. The range of review is the narrowest known to law."

LACK OF SAFEGUARDS

In spite of a sizable body of opinion that the legal rights of the registrant are not being adequately safeguarded, the Selective Service System appears to remain unconcerned.

Many draft officials maintain that adequate protection is offered by the government appeals agents, who number about 4,000 and who are assigned to every board to counsel registrants when they request it.

Appeal agents have dual roles, which draft critics—Sen. Edward M. Kennedy, D-Mass for one—have said make a mockery of the agent's supposed responsibility as counsel for the registrant.

The agent is instructed to be equally diligent in protecting both the interests of the registrant and the interests of the government, which is analogous to a lawyer acting as both defense and prosecutor.

The National Advisory Commission on the Selective Service, appointed by President Johnson in 1966, reported early last year:

"The clear fact is that appeal agents are almost totally inactive today."

Following this report, the President exhorted agents to be more watchful over the registrant's rights. The Selective Service director, Gen. Lewis B. Hershey, followed up with marching orders of his own a few months later. He told the agents to report to local boards any draft violation by registrants.

In view of this duality of roles, congressional critics have charged that agents are being used as "spies" by the system. Seven agents refused to go along with Hershey's order and quit.

AGENTS ROLE CHANGES

Appeals agents were not always required to be legal contortionists. During World War II, their sole task was to look after the rights of the registrant.

Joseph Khuen, a government lawyer and chairman of District Local Board No. 9, was chairman of the board of legal advisors during the war. Today, Khuen doesn't know the name of the agent assigned to his board nor do most other chairman interviewed.

"The boards are operating on the basis that this is a peacetime situation now," Khuen said. This, he feels, is why agents are not used as vigorously as they might be.

Even the agents have difficulty in interpreting the jumble of pertinent laws and regulations. Paul Gantt, an Atomic Energy Commission lawyer who has been an appeal agent for 11 years, put it this way:

"REGULATIONS A MAZE

"To thread your way through the maze of regulations, for even an intelligent registrant, is impossible. . . . I have one helluva time finding the regulation I need in counseling."

Gantt says appeal agents are told by national headquarters and the boards not to be too diligent on behalf of the registrant. "We're told not to go overboard in identifying with the problems of our clients," he says.

He said that in his 11 years he has received only five cases from local boards, and other agents tell a similar tale.

Even a year after the President's urging that agents become more active, Gantt has handled only two cases. The local boards, for their part, have begun using a larger form to tell registrants that they may consult an agent.

FAILURE TO CONSULT

The District registrant who doesn't consult his agent is passing up a valuable source of information and some highpowered legal experience as well.

For one thing, agents have access to memoranda and other information that are not generally available to the registrant. For another, the agent is usually a lawyer.

John Cragun, a partner in the law firm of Wilkinson, Cragun and Barker, has been an agent here for many years.

Richard Rose, 22, whose family's liquor store at 830 Bladensburg Rd. NE was burned out during the April riot, had been turned down once by his board when he sought postponement of his induction date so he could help rebuild the business.

REOPENING SOUGHT

Cragun questioned Rose closely about his part in the business and then said he would recommend that the board reopen the young man's case—a move granted only rarely.

The lawyer told Rose what points to stress in his written request to have his case reopened, and suggested tactics that the registrant might use when appearing before the board in person, including bringing his father to the hearing.

Armed with this advice, Rose received his extension.

Agents, it turns out, often get results. Gantt, for example, says that the boards have gone along with his recommendations in four out of five cases.

DEFERMENT RENEWED

Cragun points out that many registrants come in to see him just to blow off steam. But he will always go over all possible deferments with the young man.

The agents, then, do appear to be willing and able to carry out their functions. Why do they handle so few cases? Some critics contend that it is because of the reluctance of the local boards, few of whose members are lawyers, to become involved with lawyers and legal questions.

One local agent, who prefers to remain anonymous, says he was rebuffed by a local board last spring after being invited to a meeting following the President's message to the agents.

"The board treated me like some kind of interloper," he says. "The chairman cross-examined me, like I shouldn't have been there. I complained to Selective Service and received a letter of apology."

MANY ARE DRAFTED ONLY FOR LACK OF ADVICE

(By Barry Kalb and Donald Fitzhugh)

John R. Smith didn't want to go into the Army, but he thought he had no choice and he wasn't one to protest or run.

Last February, he was killed in action during a mortar attack on his base camp in Vietnam.

What John R. Smith did not know—and what none of his relatives or advisers knew or told him—was that he did not have to go.

He was a student at Spingarn High School, and as such he qualified for a student deferment.

Cases like that of John Smith have prompted some District teachers and students to ask that draft counselors be given equal time in District schools with military recruiters.

ADVICE OFFERED

Other groups, working outside the schools, are giving young men facing the draft advice on everything from how to obtain a legal deferment to how to run off to Canada.

Smith's mother, Marjorie, talked about her son in the small living room of her apartment in the Lincoln Heights housing project, where she lives with John's two brothers and two sisters.

"John sure didn't want to go . . . He didn't know about that student thing. I kinda wondered why boys in college didn't have to go and here they were taking him out of school . . .

"I thought maybe he shouldn't have to go, but I didn't know which way to turn, who to go to."

VIEW ECHOED

Other adults who knew John well echo Mrs. Smith. William A. Smith (a friend), the 35-year-old director of the Kelly-Miller playground, had known the youth for years.

"I didn't know about that student deferment or I sure would have told John about it," he says. "John didn't know. He was a shy boy and not very good with facts and figures."

John told his mother when he received his draft notice, but did not tell her a week later when he enlisted. Before he was inducted he explained to her that he thought he would get a better deal by enlisting.

The draft system places a load of responsibility on the shoulders of the 18-year-old

male. When he reaches that age, it is up to him to go to his local board and register for the draft.

If he doesn't register within five days of his birthday, he may be declared delinquent, although Col. John T. Martin, director of the District Selective Service, says that this rule is not firmly applied if it is found that the young man honestly didn't know that he was supposed to register.

CLASSIFICATION NEXT

Once he registers, the board classifies him more or less according to national guidelines, using information provided by the youth. If he is in school, he is eligible for a student deferment, but is still classified 1A—ready for service—until he brings in a letter from his principal.

John Smith didn't know about the deferment, didn't know about the letter, and he entered the Army. In this respect, he is representative of a problem within a problem: The particular problem of the urban Negro who is denied his rights simply because he has not been told of them or how to assert them.

Springarn holds no special assemblies to counsel students about their draft rights. It is the same at virtually all District schools.

"We don't mention it unless it is brought up to us," says William J. Saunders, former assistant principal at Springarn and now principal at Eastern. He emphasized that any student asking for a deferment will get it—but even Saunders did not know until told that such a deferment was granted as a matter of course.

DEFERMENTS GRANTED

Martin says that student deferments are granted without question if the school fills out the proper form. For the first time, beginning last school year, this form is being sent to the schools ahead of time.

Larry Aronson, a teacher at Cardozo High School, is one of several District teachers giving special attention to the draft situation.

"I personally know 10 students who have been drafted, not knowing they were eligible for student deferments," Aronson has told the District Board of Education.

Aronson and some fellow teachers, along with other interested groups, have asked the schools to allow counselors to come to the schools to advise young men of their legal rights and their chances for obtaining a deferment. He noted that "the schools allow and encourage military recruiters to come in, they schedule assemblies for them, let them use the bulletin boards, give the kids time off to take military tests."

CONCESSION WON

In Montgomery County, students at Einstein High School have won a concession in this regard from the administration. Once a week this past spring, a lawyer and members of the Montgomery County Draft Information Service set up shop in a classroom during the school day to advise anyone seeking help. This service is expected to be renewed this fall.

But the District school administration so far has refused to admit counselors. "My position is that I don't want the schools to just counsel conscientious objection, I want them to go much deeper into the whole thing," Aronson says. "I want the schools to tell the kids every legal option they have."

Where, in fact, does the responsibility for informing students of their rights lie? That seems to depend on whom you ask.

The antiwar groups and the activist teachers—indeed, even the draft board—says that this is the duty of the school. But School Supt. William R. Manning, in a circular sent out last spring, replied that the responsibility rested with "the religious leaders in the community."

BOARD HELD RESPONSIBLE

And George Rhodes, assistant superintendent, for junior and senior high schools, placed the responsibility back with the draft boards.

Frustrated with what they consider this buck-passing among government and school officials, antiwar and antidraft groups have in some cases taken student-counselling matters into their own hands.

Like high school seniors, college seniors have long been able to choose between ending school—and facing the imminent prospect of being drafted—or continuing their education.

By choosing the latter, many men were able to pile students deferment upon student deferment until they were 26 years old, thus obtaining what amounted to an exemption.

No longer. Most graduate school deferments—except in the fields of medicine, dentistry and allied medical specialities—were done away with in February on the advice of the National Security Council.

PROTEST TRIGGERED

This caused a roar of protest from both prospective graduate students and the graduate schools. With the policy of drafting the oldest men (those closest to their 26th birthday) first, it was felt that this huge pool of formerly untouchable 22- through 25-year-olds would be picked off by the draft boards.

Last March, the Council of Graduate Schools of the United States predicted ominously that entering male enrollment in full-time graduate schools would be down a startling 70 percent.

For the present, it appears that the graduate schools needlessly hit the panic button. As one official at Georgetown University put it. "We were crying wolf, but it's really not as bad as we thought it would be."

The full story won't be available until final registration figures are tabulated, but for the most part, area universities are optimistic. Preliminary estimates of enrollment, far from showing a great drop, reflect the 5 to 10 percent rise that has been normal over the past several years.

FIGURES NOT CONCLUSIVE

But these figures don't tell all. Draft calls have been low of late and this month are expected to be the lowest in over three years.

And then at least one university expects to find a drastic drop in its enrollment. Dr. Edward Jordan, director of the officer of institutional research and planning at Catholic University, estimates that last year's figure of 773 full time and part time lay graduates under the age of 27 will drop to 413 this year, a loss of almost 47 percent in this age group and 17 percent of the total lay graduate enrollment.

In addition, Jordan estimates, the under-27 enrollment in the law school will drop from 247 to 132, again almost 47 percent of this age group. A school official attributes this expected drop "absolutely" to the draft.

And even those schools that are finding normal enrollment this fall are bracing for a large drop in the spring. Rocco Porreco, dean of the graduate school at Georgetown, expects that many male graduates will be reclassified 1A in October (the normal reclassification time), but will be allowed to finish out their fall semester.

Both high school and college students who want to avoid the draft but do not meet any of the normal qualifications for exemption have, over the past three years, been resorting to one of three alternatives.

One of these is to seek an exemption as a conscientious objector, a person opposed to war and the military in any form. The other two, much more drastic are to leave the country or refuse induction and risk prison.

A DIFFERENT EXEMPTION

The conscientious objector exemption—"CO", as it is known—is different to obtain. Until recently, only those men belonging to a recognized religion that counsel conscientious objection as part of its doctrine were given CO status.

A recent Supreme Court decision changed that, and a young man who does not necessarily believe in a Supreme being but can show that his objection stems from religious training and a sincere religious belief against war may be exempted. The draft law still refuses to recognize a "merely personal moral code" as grounds for exemption.

But the local boards are usually suspicious of any CO plea. Several board chairmen point out that the slightest deviation from complete objection to things military in the past—if, for example the registrant was a member of the District high school cadet program—will disqualify a man for a CO in their minds.

In the District, the most active and respectable draft counseling is offered by the Washington Peace Center, located in the Friend's Meeting House, 2111 Florida Ave. NW. Brian Paddock, a lawyer with the Georgetown University Criminal Law Institute, heads a group of 20 volunteer counselors here.

ACTIONS OUTLINED

Paddock advises young men on the whole range of options in the draft, and is the acknowledged expert in Washington on the intricacies of qualifying for a CO deferment. He says there are about 75 volunteer counselors in the area, including ministers, teachers, students, and lawyers.

In the past, Paddock says, the CO applicant was checked out by a joint FBI-Justice Department hearing and field check procedure. This usually took about two years, due largely to backlogs, and meant that a young man could often obtain a deferment by default.

The new law does away with this investigation and leaves the matter entirely up to the local board.

Critics of the draft charge that the CO applicant must undergo unnecessary humiliation and suggest that an alternative to the draft, for a comparable period, be offered.

NATIONAL SERVICE

Such a program of national service has been advocated by, among others, Vice President Hubert H. Humphrey. Most Western countries offer some sort of national service an option to military draft.

In Washington at present, there are more than 60 young men who obtained CO deferments and are working in community service jobs at D.C. General Hospital, Junior Village and other government agencies.

Additional advice is available in the Washington Free Press, the local underground newspaper. Frank Speltz, under the pen name of "General Marsbars," a satire on Gen. "Hershey," has a regular column entitled "Advice to the Draft Resister."

He offers usually reliable advice such as the following: "For high school students who have not turned 18: If you are physically out of the U.S. on your 18th birthday and stay out until you are 26, you have escaped any obligation to the Army, you do not have to register with a consulate.

ACCURACY CONFIRMED

Selective Service officials confirmed the accuracy of Speltz's advice.

Speltz also publishes names and information on going to Canada or Sweden, two well-known havens for American draft resisters. Canada, in particular, has become a popular place for U.S. draft resisters.

But "Canada is even stricter on marijuana offenses than the U.S." Speltz notes with a laugh. "This wipes out a lot of draft resisters because they have more allegiance to marijuana than to draft resistance.

Many young men, not willing to join the

Army but not wanting to leave the country, have opted for jail. Convictions for violations of the draft law (mostly for refusing induction) doubled from 1966 to 1967, and the 1967 figure was four times that of 1965.

In the District, there were three such indictments in fiscal 1967. Maryland had 35 in the same period and Virginia had 43. In the first six months of this year, the District figure had already tripled.

GAYNOR, FREEMAN, GLICK & PISANI,
New Rochelle, N.Y., January 16, 1969.

Hon. JACOB K. JAVITS
U.S. Senate,
Washington, D.C.

SIR: I recently had occasion to counsel and represent one of Assemblyman's Pisani's clients of this law firm concerning the draft laws and the particular registrant's status with Local Board #10, Mount Vernon, New York. Both as an attorney and as a friend of the registrant, I was denied the right to appear with or on behalf of the individual concerned. Fortunately, the particular application was ultimately approved but not before my having been subjected to great humiliation and discourtesy by one of the members of the Board. I think that the treatment received is violently inconsistent with the great tradition of courtesy afforded members of the bar by individuals who are privileged to serve the public in various administrative and representative capacities.

As a citizen, taxpayer, veteran, and member of the bar, I am most profoundly disturbed by the present structure of the draft laws, the regulations promulgated by the Selective Service System and the manner in which the entire system is administered. The entire process reeks of a flagrant denial of traditional standards of fairness and due process. It is rather ironic that an accused rapist, murderer or alien about to be deported is afforded greater rights than honest young citizens who are classified as registrants by the Selective Service System.

Accordingly, I would appreciate any efforts which you may make to cause profound and significant changes to be made in these laws. As one who has had recent occasion to study and research these statutory laws and regulations involved, I would be willing to offer my services in any advisory capacity desired in order to aid in the effectuation of meaningful reform.

Thank you for your anticipated attention and consideration.

Very truly yours,

ARTHUR H. GRAE.

PROPOSALS FOR NATIONAL AND SELECTIVE SERVICE: A SEARCH FOR CLARITY

(Remarks of Senator JACOB K. JAVITS prepared for delivery at the closing session of the National Service Conference, East Room of the Mayflower Hotel, Washington, D.C., April 4, 1967)

It is important to understand that the current debate on the draft and national service is no longer academic. The Selective Service Law expires this year, and Government must act. For this reason, all of the proposals that you and I have been making concerning national service must meet the test of reality, now.

We cannot deny that there are some practical difficulties—and a Constitutional question as well—with the implementation of national service. But this should not mean that we abandon those aspects of our program that are workable and highly desirable. What I have tried to do is to take these aspects and graft them to the President's recent proposal for more equitable selection for military service and curtailment of college deferments, a proposal which has merit, in my view. In doing so, I have treated national service not as a grand scheme to answer all of our military and civilian manpower needs, but as a challenge.

We can meet this challenge by assuring that any legislation passed by the Congress this year contains the following:

1. expansion of existing programs to create new opportunities and incentives for voluntary national service;

2. expansion of programs to provide for the rehabilitation and training of those initially rejected for military service; and

3. assurance that any draft proposal signed into law guards against inequities and discrimination, to a much greater extent than present law.

The beginning of wisdom, it seems to me, is to see the matter in terms of the fundamental questions: where do you strike a balance in the selective service system between the demands of equity and of efficient use of existing human resources; is this balance to be struck differently in peace time than under war conditions? For we must realize that though we are now designing a system in the shadow of Vietnam, it also must be a system appropriate to peace time. To do less, would be to focus on the present, only to have the future disappoint us once again.

The President's proposals for a lottery and for curtailment of deferments and exemptions have struck the proper balance for a selective service system in wartime. When the call to arms involves more than a small chance of being thrust into combat and of possibly being wounded or killed, the risks must be apportioned with rigorous equality. Thus, I believe that in wartime the need for an even-handed system overrides arguments in favor of college or occupational deferments which the logic of efficient resource allocation might raise. Ours cannot be a society which exposes the less privileged in terms of education and job training to a higher risk on the battlefield. It's as simple as that; to do otherwise would be to gravely compound already existing social and economic injustices.

Moreover, I agree with the President's conclusion that the younger be drafted first, rather than starting with the oldest first as we do now. I would not necessarily begin at age 19, however. From the point of view of causing the least disruption to career and educational plans, I think it might be better to invoke the draft at the time of graduation from high school. In other words, we would draft at a certain educational age, although the biological age might vary from about 17 through 19.

* * * * *

Now, where in this picture does the concept of national service fit? First, I think it is necessary for all of us to re-evaluate our views on this matter in light of the proposals to draft the younger men and to cut down on college deferments. For to the extent that the rationale for national service depended upon the lack of equity of a system in which collegians were deferred and often exempted, an ending of college deferments undercuts that rationale.

There is one kind of national service—and I am using the term here very broadly—which the equities demand that we should apply, even under an approach to the draft employing a lottery and eliminating college deferments. For there is a tragically large group of young men who are eligible for military service but who, often through no fault of their own, are rejected on physical and mental grounds. To exclude this group from military service works a double inequity—it shields a certain number of wastrels and underachievers from the risks of service while those who have worked hard and made something of themselves are inducted, and it prevents a number of youngsters who could be rehabilitated from receiving the education and training benefits the military service is capable of affording.

In fairness to those who are included in the lottery, and in an effort to help the rejectees, I believe that we should require these rejectees to accept rehabilitative medical treatment, or to enter remedial education and training courses as the case may be. Upon successful completion of such a course, or upon completion of medical treatment, they should be deemed fit for military service and their names should be placed in the lottery along with those who needed no rehabilitation. This would be more equitable than the present Defense Department system under which those rejectees taken for training under "Project 100,000" are *all* compelled to serve upon being rehabilitated. Those who are not successfully rehabilitated, as well as those whose scores were so low in the first instance that rehabilitation within a relatively brief period seemed impossible, should be referred to education and training courses conducted in the civilian sector, such as the anti-poverty program. For these men, we must greatly intensify the counseling and referral services made available as they leave the selective service center in order to motivate them to take advantage of the non-military remedial programs.

I believe that required remedial assistance of this type is justified both on grounds of equity to those who are not rejected, and on the existing precedent of compulsory education in this country. In fact, it is simply an extension of the compulsory education concept to those whom the system had bypassed. It would be a step in the direction of compulsory education to a certain level of achievement—that set by the Armed Forces Qualification Test—rather than to the arbitrary biological age of 16.

If the lottery eliminates the argument for national service based upon inequitable exposure to the draft, where are we then left? There is, of course, a second primary strand to the national service rationale—the idea that the individual has some form of social obligation to serve his country in a non-military capacity if he is not needed by the military. Under this view, there are critically important national needs to be fulfilled in the area of provision of public services, and the manpower of a new national service corps needs to be thrown into the gap.

I have great difficulty with this concept to the extent that it involves any element of compulsory non-military service. Any such compulsory system would run irrevocably afoul of the 13th Amendment prescription against involuntary servitude and indeed against very deeply felt American objections to restrictions on individual freedom of choice.

In all fairness, though, I don't believe that the proponents of non-military national service would make it wholly compulsory. Rather, there appear to be two basic approaches. First, there are those who would allow the individual an option between military and non-military service at the time of his registration under the selective service system. But this, in my view, would be inherently unjust because it would allow those who could qualify for the Peace Corps, VISTA, and the like—essentially, the middle and upper class youth—to evade the dangers of military service. Such an option arrangement would be particularly untenable in wartime.

Second, there are those who would propose national service under a *quid pro quo* approach whereby if a student voluntarily chose to request a college deferment he would then be automatically liable for either military or non-military national service upon graduation. This, in fact, was my own view last year, before the President introduced his reform proposals. However, as I have said, with the advent of proposals to establish a lottery, to draft the youngest first, and to cut down on college deferments, this basis for compulsory national service disappears.

But, assuming that Congress does decide

to extend college deferments, and that is a close question, there are important doubts to be resolved before we should move toward establishing at this time a *compulsory* national service program for those who choose deferment.

I hope very much that answers to some of the following questions will be forthcoming during the hearings on selective service which we are presently holding in the Subcommittee on Employment, Manpower and Poverty.

Do we know that society needs public service manpower beyond the extent to which expanded *voluntary* programs could provide for it? Moreover, does this national service approach to solving the problems of poverty and of our cities make sense in cost-benefit terms when compared to other possible approaches? For example, we are experimenting now in the anti-poverty program with creating new subprofessional jobs for the poor in connection with the delivery of needed public services—as teacher aides, nursing aides, child day care center employees, and the like. This way, not only are public services delivered, but employment possibilities are opened up for the poor. Wouldn't the use of college graduates and others not in the poverty category to fill some of these jobs then eliminate possible public employment prospects needed by the poor?

Furthermore, wouldn't it take something out of the present spirit and effectiveness of VISTA and the Peace Corps to introduce the element of compulsory service for those who take college deferments? And, finally, isn't it doubtful that it would work at all? With the chances of being drafted in the lottery standing at only about one in five, as would be the case even in the present period of relatively high military requirements, wouldn't most young men prefer to take their chances on the lottery rather than requesting a college deferment which would mean a 100 percent chance of some form of national service upon graduation?

Thus, while my heart retains all its original sympathy for the national service ideal, my head has led me to a preliminary conclusion that if the President's recommendations for reform of selective service are adopted, then any national service system should remain entirely voluntary. Indeed, the adoption of the proposals to draft the youngest first would help the Peace Corps, VISTA and the Teachers Corps because the volunteers would have already passed the age of vulnerability to the draft. The knotty problems we now have about whether to defer these volunteers would disappear.

But endorsement of a voluntary system need not shatter hopes for a greatly expanded national service corps. I, for one, believe that the idealism and public service instincts of American youth have hardly been tapped. There is room for—and need for—a substantial expansion of existing programs and for the creation of new voluntary programs. These efforts alone will absorb any further appropriations of this type which Congress is likely to allocate. There is work enough in that effort to keep us all busy.

The bill (S. 992) to amend the Military Selective Service Act of 1967 to provide for uniform national criteria for the classification of registrants, to authorize a random system of selecting persons for induction into military service, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 992

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

AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967

SEC. 2. The Military Selective Service Act of 1967 is amended as follows:

(1) Paragraph (1) of section 5(a) is amended by striking out "local board" each time it appears therein and inserting in lieu thereof "area office".

(2) Paragraph (2) of section 5(a) is amended to read as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in meeting any national quota of men to be inducted into the Armed Forces under this Act, selection of persons for induction to fill such quota shall be made from persons in the prime selection group, after the selection of delinquents and volunteers, to the extent that such group has a sufficient number of qualified registrants to meet such quota. Subject to the provisions of paragraph (3) of this section, selection of persons for induction into the Armed Forces from the prime selection group shall be made on the basis of the dates of birth of the registrants and upon such other factors as the President may deem appropriate."

(3) Section 5(a) is further amended by adding at the end thereof the following new paragraphs:

"(3) The President is authorized, under such rules and regulations as he deems appropriate, to provide for the selection of persons from the prime selection group for induction into the Armed Forces by a random selection system. In the event the President provides for such a system, he may provide for the selection of persons for such service on a national rather than a regional or local basis.

"(4) As used in this section the term 'prime selection group' means persons who are liable for training and service under this Act, who at the time of selection are registered and classified, and who are—

"(A) between the ages of nineteen and twenty and are not deferred or exempted;

"(B) between the ages of nineteen and thirty-five and, on or after the effective date of the Military Selective Service Amendments Act of 1969, were in a deferred status, but are no longer in such status; or

"(C) between the ages of twenty and twenty-six on the effective date of the Military Selective Service Amendments Act of 1969 and are not deferred or exempted.

Unless selected for induction or unless otherwise deferred from induction into the Armed Forces, a person shall remain in the prime selection group for a period of one year. Any person who is in a deferred status upon attaining the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred under authority of this Act. Any person who is removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. In no event shall any person be placed in the prime selection group for any period or periods totaling more than one year.

"(5) Notwithstanding the provisions of paragraph (4) of this subsection, any person who, on the effective date of the Military Selective Service Amendments Act of 1969, comes within the provisions of clause (B) or (C) of such paragraph shall be placed in the prime selection group as follows:

"(A) A person who attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

"(B) A person who is between the ages of twenty-two and tweny-four on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date.

"(C) A person who is between the ages of twenty and twenty-two on such effective date shall be placed in the prime selection group during the third twelve-month period following such effective date."

(4) The first sentence of section 5(b) is amended to read as follows: "Except when a random selection system is in effect pursuant to subsection (a)(3) of this section, and the President, by rule or regulation directs otherwise, quotas of men to be inducted for training and service under this title shall be determined for each State, Territory, possession, and the District of Columbia on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas to residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas."

(5) Section 5 is further amended by adding at the end thereof a new subsection as follows:

"(d) The physical, mental, and moral standards which an individual must meet in order to qualify for induction into the Armed Forces under this Act shall be no lower than those prescribed for persons who voluntarily enlist for service in the Army."

(6) Subparagraphs (A) and (B) of section 6(b)(2) are amended by striking out "local board" each time it appears, and inserting in lieu thereof "area office".

(7) Paragraph (1) of section 6(h) is amended to read as follows:

"(1) Except as otherwise provided in this subsection, the President is authorized, under such rules and regulations as he may prescribe, to provide as uniformly as possible consistent with the national interest and the needs of the Armed Forces for the deferment from training and service in the Armed Forces of persons who are satisfactorily pursuing a course of instruction at a bona fide university, college, junior college, community college, technical college, vocational school or similar institution of learning, or who are satisfactorily pursuing a bona fide apprentice-training program or similar occupational instruction program, and who request such deferment. A deferment granted to any person under authority of this paragraph shall continue until such person completes the requirements for his baccalaureate degree, completes the training program, fails to pursue satisfactorily his course of instruction or training or attains the twenty-fourth anniversary of the date of his birth, or until the expiration of five years from the date of his graduation from high school or similar institution of learning, whichever first occurs. The President is authorized to restrict or terminate deferments under this paragraph whenever he determines such action is necessary to meet the military manpower needs of the Armed Forces. In the event of a declaration of war by the Congress or upon a determination by the President that a substantial number of persons inducted into the Armed Forces will probably be required to participate in armed conflict with hostile forces, deferments under this paragraph and paragraph (2) of this subsection shall be limited to those deferments he determines to be absolutely essential for the maintenance of successful military effort."

(8) Section 6(h)(2) is amended by striking out the last two sentences and inserting in lieu thereof the following: "There shall be posted in a conspicuous place in the headquarters of each area office a list setting

forth the names and classifications of those persons who have been classified by such area office. Notwithstanding any other provision of this title, the President shall establish national standards and criteria for the deferment of persons under this subsection and such standards and criteria shall be applied at all levels of the Selective Service System as uniformly and impartially as practicable in the case of all registrants."

(9) Paragraph (2) of section 6(i) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a course of instruction at a university, college, junior college, community college, technical college, vocational school, or similar institution of learning, or who is satisfactorily pursuing an apprentice program or a similar occupational instruction program, and is ordered to report for induction under this Act, shall, upon the facts being presented to the area office, be deferred (A) until the end of the academic term or training term, as the case may be, (B) until he ceases satisfactorily to pursue such course of instruction or apprentice or similar occupational instruction program, or (C) for a period of six months, whichever is the earliest. No person shall receive a deferment under this paragraph who has completed the requirements for a baccalaureate degree or who has heretofore been deferred as a student, apprentice, or trainee under this paragraph or section 6(h) of this title, nor shall any person be further deferred by reason of pursuit of a course of instruction or training program except as may be provided by regulations prescribed by the President pursuant to the provisions of paragraph (h) of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service in the Armed Forces of any category or categories of students, apprentices, or trainees for such periods of time as he may deem appropriate."

(10) The second sentence of section 6(j) is amended to read as follows: "Religious training and belief in this connection means an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

(11) Section 6(j) is amended by adding at the end thereof the following: "Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the Armed Forces under this title, he shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction be ordered by his area office, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the area office may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his area office shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the area office on a register of conscientious objectors."

(12) The third sentence of section 6(j) is amended by striking out "local board" the first time it appears in such sentence, and inserting in lieu thereof "area office or local board"; and by striking out "local board" each time it subsequently appears in such sentence, and inserting in lieu thereof "area office".

(13) Subsection (n) of section 6 is repealed.

(14) Section 10(a) is amended by redesignating paragraph (4) as paragraph (5), and by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

"(2) The Selective Service System shall be composed of (A) the National Selective Service System Office, to be located in Washington, D.C., (B) eight regional headquarters distributed throughout the United States, and (C) such area offices, appeal boards, and other agencies as are hereafter provided.

"(3) The Director of Selective Service shall be appointed by the President, by and with the advice and consent of the Senate.

"(4) The Selective Service System shall, to the maximum extent practicable, utilize automatic data processing equipment in carrying out the provisions of this Act."

(15) Section 10(b) is amended by redesignating paragraphs (5) through (10) as paragraphs (6) through (11); and by striking out paragraphs (2), (3), and (4), and inserting in lieu thereof the following:

"(2) to appoint a Regional Director for the Selective Service System for each regional headquarters, established pursuant to subsection (a)(2) of this section, who shall be in immediate charge of the regional headquarters; to employ such number of civilians, and upon declaration by the President of a state of national emergency to order to active duty with their consent and to assign to the Selective Service System such officials of the selective service section of the various regional headquarters and headquarters detachments and such other officials of the federally recognized National Guard of the United States and Air National Guard of the United States and other Armed Forces personnel (including personnel of the Reserve components thereof), as may be necessary for the administration of the national and of the several regional headquarters and area offices of the Selective Service System;

"(3) to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of the Selective Service System on a population basis. Each area office shall consist of a civilian area director, assisted by appropriate civilian staff. Each area director shall have the power within the respective jurisdiction of such an area office to hear and determine, in strict conformity with the rules and regulations prescribed by the President, and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from training and service under this title, of all individuals within the jurisdiction of such area offices, together with such other duties as may be assigned under this title;

"(4) to create and establish within the Selective Service System civilian local boards as well as such other civilian agencies of appeal, as may be necessary to carry out its functions. Each local board shall function in conjunction with an area office provided for under paragraph (3) of this subsection and shall consist of three or more members. The local board shall, under rules and regulations prescribed by the President, and under appropriate precedents, have the power within the jurisdiction of such area office to hear and determine appeals from the decisions of an area director subject to the right of further appeal to the appeal boards herein authorized and all other questions relating to inclusion for, or exemption or deferment from, training and service arising under this title. There shall be not less than one appeal board, together with such additional separate panels thereof as may be prescribed by the President, located within the area of each regional headquarters of the Selective Service System. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final unless modified or reversed upon judicial review, as hereinafter provided. Except in the case of a clear violation of the provisions of this title, decisions of area offices, local boards, appeal boards, and the President regarding the classification of a registrant shall be subject to judicial review only (A) by way of defense to a criminal prosecution of the registrant under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order for induction or for civilian work in the case of a registrant determined to be opposed to participation in war in any form, or (B) in the case of a registrant who has complied with an order to report for induction or for civilian work in an action under chapter 153 of title 28, United States Code, commenced within 30 days of the date of his induction. Judicial review in any case shall be limited to questions of law and the determination of whether there is any basis in the record for the classification assigned to the registrant. No citizen shall be denied membership in any component of the Selective Service System established pursuant to this section on account of race, color, creed, or sex. Composition of the membership of area offices and local boards and appeal boards shall represent, as far as practicable, all elements of the public which the boards serve. No person shall serve in an area office or on a local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No person who is a civilian officer, member, agent or employee of the Selective Service System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent or employee;

"(5) to appoint and fix the compensation of such officers, agents, and, employees as he may deem necessary to carry out the provisions of this title, but the compensation of employees of area offices and local boards and appeal boards may be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. Any officer on the active or retired list of the Armed Forces, or any reserve component thereof with his

consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title except to offices or positions in area offices or on local boards or appeal boards established or created pursuant to paragraphs (3) and (4) of this subsection may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or reserve component thereof, or as such officer or employee in any department or agency of the United States;".

(16) Section 10(b) is further amended by striking out the period at the end of paragraph (11), as redesignated by paragraph (15) of this section, and inserting in lieu thereof a semicolon; and by adding after such paragraph (11) a new paragraph as follows:

"(12) to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority."

(17) Section 10(c) is amended to read as follows:

"(c) Every individual shall be afforded the opportunity to appear in person before his local board for the purpose of objecting to or challenging the classification assigned to him and shall have the right to be represented before such board by private counsel and to present testimony and other evidence to such board regarding the matter of his classification. If any registrant is financially unable to provide his own counsel he shall have counsel made available to him without charge under such rules and regulations as the President may prescribe."

(18) The last sentence of section 12(a) is amended to read as follows: "Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for hearing at the earliest practicable date. The determination of appeals in cases arising under this title shall be expedited in every way practicable."

(19) Subsection (c) of section 12 is hereby repealed.

(20) Section 15(b) is amended by striking out "local board" and inserting in lieu thereof "area office".

(21) Section 15 is further amended by adding at the end thereof a new subsection as follows:

"(e) It shall be the duty of the Director to inform every registrant of all rights and procedures available to him under this title regarding classification, deferment, and exemption. Such information shall be in writing and shall be given to every person who registers under this title at the time of his registration."

(22) Subsection (e) of section 16 is hereby repealed.

(23) Section 16 is further amended by adding at the end thereof a new paragraph as follows:

"(j) The term 'delinquent' means a person required to be registered under this Act and who fails to perform or violates any duty, with respect to his own status, required of him under the provisions of this Act or any regulation issued thereunder."

MILITARY YOUTH OPPORTUNITY SCHOOLS

SEC. 3. (a) The Secretary of Defense, with the cooperation and assistance of the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other appropriate Federal agencies, shall conduct a comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training, for a period not exceeding one year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the Armed Forces.

(b) The Secretary of Defense shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The Secretary of Defense shall include in such report, findings with respect to—

(1) the average annual number of volunteers for military service who fail to meet the educational and physical standards for such service, but who, with a maximum of one year's training in opportunity schools of the kind referred to in subsection (a) of this section, could qualify for military service;

(2) an estimate of the costs and benefits to the Department of Defense of establishing and operating such opportunity schools;

(3) the administrative capacity of the Department of Defense to carry out such a program;

(4) an estimate of the reenlistment rate which could be expected from volunteers trained in such opportunity schools;

(5) the advisability of requiring longer enlistment periods for volunteers receiving training in such opportunity schools; and

(6) the most effective means and measures for implementing a program of the kind described in subsection (a) of this section.

NATIONAL SERVICE CORPS STUDY

SEC. 4. (a) The President shall conduct a study and investigation to determine the feasibility and desirability of establishing a national service corps in which citizens of the United States who are mentally and physically able and who desire to perform nonmilitary services designed to combat disease, ignorance, poverty at home and abroad may serve.

(b) The President shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The President shall include in such report such information as he deems appropriate, and in the event it is determined that the establishment of a national service corps as described in subsection (a) of this section is feasible and desirable, he shall specifically include in such report—

(1) a review of existing voluntary Federal service programs (nonmilitary) in which hardships are endured by the participants or extraordinary service is required of the participants, such as the Peace Corps and the Volunteers in Service to America, in order to determine the feasibility of establishing an expanded national service program with the broadest possible participation;

(2) a consideration of what the nature and scope of a national service program should be;

(3) the number of service opportunities which would be generated by such a program;

(4) the relationship of such a service system with the Selective Service System and the feasibility of authorizing service in such a national service corps program as an alternative to military service;

(5) the most effective means by which such a service program might be coordinated with appropriate private, local, and State programs of a public service nature;

(6) the impact of such a service program upon the labor force and the economy of the United States;

(7) the effect of such a service program upon secondary education and higher education;

(8) the role of women in such a service program;

(9) the cost of establishing and operating such a service program; and

(10) the mental and physical standards for participation, if any, and the duration of service in such a service program.

VOLUNTEER ARMY STUDY

SEC. 5. The President shall conduct a study to determine the cost, feasibility, and desirability of replacing the present system of involuntary induction of persons into the Armed Forces with an entirely voluntary system of enlistments. The President shall submit the results of such study to the Congress, together with such recommendations as he deems appropriate, within one year after the date of enactment of this section.

EFFECTIVE DATE

SEC. 6. Sections 2 through 5 of this Act shall take effect upon enactment. The amendments made by section 2 of this Act shall become effective ninety days following the date of enactment.

NEIGHBORHOOD YOUTH CORPS

Mr. MANSFIELD. Mr. President, in recent weeks there has been considerable amount of discussion as to the future of the Office of Economic Opportunity and its many programs. I think it would be fair to say that some programs have been more successful than others. Undoubtedly the Neighborhood Youth Corps program is one of the most popular and useful. Several days ago I received a heartwarming letter from a young woman, Josie Marie Williams, of Great Falls, Mont. Miss Williams outlined to me the tremendous amount of help the Neighborhood Youth Corps has given to her and her family. A few success stories like this make the war on poverty seem worthwhile and worthy of our continued efforts.

Mr. President, I ask unanimous consent that the text of Miss Williams' letter be printed in the RECORD.

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

GREAT FALLS, MONT.,
January 20, 1969.

DEAR SENATOR MANSFIELD: My name is Josie Marie Williams. I am 19 years old and I live in Great Falls, Montana.

The very important reason I am writing you this letter is not only because of my kind of life but because of the other hundreds that has lived the same kind as I have.

Sir, I work for Opportunities Inc., Neighborhood Youth Corps. (N.Y.C.) Dear sir please take the time to read my story, then you will know how I and hundreds of other youths feel about the NYC. Our N.Y.C. . . .

My story:

My story begins when I was about 14 years old. We came up to Great Falls, Montana from Kilgore, Texas. We had a 1951 Ford and a home made trailer and we came over 1800 miles to Great Falls. You see my dad was out of work and my eldest brother was up here at Malmstrom A.F.B. So he called and said that dad ought to be able to get a job up here in Montana, so we came. Because as a family we decided that life couldn't be much worse and it could be a lot better. Besides we would all be together again as a family.

Well after we came those 1800 and some miles we came only to find that there was no jobs to be had for my dad's profession, which was a Truck Driver. He couldn't drive trucks because they said that he was too old and he was only 47 years old. So he went to looking for a mechanic job they told him that they couldn't or wouldn't hire him because he didn't have a diploma so very disgusted he went looking again this time for anything that he could do and after about 7–8 weeks after our arrival he found a job as a service station attendant at a Phillips 66 station.

Well the job only lasted about a year and a half because the owner sold the station and the new owner wanted young men, and my dad was only 48 years old. So my dad went looking again, only this time he wasn't so lucky. So he went to the Employment office and signed up on Unemployment for the very first time in his life. So the five of us lived on $34.00 a week. Which was really hard because you see my sister was and is a Diabetic. So some friends of ours told us we should go to the welfare for help.

Well we did and the first time they couldn't or wouldn't do anything because they said that they were out of funds. They were out of funds and here was my sister a Diabetic and we needed medical help for her and we couldn't get it because we didn't have the money. She needed a blood test to see if her medicine needed to be increased or what and we couldn't get it. So about six months later still on unemployment my parents went back to the welfare office to try again. This time they were successful. Thank the Good Lord, because my sister was in bad shape, so they put her in the hospital and she was there 9 weeks getting her insulin and insulin reactions straightened out. Well in the meantime my dad agreed to work 3 days every 2 weeks for the welfare, one day while he was working at the Court house the head Custodian had been talking to my dad and that day he asked him if he would like to work for the county? So my dad went to work at the court house to fill in for the guys taking vacations. Well in October this ended and my dad was out of a job again. The county doesn't pay unemployment so my dad was out on a limb again. I was 16 years old and we were in an awful jam because when dad went to work the welfare didn't help us anymore, so I decided that it was my place to help, so I quit school and got a full time babysitting job and continued the one I had at night because I had already decided that if I couldn't have a good education that my sister was going to have every chance possible. So I went to work even though it broke my parents heart. So my brother (youngest) and I went to work and we supported our family for about 10 or 11 months. Well finally my dad found the job he has now. He is a service station attendant and has been for the last 3 years. He doesn't make much but it is a living and at least he has a job. I wouldn't or won't ever wish that I had had an easier life because my folks are just great and it showed me that you can make it through anything as long as you stick together.

Well to get back to my story, my brother (youngest) went into the Air Force and went to Japan he became a jet mechanic and he had a profession now thanks to the Air Force. While I was still babysitting for a living. So one day my boyfriend came into town and he said that a friend of his told him about this N.Y.C. and he wanted me to go with him to see if I could get a job through it also. He said, "All they can do is say no and we have heard that a hundred times before". So I went. Well they couldn't do anything for my boyfriend because he lived in Teton County and not in Cascade. So they asked me to fill out an application and I did as I always did but thought to myself that I would never get a job through the NYC and I told my boyfriend that when we came out. So I had almost forgot about it and they called me one day and asked me if I could type and I told them that I couldn't but I knew the key board so they sent me down to the Air Force Recruiting office. There I talked to Sgt. Winstead and he asked me the same question about typing and I decided that even though it lost me the chance for the job I would tell him the truth and I told him that I couldn't, but he smiled and said that I was honest about it so he told me to report to work the next day.

Well I was scared but O'so happy because I had an honest to goodness office job not another babysitting job. I was so happy I was walking on air. This was in the middle of Sept. '68, and I still have the job. I owe it all to NYC and to the men like yourselves, because we the youth need NYC and we hope that we will have it for a long time to come. You see I work 28 hrs per week and get paid every 2 weeks. I make $61.44 every 2 weeks, it isn't much you say but it is to me because it has given the chance to show the world that I am just as good as they are and one other thing my sister is about to start Beauty College and I am helping put her through so you see NYC has helped me make my dreams come true and made a much better human being out of me. So I, my folks and hundreds of other youths thank you for giving us the chance to help build America. I wrote this about my life because maybe in some small way you will be able to see the Youth corps as we the Youth do.

Thank you for your time.

Sincerely,

JOSIE MARIE WILLIAMS.

NIXON AND HARDIN ACT TO HELP FARMERS

Mr. MUNDT. Mr. President, I wish to congratulate President Nixon and Secretary of Agriculture Hardin on the important decision which they have made to advance payments of up to 50 percent for voluntary extra acreage diversion for those participating in the 1969 feed grain and wheat program. This decision is most welcome to the farmers of my State of South Dakota and I am sure to farmers everywhere.

With parity at 72 percent, where it has been hovering for several months, this first affirmative step by the new Secretary of Agriculture gives encouragement to rural America and its economic future will be looking better. This winter, also, the announcement will be most encouraging. Because of the severity of the winter, many farmers have had to expend their funds and credit to care for their livestock.

This action is a great start for the new administration, and I congratulate the President and Secretary Hardin for their foresight and their understanding of our problems in rural America.

Mr. President, I ask unanimous consent that the statement by the President and the press release from the Department of Agriculture on this commitment be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT, FEBRUARY 5, 1969

I have today instructed the Secretary of Agriculture to continue, for 1969 only, the practice followed in recent years making available a 50 percent advance payment to participants in the feed grain program. I have taken this action because I feel the Government has a moral obligation to honor this implied commitment.

Initial announcement of the 1969 feed grain program on December 26, 1968 did not indicate any change in the way advance payments were to be made to farmers. The budget submitted to the Congress on January 15, 1969, stated that the advance payment rate was being reduced from 50 percent to 25 percent in 1969, and that no advance payments would be made for the 1970 program.

A great many feed grain producers have been cooperating with this Federal Government program for crop diversion over the years. We feel farmers are entitled to proper and sufficient notice about any change in the ground rules on such payments. Many of them are already beginning to sign up for the program.

The major reason for the initiation of an advance payment system on feed grains some eight years ago was to bolster a sagging agricultural economy by advancing the actual receipt of benefit payments by the farmer. Our appraisal as to whether or not that reason will be relevant later on this year will influence the decision on advance payments in 1970.

As a result of my decision, budget outlays for the current fiscal year will rise by $168 million in comparison with the expenditure figures presented by the outgoing administration. However, if there are no advance payments in 1970, the combined effect for the two fiscal years 1969 and 1970 will be approximately as contemplated in the budget document.

In view of the serious budget problem which we now face in the current fiscal year, I have directed the Secretary of Agriculture to recommend to the Director of the Budget specific areas in which savings might be obtained to offset as much as possible the additional outlays which my decision requires.

ADVANCE PAYMENTS ANNOUNCED FOR 1969 COMMODITY PROGRAMS BY U.S. DEPARTMENT OF AGRICULTURE, FEBRUARY 5, 1969

Producers signing up Feb. 3 through March 21 to participate in the 1969 feed grain and wheat programs (as well as certain small cotton farms) can request advance payments of up to 50 percent for voluntary extra acreage diversion, it was announced today by Secretary of Agriculture Clifford M. Hardin. This is the maximum advance that can be made on the diversion payments.

Earlier today, in a statement issued by the President at the White House, the Secretary was instructed to make available a 50 percent advance payment to participants in the 1969 feed grain program. The Presidential statement pointed out that a budget request to the Congress on Jan. 15, 1969, had this advance reduced to 25 percent. Because of the short time between the Jan. 15 budget presentation and the signup starting Feb. 3, the President indicated the Government has a moral obligation to continue the rate without abrupt change.

Projected on previous years' signups and current payment rates, disbursement of partial advance payments to feed grain, wheat and cotton program participants are expected to reach $386 million by the close of the signup period on March 21. Otherwise, the advance payments would have been $168 million less.

Feed grain and wheat producers may receive, upon request, up to 50 percent of the estimated diversion payment for their farm. This is for acreage which producers voluntarily retire from production beyond that required to qualify as a participant.

For cotton, there is no acreage diversion program in 1969. However, planting cotton is not an eligibility requirement to receive a special payment for small farms with allotments of 10 acres or less (or projected production of 3,600 pounds or less). These can request up to 50 percent advance payment based on a total of 11.26 cents per pound on the projected yield of 35 percent of their effective allotment.

PATRICK HENRY'S SPEECH TO VIRGINIA HOUSE OF BURGESSES

Mr. McGEE. Mr. President, Elizabeth Anne Keller, of St. Elizabeth's School in Rockville, Md., has written me a letter which I should like to share with Senators.

In history—

She wrote—

I will deliver the speech of Patrick Henry to our class. The school I attend is St. Elizabeth. The speech will be given on the 7th of February.

It was only now I realized what this speech could mean to our country. The conditions of our country are similar today to the times of Patrick Henry.

I wish you would deliver this speech of Patrick Henry in the U.S. Senate—

She concluded.

Mr. President, this being the appointed day, I ask unanimous consent now to fulfill Miss Keller's request and spread on the pages of the RECORD Patrick Henry's famous remarks to the Virginia House of Burgesses.

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

It is in vain sir, to extenuate the matter. Gentlemen may cry peace, peace, but there is no peace. The war is actually begun. The next gale that sweeps from the north will bring to our ears the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? What is it that you gentlemen wish? What would they have? Is life so dear, or peace so sweet as to be purchased at the price of chains and slavery? Forbid it Almighty God.

I know not what course others may take, but as for me, give me liberty or give me death!

PROXMIRE PRAISES BAKER'S ATTACK ON ABM

Mr. PROXMIRE. Mr. President, the New York Times of January 2 carried one of Russell Baker's more brilliant columns. I ask unanimous consent that it be inserted in the RECORD at the conclusion of my remarks.

ABSURD EXPENDITURE

The absurdity of expending at least $5 billion of the taxpayers' hard-earned money on an unworkable system is presented most effectively by Mr. Baker's wit. Ridicule, it has been said, is the most deadly of weapons. And Mr. Baker has pierced the heart of the issue when he discusses whether it is worth while to spend all that money on the Sentinel anti-ballistic-missile system. He reached the obvious conclusion that it was not.

SENTINEL INEFFECTIVE

The first thing that must be realized is that the system is totally ineffective against existing Soviet missiles. Even the Sentinel system's most ardent supporters agree that it would be useless against a Soviet attack. The only thing they claim is that it might be effective in the future against second-rate Chinese missiles. They assume the Chinese do not have the capability to build first-rate missiles, just as they assumed the Chinese had no capability to build an H-bomb.

COST NOT REALISTIC

Second, in the past, the proponents of the Sentinel system claimed it would cost only $5 billion. But I cannot think of a defense system, once started, which did not exceed original cost expectations. As a matter of fact, last Friday I inserted in the RECORD Bernard Nossiter's brilliant article which showed the absolutely unbelievable low performance levels of many defense systems, the equally unbelievable cost overruns, and the relatively high profits earned by these defense contractors, regardless of how poorly they performed.

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

OBSERVER: THE MULTI-MILLION-DOLLAR SENTINEL CAPER

(By Russell Baker)

WASHINGTON, February 1.—News Item: Secretary of Defense Laird says that spending more money on the Sentinel antiballistic-missile system will strengthen this country's bargaining position in possible arms control negotiations with the Soviet Union.

There was a group of men in khaki at the door saluting. "We want you to love us," Captain Spokesman said. It was obvious that they were about to do something truly unspeakable.

"Give it to me straight, Spokesman. I can take it."

WE WANT YOUR LOVE

"The vacant lot behind your house has been selected to become a Sentinel site," he said. "We want you not only to understand but also to cooperate in this important project and, if you can find it in your heart to do so, even to love us."

"What is a Sentinel, Captain? Why does it need a site?" They like for you to ask them stupid question. It reinforces their conviction that you need their protection.

"The Sentinel, sir, is the new United States antiballistic missile. Armed with a nuclear warhead, it is capable—."

"Ah, Spokesman, old man."

"Sir?"

"Armed with a nuclear warhead?"

"Yes, sir."

"In the vacant lot behind my house you propose to situate this machine containing an atomic bomb?"

"Affirmative, sir." He saluted, as did the other men in his group. "We, of course, want your goodwill to make this dramatic neighborhood development the success we know it is capable of becoming. Can we count on your love, sir?"

Irony you can sometimes use on them because it often goes over their heads. "Love you, Captain Spokesman? How could I not love you sitting in my back yard with an atomic bomb, alert to shoot down incoming Russian missiles with our splended Sentinel, thus guaranteeing the preservation of American second-strike capability?"

Major Techno saluted. "Major Techno of Hardware Development, sir, he said. "Actually, sir, Sentinel will not shoot down incoming Russian missiles."

"Why not, Major?"

"Because it's no good against sophisticated missiles such as the Russians have, sir," said the major. "It would be a waste of taxpayers' money to shoot the poor old Sentinel at anything as fancy as those Russian incoming missiles."

"In other words, Techno, the Pentagon, unable to stop incoming Russian missiles with its good-for-nothing Sentinel, proposes to bury its mistake in my vacant lot? Isn't that pretty low, Techno? How much did that Sentinel cost the Government?"

Colonel Mohl saluted. "Colonel Mohl of the Purse Division," he said. "Actually, sir, our original estimates for Sentinel are on the order of $5 billion. Of course, experience with this sort of program indicates that final costs will exceed estimates by 100 per cent, and that hardware when finally operational will perform at only 25 per cent of specification unless elaborate modifications are made. Thus, I would estimate, very roughly, mind you, that it will cost perhaps $18 billion to develop a Sentinel program fully incapable of stopping a Russian missile attack."

A sensational idea was developing! "Look, Mohl, I know there's a flaw in my reasoning somewhere, but wouldn't we not only be just as incapable of stopping a Russian missile attack if we didn't have a Sentinel in my back yard, but also be $18 billion better off in the Purse Division?"

General Dapper saluted. "General Dapper of World Strategy," he said. "If you'll forgive me, sir, the flaw in your reasoning is its failure to take into account the possibility that the Chinese will attack us with missiles."

"Ah, then Sentinel will protect us from an attack by Chinese missiles!"

"Correct, sir! We want your love, sir."

"And the Chinese missiles are so bad that even our poor old Sentinel can shoot them down?"

"Frankly, sir," said the general, "Chinese missiles right now are nonexistent, but we're betting that when the Chinese get some they'll be strictly mail-order-catalogue junk."

"So in my vacant lot you want to put an $18 billion machine with an atomic bomb that might just possibly work if the Chinese for once happen to live down to our underestimates of their abilities and produce a missile so inferior that even a miserable Sentinel can shoot it down?"

AT THE BARGAINING COUNTER

Secretary of Defense Laird saluted. "Secretary Laird, of the Big Picture," he said. "You see, sir, we may soon have to negotiate on arms control with the Russians. So long as we have a thoroughly useless Sentinel we have a nice little bargaining counter we can trade away to the Russians without giving up any real kill power."

"But since the Sentinel only works against Chinese, why should the Russians trade you anything for it?"

"Don't you love us?"

"You're soaking me $18 billion for a nonweapon that will help you come out of an arms reduction negotiation in a better position to soak me some really big billions for some really big weapons, and you want me to love you?

"We want you to love us."

Oh, they're so beguiling!

ADMINISTRATION OF JUSTICE IN ALASKA

Mr. GRAVEL. Mr. President, on Tuesday I introduced a bill, S. 902, to remedy a knotty situation in the administration of criminal justice in the State of Alaska. It seems that when the Congress enacted Public Law 85–615 in 1958, and thus vested exclusive criminal jurisdiction in the State of Alaska over all offenses committed in the Indian country—with comparable provisions for the native community in the other States as well—it inadvertently failed to except the Annette Islands Reservation. A careful examination of the record would show conclusively that Metlakatla is not "Indian country" within the meaning of *Petition of McCord and Nickanorka* (151 F. Supp. 132 (1957)).

The people of Metlakatla in the reservation had previously relied upon their magistrate's court for jurisdiction over petty criminal offenses and have only recently discovered that this court no longer has jurisdiction. For the State to exercise jurisdiction over petty offenses is patently absurd since that requires the transportation of defendants, complainants, witnesses, and counsel from Metlakatla to Ketchikan—such trips to be made either by plane or boat. This works a hardship on all concerned.

In effect, the people of Metlakatla are now without police protection because no arrest by a peace officer can be validated before a committing magistrate.

The mayor of Metlakatla, the Honorable Henry S. Littlefield, and the Alaska

State Legislature have specifically requested an amendment to the present law so that the magistrate court of Metlakatla may exercise concurrent criminal jurisdiction over minor offenses. My bill, S. 902, would accomplish that purpose by amending section 1162 of title 18 of the United States Code; if enacted, it will restore the basic machinery for the administration of justice on the Annette Islands.

PROPOSED COMMON MARKET TAX ON SOYBEANS: A BLOW TO THE AMERICAN FARMER

Mr. SYMINGTON. Mr. President, dollar sales of U.S. farm exports in foreign markets are vital to our balance of payments, vital to the integrity of the dollar, and vital to the American farmer.

It is, therefore, most disturbing to me to note that the European Common Market is threatening one of our biggest export commodities. These countries are proposing a domestic consumption tax on imported soybean and cottonseed meal and oil—another use of the nontariff barrier which undermines the spirit and effect of the Kennedy round.

This tax, if imposed, would have a drastic impact on our balance of payments by severely reducing dollar sales of U.S. soybeans and cottonseed to Common Market countries. Our trade surplus, presently in its worst position since 1937, cannot be expected to withstand a sudden cut in dollars earned by these exports.

While injuring U.S. balance of payments, this tax would deal a severe blow to the American farmer.

Last year, the United States exported approximately $450 million worth of soybeans and cottonseed and soybean meal and oil to Common Market countries—one-third of all our agricultural exports to that market, and around one-fifth of our total soybean production.

Our trade with the Common Market last year included $261 million in soybeans, $156 million in soybean meal, $69,000 in soybean oil, $13 million in flaxseed, $4 million in linseed meal, $5 million in linseed oil, $113,000 in cottonseed oil, $28,000 in cottonseed, and $16,000 in cottonseed meal.

In addition to farmers in my own State of Missouri, farmers in such agricultural producing States as Illinois, Arkansas, Iowa, Minnesota, Indiana, Louisiana, Ohio, Kansas, and others would be hard hit by this Common Market tax. I ask unanimous consent to have printed in the RECORD a list of States and their exports of soybeans, soybean oil and meal—table I—and a a table showing our exports to the Common Market—table II.

The proposed tax, amounting to $30 a ton on imported soybean meal and $60 a ton on imported soybean oil, would be as effective as a 50-percent tariff on oil and a 35- to 40-percent tariff on meal. This plan would also drastically curtail exports of unprocessed U.S. soybeans because the tax applies to oil and meal from U.S. soybeans which are processed within the Common Market.

Missouri farmers produced $242 million worth of soybeans last year, of which around $30 million were exported to the Common Market. We were the third-ranking soybean producer in the Nation and thus have a real stake in the success of our export sales. Our farmers have long played an important role in the expansion of the U.S. export program and we must not now let them down by tolerating this move by the Common Market.

To that end, before this proposed tariff tax is put into effect, it would be my hope that our friends in the Common Market would remember that we have, over the years, tried to lower the trade barriers between our Nation and the Market.

In view of the fact that this new Common Market proposal is a domestic consumption tax rather than an import tariff, I feel impelled to call to the Senate's attention section 252 of the Trade Expansion Act of 1962 which was included to warn foreign countries—and our negotiators—that we could not condone any increases in nontariff trade restrictions. Subpart (b) of that section specifically required that—

(b) Whenever a foreign country or instrumentality the products of which receive benefits of trade agreement concessions made by the United States—

(1) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

(2) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

the President shall, to the extent that such action is consistent with the purposes of section 102—

(A) suspend, withdraw, or prevent the application of benefits of trade agreement concessions to products of such country or instrumentality, or

(B) refrain from proclaiming benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality.

I ask unanimous consent to include section 252 in the RECORD at the end of my remarks. I hope our Government will do everything possible to induce the Common Market to withdraw its proposed tax on soybean oil and meal.

It would also be my hope that the Common Market will recognize that their proposal is unwise and injurious to the long-run interests of both sides of the North Atlantic.

If members of the Common Market Council adopt this proposal, then I think they should be willing to bear the consequences.

This matter was brought to my attention early this year by Mr. Earl Bullington, of Caruthersville, Mo., in behalf of many Missouri farmers. Since that time I have been in contact with our special trade representative. I have expressed the deep concern of many Missouri farmers on this important issue.

In a letter I received recently, the acting U.S. special representative for trade negotiations wrote:

We are very concerned over the trade impact of this measure, if adopted by the Community, and the possible repercussions for world trade. . . . The United States Government has made strong representations both to the European Commission and to the individual national governments of the Common Market countries, pointing out that such a tax would be a massive impairment of our present access conditions to the Community.

He went on to say that—

The United States would be prepared, if necessary, to take counteractions to restore the balance of trade.

I would hope that this problem can be resolved in the spirit of the General Agreement on Tariffs and Trade and in the spirit of the Kennedy rounds. But I believe the members of the Common Market would be well advised to abandon their proposal before it is too late.

The United States has been in a competitive fight for the soybean market in Europe and it is clear that the proposed domestic tax would give a clear competitive advantage to domestic European feed grains—rather than U.S. soybean meal—and dairy products—rather than U.S. soybean oil. At this critical moment for our balance of payments and for the American farmer, we intend to do our best to win this fight.

Mr. President, I ask unanimous consent that correspondence on this matter which I have received from Mr. Earl Bullington, manager, Caruthersville Production Credit Association, Caruthersville, Mo., and Mr. John B. Rhem, acting special representative, U.S. Office of the Special Representative for Trade Negotiations, be printed in the RECORD.

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

CARUTHERSVILLE PRODUCTION CREDIT ASSOCIATION,
Caruthersville, Mo., January 10, 1969.

Senator STUART SYMINGTON,
U.S. Senate,
Washington, D.C.:

I have been reading articles recently to the effect that the European Economic Community has requested an internal tax of $30 a ton on cottonseed and $60 a ton on cottonseed oil or soybean oil. As I understand it, this is not a tariff on imports but an extra tax that would increase the cost of these goods to the European farmers, thereby reducing consumption and decreasing U.S. sales of these items. No such tax was provided for or agreed to in the 1968 Kennedy round agreement and it seems that this would be a direct violation of this agreement. Certainly, it would add to the problems that the U.S. farmer already has, since both of the crops mentioned are surplus crops.

I hope it is your feeling that this tax should not be allowed and that you will contact the European Economic Community Council of Ministers and register a protest for the farmers in your district.

Yours very truly,

EARL BULLINGTON,
Manager.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, D.C., January 23, 1969.

Hon. STUART SYMINGTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR SYMINGTON: Thank you for referring to us for reply a letter of January 10 from Mr. Earl Bullington of Caruthersville Production Credit Association, concerning the threatened imposition by the European Economic Community of a tax on imports of vegetable oils and oilseed meals, including soybean and cottonseed meal and oil.

We are very concerned over the trade impact of this measure, if adopted by the Community, and the possible repercussions for world trade. We are well aware of the importance of soybean and soybean meal exports to the American farmer. I understand exports account for over 40 percent of farm sales of these products. The EEC is a large market for U.S. agricultural products and oilseeds, oilseed meal and oil exports account for about one-third of our total agricultural exports to them.

The United States Government has made strong representations both to the European Commission and to the individual national governments of the Common Market countries, pointing out that such a tax would be a massive impairment of our present access conditions to the Community market. We have stressed that if such a proposal were enacted, we would be obliged to protect our trade and balance-of-payments interests, we would pursue our rights under the GATT, and we would be prepared, if necessary, to take counteractions to restore the balance of trade.

We are greatly distressed by the proposed tax and its implications for world trade. We in government are doing our utmost in close cooperation with the domestic interests concerned, to convince the Community not to adopt the tax.

We are continuing to press the Community to abandon the tax proposal and to seek more fundamental solutions to their internal agricultural problems.

Sincerely yours,

JOHN B. REHM,
Acting Special Representative.

TABLE I.—SOYBEAN, SOYBEAN OIL, AND PROTEIN MEAL EXPORTS BY STATE, AND TOTAL AGRICULTURAL EXPORTS BY STATE, FISCAL YEAR 1968

[Dollar amounts in millions]

States ranked by order of export	Soybeans	Soybean oil	Protein meal	Subtotal	Total agricultural exports	Percent of soybeans to total
Illinois	$142.6	$28.3	$52.4	$222.3	$585.3	38
Iowa	112.6	20.5	40.0	173.1	392.3	44
Missouri	57.1	----	----	57.1	174.1	32
Indiana	54.1	11.7	25.3	91.1	251.5	36
Arkansas	71.3	6.7	13.7	91.7	254.8	36
Minnesota	53.3	7.4	15.2	75.9	226.3	34
Ohio	38.3	7.4	14.9	60.6	194.1	31
Mississippi	39.0	3.0	9.6	51.6	163.8	32
Louisiana	24.0	----	1.0	25.0	155.2	16
Tennessee	21.0	8.9	18.4	48.3	101.9	48
North Carolina	21.0	.4	.8	22.2	366.2	6
Kansas	14.3	----	----	14.3	296.0	5
Nebraska	13.5	----	----	13.5	229.5	6
South Carolina	18.0	----	1.0	19.0	106.9	18
Alabama	9.8	----	1.2	11.0	55.6	20
Total, United States	750.7	117.2	253.0	1,120.9	6,315.1	18

TABLE II.—VALUE OF U.S. SOYBEAN AND SOYBEAN PRODUCT EXPORTS TO THE EEC, FISCAL YEARS 1964-68

[Dollar amounts in millions]

Year	Vegetable fats and oils	Oilseeds (principally soybeans)	Oilcake and protein meal	Total	Total U.S. agricultural exports to EEC	Soybean and soybean product exports as percent of U.S. agricultural exports to EEC
1964	$29.6	$204.7	$55.4	$289.7	$1,332.9	22
1965	41.4	219.6	101.9	362.9	1,370.9	26
1966	18.2	278.1	129.5	425.8	1,593.6	27
1967	12.8	318.0	151.4	482.2	1,509.9	32
1968	8.7	278.4	169.7	456.8	1,402.9	33

Source: "Foreign Agricultural Trade of the United States," USDA-ERS (January 1969), table 19.

[From P.L. 87-794, Ch. 6, General Provisions]

Sec. 252. Foreign import restrictions.

(a) Whenever unjustifiable foreign import restrictions impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—

(1) take all appropriate and feasible steps within his power to eliminate such restrictions,

(2) refrain from negotiating the reduction or elimination of any United States import restriction under section 201(a) in order to obtain the reduction or elimination of any such restrictions, and

(3) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other import restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

(b) Whenever a foreign country or instrumentality the products of which receive benefits of trade agreement concessions made by the United States—

(1) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

(2) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

the President shall, to the extent that such action is consistent with the purposes of section 102—

(A) suspend, withdraw, or prevent the application of benefits of trade agreement concessions to products of such country or instrumentality, or

(B) refrain from proclaiming benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality.

(c) Whenever a foreign country or instrumentality, the products of which receive benefits of trade agreement concessions made by the United States, maintains unreasonable import restrictions which either directly or indirectly substantially burden United States commerce, the President may, to the extent that such action is consistent with the purposes of section 102, and having due regard for the international obligations of the United States—

(1) suspend, withdraw, or prevent the application of benefits of trade agreement concessions to products of such country or instrumentality, or

(2) refrain from proclaiming benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality.

(d) The President shall provide an opportunity for the presentation of views concerning foreign import restrictions which are referred to in subsections (a), (b), and (c) and are maintained against United States commerce. Upon request by any interested person, the President shall, through the organization established pursuant to section 242(a), provide for appropriate public hearings with respect to such restrictions after reasonable notice and provide for the issuance of regulations concerning the conduct of such hearings.

ELECTION OF JOHN MACY AS PRESIDENT OF PUBLIC BROADCASTING CORPORATION

Mr. JAVITS. Mr. President, the announcement in New York yesterday that John W. Macy, Jr., had been appointed as president of the Corporation for Public Broadcasting was certainly welcomed by supporters of noncommercial broadcasting.

Those of us in Congress who worked with Mr. Macy when he was Chairman of the Civil Service Commission—and that means almost every Member of Congress—regard him as an eminently fair, public servant, as well as a most effective administrator. His appointment, in my judgment, indicates that the board of directors of the corporation are building on firm ground in the effort to make the promise of the Public Broadcasting Act of 1967 a reality.

Mr. President, I ask unanimous consent to have printed in the RECORD the announcement made yesterday by the Corporation for Public Broadcasting concerning Mr. Macy's new role, and an article published in this morning's New York Times on the same subject.

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

NEW YORK, February 6.—John W. Macy, Jr., Chairman of the U.S. Civil Service Commission under Presidents Kennedy and Johnson, and a former Executive Vice President of Wesleyan University, Middletown, Connecticut, has been elected President of the Corporation for Public Broadcasting, it was announced today by Frank Pace, Jr., Chairman of the Board.

The Corporation for Public Broadcasting is a nonprofit agency, Federally-chartered under the Public Broadcasting Act of 1967 to coordinate and fund public broadcasting in the United States.

"The Corporation is fortunate indeed to have a man of Mr. Macy's quality and ability as its President and Chief Executive Officer," Mr. Pace stated. "The Board Committee, headed by Mr. John D. Rockefiller 3rd and with Mrs. Oveta Culp Hobby and Dr. Milton S. Eisenhower as members, unanimously rec-

ommended John Macy after a most careful search for the best man available for this important post. They felt, and the Board agreed, that he will provide the leadership necessary to realize the exciting potential of public broadcasting. Furthermore, his intimate knowledge of government, his broad acceptance in the academic community, and his ability to work with people make him uniquely qualified for this assignment. This is a man of broad scope whose growth potential is still not fully realized."

In addition to the statutory job as head of the U.S. Civil Service Commission, Mr. Macy acted for President Johnson as the principal recruiter for positions at the highest levels of government. This required an extensive knowledge of government and private enterprise, and of the people in all professions and fields who could carry out major Federal responsibilities.

While at Wesleyan, from 1958 to 1961, as Executive Vice President, Mr. Macy combined administration and teaching, his classes having included a seminar on the Presidency, and, in collaboration with faculty members in the Economics and Religion Departments, a seminar on "Social Ethics in the Contemporary Professions."

He brought with him into the Civil Service Commission his dedication to education, and applied it not only through his programs for continuing education, but also by pioneering in the use of television for employee and supervisory development through broadcasts he inaugurated with WETA, the public television station in Washington.

His interest in continuing education for Federal employees also manifested itself through conferences on University-Government cooperation for this purpose at Princeton, Indiana University and the University of California at Berkeley.

He was a consultant to the American Foundation for Continuing Education and participated in a major two-year study on Education for Public Responsibility as a consultant to the Fund for Adult Education.

In his final day in the Federal Service, Mr. Macy, together with McGeorge Bundy, former Presidential Advisor, and now President of the Ford Foundation, and 18 other distinguished Americans, received the Presidential Medal of Freedom, the highest decoration the President can bestow on any civilian.

When Mr. Macy was renominated by President Johnson as Chairman of the U.S. Civil Service Commission, February 27, 1965, the White House stated: "Mr. Macy played a principal role in making Federal pay comparable to pay outside Government, in establishing a system of employee-management cooperation within the Federal service and in devising realistic approaches to better manpower utilization and more economical operation.

"He has helped make the Federal work force reflect the non-discrimination policies of the Administration through creating better employment opportunities in Government for members of minority groups, women and the handicapped."

Born in Chicago on April 6, 1917, Mr. Macy spent his boyhood in Winnetka, Illinois and received his secondary education at the North Shore Country Day School. After graduating from high school in 1934, he entered Wesleyan University in Middletown, Connecticut, where he majored in government. He was elected to Phi Beta Kappa, won a Thorndike scholarship and was a Rhodes scholar nominee. After graduating with a B.A. degree in June, 1938, he took post graduate work at the American University in Washington, D.C.

Mr. Macy entered government service in 1938 as a participant in the administrative intern program of the National Institute of Public Affairs. From June, 1939 until 1940, he was an administrative aide in the office of the Executive Director of the Social Security Board.

He transferred to the War Department in late 1940 and was involved in the Department's rapidly expanding civilian personnel program before and after Pearl Harbor. In 1943 Mr. Macy enlisted in the Army Air Force as a private and subsequently rose to the rank of Captain. His service in the Air Force included duty as Personnel Staff Officer with the Air Transport Command and as staff advisor with the military advisory group in China. In 1946 he was discharged from the Air Force and returned to his position as Assistant Director of Civilian Personnel in the War Department.

From 1947 until 1951, he served the Atomic Energy Commission as Director of Organization and Personnel in the Santa Fe Operations Office. In 1951 he was Executive Officer of the atomic tests at Las Vegas, Nevada, and later served as Special Assistant to the Under Secretary of the Army.

In August, 1953, Mr. Macy was appointed to the U.S. Civil Service Commission's top career post—Executive Director. In 1957 he was one of ten men in the Federal career service who received the award of the National Civil Service League. In 1958 he received the Award of the Society for Personnel Administration and the Commissioner's Award of the Civil Service Commission. Both the Secretary of the Army and the Secretary of the Air Force conferred upon him the Distinguished Civilian Award in 1958.

Mr. Macy left the Commission in January, 1958 to accept the position of Executive Vice President of Wesleyan University, his alma mater.

After his return to Washington as Chairman of the Civil Service Commission in 1961, Mr. Macy served in various capacities on Presidential committees, commissions and task forces. He was Executive Secretary of the Board of the President's Award for Distinguished Federal Civilian Service; Chairman of the Interdepartmental Committee for the Voluntary Payroll Savings Plan (for purchase of U.S. Savings Bonds); and a member of the President's Council on Aging. He had full responsibility for fund-raising within the Federal Service for voluntary national health and welfare agencies. He was a member of the President's Committee on Equal Opportunity. On November 19, 1964, Mr. Macy was designated by the President to recommend prospective men and women of character, ability and devotion to serve in leadership positions subject to Presidential appointment.

In the last six years, Mr. Macy has received honorary LL. D. degrees from Dartmouth, Colgate, Wesleyan, Cornell of Iowa, Allegheny College, University of Delaware, Indiana State University and Eastern Kentucky University.

Mr. Macy is a past president (1958–59) of the American Society for Public Administration. He is married to the former Joyce Hagen and they have four children: Thomas Lawrence, Mary Derrick, Susan Bradford and Richard Hagen. Their home is in McLean, Virginia.

[From the New York Times, Feb. 7, 1969]

HEAD OF PUBLIC TV OUTLINES HIS AIMS—MACY STRESSES EDUCATIONAL AND COMMUNITY ROLES

(By Robert Windeler)

John W. Macy, the new president of the Corporation for Public Broadcasting, declared yesterday that the primary purpose of public television should be "broadly educational" and that local noncommercial stations should be strengthened and not dominated by a national network.

Mr. Macy, who was formally appointed yesterday by the corporation's board of directors is the immediate past chairman of the Civil Service Commission and was chief talent scout for Federal jobs for the Johnson Administration. He has no broadcasting experience. From 1958 to 1961 he served as executive vice president of Wesleyan University in Middletown, Conn.

Mr. Macy inherits a six-man executive staff chosen last November by the corporation's 15-man board. He said in an interview after his announcement that he was "impressed with all of them." He plans to appoint two new officers of the Congressionally funded Corporation, one with broadcasting experience, the other with financial credentials.

Mr. Macy said he would be based in Washington and deal with Congress and the Executive branch of the Government to obtain permanent financing for the corporation. In April he will go before the House Appropriations Committee to request $20-million for the fiscal year 1970. Federal funds to the corporation so far have totaled $5-million.

The rest of the corporation staff will be divided between two central offices in Washington and New York, but it is expected that there will be frequent commuting between the two cities by Mr. Macy and the other officers.

Mr. Macy indicated that it was essential that Government funding ("and there is no way out of that," said the corporation chairman, Frank Pace) not impair "freedom from Federal interference."

Mr. Macy also said that the corporation would not decide what programs would appear on the noncommercial network of approximately 140 educational stations.

"It is important that we not become a judge of individual programing," he continued, and "we will never tell a local station what is best for its community." He also said, and Mr. Pace agreed, that smaller stations would not suffer at the hands of the eight largest (who originate most of the educational network programing) when the corporation gives out individual grants.

In a broadcast taped yesterday afternoon for use on National Educational Television last night, the new corporation president said that noncommercial television was "not competing with commercial TV; we're augmenting it, supplementing it and we haven't found the full potential of this medium in social and cultural involvement."

He called noncommercial TV a "nationwide community effort" and said that the corporation could aid that effort by "doing something about funding, assisting in the development and procuring of physical facilities, color equipment and furthering the central resources of N.E.T."

Asked what he thought of television in general, Mr. Macy, who stands 6 foot-one, has prematurely white hair and wears glasses with colorless rims, compared himself to another former Johnson aide, Jack Valenti, president of the Motion Picture Association of America:

"Jack said when he took the job that he had never seen a bad movie in his life; I can't say that."

SERVICES FOR OLDER WORKERS

Mr. RANDOLPH. Mr. President, last year two subcommittees of the Special Committee on Aging—the Subcommittee on Employment and Retirement Incomes, of which I am privileged to be the chairman, and the Subcommittee on Federal, State, and Community Services, presided over by the Senator from Massachusetts (Mr. KENNEDY)—conducted hearings on the "Adequacy of Services for Older Workers." It was clearly revealed in these hearings that, even in a period of high employment, the older worker is at a grave disadvantage when he becomes jobless or when he seeks to develop skills to meet the changing demands of today's job market.

Our hearings resulted in the introduction late in the year of the "Middle-Aged and Older Workers Full Employment Act." Senator KENNEDY and I were joined by the chairman of the full committee, the Senator from New Jersey (Mr. WILLIAMS), and other Senators of both parties when we introduced that legislation, S. 4180.

Our purpose in introducing the bill so late in the session was simply to invite widespread discussion and suggestions for possible improvement. I am happy to report that we have received many such suggestions. We are now reviewing our correspondence and other material to determine what changes should be made before we reintroduce the bill.

Mr. President, an excellent summary of the hearings and S. 4180 was published in the Washington Evening Star of December 31 in a column written by Mr. Theodore Schuchat, a veteran observer and reporter on matters of vital concern to older Americans. I ask unanimous consent that the article be printed in the RECORD.

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

BILL TO PUSH JOBS, RETRAINING FOR SENIORS

(By Theodor Schuchat)

A bi-partisan group of senators plans to sponsor legislation to provide retraining and jobs for older workers not ready for retirement.

A 1968 model of the legislation was introduced in the waning days of the last Congress to stimulate suggestions from older people. The improved, 1968 model—based on their comments—will be submitted to the Senate and House in a few weeks.

The 1968 bill is titled "The Middle Aged and Older Workers Full Employment Act." It declares that "more than a million men between the ages of 55 and 64 have given up the active search for work, most through loss of hope of employment."

"In a society faced with unmatched demands for skills in the private sector of the economy, and with a mounting backlog of unmet needs in the public and non-profit sector," the bill's authors claim, "older workers find little opportunity for useful and rewarding activity."

One remedy proposed in the bill is a Mid-career Development Service to be set up by the Labor Department. It would offer loans and grants for retraining of those aged 45 and older.

Special service would be given to communities hit by mass layoffs when major firms close plants. Retired personnel directors would be sought to counsel older workers and help them get jobs or training.

Uncle Sam is sometimes guilty of age discrimination at the hiring desk, these Senators contend. Their proposed bill would put teeth in a law long on the books that prohibits upper age-limits on federal jobs.

The Senators also want the Civil Service Commission to locate part-time federal jobs that can be filled by older people.

Opportunities for volunteer community service by retirees would be stimulated by the proposed legislation. Part-time jobs with community service agencies would be provided for workers age 55 or older who are not in a position to donate their services.

A bill that would have created a Senior Citizen Service Corps for community betterment projects was considered by Congress this year but not enacted. Support is growing for some nationwide program of this type, however.

You can get a free copy and explanation of the "Older Workers Full Employment Act." To request a copy or submit your comments, write to Sen. Jennings Randolph, D.-W.Va. Senate Office Building, Washington, 20510.

GRADING OF SOFTWOOD LUMBER

Mr. SPARKMAN. Mr. President, in the lengthy catalog of public issues and national needs, the eternal problem of man—adequate shelter—ranks near the top. It is generally accepted, I believe, that housing is the critical factor in providing a sound basis for ultimate resolution of the many domestic ills which beset us.

It was my privilege to work for the realization of an adequate housing program in the 90th Congress. The Housing Act of 1968, which I had the honor of sponsoring, provides the essential ingredients to permit tremendous strides forward in the next decade in overcoming the national housing deficiencies. It stipulates the goals, it suggests the avenues to pursue, and it provides the means for achieving minimal levels of housing in the interest of our national welfare.

Legislation, sound as it may be, however, is only the foundation upon which to approach public needs. There must be a will and there must be a determination on the part of the various industries and crafts involved to fulfill their own basic responsibility. They must exert every effort to make certain they can provide the essential materials and skills to fulfill the obligations imposed upon them by the national interest.

Because of the basic role lumber and wood products play in residential construction I was, therefore, heartened to learn this week that the Department of Commerce will soon circulate for approval a proposed new softwood lumber standard, which is intended to provide the American builder and consumer with an improved and more efficient lumber product.

As I stated in my comments on the floor of the Senate on August 10, 1967, a special panel appointed by the Secretary of Commerce found that the present softwood standard "appears to be technically inadequate." I also reported that the Bureau of Standards, in a statement to the same panel, declared categorically that the current standard is "technically inadequate," "not in the public interest," and "should be withdrawn."

The panel found further that the present standard handicaps the consumer in choosing lumber appropriate to his needs. This special panel, comprised of two officials of the Department of Commerce and one from the Department of Agriculture, found further that the present standard "should be revised for the protection of users and consumers." I also reported at that time the fact that the FHA, GSA, the National Bureau of Standards, and the U.S. Department of Agriculture were all on record as favoring withdrawal of the present standard.

Following these findings that revealed the technical deficiencies of the present softwood lumber standard, the Federal Trade Commission in its report on misgrading of softwood lumber, dated May 6, 1968, described the merits of a revised standard developed by the American Lumber Standards Committee under the Department of Commerce in stating that "it relates size of lumber to the moisture content of lumber," indicating that "this is accomplished by requiring green lumber to be dressed to larger sizes than dry lumber." As a result, the consumer can expect his lumber to meet minimum size requirements not only at purchase but also after installation.

I bring out these facts to indicate that the deficiencies in the existing softwood lumber standard, which have received considerable attention in the press and elsewhere, have been recognized by the lumber industry and its consumers who participate on the American Lumber Standards Committee. The revised standard was submitted by the committee to the Department of Commerce for processing on October 30, 1968. I am pleased to note that the board of directors of the National Association of Home Builders at its annual meeting in Houston last month endorsed this proposed new standard.

Our commitments to fulfillment of our Nation's housing goals make it essential that a revised softwood lumber standard, developed in the consumer interest and tailored to end-use requirements, be implemented without further delay. Many Members of the Senate joined with me in August 1967 in urging the Secretary of Commerce to proceed to bring the lumber standard issue to a speedy conclusion and eliminate the inequities inherent in the present standard. Since that time, 18 months have elapsed and a new Housing Act has come into being. Because establishment of sound standards is directly related to attainment of the objectives of the Housing Act, I urge all Members of the Senate again to support the Department of Commerce in its efforts to bring a new standard into effect. I urge all Senators to join with me in encouraging an expeditious handling of the standard by the executive branch.

PROXMIRE EXPOSES OIL INDUSTRY ABUSE OF OIL IMPORT PROGRAM

Mr. PROXMIRE. Mr. President, the Wall Street Journal of February 6, 1969, contains an article detailing how one oil company abused the oil import program. I think the story deserves the attention of all the Members of Congress. I ask unanimous consent that it be inserted in the RECORD at the conclusion of my remarks.

Mr. President, almost a year ago I urged the audit by the Department of the Interior of Standard of Indiana's operations. This was done and showed an incredible situation. Three of the six Standard of Indiana plants which were certified for the petrochemical oil import quota were disqualified after an examination of the operations. As a result, the Oil Import Administration is now proposing to recoup 507,610 barrels of foreign oil imported by Standard of Indiana from its 1969 quota.

The Oil Import Administration's declaration came as a result of the Department of the Interior audit which, as I have noted, was initiated in the wake of the charges I leveled at Standard of

Indiana's high petrochemical import quota a year ago.

At that time, I said that Standard of Indiana's enormous daily import quota under the petrochemical program violated the intent of that program, which was to boost our domestic petrochemical industry in the world market and thus improve the balance-of-payments posture of the United States.

I said then that if Standard of Indiana's quota were left unchallenged, the program could become another indirect subsidy to big oil in the United States to the detriment of the petrochemical industry, which the new quota program was designed to benefit.

The purpose of the program is to allow domestic petrochemical companies access to cheap foreign petroleum feedstock so that they can compete more effectively in the world market against foreign competitors with unlimited access to this cheaper feedstock.

The Interior Department's audit shows clearly that the oil import program must be reevaluated and that the Oil Import Administration must keep diligent watch over the activities of the oil companies.

This is the very first time that an audit like this has been performed. It showed that a total of 507,610 barrels of oil were misallocated to just one company. What would we discover if all the oil companies were audited?

The Oil Import Administration has had to rely upon the certifications of the oil companies themselves as to what their plants were producing and, thus how much foreign oil they were entitled to.

The authorizing regulations make it very clear that to qualify for a quota under the petrochemical program, a production facility must convert more than 50 percent—by weight—of its inputs into petrochemicals. Yet, the audit showed Standard failed to follow this rule in three facilities.

It seems perfectly clear that Secretary of the Interior Hickel should direct further audits to determine whether the certifications being submitted by oil companies are, in fact, accurate.

The oil companies, in the past, have been allowed to police themselves. This is poor policy for either the Government or private industry to follow. I believe it is time that we set up an effective auditing procedure to police this program and to protect the public.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

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

INDIANA STANDARD ERRED IN 1968 OIL IMPORT LIST INTERIOR AGENCY SAYS—ALLEGED MISTAKE TRIVIAL IN TERMS OF DOLLARS, BUT SENATOR PROXMIRE SEES REASON TO KILL QUOTA PLAN

WASHINGTON.—The Interior Department in its first audit of oil company data on which valuable oil-import licenses are based, asserted that Standard Oil Co. (Indiana) misstated its operations last year and should give up rights to 507,610 barrels of foreign crude.

Because of cheaper production costs abroad, each barrel of foreign oil imported into this country represents a saving of about $1.25 to domestic refiners. Thus, if the department's administrative procedures result in Indiana Standard's giving up the disputed amount, the actual dollar cost would be relatively small.

Altogether, however, import license holders are currently bringing about 900,000 barrels of foreign oil into the U.S. market each day. If future audits uncover oversights comparable to the ones alleged against Indiana Standard, it could deal a serious blow to the entire oil-import program.

The audit findings were disclosed by Sen. Proxmire, who said they "could be another reason for doing away with the entire program." The Wisconsin Democrat called on Interior Secretary Hickel to direct further audits to determine the accuracy of reports by "all oil companies." Mr. Proxmire, who has long criticized the oil-import restrictions, said they benefit "refiners and domestic producers at the expense of consumers." It has been "poor policy," he said, to let the oil companies "police themselves."

Interior's case against Indiana Standard centers on whether ultraformer units at six of the company's 12 domestic refineries were or weren't converting more than 50% (by weight) of their imports to benzene, toluene and xylene. Such BTX aromatics are derived from unfinished naphtha and figure heavily in Indiana Standard's production of "lead-free" Amoco gasoline.

Indiana Standard originally had applied for only 510 barrels daily from the petrochemical quota established for the first 182 days of 1968. But after a controversial conference between company and Oil Import Administration officials here, it submitted a revised application that contended that the six plants were converting sufficient inputs to aromatics to qualify for 7,213 barrels daily under regulations in effect at the time.

Then-Interior Secretary Udall routinely approved the higher amount along with a number of other license applications.

When Sen. Proxmire denounced the "windfall" to Indiana Standard from a program feature actually intended to boost foreign sales of U.S. petrochemicals, an embarrassed Mr. Udall sought to cancel the fatter amount. Faced with an Indiana Standard court action, the Interior Secretary later backed down, but new petrochemical regulations issued by Interior last July closed the aromatics loophole.

Summarizing the audit findings in a January memorandum to Secretary Udall, Oil Import Administrator Elmmer L. Hoehn said department investigators found the conversion ratio at Indiana Standard's Sugar Creek, Mo., refinery "was 48.4% as distinguished from the 55% claimed by" the company. "Company officials were unable to explain this difference" though they "urged" that calculating the percentage with a different kind of naphtha "would result in a satisfactory conversion ratio," the Hoehn memorandum said. "However, this wasn't done in the application" and Indiana Standard cannot so elect at this time, it added.

At Indiana Standard's Whiting, Ind., refinery, the auditors determined that the naphtha inputs should be charged to a petrochemical unit whose conversion rate, according to findings, didn't meet the 58% test. Company officials contended that the unit's inputs should be averaged with those of another unit even though the latter "wasn't claimed in the quota application and was thought to be ineligible at the time of the application by company officials," the memorandum reported.

Under oil import rules, Indiana Standard has 20 days to admit or deny the allegations. Should the company ultimately be found in error, the determined amount would be deducted from future imports.

An oil-import official said the agency has delayed final action on Indiana Standard's 1969 petrochemical quota, equal to about 1,000 barrels daily, until the case is settled. Any amount to be recovered also could be deducted from the more than 7 million barrels the company is licensed to import this year under regular refiner provisions.

U.S. ATTORNEY VERYL RIDDLE

Mr. SYMINGTON. Mr. President, it is with deep regret that I have learned of the resignation of Veryl L. Riddle as U.S. attorney for the eastern district of Missouri.

To that office Mr. Riddle brought his extraordinary talents as a trial lawyer and wise counselor, and applied them energetically to the causes of our Government. Equally important, he proved to be an able and an effective administrator.

Veryl Riddle has served as U.S. attorney since June 1967. When his resignation becomes effective February 28, he plans to enter again into the private practice of law.

In the performance of the important duties of the office of U.S. Attorney, Mr. Riddle acted in accordance with the highest concepts of public service.

ENGINEERING ACHIEVEMENT AWARDS

Mr. McGOVERN. Mr. President, the magnificent feat of our astronauts in circling the moon on Christmas eve and returning safely to earth has again reminded us of the important daily contributions made to the welfare of all Americans by the professional engineers of the United States.

The 65,000 members of the National Society of Professional Engineers annually select the outstanding engineering achievements of the year, reflecting engineering's wide-ranging role in modern life. Through the courtesy of my friend, Robert H. Doyle, legislative counsel of the society, I have just been informed of the 1968 awards.

The selections include, among others, the Apollo moon voyage, the Navy navigation satellite system, the unique module construction of the Palacio del Rio Hotel in San Antonio, Tex., the building of the world's highest capacity and largest railway car, and the development of an automatic and continuous steelmaking process. I ask unanimous consent that this announcement be printed in the RECORD.

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

NEWS OF THE ENGINEERING PROFESSION FROM THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, WASHINGTON, D.C., JANUARY 24, 1969

The National Society of Professional Engineers today announced its selections of the "Engineering Achievements of 1968." They reflect engineering's wide-ranging role in modern life, as it seeks solutions for problems as varied as air pollution, underwater navigation, and new building technology.

The top choices were the Apollo 8 translunar flight; the Meramec Power Plan in south St. Louis County, Missouri; the Navy Navigation Satellite System, and the Palacio del Rio Hotel, San Antonio, Texas. Others selected were the Arkansas River multi-purpose development, the First National Bank Building in Chicago, the closing of the Darien Gap in the Pan-American Highway, the Delaware

Memorial Bridge Twin Span, the Passenger Tire Uniformity Measuring Machine of B. F. Goodrich Co., electronic switching systems for telephone communications, and a new steelmaking process.

NSPE termed the Apollo moon voyage "an unparalleled feat, attributable to the joint efforts of engineering and science." A high degree of engineering reliability was demanded to take man on his farthest journey from the earth, enter and leave the gravity field of another celestial body for the first time, and return safely through fantastic heat loads.

The Meramec plant of Union Electric Company was named for putting into operation an air pollution control system designed by Combustion Engineering Co. It removes at least 83 percent of sulphur dioxide from flue gases, more than 99 percent of fly ash, and all but immeasurable quantities of sulphur trioxide. More than $1,000,000 investment and six years of laboratory and pilot testing went into the development of the massive equipment. This work was given favorable mention by NSPE last year, though not included in the top achievements.

A member of the board of judges who is an expert on air pollution termed two other new processes of equal importance. One is the Monsanto catalytic oxygen sulphur dioxide removal facility now in operation at the Portland, Pennsylvania generating station of the Metropolitan Edison Company. The other is the Wellman-Lord process that will be used at the Potomac Electric Power Co. in Baltimore County, Maryland.

The Navy Navigation Satellite System was developed by the Applied Physics Laboratory of the Johns Hopkins University at Silver Spring, Md. It provides extremely accurate, world-wide, all weather position information for surface and subsurface vessels. The Navy uses it in the Polaris submarine force and in major combat ships of the surface fleet. Private and commercial navigators also are availing themselves of its capabilities. The system involves measuring the "Doppler shift" of frequencies transmitted from a satellite, to an accuracy of one part in a billion. In the Navy a computer reduces operator effort to a minimum.

The Palacio del Rio Hotel, San Antonio, Tex., was singled out for its unique module of construction, whereby complete rooms are fabricated miles away from the site and hoisted into place by a giant crane. H. B. Zachry, a professional engineer, heads the company bearing his name which built the hotel. One judge expressed the view that the concept "will bring new horizons and dimensions to the construction industry, which has not faced up to the challenge of modernization for many, many years."

The development of the Arkansas River for navigation, flood control, water supply recreation, hydroelectric power and fish and wildlife was hailed for its multiple economic, social, and esthetic benefits to the region and the nation. It is the most extensive water resources project under construction in the United States today, and the largest civil works project ever undertaken by the U.S. Army Corps of Engineers.

The First National Bank Building of Chicago is a 60-story structure with unique curved exterior walls. The design was subjected to extensive wind tunnel testing. Engineers were C. F. Murphy & Associates and P&W Engineers, Inc. Architects were C. F. Murphy and Associates and The Perkins and Will Partnership.

Closing the Darien Gap in the Pan American Highway was accomplished by the U.S. Bureau of Public Roads. Its engineering studies determined the feasibility of the Atrato Swamp route through Panama and Colombia, previously thought impossible. This route offers a projected saving of 205 miles in distance and a $120 million in costs. When built, it will complete the 19,000-mile Pan American Highway, longest unbroken stretch of roadway on earth.

The Delaware Memorial Bridge Twin Span will provide a one-way facility in each direction for the important river crossing on the New York-Washington route. The new structure is 24,286 feet, supplementing the old structure of 24,465 feet, and making the bridge the longest in the world. Construction of the New Jersey anchorage involves the world's largest continuous underwater concrete pour. It measures 246 by 106 by 30 feet. Estimated cost of the new span is $70 million.

The passenger tire uniformity measuring machine developed by B. F. Goodrich Co. is considered to be a substantial contribution to both automobile safety and riding comfort. Non-uniform tires can cause vibration in body panels, frame supports, and even in the steering system to the point of possible loss of control. All Goodrich original equipment tires, are checked on this machine, which gives better correlation of results than older balancing systems.

A Bell System team of Bell Telephone Laboratories and Western Electric engineers has developed and put into service a solid state electronic switching system to replace all electro-mechanical telephone systems now in operation. The application of stored program (computer-like) machines will give the fastest and most flexible telephone service possible. Eventually electronic switching will evolve into a nationwide network offering time saving new customer services and features for business and resident subscribers.

A major breakthrough toward continuous and automatic steelmaking was achieved through a system of slab reheating furnaces and controls, supplied by Surface Combustion Division of Midland-Ross Corp., Toledo, Ohio for Granite City Steel Co., Granite City, Illinois. It is in operation in a hot strip mill designed for complete computer control, and it is hoped will lead eventually to reducing the time lag between iron ore and hot rolled products from weeks to minutes. Part of the system is a new type mechanical conveyor to transport 1,000 tons of slabs at 2300° F. temperature for the 110 foot length of the furnace.

Other developments receiving favorable mention but insufficient votes for inclusion in the group were:

The Metropolitan Sanitary District of Chicago's reclamation of low grade land by sewage sludge, proving the feasibility of such a method of waste disposal with side benefits to the agricultural economy.

The inflatable spare tire developed by B. F. Goodrich to save space in compact cars.

The "total energy system" designed by Schooley, Cornelius, Schooley for Ohio State University River Dormitories. A natural gas-driven reciprocal engine was used to meet the needs for 1800 tons of air conditioning, 3600 kw of electricity and 250,000 gallons of hot water per day.

The world's highest capacity and largest railway car, 159 feet long. Built for Westinghouse by McDowell-Wellman Engineering Co., Cleveland, it breaks through previous shipping limitations on weight and dimension of apparatus such as generators for electric power stations. Clearance problems are solved by development of a device to shift the load.

Perfection of paper clothing, particularly paper dresses, by companies such as Kimberly-Clark.

The work of the Naval Facilities Engineering Command in South Vietnam, with more than 200 projects at 50 locations, one port and airfield complex alone costing more than $100 million.

The nominations were submitted by chapters of the National Society of Professional Engineers throughout the country, and screened by a committee of leading professional engineers.

NEEDED TAX REFORM

Mr. YOUNG of Ohio. Mr. President, when Federal and State income taxes, social security payroll taxes, sales, property, and all other taxes are counted, it is the poor who pay the bigger share of their earnings in taxes. A family with a total income of $3,000 a year pays out 34 percent in taxes. This is outrageous. A family whose breadwinner earns but $3,000 a year is poverty-stricken. The Federal income tax is not so burdensome for such a family, but State and local taxes have been increasing in recent years. Sales taxes which exist in most States are atrocious. They levy the heaviest burden on the poorest people—those who pay most of their earnings for the necessities of life. A sales tax is a regressive tax, burdening most those who earn the least. It is the reverse of the only just theory of taxation—that taxes should be levied according to ability to pay.

There is a myth that those whose earnings exceed $50,000 a year pay a greater percentage of their income in taxes than those with much smaller incomes. The truth is that those earning $25,000 a year and more pay on the average only 28 percent of their income in taxes, while those in the $5,000 to $7,000 category pay 33 percent; those in the $7,000 to $10,000 category, 32 percent; those in the $10,000 to $15,000 category, 31 percent.

Sixty-two nations have systems of family allowances—a government monthly subsidy for each child. This includes every great industrial nation in the world except the United States. Family allowances is an income maintenance system designed to help children have adequate food, medicines, and proper living conditions. Canada has had such a system for the last 20 years. We in the United States should give consideration to providing family allowances in order to help families raise healthy children who will become productive citizens. A carefully drafted family allowance program would be an important step toward eliminating miserable slum conditions and provide better health for men, women and children in families with the lowest incomes.

WHY THE SEC ISN'T SPECIFIC ON INSIDERS

Mr. WILLIAMS of New Jersey. Mr. President, one of the major problems currently facing our Nation's securities industry is the use or misuse of inside information. Recent abuses have shown us that some individuals and large institutional investors have used such information to make exorbitant profits at the expense of the investing public.

The securities industry now informs us that guidelines are necessary in order to define who is an "insider" and when inside information is actually being disseminated. Nothing could be further from the truth. Recent Securities and Exchange Commission actions in this field are not revolutionary in nature and do not represent changes in existing law. The Securities Exchange Act of 1934 makes it quite clear that corporate insiders possessing material—nonpublic

information—which would have an immediate and substantial impact on the price of a corporation's stock cannot use this information for their own benefit.

Wayne E. Green, in a February 6, 1969, Wall Street Journal article entitled "Why the SEC Isn't Specific on Insiders," clearly and concisely describes the problems involved. As chairman of the Securities Subcommittee, I, too have given this matter careful scrutiny and I am in complete agreement with Mr. Green's conclusions that "general standards of conduct already exist in this area. Most insider-trading decisions ultimately will be matters of ethical judgment rather than automatic applications of specific rules." Mr. Green goes on to state:

The object of insider regulation is to give investors an equal chance to evaluate corporate news and make an informed decision on whether or not to trade. However, the same amount of evaluation time isn't needed for every kind of corporate news. Disclosure of a dividend increase would be easy to evaluate, for example, but how do you put news of a potentially rich but nearly inaccessible mining discovery into a rule?

As Associate Justice Potter Stewart of the Supreme Court once observed in another connection, he probably could never successfully define the types of material that could be considered hard-core pornography. "But," he went on, "I know it when I see it."

Justice Stewart's remarks should be taken to heart by all members of the securities industry. It is high time for this most important industry to face these problems without additional Federal bureaucratic regulations.

I highly recommend Mr. Green's informative article to all Members of this body interested in the problems of insider trading and ask unanimous consent that the complete text be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 6, 1969]

WHY THE SEC ISN'T SPECIFIC ON INSIDERS

(By Wayne E. Green)

WASHINGTON.—The proud securities industry, long a champion of free enterprise and self-regulation, now says it needs the Federal Government's help.

As the industry and numerous corporate officials see it, the Securities and Exchange Commission should adopt precise rules governing the behavior of "insiders"—stock traders who have access to confidential corporate information. Had the agency done so earlier these critics assert, it wouldn't have caused so much uncertainty with its recent crackdown on insider trading schemes.

The motive of this unusual yell for help must be to ease public pressure on the industry to do its own cleaning up, for the truth is that there's little chance the SEC can draft a regulation to cover the countless varieties of trading situations. The industry position obscures the fact that general standards of conduct already exist in this area. Most insider-trading decisions ultimately will be matters of ethical judgment rather than automatic applications of specific rules.

"The phrase 'guidelines' has become extremely popular," says Philip Loomis Jr., SEC general counsel, "but the way the law has developed is by applying it to specific situations."

IDENTIFYING INSIDERS

Insiders include executives, major stockholders, brokers—anyone whose position with or relationship to a company gives him access to confidential information about it. To protect the public, Federal securities law prohibits these insiders from trading on such information until it has been disclosed.

The subject has received a lot of attention lately because of SEC cases involving Texas Gulf Sulphur Co. and Merrill Lynch, Pierce, Fenner & Smith Inc. Both dealt with abuses of insider-trading restrictions. Both put the securities business in a bad light and led to the industry's basic demand that the SEC should be giving some guidance.

Francis G. Coates, a Houston lawyer and Texas Gulf Sulphur director, adopted this position when he recently asked the Supreme Court to review a lower court ruling against him in the Texas Gulf decision. Mr. Coates was one of several company officers and employes convicted in a New York Federal appeals court of violating U.S. securities law by trading on information about a Texas Gulf copper mine before it was made public. A key point in his Supreme Court plea is that corporate officials simply don't know what the SEC expects of them. "The confusion engendered by the Commission's varying interpretations (of insider trading limitations) is compounded by its refusal, even up to the present, to define the standard of conduct which it claims already exists . . .," the Coates lawyers assert.

Merrill Lynch, the nation's largest brokerage firm, adopted a similar stand. It had been charged by the SEC staff with disclosing to favored customers certain non-public information about the earnings of Douglas Aircraft Co. that it had received while acting as an underwriter for Douglas securities. Merrill Lynch eventually agreed (without admitting the charges) to disciplinary action by the SEC. But on the day the case was settled, Donald T. Regan, president of Merrill Lynch, said his firm was "disappointed" that the SEC still hadn't clarified the laws governing the broad area of corporate information; "we hope the Commission will soon issue clear and specific guidelines for the benefit of all."

At the heart of the industry's argument lie two questions: When can corporate information be considered public enough that insiders can trade on it? And what type of information is subject to insider trading restrictions?

The SEC may try to devise some sort of rule for deciding when information is public, because the New York court suggested in the Texas Gulf opinion that to do so would be an "appropriate exercise" of the agency's power. Even so, there's little possibility the SEC will provide the industry the specificity it wants; there are too many imponderables.

The object of insider regulation is to give investors an equal chance to evaluate corporate news and make an informed decision on whether or not to trade. However, the same amount of evaluation time isn't needed for every kind of corporate news. Disclosure of a dividend increase would be easy to evaluate, for example, but how do you put news of a potentially rich but nearly inaccessible mining discovery into a rule?

Some people in the industry would like a rule providing that news is public "for all purposes" when it appears on the Dow Jones broadtape. But, says an SEC official, that would prompt the trading sharks to simply "sit in front of a Dow Jones ticker with an open telephone line to their broker." Moreover, almost any rigid now-it's-public rule puts added pressure on the unsophisticated investor to jump before he is fully informed.

One possibility discussed by some SEC officials is that corporate news isn't public "at least" until it has appeared on the Dow Jones ticker. That would tell corporate insiders what they couldn't do, but it wouldn't in all cases tell them what they could do—and that's just the type of flexibility the securities industry doesn't like.

GUIDELINES AND EXAMPLES

It's quite likely that this negative, open-ended type of rule is the only one feasible. The securities industry should already be guided by long-established standards, such as the one cited in the Texas Gulf case, which says that insiders can't trade on confidential information until it has been "effectively disclosed in a manner sufficient to insure its availability to the investing public." The SEC could incorporate this type of guideline into a rule and add a few examples of behavior that would violate it. But it can't offer the industry safe conduct in every situation.

In asking the SEC to define insider information, securities and corporate officials must face similar realities. They are aware that the SEC and the courts repeatedly have said that restrictions against insider trading apply only to "material" information. Critics call this vague and subject to misunderstanding, but it seems clear from a number of cases and from public statements by SEC officials that information is "material" when an investor would attach importance to it in trying to decide whether to buy, sell or hold a security.

If generally known, material information could be expected to affect the market price of the security.

People may disagree over whether a particular piece of information fits that definition, but disagreement isn't unusual in an adversary system of justice. The term "materiality" fits into the same category of legal expressions as "reasonable," a word that has become the standard legal test in many areas, such as determining whether a person is liable for civil damages.

The courts and administrative agencies purposely have avoided rigid definitions that restrict their flexibility. That's the reason, for example, that the word "fraud" has never been defined except within the context of specific situations. Observed a Missouri supreme court judge as far back as 1913:

"Fraud is kaleidoscopic, infinite . . . Were courts to cramp themselves by defining it with a hard and fast definition, their jurisdiction would be cunningly circumvented at once by new schemes beyond the definition."

Problems do arise with any such flexible approach, of course, because the gray areas always create uncertainty. In the insider realm, for example, the smaller company that wants to advise investors of a certain development can't always get the message published because the media don't feel it's newsworthy, though it might affect a trader's judgment. When is that news public?

SEC officials concede they don't have a ready answer to this or many other gray-area situations, but they argue that specific rules can't cure gray areas anyway. A company that makes a diligent effort to disclose its information would rarely find itself in violation of insider-trading restrictions, they feel. What worries most companies more than the risk of being found guilty, these men reason, is the time and expense of a lawsuit—"and there hasn't been a rule devised yet that will keep people from suing," says an SEC official.

PAMPHLET IMPRECISION

A New York Stock Exchange pamphlet called "Expanded Policy on Timely Disclosure" spends 16 pages trying to tell its members how to stay out of trouble through prompt disclosure of inside information. Even, then, the exchange is forced to rely on such flexible terms as "quickly" and "materially."

Private law firms, after a spell of advising corporate clients simply to clam up, have now begun to prepare memorandums telling them what they can and can't do. The private bar can be useful here because it can work out guidelines for a company within the context of the firm's particular situation. However, "blanket guidelines for all companies" are impossible for the SEC to devise, says David Ferber, SEC solicitor.

In the end, of course, businessmen will have to rely on their own judgment in deciding whether information is material enough that it should be disclosed to the investing public. And while it may be difficult to define

materiality in abstract terms, businessmen shouldn't have much trouble within the context of a specific situation.

As Associate Justice Potter Stewart of the Supreme Court once observed in another connection, he probably could never successfully define the types of material that could be considered hard-core pornography. "But," he went on, "I know it when I see it."

U.S. CASUALTIES IN VIETNAM

Mr. BYRD of Virginia. Mr. President, for those who feel that there has been a marked decrease in the level of fighting in Vietnam, I would like to cite the casualty figures for the past month, the month of January.

During this one month of January 1969, U.S. casualties in Vietnam totaled 5,556.

It would be well to point out, too, I think, the amount of free world shipping into North Vietnam, as there is a direct relationship between U.S. casualties and the supplying of North Vietnam by our Nation's so-called allies.

During January 1969, 11 ships flying the flag of free world nations carried cargo to North Vietnam.

This figure compares with 10 free world ships which supplied North Vietnam during January 1968, and six such ships which carried cargo to North Vietnam during January 1967.

For the calendar year 1967, 78 ships flying the flag of free world nations carried cargo to North Vietnam; for the calendar year 1968, this figure nearly doubled—149 ships.

TADEUSZ KOSCIUSKO—A LIFE DEVOTED TO FREEDOM

Mr. McINTYRE. Mr. President, some men talk about freedom. Others do something about it.

Tadeusz Kosciusko was a doer. He devoted his energies, his vast knowledge of military action, his life to freedom.

It was Thomas Jefferson, one of Kosciusko's closest friends and most ardent admirers, who called him "the purest spirit of liberty."

It is fitting that all of us who love liberty and freedom so much should pause for a moment before this 223d anniversary of Kosciusko's birth to remember this great Polish patriot.

In Poland, where the heavy hand of communism throttles freedom and liberty, Kosciusko's meaning is so strong that even the masters of the Kremlin cannot deny the Polish people the celebration of Kosciusko's birthday as a national holiday. All Polish people here and throughout the world and all freedom-loving people everywhere join with those in Poland in this celebration.

The year 1776 has a particular meaning for Americans. It was the birth date of our liberty. It was in this same year that Kosciusko heard of the beginnings of the American Revolution and, borrowing money for his passage, set sail to America.

Kosciusko had studied at the Royal Military School in Warsaw and at the famed military school at Messieres in France.

Upon arrival in America, his enthusiasm for the revolutionary cause and his ability was immediately recognized. He was put to work drawing up plans for the defense of the Delaware River. Soon he was constructing the fortifications at West Point on the Hudson River. He fought at Ticonderoga and later was a leader of the American troops in South Carolina.

He rose rapidly in rank in the revolutionary forces and by 1783 he had been commissioned a brigadier general. Congress, by a special act, bestowed on him the rights and privileges of American citizenship.

It was while he was fortifying West Point that he recommended this spot be considered as a future site for a military academy. It was his recommendation that led to the selection of West Point for our U.S. Military Academy.

After the revolution Kosciusko returned to Poland to lead the fight against the Russian armies who were overunning his nation at that time. He died in Switzerland in 1817.

He left his will with his friend Thomas Jefferson. It directed that whatever estate he might have be used to free the slaves. Even in death this great man, who loved freedom so much, struck another blow for freedom.

THERMAL POLLUTION IN THE PATUXENT RIVER ESTUARY

Mr. TYDINGS. Mr. President, the Natural Resources Institute of the University of Maryland has recently released a report that is of interest to all of us concerned with the quality of our environment.

The report is entitled "Patuxent Thermal Studies." It is the result of 6 years of analysis of thermal discharges by a powerplant at Chalk Point on the Patuxent River Estuary.

Four findings by the scientists are particularly significant. The first is that the release of heated water into the Patuxent has definitely harmed marine and plant life within the estuary. Conclusive evidence is available that shows the thermal discharge has upset the ecology of the river. There can no longer be any doubt about this.

The second is the necessity to rely on research other than that supplied by the electric power industry. States must have a research capacity of their own.

If Maryland had been dependent on industrial research alone, there would have been little information on first, the effects on the ecology of the estuary; second, the proper basis for water quality standards for thermal additions to estuaries; third, the vulnerabilities and potentials of estuaries for industrial operations requiring process water; and, fourth, the biological basis for improvement of the process of selecting and evaluating possible industrial sites.

The third significant fact relates to this last point. It is, simply, that in the selection of the sites for locating electric powerplants too little consideration is given to the environment. This impact must be accounted for in the earliest planning stages. After that it is often too late.

The last point is also simple. If the size of these plants is to increase and the harm they bring to Maryland waters is excessive, serious consideration must be given to prohibiting them from the Chesapeake region.

Last year, as a member of the Senate Subcommittee on Air and Water Pollution, I chaired hearings here in Washington on the problems of thermal pollution, part of a series of hearings on this form of environmental hazard conducted by my distinguished colleague the junior Senator from Maine.

In its February 6 issue, the Washington Post published an article by Richard Corrigan based on this report by the National Resources Institute. I believe it will be of interest to all my colleagues and therefore request that the text of Mr. Corrigan's article be printed in the RECORD.

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

HEAT POLLUTION: A DANGER

(By Richard Corrigan)

It's not just fish that are in hot water now because of the thermal pollution issue. This kind of pollution is a problem for expansion-minded electric utility companies, conservation-minded scientists and citizens and government officials responsible for protecting public resources, but who don't agree.

The University of Maryland's Natural Resources Institute has just announced that thermal pollution poses such a danger to the entire Chesapeake Bay region that power companies must be forced to develop better control equipment or be forbidden to build new stations.

The Institute reached this conclusion, in a "final" report issued this week, after six years of field and laboratory experiments involving the Potomac Electric Power Company Chalk Point generating station.

A top State official has contradicted the Institute's conclusions, saying the situation really isn't that serious.

The crux of the Institute's position is that the State has two choices in dealing with this problem:

"Prevent any further development of expansion in the Bay system by those operations requiring process water," or; "Force these operations to develop a technology that will have no significant destructive effects on the aquatic resources."

Paul McKee, director of the State Department of Natural Resources, said that in his opinion the evidence does not substantiate this view. With a few minor exceptions, McKee said, "There are no demonstrable harmful effects whatsoever on the river or its ecology" because of the Chalk Point station.

He also said "I wouldn't agree with prohibiting additional power stations . . . I don't think they create that much of a problem."

McKee said studies at Chalk Point have aided in the search for better ways to deal with thermal pollution, and that he agreed with some of the recommendations in the report. But the general tenor of his remarks was that the problem is being controlled.

L. Eugene Cronin, director of the Natural Resources Institute, does not agree. He said the report amounts to "a clear demonstration of some detriment" to the Patuxent—"at the same time we're getting proposals for plants six times this big."

Cronin added that "how he (McKee) chooses to apply" the findings in the report "is his business—it's also the public's business." It is McKee's department that decides whether to issue permits for using water.

A Pepco official, L. W. Cadwallader, said he has not yet seen the report but that the company is taking steps at Chalk Point to reduce thermal pollution. Cadwallader, vice president in charge of power generation, also talked of the company's plans for a new station at Morgantown on the Potomac River,

at which new heat-control methods will be used.

Cadwallader said the Morgantown plant will meet State standards on water temperature, although Cronin and the Potomac River Fisheries Commission already have accused Pepco of trying to evade one standard in its Morgantown plans. Cadwallader said the Fisheries Commission is trying to write new standards and is being unrealistic.

The Patuxent River report was written by Joseph Mihursky, chairman of the environmental research department of the Natural Resources Institute. Cronin said he fully endorsed the report's findings and recommendations.

The report was prepared as a part of a $200,000 contract between the Institute and the Department of Natural Resources.

The Institute serves as a research arm for State natural resources agencies, but is not under their direct control. Cronin likes it that way.

"Our job is not to defend" actions by State agencies, he noted. "We have to keep independent, and independence will sometimes bring a difference in emphasis."

A commission on governmental reorganization appointed by Vice President Agnew, then Maryland governor, recommended that a State cabinet-level Department of Natural Resources be established. Cronin indicated he would like to keep the Institute out of any such department, while McKee said he would like to have his department under a cabinet secretary. "It'll make life easier for me" by shifting criticism from his shoulders to someone else's, he said.

Pepco's Chalk Point station, a 730,000 kilowatt coal-burning facility that went into full operation in 1965, uses up to 500,000 gallons of Patuxent River water a minute to cool its condensor units. (The Morgantown plant will use at least 1 million gallons a minute.)

The water that goes back into the river is as much as 23 degrees Fahrenheit hotter in winter than the water coming in, and 11.5 degrees hotter in summer.

Changes in river temperatures caused by the discharge can be found as far as five miles upstream and downstream from the point of discharge, the study said.

The temperature on the discharge water has at times approached 100 degrees, and water within a surrounding three-quarter mile area has been recorded up to 95 degrees, the study said.

Summarizing the effects on the Patuxent caused by this hot water—and by traces of copper found in it—the study said that:

Microscopic plant life in the water that runs through the power station loses up to 94 per cent of its life-giving power of photosynthesis, through which these organisms feed themselves and release oxygen into the water.

Some rooted water plants that provide food for waterfowl have undergone "severe reductions"—while other species seem to grow faster in warmer water.

Microscopic animal life in the water has been reduced in the area, and the power station is "suspected" to be the cause. Some predatory organisms, including sea nettle, also are being killed.

Opossum shrimp, a source of food for young striped bass, were found in greater numbers above the discharge point than just below it—but no data was available on the population of this species before the plant went into operation.

Soft-shell clams died throughout the Patuxent estuary in 1965 and 1966 in massive numbers. The study found no evidence that the station was responsible for this, and no recent effects have been noted.

Oysters have not undergone any significant changes, the study said—"but one phenomenon was definitely associated with S.E.S. (steam electric station) activity. A *noticeable* increase in green oysters began at the station nearest the effluent (discharge point), and progressively spread downriver . . .

"Analysis revealed that this greening was highly coincident with copper increase in oyster tissues.

"Oysters were placed in the intake and effluent canals with the following results: Intake oysters showed no mortality . . . oysters in the effluent eventually suffered 100 per cent mortality and showed 100 per cent greening with a sharp increase in copper concentration . . ."

The study said the copper apparently came from corroded tubes, which have been replaced, but that oysters were still turning green, even with new tubes at the plant, when this portion of the study ended.

Fish seem to be drawn to the warm water in winter months, and to retreat from it during summer, the study said. (This is why the discharge area is a popular spot for wintertime anglers.)

The general trend seems to be, however, that there has been a decline in the fish population in the area.

"If this trend is real and continues it can only be interpreted to mean that a general degradation in environmental quality is occurring in the Patuxent River system," the study said.

About 40,000 blue crabs were found dead in the discharge canal area in late 1966. "This mortality is associated with S.E.S. activity and represents a loss of one season's recreational crab catch in the estuarine reach under study . . . A kill of striped bass occurred in the effluent canal area in 1967."

(Another report on thermal pollution in the Patuxent has been written by Robert L. Cory of the Department of Interior's Geological Survey. Cory said he found that temperature changes definitely affect aquatic life. For example, he said, marine fouling organisms—such as barnacles—showed an increase in growth in and near the Chalk Point discharge canal.)

The study also said laboratory research on 23 species of aquatic life indicated that 24-hour exposures to water hotter than 90 degrees cause "significant mortalities in a majority of the species tested and some have heavy losses." However, the study said that "rarely if ever" are there continuous exposures to very high temperatures at any one point near the station.

The study said that Maryland's new standard, under which discharge water is not supposed to raise river temperatures above 90 degrees, seems generally adequate.

The study recommended that the State maintain and enforce its current antipollution standards, field test them on a stepped-up basis to see whether they should be stronger, and expand its laboratory studies of the Chesapeake Bay ecology to gain a greater understanding of what changes are occurring.

The study said heat might be put to such useful purposes as stimulating early spawning seasons, attracting fish for sport and commercial catching and eliminating certain organisms such as barnacles. But further research is needed in this area, it said.

To prevent further pollution of the Patuxent, the study recommended that no additional heat loads be allowed in the area, that no exceptions be granted to the 90-degree standard, that water used within the plant should not be heated above 90 degrees, that metallic pollution be eliminated and that chlorine control be improved. McKee said he agreed that chlorine should be controlled and that he already has told Pepco to bring Chalk Point into compliance with the 90-degree standard.

The study noted that the power industry is planning giant generating stations that, under current design techniques, would need up to 6 million gallons of water per minute or 12 times the water that the Chalk Point station uses at full operation.

To cool these plants, the study said, the industry will need more and more water along the Eastern Coast—and the Bay is an obvious target.

"If industrial and domestic operations that require process water are permitted to operate under older technologies it is certain that the Bay environment will be degraded . . . ," the study warned.

The report also told the State to beware of research supplied by power companies. It said that if the State had used only information supplied by the industry and its consultants, "there would have been little or no useful information" on how the power plant would affect the river and the organisms in it.

SECRETARY HICKEL ORDERS HALT IN SANTA BARBARA DRILLING ACTIVITY

Mr. STEVENS. Mr. President, Secretary Hickel has taken another dramatic step in connection with the Santa Barbara catastrophe. Today he has ordered all oil companies operating on Federal lands off of Santa Barbara, Calif., to halt their operations.

I think it should be made clear that the leases that were issued to the companies drilling in this area have been outstanding for some time. The Federal Government received substantial bonuses from the companies involved for the leases when they were issued. In my opinion the Federal Government, as the landowner, has the responsibility to take prompt action to clean up these California beaches.

If the companies had been required to compel their drilling subcontractors to meet the standards that we in Alaska have set for our offshore operations, it would have received less in bonuses but there would have been substantially less probability that a catastrophe such as has occurred would have occurred.

I am confident that Secretary Hickel's action will be widely acclaimed as the only possible step that could have been taken under the circumstances.

Mr. President, I ask unanimous consent that the text of the Secretary of the Interior's news release and the telegrams he has sent to the affected companies be printed in the RECORD.

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

SECRETARY HICKEL ORDERS HALT IN ALL SANTA BARBARA DRILLING AND PRODUCTION

Secretary of the Interior Walter J. Hickel today ordered all oil companies operating on Federal lands off the coast of Santa Barbara, Calif., to halt drilling and production operations in the Santa Barbara Channel.

The Secretary's order went out in telegrams to the heads of the petroleum companies which are now operating offshore drilling rigs and producing wells on federal lands in the channel—Union Oil Company of California, Humble Oil and Refining Company, Texaco, Inc., Phillips Petroleum Company and Mobil Oil Corporation.

Secretary Hickel said he talked with President Nixon and Attorney General John Mitchell, and "both strongly concurred in the action being taken."

The Secretary's order came as Union Oil personnel continued their efforts to seal a ruptured well 5½ miles off the coast that has continued to leak oil into the sea since it blew out on January 28.

The order is not applicable to the relief

well now being drilled by Union Oil for the purpose of sealing off the leakage.

As he announced the order, Secretary Hickel said, "I have directed all of the oil companies involved to reduce their platform operations to a standby condition until it can be shown with some certainty that we are not risking another blowout in the area by continued drilling."

"Our department engineers produced preliminary data which indicates that drilling alone may not pose a threat of a blowout," Secretary Hickel said.

"However, it has become increasingly clear that there is a lack of sufficient knowledge of this particular geological area.

"This lack leaves us no other reasonable course of action than to halt drilling until Union's ruptured well can be sealed, and until the required geological knowledge is secured."

The Secretary's telegram to the chief executive officers of the oil companies was as follows:

"Pursuant to the provisions of applicable laws and regulations including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations . . . pending further notice."

FEBRUARY 7, 1969.

FRED L. HARTLEY,
President, Union Oil Co. of California, Los Angeles, Calif.:

Pursuant to the provisions of applicable laws and regulations, including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations on lease no. P–0241 pending further notice. This notice is not applicable to the necessary drilling of the relief well.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 7, 1969.

W. W. KEELER,
Chairman of the Board, Phillips Petroleum Co., Bartlesville, Okla.:

Pursuant to the provisions of applicable laws and regulations, including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations on lease no. P–0166 pending further notice.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 7, 1969.

J. HOWARD RAMBIN, JR.,
Chairman of the Board, Texaco, Inc., New York, N.Y.:

Pursuant to the provisions of applicable laws and regulations, including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations on lease no P–0234 pending further notice.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 7, 1969.

M. A. WRIGHT,
Chairman of the Board, Humble Oil & Refining Co., Houston, Tex.:

Pursuant to the provisions of applicable laws and regulations, including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations on lease nos. P–0188 and P–0190, pending further notice.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 7, 1969.

A. L. NICKERSON,
Chairman of the Board, Mobil Oil Corp., New York, N.Y.:

Pursuant to the provisions of applicable laws and regulations, including 30 CFR 250.12, you are requested and directed to cease all drilling and production operations on lease no P–0202 pending further notice.

WALTER J. HICKEL,
Secretary of the Interior.

COMPETITIVE AIRLINE SERVICE TO HAWAII

Mr. INOUYE. Mr. President, quite recently the transpacific air route decision of the Civil Aeronautics Board, which was approved by President Johnson with one modification, has received some press comments. Last Friday afternoon President Nixon publicly stated his desire to review the matter.

My remarks today are not addressed either to the statements in the press or to President Nixon's desired intervention. I just want to make certain that the most important, but less sensational, aspect of this case is not overlooked. The overriding public interest is in the initiation of new and expanded competitive airline service to Hawaii and beyond to all areas of the vast Pacific. Such service is long overdue. There is now an urgent national interest in its prompt establishment.

At the outset of the most recent transpacific hearing, I testified in Hawaii on February 15, 1967:

I urge that the broadest, long-range consideration be given to the dramatic developments now taking place in the Pacific—developments which relate both to Hawaii's economic development and to this nation's long-standing investment in and commitment to the Asian and Pacific neighbors.

I further said:

I am certain the (Civil Aeronautics) Board will give full consideration to each (of the airlines) in terms of the best interests of the State of Hawaii and the nation.

The existing pattern of U.S.-flag carrier service, as noted by the Board, "has remained essentially unchanged since the Pacific case in 1946," 23 years ago. The current transpacific case began over 10 years ago, and the Board "undertook an expedited investigation to consider the authorization of competitive service over the major Pacific routes." I stress "expedited investigation" because needs that were urgent in 1958 have become critical today as aviation continues its explosive growth.

This is particularly true in Hawaii, which became a State after the institution of this case. Hawaii's need for air service, as an island community otherwise isolated from the mainland by time and distance, has grown at a much greater rate than the rest of the States. Air service is Hawaii's lifeline to the mainland and the Pacific beyond. Hawaii cannot expand and grow or reach its full potential in trade and commerce without improved air service—and that improved service must be provided now.

From a national standpoint, the need for improved air service to and through Hawaii is equally imperative. Hawaii is the hub through which most of the traffic destined for other points in the Pacific will funnel.

Mr. President, the Board, based on the most exhaustive record ever developed in an airline route case, has thoroughly and carefully documented their findings with respect to the need for new competitive service. This record shows that: first, traffic over the past 20 years has grown at an average rate of 20 percent each year; and, second, traffic expected in the 1970's will continue to grow at an equally rapid rate.

The Board, in its opinion in the international phase, said:

The Examiner's most important overall conclusion concerning the U.S.-flag route pattern over the Pacific was that all of the major routes are now ripe for competition.

The Board agreed with the examiner and itself concluded:

Increased competition . . . is thus essential to the development of a sound U.S.-flag air transportation system over the Pacific.

The most persuasive evidence that expanded competitive service to Hawaii and across the Pacific is required is the clearly inadequate existing service being provided by the incumbent U.S.-flag carriers under the present route structure. A major finding of the Board was:

Service over each of the routes suffers from one or more of the following conditions, which signal the need for added competition: persistent high load factors, particularly on critical sectors and in peak travel periods, to the extent of seriously inconveniencing many travelers; persistent high fares and rates, which the U.S.-flag carriers have made little attempt to reduce, accompanied by an illogical and distorted fare structure; an unparalleled spread between break-even and actual load factors, producing rates of return on investment over a period of years which are far in excess of those the Board has found to be reasonable; outscheduling by foreign carriers; and a declining U.S.-flag share of the available traffic. All these conditions the examiner has fully documented. Increased competition, we conclude, is thus essential to the development of a sound U.S.-flag air transportation system over the Pacific.

After more than 10 years of protracted proceedings, the "time is now plainly past" for a final resolution of the transpacific case.

By way of critically important background, it is essential that all interested in this matter fully appreciate the respective roles of the examiner, the Board, and the President in the decisional process. Unfortunately, this has not been made clear to date by the press.

An examiner, who conducts and presides over the hearing, has the primary role of assessing the market potential in terms of passenger, cargo, and mail traffic. The examiner is responsible for making findings on past service deficiencies. Additionally, he renders his judgment on new routes to be created and carriers to operate them.

The role of the Board is to review the examiner's findings, satisfy itself that they conform to the record and then to bring to bear the Board's expertise on the new routes and the selection of carriers. The Board must do so in the broad frame of reference of creating a sensible, overall air transport structure and meaningful competitive balance between the carriers. An examiner does not have this broad responsibility; he tries only individual cases. The examiner is essentially a factfinder whereas the Board has the statutory responsibility to promote and develop an effective and competitive U.S. air transport system.

In an international route case, the President's role is one of responsibility for foreign affairs and national defense and security considerations, leaving to the regulatory agency its responsibility for structuring the routes and selecting the carriers.

The transpacific case well demonstrates the proper performance of these roles.

The Board adopted the detailed findings of the examiner as to market need and past service deficiencies. The Board superimposed its policy judgment as to the specific new routes to be created and the carriers best suited to provide the needed new service. President Johnson then applied his responsibility and in so doing, approved the Board's recommendation except for deleting American Airlines' route to Japan because of pressing foreign policy considerations.

It is essential now that the Government proceed expeditiously to permit the badly needed and overdue competitive service. I am confident President Nixon's review will establish the propriety with which this case was handled and the needed service will be permitted to be implemented.

A MORE EFFICIENT POSTAL SERVICE

Mr. BOGGS. Mr. President, yesterday President Nixon made a proposal which I believe would do much to make our postal service a more efficient one.

The President said that henceforth the political adviser system will not be used in the appointment of postmasters and rural mail carriers.

That announcement in itself would go far to removing the political specter from our postal service by making some 1,600 postmasters and 1,800 rural carriers employable solely on the basis of professional qualification.

It might be noted here that the Senate has already approved a change of that sort and has the opportunity to do so again.

The passage last year of the Legislative Reorganization Act provided for abolition of the adviser system. This year, the act is before us again, sponsored by the senior Senator from South Dakota, and others.

That bill was developed by the Special Committee on the Organization of the Congress, on which I had the honor to serve. I support heartily the bill and urge its prompt passage.

The President has suggested another step which I also heartily endorse. He said he will submit to the Congress in short order a proposal which would abolish the requirement for Senate confirmation of postmaster appointments.

I am firmly convinced that the combination of the two proposals will effectively remove the Post Office from the patronage system and lead to a more effective mail service.

A SECOND LOOK AT THE SENTINEL ABM

Mr. YOUNG of Ohio. Mr. President, the decision by Defense Secretary Laird to defer site acquisition and construction for the Sentinel anti-ballistic-missile system and President Nixon's admission yesterday that the ABM system was not in reality aimed as a defense against a possible Chinese nuclear attack at last bring a measure of sanity to administration policy on this controversy and explode the earlier fictions on which the entire ABM program was based. The decision by President Johnson to begin construction of an anti-ballistic-missile system was a tragic mistake, exceeded in magnitude only by his decision to escalate our involvement in the ugly civil war in Vietnam.

Now, because of the Pentagon announcement and President Nixon's statement, there is time to reconsider rationally whether there is in fact a need for an ABM system and the fantastic implications involved in embarking on a venture of that magnitude.

The so-called thin ABM system will cost taxpayers $6 billion and possibly $9 billion and be merely the forerunner of a thick system which will cost anywhere from $50 to $100 billion or more. Let us face the fact that approval of the thin ABM system was merely another case of the camel getting his nose in the tent. If work on the Sentinel system is allowed to continue, before long we would be faced with the construction of the biggest boondoggle in the history of mankind. It would make the military-industrial complex rich, but would also result in the production of huge masses of junk that would be meaningless in terms of national security.

This is an indefensible expenditure. It would result in an utter waste of taxpayers' money, just as all of the millions heretofore spent on the deployment of anti-ballistic-missile systems ringing some cities of our Nation have been fruitless and wasteful. The fact is that the United States has spent almost $19 billion since World War II on missile systems that either were never finished or were out of service when completed because of obsolescence.

More than $5 billion has already been spent on the Nike-Ajax missile system, the Nike-Zeus, and following that the Nike X. This was taxpayers' money down the drain, utterly wasted. These anti-ballistic missile systems were ineffective and useless by the time they were completed. Experience keeps a dear school. It is high time we profit by our mistakes of the past and not perpetrate further boondoggles such as proceeding with the Sentinel ABM system. My vote will be cast against any bill which perpetrates this waste of money. Patrick Henry on a historic occasion said:

> There is but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way to judge the future but by the past.

Should we proceed to build this ABM system, the leaders of the Soviet Union are almost certain to respond with increases in offensive strength which would negate any advantage from ABM deployment. By plunging ahead with an ABM system, we run the risk of escalating the arms race to a fantastically high and unbelievably costly plateau. This upward spiral of the arms race would leave both sides with no more real security than each has now.

After both sides have anti-ballistic-missile systems, we may rest assured that the race will then start all over again to produce new, more expensive, and more sophisticated missiles that can penetrate the antimissile systems. After another costly race is over, there is every reason to believe that the balance of power will settle at the same point where it now rests.

Our only real defense against the threat of a nuclear attack is the deterrence of our overwhelming offensive forces. Our tremendous potential offense is our best defense. We must keep our offensive power so far ahead of the Russian and Chinese defenses that it will remain perfectly clear and obvious to the Soviet and Chinese leadership that a first strike against us will trigger an unbearable response. We must constantly seek to improve our offensive missiles now standing in concrete silos and underwater in our Polaris submarines throughout the oceans and seas of the world.

President Nixon performed a great public service yesterday in candidly admitting that the Sentinel ABM system was not designed as a permanently limited defense against a Chinese attack, as heretofore claimed. Actually, it was clear to anyone who has studied this matter carefully that the Chinese rationale was a fiction from its inception. Let us hope that this administration will continue to approach this problem in an orderly and rational manner. If so, I feel confident that in due course the ABM proposal will eventually be abandoned, unwept, unhonored, and unsung.

Mr. President this morning the Washington Post published an excellent editorial entitled "For the Sentinel, a Second Look." The editorial clearly and concisely sets forth the reasonableness of the administration's approach at this time to the ABM problem and the benefits that will accrue to our Nation from the decisions announced by the President and the Secretary of Defense. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

FOR THE SENTINEL, A SECOND LOOK

The Pentagon's action in freezing work now under way on the deployment of the Sentinel antiballistic missile system, and President Nixon's comments on the Sentinel yesterday could serve to restore some order to the debate on this momentous project. They could also help the Administration and Congress to reach some sort of agreement on it in an orderly and rational way. For a variety of reasons and owing to an abundance of cross-pressures on all sides, discussion of the Sentinel system up to now has all too often had the character of a kind of verbal barrage of Spartans and Sprints, aimlessly directed—gone awry, in fact—near-missing the point and/or blowing each other up.

Thus, in behalf of deploying a Sentinel system it has simultaneously been argued that (1) such a system should be undertaken for purposes of bargaining with the Russians while (2) it would not (as charged) encourage a new round of Soviet weapons development because the Soviets would understand that it was a defense against Chinese impulsiveness and thus no menace to them. This kind of logic has not been the monopoly of the ABM's defenders. And while opponents of the deployment may have been tactically shrewd in seeking to mobilize local anxieties about missile emplacement in opposition to the project, no one could find

it very reassuring to think that decisions as complex and sensitive as this one might be wholly resolved by political pressure.

What Secretary Laird has done by his slowdown decision is to defuse the argument somewhat while the Administration proceeds with its review. He has thus bought some invaluable time to decide at what pace it is either prudent or necessary to proceed with the ABM deployment, gearing that decision to the forthcoming talks between the United States and the Soviet Union and to congressional and public opinion as well. Among other things, it is fairly obvious that the decision to deploy an ABM system could hardly be of value as a bargaining counter should those with whom we are bargaining have occasion to observe the Administration's project summarily slaughtered in Congress. No one can be certain at this point just how strong congressional opposition would be, but it does seem evident that it is more formidable than it was the last time around in the Senate and that if the Administration is entering into talks with the Russians when the subject is up for debate, it will have a better chance of getting some cooperation on its position—as a result, presumably, of consultation with the legislators.

President Nixon, for his part, performed a highly valuable service in candidly (and publicly) describing the Sentinel system not as the permanently limited defense against a Chinese attack which it was billed as before, but rather in his words as an addition to "over-all American defense capabilities." This makes sense. To some extent, the earlier position was taken by the Johnson Administration to protect itself from pressure on both flanks: the so-called "thin" system was designed to satisfy growing demands from the military and important sectors of Congress that some action get under way, and it was also believed to be sufficiently circumscribed in its official definition to be accepted by the rest of the Congress. It was never clear whether it was more important to stick to this definition for purposes of controlling the ambitions of the military or the apprehensions of antimilitary. But it *was* clear in the debates of the past year that the Chinese rationale was not accepted either by those who were fighting for the project or those who were fighting against it. Just as Secretary Laird has gained some time for Mr. Nixon, so Mr. Nixon has gained some freedom—maneuvering room, really—by penetrating the earlier fiction. Apart from expansion into a full-fledged missile defense (if that is even a possibility), there are other ways in which the Sentinel project is related to "over-all" defense. These, of course, may not be wholly beneficial. For just as you can argue that the Sentinel system would provide some protection for the Minuteman missile sites, or that moving ahead would have its uses in bargaining with the Soviets, so the case can be made that the Soviet response to any formidable move toward completing an ABM defense will be a step up in offensive weapons and a corresponding disinclination for a time to do any serious business in the talks.

Those conversations are clearly central to where we go from here, and the apparent Soviet receptivity to getting them started quickly should be acted upon. There are separate reasons for this, but strictly in terms of President Nixon's position in the matter of the ABM the case for going ahead is sound. He has acquired some time and some freedom of maneuver and a considerable measure of control over his own decision by holding off on further work on the deployment and by characterizing the decision as part of a larger presidential calculation concerning our over-all defense. Now, and with some dispatch, he would be well advised to take advantage of the opportunity he has created for himself.

Mr. YOUNG of Ohio. Mr. President, the only nation in the world with the capability of attacking the United States with intercontinental ballistic missiles is the Soviet Union.

Soviet missiles may threaten our land-based ICBM force, but they cannot threaten our large and highly effective Polaris force which is based on submarines and is invulnerable to attack. These nuclear submarines are capable of remaining underwater for as long as 300 days and nights. These missiles have a maximum range of 2,875 miles. No area in the vast land mass of the Soviet Union or Communist China is safe from devastation by missiles fired from these submarines.

To embark upon a project of such dubious value, at such fantastic expense, against the advice of former Secretary of Defense McNamara and other experts, and at a time when we are pleading with other nations against any further expenditures for such armaments, makes no sense whatever.

In his testimony before the Senate Committee on Armed Services, Secretary McNamara stated:

> There is no system or combination of systems within presently available technology which would permit the deployment now of an antiballistic missile defense capable of giving us any reasonable hope of keeping U.S. fatalities below some tens of millions in a major Soviet nuclear attack on our cities.

He presented estimates of the ability of such a system to reduce our casualties in the event of a nuclear war. He estimated that, if we deployed an anti-ballistic-missile system and the Russians merely maintained their present offensive capability without responding to the new situation, the dreaded nuclear exchange would still kill between 20 and 40 million Americans. If the Russians chose to respond by increasing their offensive armaments, ultimately American fatalities could mount to 120 million.

Mr. President, what kind of protection is this? Also, officials in the Pentagon talk of protecting 50 of our larger cities. Which 50? What of the millions of Americans who live in the unprotected remainder of our Nation? In effect, this is a macabre numbers game which offers neither our Nation nor the Soviet Union any real protection whatever.

Furthermore, it is interesting to note that there have been cries of protest from residents of cities presently earmarked for inclusion in the thin system who are fearful of having missiles with hydrogen warheads located near their homes. With this dispersion of atomic weapons, the chances for an accidental explosion greatly increases, and millions of Americans feel their lives would be endangered by having their communities ringed with live missiles with nuclear warheads.

It is now perfectly clear that Secretary McNamara was opposed to construction of any ABM system and only reluctantly compromised for the thin system under great pressure from the Joint Chiefs of Staff and other powerful figures in the military-industrial complex.

Let us hope that Defense Secretary Laird will show greater resistance to this pressure. His decision yesterday to forgo for the present site acquisition and construction for the Sentinel ABM system is a favorable indication. His action will give the administration and the Congress breathing time to reconsider this problem in an orderly and rational manner. His putting the brakes on the demands of the Joint Chiefs of Staff and their allies in the military-industrial complex for precipitous action on the ABM system was a courageous act of statesmanship. Let us hope that Secretary Laird continues to show such fortitude.

In September 1967, his predecessor, Robert McNamara, stated:

> None of the ABM systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. There is clearly no point . . . in spending $40 billion if it is not going to buy us any significant improvement in our security. Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of destroying them.

He pointed out that scientific advisers to three Presidents—Eisenhower, Kennedy, and Johnson—unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack. Regarding any possible nuclear attack from China, he went on to say:

> We have the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well.

Mr. President, there are indications that the leaders of the Soviet Union are interested in negotiating for an agreement whereby neither nation will embark on the construction of anti-ballistic-missile systems. There is reason to believe that this can be accomplished if we do not act hastily in committing ourselves to a project of such immense proportions.

We should continue to seek an understanding with the Soviet Union whereby neither side would expand its defensive facilities beyond their present level. Such an understanding would freeze the strategic situation roughly as it is today, with each side depending on its offensive missiles to provide the deterrent.

No inspection would be needed for such an agreement since we are clearly maintaining a continuous surveillance of the Soviet Union, and they could not possibly deploy a system costing upward of $50 billion without our being aware of it.

In the great nuclear poker game being played by the world's only two real nuclear powers, the stakes are becoming increasingly higher. Powerful forces are exerting and will continue to exert tremendous pressures on the administration and Congress to proceed with the construction of anti-ballistic-missile system. We know that the military-industrial complex, against which President Eisenhower warned the Nation, favors this appropriation. The power of big defense contractors to influence the ABM decision is great. A recent advertisement

by an investment analysis firm was entitled "Nike X: $30 Billion for Whom?" It listed 28 companies with large defense contracts that "could profit handsomely" if a full-scale ABM system were to be installed. This has been broken down to show that companies on the list have 300 plants in 42 States and 172 congressional districts, with a minimum of 1 million employees. Even a political novice can readily see that this adds up to a great deal of potential political influence and pressure.

Mr. President, it would be far better to spend these billions of dollars to help to cure the many troubles afflicting our cities and millions of Americans living in poverty and hunger than to waste them on a plaything of the generals of the Joint Chiefs of Staff.

OPERATING FUNDS OF SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. MONDALE. Mr. President, I join the distinguished chairman of the Select Committee on Nutrition and Human Needs in protesting the Rules Committee's decision to cut the operating funds of the select committee from $250,000 to $150,000. This cut, which amounts to 40 percent of the select committee's request, is a very serious matter.

On July 30, 1968, the Senate unanimously approved Senate Resolution 281, which established the select committee. The committee was to conduct a complete study of all materials pertaining to the food, medical, and other related basic needs among the American people. Matters within the committee's mandate include first, the extent and causes of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition; second, the failure of food programs to reach many citizens who lack adequate quantity or quality of food; third, the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American; fourth, the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and, fifth, the degree of additional Federal action desirable in these areas.

Despite the crucial duties assigned to the committee by the Senate, the committee did not receive authority to employ a staff or expend funds until October 4, 1968, when the Senate agreed to an authorized budget of $25,000 through January 31, 1969. It was clear to everyone concerned that if the committee was to even come close to fulfilling the Senate's mandate, it would need a much larger budget. Frankly, I believe that $25,000 was too small a figure, but since the committee staff believed that it could operate on that amount, I accepted their calculations.

Now, even that very tight figure has been significantly slashed. This is simply not acceptable, especially in light of some of the evidence of hunger and malnutrition which our committee has already received. I am sure that you are all aware of the preliminary findings of the National Nutrition Survey, reported to the committee by Dr. Schaefer. While we have just skimmed the surface, it is already evident that the problems of hunger in America are even more severe than any of us anticipated.

The budget cut by the Rules Committee is open to serious challenge in and of itself. But the cut is especially indefensible when it is considered that almost every other investigating committee was given the funds it requested; and in most instances, the budgets of these other committees were larger than that requested by the Select Committee on Human Nutrition Needs.

The American people have closely followed these hearings. Surely they will not want to see its work hamstrung by an inadequate budget.

LET THE MISSILE TALKS BEGIN

Mr. CHURCH. Mr. President, it is the hope and intention of President Nixon that the next few years will be a period of negotiation rather than confrontation. I am sure we all share this hope of our new President and wish him success.

There is no area where a period of negotiation rather than confrontation is more important than in arms control. I believe that both countries gradually are coming to the conclusion that ever-increasing investment in offensive and defensive missiles does not bring an increase in security but only makes us poorer and thereby less able to cope with the enormous social problems facing both countries.

The Soviet Union has recently indicated that it wishes to begin negotiations as soon as possible with the United States in the field of strategic offensive and defensive missiles. According to an excellent article by Victor Zorza, this decision on the part of the Soviet Union came after considerable debate and controversy within the Soviet hierarchy. The Soviet Union, it seems, also has its hawks and doves. Mr. Zorza points out that the position and credibility of those within the Soviet Union who argue for missile talks will be damaged, perhaps beyond repair, if President Nixon listens to those in the United States who argue against immediate talks on missile limitation.

Mr. President, I ask unanimous consent that the article entitled "Nixon Could Aid Soviet Doves by Agreeing to Missile Talks," written by Victor Zorza, be printed at this point in the RECORD.

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

NIXON COULD AID SOVIET DOVES BY AGREEING TO MISSILE TALKS

(By Victor Zorza)

LONDON.—The Soviet invitation to President Nixon to enter into missile limitation talks might have been designed as a trap.

Whether it was so designed depends on which of the Kremlin factions inspired it. For in addition to those Soviet leaders who really want disarmament, there are those who believe, as is evident from the Soviet press, that genuine disarmament is unattainable in the present state of the world.

Until the middle of last year, this second group balked the repeated efforts of Premier Kosygin, reflected in his public and private utterances, to accept President Johnson's longstanding invitation to join in missile limitation talks. The Kremlin accepted the invitation only when it became evident that, in the absence of missile limitation, the United States would proceed rapidly to vastly increase its strategic forces.

It is thus arguable that the recent Soviet agreement to join in talks, and the calculated and pressing reminder of this issued in Moscow on the day of Mr. Nixon's inauguration, were inspired not by the disarmers, but by their opponents. They might have finally agreed to the talks in the hope that these might lull American suspicions and delay the American arms drive, while giving the Soviet Union additional time to develop secretly its own strategic strength.

Duplicity of this kind is a habitual tool of Soviet diplomacy. The honeyed words and smiles of the Soviet leaders after the Cierna and Bratislava meetings, just before the invasion of Czechoslovakia, are only the most recent example of this.

An even closer parallel is to be found in the repeated Soviet assurances to President Kennedy that the Soviet Union was not introducing offensive missiles to Cuba—at the very time when the Soviet Union was secretly doing just that.

Less obvious, but even more relevant to the prospect of missile limitation talks, is the Kremlin's apparent duplicity during the first months of the Kennedy presidency, when the Soviet Union and the United States were observing a moratorium on nuclear tests while their delegates were trying to negotiate a permanent ban in Geneva.

President Kennedy insisted that the moratorium must be observed. But the Kremlin used the cover of the Geneva talks to prepare its 60-megaton test with which it perfidiously breached the moratorium, and which was later claimed to have given the Russians a 100-megaton bomb and a vast superiority over the United States.

President Kennedy vowed that he would never again allow himself to be caught "with his trousers down," and President Nixon must now consider whether he ought to expose himself to a similar danger while the missile limitation talks proceed in the usual slow and leisurely way.

Certainly the two situations are not exactly similar, but there are enough parallels to invite comparison, and to draw the obvious lesson. But the less obvious parallels should also be considered. For there was considerable evidence at the time that Premier Khrushchev was engaged in a tough struggle with his opponents in the Kremlin over the resources to be devoted to defense.

Khrushchev's power position was challenged, and in order to survive he had to give them what they wanted in the way of arms or at least to make a 60-megaton bang to show that Russia already had much bigger and better weapons than America.

There was evidence of the challenge to Khrushchev between the lines of the Soviet press, and he even went so far as to drop private hints to Western leaders that, unless they met him half-way on the disarmament questions then under discussion, his position in the Kremlin might be endangered.

His greatest need was for rapid progress at the Geneva talks on the nuclear test ban. An agreement at Geneva which he could present to his Kremlin associates as reasonably satisfactory would have eased the pressures on him, and he would not have had to break the moratorium by ordering the 60-megaton test.

But President Kennedy, too, was under pressure from those who advised against any

concessions on security grounds, and from those who confidently ridiculed "the notion that Khrushchev's power is far from absolute or secure." These stories, they explained, were being spread "to pave the way for one-sided concessions by the West."

If the concessions which Khrushchev needed had been made by Mr. Kennedy in 1961—as they were ultimately made in 1963 when the President overcame the opposition from the Joint Chiefs of Staff and from others—the test ban treaty might have been signed two years earlier. Russia's 60-megaton test would have been averted, the whole course of international affairs might have been greatly changed.

Now the Soviet leadership is once again locked in struggle, and powerful voices in the West advise against immediate talks on missile limitation. Melvin Laird, the Secretary of Defense, would like to wait eight or nine months. But the Kremlin could use this waiting period just as effectively to build up its strength as it could use a similar period of talks.

If Mr. Nixon listens to Laird, and to those who once again disregarded the evidence of the struggle in the Kremlin, the delay might well enable the Soviet hawks to score the kind of irreversible victory that they won when they brought about the fall of Khrushchev.

The issues in the present struggle (as described in my weekly newsletter) are much the same as in the past. Early talks could give the Kremlin doves the chance they need. Further delays could undermine their already shaky positions.

Mr. CHURCH. Mr. President, it is my understanding that a similar debate over immediate missile talks is now in progress within the new administration. I urge President Nixon to give serious consideration to the idea of going ahead immediately with technical missile discussions with the Russians. Mr. President, I can fully appreciate that a new administration would find it difficult to develop a negotiating position within the first few weeks in office. In my view, however, technical discussions, which are the necessary prelude to full-scale negotiations, could begin immediately. If we are to achieve an agreement with the Soviet Union on offensive and defensive missiles we must first establish a technical and factual basis for negotiations. This could be done by beginning missile talks at the earliest possible date.

I urge the President to open the way to these discussions. I would hope the President would announce such a decision as soon as possible. If Mr. Zorza is correct we run the risk in any further delay of encouraging those in the Soviet Union who oppose any discussions or negotiations.

The time to act is now.

THE 10-YEAR EXTENSION OF GREAT PLAINS CONSERVATION BILL A LEGISLATIVE MUST

Mr. YARBOROUGH. Mr. President, during the dark days of the depression, when family after family was being driven from their farms by choking dust storms that depleted the human spirit as well as the land, Franklin Delano Roosevelt urged the Nation to take steps to protect and conserve its soil. He said:

We think of our land and water and human resources not as static and sterile possessions, but as life giving assets to be administered by wise provision for future days.

At another point, that great President observed:

The history of every nation is eventually written in the way it cares for its soil.

Since the days of the Dust Bowl and of Franklin Roosevelt, this Nation has worked to develop conservation procedures capable of preventing the rapid deterioration of the land by wind and water. One of the finest programs that we developed is the Great Plains conservation program, which Congress authorized in 1956.

Through this cooperative effort between the Federal Government and individual farmers and ranchers, contracts have been entered into to conserve some 57 million acres of land in 421 counties in 10 States. Over 31,500 farmers and ranchers have made these contracts to cover rangeland and cropland with permanent vegetation such as grass and trees.

Essentially, this has been a program to protect against drought. Special emphasis has been placed on converting land that is unsuitable for sustained crop production into permanent grass. By covering these lands with a permanent cover of vegetation, soil is protected from wind and water erosion and moisture is conserved. The meteorological history of the Great Plains area shows that there is nearly always a drought somewhere in the Plains. As a result of this conservation program, however, the coming of a drought is a less costly blow to agricultural families of the region.

Great progress has been made since 1956. Farmers and ranchers in my own State of Texas have entered into 10,141 contracts to conserve some 12,809,000 acres in 99 counties. That is about one-third of the total contracts under this program since it began operating in 1956. The Federal Government has obligated some $34,603,000 under these Texas contracts. In Texas today, 336,900 acres of land now have a permanent vegetation cover. Another 622,000 acres of ranch land has been reseeded to assure its protection.

This conservation program has been a great success. Through this cooperative, voluntary effort, farmers and ranchers in Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming—the 10 States of the Great Plains—now have increased protection against the hazards of soil and climate. For many of these farmers and ranchers, this program has allowed them to stabilize their agricultural yields, thus making their income more dependable. For many, this program has meant the difference between staying on or leaving their farm or ranch to join the unemployed in the cities.

The current authority for the Great Plains conservation program expires on December 31, 1971. The strong beginning that we have made must be continued. It is felt that a 10-year extension of the program is needed to insure the conservation of the Great Plains. Accordingly, I have joined with Senator GEORGE MCGOVERN and 11 other Senators in cosponsorship of S. 43, a bill to extend the Great Plains conservation program for 10 years, through 1981. In addition, S. 43 authorized additional appropriations of $100 million during this 10-year period.

The proposed legislation has my strongest support, and I am hopeful that we can have early action on the needed extension of this most valuable conservation program.

A REVOLUTIONARY CHANGE

Mr. STEVENS. Mr. President, I heartily endorse Postmaster General Winton M. Blount's action in removing postmaster appointments and rural letter carriers from the patronage system. He has removed such appointments from the area of politics and placed them in their rightful role as competitive civil service jobs.

The post office system has long been in need of reform. We can look forward to an improved efficiency in this branch of the Government, as a result of these reforms.

Delivering the Nation's mail is a highly specialized and increasingly technical job. It should be administered by the most qualified men available, from within the Post Office Department itself, rather than by political appointees who are unlikely to have the necessary administrative ability or understanding of the job.

I am especially pleased that the reforms are being instituted in such a businesslike manner. Veteran's preference for the civil service examinations will still apply, which is as it should be. Further, the existing civil service register will be closely reviewed to discover whether political influences were present in past appointments or classifications. If such influences are discovered to have existed, the situation will be corrected. But the bulk of the civil service register will still be applicable and the new system will not require major or expensive alterations to make it effective.

For years the people of the United States have suffered from inadequate mail service. I know that Postmaster General Blount's reforms are an important first step in bringing the postal service into the 20th century.

FORCED RETIREMENT TAKES ITS TOLL

Mr. MONDALE. Mr. President, it is becoming increasingly necessary to focus the attention of Congress on the magnitude and significance of the "retirement revolution"—a revolution whose impact is only beginning to come to the surface in the United States. Not only have the number of Americans, age 65 and over, increased since 1900 from 3 million to 20 million, but the number of years they will live in retirement will increase markedly. This means, of course, that there will be many more Americans spending more and more time in retirement.

The institution of retirement has been described as one of life's toughest adjustments. About 5 million Americans, 65 and over, live in poverty. But the retiree has much more to learn than how to live on a substantially reduced income. He suddenly discovers that retirement involves a psychological adjustment far

greater than he had anticipated. In a society which he learns is work oriented and youth oriented, he loses his incentive and finally, too often, his reason for living. His life too frequently is aimless and lonely, and the extra years that science has added in longevity are only an extra burden. A witness before the Subcommittee on Retirement and the Individual of the Special Committee on Aging expressed it this way:

Retirement can be rewarding—or it can be deadly. One of the most common syndromes we practicing physicians are called upon to treat is retirement shock. Suicide, often masked as an accident, happens too frequently.

There is also another aspect of this problem which deserves attention. More and more Americans are being forced into retirement because of arbitrary chronological age alone; and at a time when they are at the peak of their productivity and creativity.

These two related problems are a continuing concern of the Subcommittee on Retirement and the Individual. Both are eloquently and intelligently discussed in an article by Dr. R. F. Sondag in the July–August 1968 issue of the Employment Service Review of the U.S. Department of Labor. Dr. Sondag is chief, division of health care facilities and chronic illness, Illinois Department of Public Health.

I ask unanimous consent that the article entitled "Forced Retirement in Prime of Life Called Absurd Waste," be printed in the RECORD.

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

FORCED RETIREMENT IN PRIME OF LIFE CALLED ABSURD WASTE—MANY WORKERS AT PHYSICAL AND MENTAL PEAK WHEN THROWN ON INDUSTRIAL SCRAPHEAP

(By R. F. Sondag, M.D.)

Had you ever wondered about the health conditions at the time that Christ was born? History tells us that the average life expectancy was only 22 years. It hardly seems possible, does it? What were the prevailing type of diseases to take such a heavy toll of life at that time? They were diseases of filth, contagion, and infection. It hardly seems believable that people did not know simple cleanliness can avoid a host of health problems.

At the time of the Revolutionary War here in America we had gained 12 years in life expectancy. A ripe 34 years was the average at that time. In the next 100 years (by about 1860), we had raised this to 42 years. By 1900, it was up to 47 years and today it exceeds 70 years. During the past 100 years, the increase in life expectancy has been greater than in all previous recorded time. To put it more clearly, it took about 1,860 years to gain 20 years in life expectancy, but during the last 100 years we were able to add more than 28 years on top of this.

Yes, there are more taxes and smog and traffic jams today. Life is complicated, but we have more time to live it, more time to search for the important things. For those who long for the "good old days" when everything was "easy going," we must remind them that along with "easy goingness" people had to accept the greater health hazards and a much shorter life span.

With more effective control of the diseases associated with childbirth, infancy, and youth, loss of life from these devastations has greatly decreased. Accordingly, the community now must strive for control of those diseases which are most common in older age groups. More persons are now surviving to ages which are characterized by a high incidence of heart and kidney diseases, cancer, diabetes mellitus, arthritis, rheumatism, gout, and the mental and physiological changes associated with the aging process.

Aging is not necessarily synonymous with chronic illness or senility. The prevention or delay of the development of the diseases of the aging is one of the most important responsibilities of medicine today, in order that the potentialities of the elderly may be developed and utilized more widely. The ultimate hope, of course, is for prevention. There are two kinds of preventive medicine: The community type as represented by the typical public health approach, and the private type as represented primarily by the individualized service rendered in the offices of private practitioners of medicine. The predominant role must be played by the private physicians.

Any health program for the aging and the aged should emphasize the development of personal preventive health services for adults. Aging is a biological and physiological process going on in each of us. Biological barriers to long life include tissue deterioration which usually begins to manifest itself between the ages of 35 and 45 years. These are degeneration of the vascular system, the skeleton, and the nervous system. Suggestive experimental data indicate more effective control of these tissue breakdowns in the not-too-distant future.

Fitness, physical and mental, implies more than disease prevention. It encompasses an optimum condition of dynamic well-being for each growing, aging individual. To enjoy such an enviable experience, deterioration must be kept at the very minimum and active measures—including diet, weight control, exercise, work, rest, and recreation—are essential.

The progressive development of a number of chronic diseases, or of the complications due to them, can be prevented by early detection and treatment. Greater attention to the promotion of positive health or a higher level of chronic wellness (as opposed to chronic illness) from infancy through adulthood beyond the years of maturity is essential.

A most serious handicap is the insidious nature of the development of the majority of chronic illnesses. Their onsets tend to be asymptomatic and they often progress slowly with little or no pain or discomfort in the earlier stages. This encourages the person afflicted, even when he suspects the condition, to delay in seeking medical advice and care. One of the most fundamental handicaps, therefore, is the difficulty of getting individuals to protect themselves, to obtain periodic medical examinations and, if necesary, early and adequate treatment. The privilege of longevity carries with it the obligation of personal effort toward health maintenance. This, in consideration of the inherent frailities of human nature, is the seat of much of the problem. A number of psychological blocks must be counteracted. The individual must overcome a considerable amount of inertia and do something which is not of immediate or apparent benefit. Fear of a positive diagnosis serves as a deterent for some, while others rebel at thought of potential restrictions upon their personal habits and pleasures. The only weapon available against these deterrents is increased and persistent educational measures. The ultimate goal should be the establishment of periodic medical examinations as part of the accepted cultural behavior of our civilization, as has occurred to a considerable degree with regard to the immunization of children against many communicable diseases. With the remarkable advances of science, it is becoming more difficult to die.

Society's attitude towards older citizens is in drastic need of a thorough house-cleaning. There are a number of firmly entrenched customs followed by business, industry, labor, the professions, and also certain departments of government which militate against healthy aging.

Retirement at age 65 is a practice that should be up for retirement itself. The sudden loss of a job when a worker has reached his finest hour often shortens a man's life. For many it is a humiliating shock.

Of course, retirement means many things which vary according to the person and his desires and his economic support. Too many of our older citizens accept defeat because the community emphasizes the fact "You are an old man."

We are now facing a new frontier which promises a longer life, a richer life for our aging citizens. More frequently, even commonplace, it will be possible to reach the round century in reasonably good health.

In planning for a round century of existence, the life span might be divided into trimesters of 30 years each. They would be divided as follows:

From 1 to 30 years of age, the active, growing person should be schooled in the basic facts of health, biological and social activities. The young learn from the old and the old learn from the young. In the latter part of this first trimester, from 20 to 30 the young adult learns his profession, training, or work—the first major ambition to be served. Science has the information now to keep the first trimester from 1 to 30 years, a heathly, active, developmental period.

In the second trimester, from 30 to 60 years, there is the full flush of vigorous biological activity, the establishment of a family, and becoming a useful member of society in one's life work. The full bloom of enjoying continued intellectual growth and gaining new knowledge should add to the strength and vitality of the individual. In this critical third, family bonds are developed and strengthened and the emotional glow of family and friends make life exceedingly interesting. There is the thrilling drive to attain the summit of the years. This summit chronologically, is the third trimester from the period 60 or 65 to 90. Yet, foolishly, society now says that at 65 a man is finished.

The years from 60 to 90 for many individuals represent the most enjoyable period of living. For more people to gain the enduring satisfactions implied in the phrase "life, liberty, and the pursuit of happiness," a clear appreciation of healthy practices of living must appear.

It is not what one retires from but what one retires to that determines the content of living at the summit of his life span.

Retirement can be rewarding—or it can be deadly.

Biologically, withdrawal from action, either of muscle or mind, ends in flabbiness or atrophy. When a man retires from life, life retires from him. It is our first conviction that life is worth living. There is, or can be, a crescendo to a goal worthy of the man and of society as well. Man is a goal-directed individual. Aimless living is sick living for which, we believe there is a cure.

Aging is an exceedingly individual experience. The retired-out-of-life, secluded, protected existence is dangerous, since we weaken just when our horizons should be expanding.

Our biological rhythms are so regulated that each cell, each organ gains strength through the cycle of action and repose. Withdrawal of activity weakens these same cells.

The lengthening life span with citizens remaining healthy nearer and nearer the century milestone, plus a lowering of the first retirement age, opens up new periods of leisure and the opportunity for one's second career. Of course, this will require a more capacious appreciation of our great potentials in the later years.

As a Nation, we have been sickness-oriented. Practically all of the funds voted by

Congress for research are directed to the study of the control of illness and the rehabilitation of patients. Now is the time for us to become health-oriented and to emphasize the positive. A national program encouraging people to stay out of the hospital and to keep active, as long as they are able physically and mentally, would pay rich dividends; not least important, it would be a tremendous money-saver.

As acute diseases are being brought under control, long-term disorders—especially deterioration of the heart and blood vessels, cancer, and mental disorders—will constitute the major illnesses for future physicians.

A new picture of abundant and enjoyable health in later years is now within reach. Workers are young longer while the age of retirement is moving downward. Thus, with an extending life expectancy and the promise of vigorous health into the eighties and nineties, the dilemma of what the content of these post-retirement years should be is of startling importance.

INDIVIDUAL EXPERIENCE

Retirement can be a many-splendored occasion, but it is an exceedingly individual experience. It may lead to wide corridors of exciting new fields or, too often, it is a sorry closing of one's chief interest in life with uncertainty and despair in the offing. At the time of life when individuals should be living in the full bloom of happy maturity and reaping the benefits of a useful career, they suddenly find themselves cast off and without a plan for continued activity. No wonder they are bewildered. Why does society and its instrument, modern science, guarantee humanity longer life but take from us the means of self-support?

The time has come when there must be a new appreciation of the capabilities of older persons. The population shift in our Nation shows that 75 percent of the increase during the next decade will be in people over age 65. That creates a major social challenge. This shift in the makeup of our population has come about so quietly and quickly that industry, labor, and the general public are unprepared to meet it. Heartaches, depressions, despondencies, and failures in adjustment are the result. We are not yet equipped socially or emotionally in our thinking and planning to use the gift of additional years. The resulting frustration sets the stage for all manner of illnesses—both physical and emotional.

The achievement of modern medicine in the control of disease and the improvement of the general health of the public is bringing about a much longer working life for the average individual. Death rates are falling spectacularly. In the not-too-distant future, deaths which occur before the age of 50, from causes other than accidents and violence, will be a rarity in the western world.

At the present time, some 16 million people, or approximately 8 percent of the total population of the United States, are 65 years of age or over. In the last half-century, their number has quadrupled while the entire population has only doubled. In 1900, there were 3 million people 65 or older. By 1975, more than 25 million of our population will be over 65.

Many of our citizens mature relatively late in life. With a rigid retirement program, which we accept today as starting somewhere between 60 and 65, an ever-increasing portion of man's lifetime may be spent in retirement. Loss of employment may be a catastrophe. Health and social and economic security are endangered.

Since the turn of the century, the proportion of men who continue to work after they reach the higher years has been rapidly decreasing. This may be the result of technological change, occupational shifts, and compulsory retirement programs. Discrimination has worked a hardship on thousands of our citizens who may be forced to retire at a period in life when, emotionally and physically, their primary need is to be gainfully employed. Hidden talents of many persons are often uncovered only in later life.

A man's job is his way of life. It is his bond with reality, his contact with the community, his form of participation in the business of purposeful existence. A man's job identifies him with society. It makes him a social and civilized person. He is securely attached to his job, and through it to the life of society.

Work fills many functions in life. One may not be aware of this until the possibility of losing a job of significance becomes a reality. Gainful employment furnishes income, fills in the hours of the day or night, and frequently aids in maintaining physical vigor and vitality. A pattern of comradeship and contact with others helps to establish status in family and community. Beyond this, however, a sense of satisfaction in new experiences and a chance to be creative and to continue working as time marches on give life enduring significance. Work has meaning for each individual. If these meanings are important, their loss or unsatisfactory replacement in retirement creates major problems of adjustment.

Work, or its equivalent, must be recognized as a basic human need with respect to economic independence, social status, the satisfaction of living, and the continuance of life itself. Work is prestige; work is success. It stimulates human relations, it furnishes power. The loss of a job robs a worker of status, objective, and important relationships. There are deep emotional reasons why workers want to continue at work; it's more than a means of making a living; it's a way of life—to many it is life itself.

Contempt for work is the mark of a decaying society. Work is stimulating. In moderation, it is the best way of increasing longevity. When retirement means transfer from an active to an inactive program, it adds up to discontent, unhappiness and, all too frequently, illness. When purposeful work is replaced by aimless living, neurosis and depression appear.

There is a biological axiom that organisms, organs, and tissues tend to die when they no longer serve a useful purpose. An aimless existence is an intolerable one and nature will have none of it. The debilitating effects of advancing years cannot be laid entirely to changes in structure with time. The loss of incentive, the loss of driving power—that something which keeps an individual in motion and in tune with his fellow man—changes the person from a contributing member to a parasitic member of the social group. Then he begins to look for signs of approaching decay. He studies his anatomy and reviews one organ after another. The internal arrangements come into prominence. An older man with nothing else to do can concentrate his attention upon some aspect of body function to such an extent that in a comparatively short time the parts become responsive to conscious thought. Minor derangements of the digestion, the heart action, or the kidneys come up for inspection. An idle person looks himself over for evidence of approaching doom. In so doing he invites that process. Too much amateur anatomizing and self-purging to which an old person can easily become addicted, start the train of circumstances for which the doctor must be called. These complaints may not kill the old person, but they can make him very unhappy and sometimes a downright nusiance.

Emotional depressions disturb the appetite and bowel function, and may bring about anemia and all manner of circulatory disturbances. Frustration and rejection may, and frequently do, produce a retreat from reality that aggravates all of the popular and recognized signs of premature senile decay. Retirement from physical and mental activity is a dangerous move.

While many older persons have no thought of retiring at any age, there are larger members who are looking forward happily to the time when increased freedom from responsibility will give them opportunity for the pursuit of hobbies long in abeyance or inadequately enjoyed. For those to whom financial security is guaranteed, the problem is far less complicated.

WHAT OLDER PEOPLE WANT

The major desires of older people fall into certain categories. First, they wanted to enjoy good health; second, they desired to have a gainful and interesting employment; third, they desired companionship; fourth, they wanted security; and fifth, they wanted a sense of dignity in daily living. It has been said that the younger the individual the more glamorous does the period of retirement appear. As the time draws near, misgivings arise.

The fight against growing old is not so much a matter of duration as it is for the preservation of the capacity for happiness and interesting living. A new creative work begun in the higher years of life assists the person to be useful, to forget many aches and pains, and to engage in purposeful activity that may take on an importance far greater than was the daily routine before thought of retirement. The time of withdrawal from active routine duties may furnish opportunity for individuals to gain in value through the routine process of aging, or maturing. What counts most is the person's capacity to maintain unity of performance, interest, and activity. To express oneself as an individual and to continue in that unique performance identifies him as a person and preserves his individual and social values.

Retirement from a job need not bring about retirement from society. Opportunities for the second career in one's life are now becoming more evident as plans for retirement take on added incentive. Skills and experience acquired over a period of years may with profit be directed to perplexing problems of community life. As the body slows down physically, one matures mentally and the capacity for productive work often increases.

Retirement obviously means different things to different people. If it is accepted as a period to be feared, a final time of uselessness and dependency on others then trouble must ensue. A barren and unproductive period between regular employment and death is a tragedy which must at all costs be avoided. Retirement should be a time for taking up new and useful activities which are adapted to the older person's capabilities and which do not demand his participation beyond voluntary limits. The man himself must develop his interests and resources over the years against the day when he is free to leave his regular job.

When we have learned to achieve self-renewal, we shall have discovered one of the most important secrets a society can learn, a secret that will unlock new resources of vitality throughout the Nation. And we shall have done something to avert the hardening of the arteries that attacks so many societies. Men who have lost their adaptiveness naturally resist change. The most stubborn protector of his own vested interest is the man who has lost the capacity for self-renewal.

We are living in a rapidly changing world. Man is entering a new dimension of human experience. While science is probing the vastness of outer space, the innermost recesses of man are being examined with an exactness that promises an astonishing perception of the mechanology of living processes. From this significantly fresh knowledge, a new kind of human being is emerging. He is potentially a stronger, more superior product who is living longer and staying young longer.

Old age is not a disease. It is a time of decreasing strength and increasing limitations. Age is not something that appears suddenly.

It is not a question of years, but of effectiveness. The whole of life should be a preparation for this process.

Meeting life with its limitations, inevitabilities, and disappointments courageously, effectively, and successfully, is a preparation for aging. Persons who throughout their lives have had active interests and curiosity, have carried responsibility, and have cooperated with others, have learned to meet old age in advance.

Senescence is not just a matter of the pliability of blood vessels and vitality of cells. It is also a question of the flexibility of the personality. The unhappy and discontented persons finds life a burden at any age. How does one keep a personality vital? One cultivates continuous changing interests, shares those interests, participates in activities with others, discovers new areas of usefulness while still developing. The old, above all, learns the healing value of human interest in other beings. Many persons who reach the age of 65 are unprepared for what science has given them—a longer life with better health. Many are unable to relax and to play for play's sake, i.e., for the sheer pleasure and enjoyment of it. They have an irresistible compulsion for work, an enhanced sense of time urgency and a feeling of guilt toward resting. They need to be prepared for leisure. Today, education is for life on the job, but more and more we need education for life off the job so that we can derive the most from our leisure. Those who have really learned to live will be unlikely to run into difficulties as they grow older.

IVAN ALLEN, JR., MAYOR OF ATLANTA

Mr. PERCY. Mr. President, Ivan Allen, Jr., the mayor of Atlanta, is indeed a remarkable public servant. During the past 7 years, his enlightened leadership has insured a permanent place for Atlanta as the commercial and cultural capital of the Southeast.

Atlanta's progress is reflected in more than its glittering office buildings and new soaring skyscrapers. From the beginning of his term of office, Mayor Allen has faced up squarely to the race issue. His path searching and forthright stand in favor of open public schools has served as a model for other major cities.

Throughout his period of leadership, he has never lost sight of the need to utilize all of the resources of government, as well as the commitment of an enlightened private sector, to raise the level of job, housing, and educational opportunities of Atlanta's black citizens. There are many cities and many urban governments in the North, including that of Chicago, which can profit greatly by following Atlanta's successful and pioneering policies.

At a time when Mayor Allen is planning a well-deserved retirement, I wish to commend him for a job well done.

Mr. President, I ask unanimous consent that an interesting interview with Mayor Allen, published in the January 29 issue of the Christian Science Monitor, be printed in the RECORD.

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

ALLEN'S ATLANTA: "WE HAVE RAISED THE ACTUAL LIVING LEVEL OF THE NEGRO BY MAKING THIS AN OPEN CITY"

(By Robert P. Hey)

(NOTE.—Over the past seven years, Mayor Ivan Allen Jr. has helped make Atlanta a liberal oasis in a conservative South. In an interview, he says the challenges confronting American cities are testing democracy itself. He calls for a streamlining of government at all levels to provide: True racial integration—in housing, jobs, and education, meaningful control over in-migration of the rural poor, more financial assistance in solving urban problems.)

ATLANTA.—Question. What was Atlanta like when you became Mayor seven years ago?

Answer. Well, we were in the throes of the race issue. Of course, we're still in the throes of the race issue to some extent.

We were also a city that had had a business slowdown. And I think we were drifting a little bit without firm direction. Atlanta was faced with the same dilemma that most American cities face: a spirit of apathy about some of the problems.

Question. What has happened since?

Answer. A great deal of this has changed as the result of some very simple definition of goals:

Facing the race issue and its full impact, we stood for open public schools regardless of the circumstances.

We took this stand in December, 1960, in the Atlanta Chamber of Commerce. And I incorporated this position in the mayoral campaign of 1961. I managed to obtain agreement from all the other candidates except Mr. Maddox [Georgia's current Governor, Lester Maddox]. He never acknowledged the need for open schools.

The city needed a promotional campaign called Forward Atlanta, which was an economic-development move.

We needed to expand and activate more urban-renewal projects in order to rebuild the slum areas of the city.

We needed to get into development of a rapid transit. After some eight years, we finally brought it to a vote. It was voted down, but at least we have brought this issue to a vote and accomplished a great deal. We'll go from here.

We were seeking completion of a downtown expressway system, which then was in a hiatus, and no one knew exactly where it was headed. Since then it's been completed and today it's not only used, it's overused.

We needed to develop the necessary public facilities to accompany the strong economic development of the city which came out of the Forward Atlanta commission.

These public facilities included a municipal stadium—which has brought major-league sports to the South—and a new auditorium and exhibit hall—which have provided the facilities for the great number of conventions and trade shows and all the forms of entertainment which we hitherto could not accommodate.

And of course a cultural center has now been built by the private and business and philanthropic interests of the city, with the city participating.

These were all objectives that various people in the city had espoused in various ways before. I did not create these objectives. I merely banded these objectives together in a single program, in a simple enough way to where it could become a city goal. And that's basically where we have been headed in the last few years.

Now there've been many things added to that—our low-income housing program, our recognition of the disadvantaged areas, our development of the model-cities program.

Of course, we have been through all the phases of desegregation—public-accommodation bills, voting rights, added employment in the Negro community, and now the fair-housing, open-housing act.

But I would say that these simple goals gave the city a constructive approach which has certainly augmented its development during these eight years.

Question. One of the great changes, as you mentioned, has come in civil rights. When you came into office, were schools, lunch counters, hotels, etc., segregated?

Answer. Well, schools were actually desegregated in September, 1960, just before I came into office. But the mayor's race in Atlanta in 1961 was one of the testing grounds for open public schools. I mean, we had to take a position.

Of course, desegregation in 1961 consisted of the integration of either 8 or 12—I don't recall—Negro students into the high schools of Atlanta. And that's a far cry from the 15,000 or 20,000 [Negro] students who are today pretty well integrated into the whole system.

Question. Why was it quiet and peaceful once the decision was taken to desegregate?

Answer. Well, we had help in many areas. The university system had been integrated under a court order which took some of the burden off Atlanta. Where everyone had expected this confrontation to occur in Atlanta, suddenly it occurred under a court order [at the University of Georgia in Athens, 90 miles from Atlanta].

Governor [S. Ernest] Vandiver had to call a special session of the Legislature, and the state capitulated in that famous decision in the spring of 1961. This took a tremendous amount of the burden off the City of Atlanta.

Then, there was some very strong civic interest in Atlanta. A group of ladies paved the way for a peaceful desegregation.

And then there was the general attitude of the business-civic community in Atlanta that this had to be handled in a satisfactory way.

Question. Which of all the changes you have worked for in the city as Mayor has given you the greatest satisfaction?

Answer. I don't think I could define which has given me the greatest satisfaction.

I have had a tremendous satisfaction out of the fact that we have opened this city up to major-league sports.

I get a great deal of satisfaction out of the progress that we are making in the field of low-income housing.

I get a great deal of satisfaction out of the overall realization of how much we have raised the actual living level of the Negro citizens of Atlanta by making this an open city.

When I came into office the Negro citizen rarely crossed over the Hunter Street viaduct unless he was coming into Atlanta for the purpose of spending money. He had no rights to come into the hotels, or the restaurants, or theaters.

I've seen all of this open up and a broad expansion that has enhanced the position of the Negro people without really basically injuring the white man in any way. And I've seen the Negro expand his voting rights, and I've seen added employment.

But I don't think you can say any one item has given the most satisfaction. They all have.

Question. How do you assess the progress made by Atlanta blacks in the past seven years compared with the road yet to go?

Answer. Well, we've passed the point where you have to make the decision either to go back or go forward. We've taken off.

At the beginning of this decade, even in an open institution like City Hall—which theoretically belongs to all the people of Atlanta—the water fountains and rest rooms were segregated.

And there was a double employment register: If you wanted a white employee you took him off the white register. If you wanted a Negro employee for a menial job, you took him off the Negro register.

The parks were not wide open, either, and the swimming pools were closed. There were so many instances where the Negro citizen was really not a citizen at all. All that's gone by the wayside.

But we haven't yet solved the problem of housing, despite great changes in this city, and we still haven't satisfactorily resolved a single integrated neighborhood.

Question. How do you achieve an integrated neighborhood?

Answer. Well, we've got to raise the average level of the Negro citizen. That means improved educational, job, and housing levels to the point where he becomes acceptable without prejudice in the white community. But we've got to have time for all this. It's a cumulative effect, and it's got to have time.

Question. But young black people today aren't about to wait. How do you resolve this dilemma?

Answer. Very few of these changes would have come about had there not been stresses created by the Negro community.

So the young militants are helpful as long as they don't create a major reaction—and that is what is hurting us today. There has been a major reaction (when) militants brought about the riots. And this reaction is actually slowing down the bringing of the Negro into full citizenship right now.

This is part and parcel of the election this year. There was a very strong reactionary vote against the progress of the Negro. Voters felt it had moved too fast. And the reason was the riots of '66 and '67.

So you have all of the balances in a democracy at work. The pendulum never swings too far in one direction that the forces don't push it back in the other direction.

Generally speaking, though, you can say that we have not moved except under pressure, and probably we still will move the same way.

Question. Do you feel that this "reaction" pressure has subsided?

Answer. No, that reaction is still very strong. It hasn't lessened in recent months.

Question. What area poses the greatest single challenge to the American city nowadays?

Answer. The race issue. No question about it.

Question. The problems of governing the cities have been growing increasingly complex in recent years. What is the solution?

Asnwer. I don't think I know the answers to that. Basically we need to consolidate our governments from the viewpoint of economy. How fast that'll come about, I couldn't tell you. But I do know this: Local governments today have more problems than they have the vitality or capability to handle.

Question. Do we need to overhaul the governmental structure then?

Answer. Yes, I just don't think that the structures of democracy—and of local government as a part of it—are capable of operating under all the stresses that we've been confronted with in recent times.

When I look at the national level, the threads of democracy are being terribly tested by the fact that you've got a Vietnam at an international level and a major racial issue at the domestic level.

The same thing is happening at the city level. We are prepared basically to furnish services—that's what municipal government is, a provider of local services. But we are not geared for, nor is it within the structure to cope with, the thousands of poor people—mostly Negro—who have moved into the city and have created these almost insurmountable problems in a short period of time.

The rural areas have welcomed the migration. They have not wanted to keep the people there. They have been delighted for the Negro to move out.

And we in the cities have had no control over the situation. It's utterly preposterous to let people move into a central city when you don't have a place to house them, a place to school them, a place to feed them, a place for a job for them.

We should have some control.

Question. Is federal assistance required to solve problems caused by this enormous migration?

Answer. I feel more than that. Federal assistance has been forthcoming in great amounts. But there's never been any effort made on the part of the states or the counties to cope with this problem at all.

Question. Southern states, or states generally?

Answer. States generally, but particularly in the South. Generally speaking, the county governments have never taken any recognition, either.

That really brings us full circle, doesn't it—to the need for time to change attitudes?

It brings you full circle.

STOPPING THE "'GATOR KILLERS"—S. 335, THE ENDANGERED SPECIES BILL NEEDED NOW

Mr. YARBOROUGH. Mr. President, the American alligator is a unique reptile which traces its ancestry to the time of the dinosaurs. He has survived, practically unchanged for millions of years, making his specie one of the oldest of all living species. However, today the American alligator faces the same fate that awaits many other rare and beautiful species: extinction. This creature, who has no wild natural enemies and has managed to outlive numerous competitors within the evolutionary process, is now in danger of complete destruction.

The alligator is in trouble because he, like many other creatures, is a victim of man's exploitation. Not only have his breeding grounds and habitats been swallowed up by technological advancement and other developments, but he has the misfortune of appealing to man's greed and vanity: his hide is sold to make shoes, belts, wallets, and handbags; and he is stuffed to attract tourists and souvenir hunters. But the real danger to the alligator comes not from the legal traffic in hides; it comes from the widespread and illegal poaching that places him in constant danger, wherever and whenever he is found. For all practical purposes, it is always open season on alligators because 'gator poaching is so universally practiced.

In introducing my bill (S. 335) to prevent the importation of endangered species or parts thereof, I included a section to deal with this problem. Section 2 of the bill would make it unlawful for anyone to knowingly put into interstate or foreign commerce any amphibian, reptile, mollusk, or crustacean or parts thereof taken contrary to Federal, State, or foreign laws or regulations. This statute would offer needed protection to the alligator—and other endangered domestic species—by expanding the provisions of the present law, section 43 of Criminal Code (18 U.S. Code 43), to include amphibians, reptiles, mollusks, or crustaceans. Anyone who violates this law would be subject to a $1,000 fine and 6 months' imprisonment.

The importance of this expansion is that it will provide valuable assistance to the States in reducing present commercial traffic in alligator hides that have been taken contrary to State law. It has been found that State laws and regulations are often ineffective in affording protection to this specie because many live baby alligators are poached in one State and transported to another. Also, hides of illegally taken alligators are often transported from one State to another.

Mr. President, I think the provisions in my endangered species bill will help to alleviate the present inconsistencies in the existing State and Federal laws. It is time we took effective action to stop the poaching and illegal traffic in hides that are contributing to the rapid extirpation of the American alligator.

Mr. George Laycock has written a realistic article in which he describes in detail the shocking extent of the poaching of the alligator in the Florida Everglades. I think all those who are concerned with the conservation of our wildlife should read this disturbing commentary carefully. It shows even more clearly why we must act now to pass my bill, S. 335, to prevent the importation or interstate shipment of illegally taken endangered species of fish and wildlife or parts thereof.

I ask unanimous consent that Mr. Laycock's article appearing on page 77 of the September–October issue of Audubon magazine, entitled "The 'Gator Killers," be printed in the RECORD.

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

THE GATOR KILLERS

(By George Laycock)

By the time darkness had settled across central Florida the poacher had finished his supper and had hitched his trailer with the airboat to his pickup truck. His brother, who hunted alligators with him, drove up the long, shaded, dirt lane.

Less than an hour later they were backing the boat trailer down to the edge of Lake Apopka. So far, everything was legal. They were simply off on one more frog hunt, and no one could object to that—so long as they restricted their hunting to frogs. They went "frog hunting" practically every night through the summer season and collected frogs for the market.

As their airboat cruised slowly along the edge of the lake the driver's head lamp swept the shallows with a beam of yellow light. When the rays of the light caught the reflection of a frog's eyes, a long-handled gig plunged toward the water. The pierced frog was dropped into a burlap bag, and through the whole operation the airboat had not even been slowed down.

Then the sweeping light caught the ruby eyes of the evening's first alligator. The airboat continued to cruise steadily closer. With hypnotic force the electric torch held the eyes of the alligator. The next thing the reptile knew something had a grip on his long tail and was heaving him from the water. He slid across the gunwales of the airboat and thrashed around on its aluminum floor briefly until the rounded end of a hammer thudded against his flat leathery skull. The reptile's eyes bulged and his long black body quivered. In the spasms that followed, his strong tail lashed from side to side, and his short legs, their clams scraping the metal, moved erratically and futilely.

The five-foot reptile struggling in the bottom of the boat sent the poachers into a flurry of activity. While the driver stayed at the controls, being careful not to alter the boat's speed in case they were being observed, his brother picked up a hatchet and chopped into the alligator's skull until steel penetrated the brain. This helped speed the creature's death.

But long after an alligator is dead he may continue to thrash about. He kicks and twitches all the time his skin is being stripped from his body. "This makes it real hard to skin an alligator," I was told recently by an experienced Florida hunter. But the alligator poacher has a solution. He chops through the spine at the back of the alligator's head. Then he inserts a long piece of wire in the exposed end of the spinal column and runs it down the inside of the column all

the way past the base of the alligator's tail. Finally, the reptile ceased his frantic movements. The poacher reached for his skinning knife. His brother kept the boat moving along steadily—frog hunting.

This bloody scene is enacted many times, night after night, across every section of the South where the beleagured American alligator still survives. On March 7, 1968, Major Brantley Goodson, chief of the Florida Game and Fresh Water Fish Commission's Law Enforcement Division, reported on the number of alligator poaching cases his men had made since the state closed the season in 1961. In that 79-month period the conservation officers, averaging 7.6 cases a month, had made 597 such cases and in the process had confiscated 3,636 hides, which brought the state an income of $47,586.12 at auction. (That profit to the state may be one reason some game officials are reluctant to see the hide market abolished.)

Of the 597 arrested, 331 were convicted, 91 were acquitted, and the remaining cases were still pending. Those convicted had paid fines totaling $26,125.20 with the jail sentences served totaling slightly more than three years. The most heavily fined poacher paid $750, and the longest jail sentence handed down by the courts was for six months. The maximum sentence for illegally killing an alligator in Florida is $1,000 or one year in jail and is rarely, if ever, meted out. The prize-winning county with the greatest number of convictions was Collier, which includes the western section of the Everglades. Only eight counties were without poaching cases.

And only an infinitestimal fraction of the poachers are apprehended. It is no wonder the spectacular big reptile currently has his name on the U.S. Fish and Wildlife Service roster of endangered wildlife. Although the alligator has lived here since the age of dinosaurs, he is rapidly approaching his final time, unless something is done to slow down the illegal activities of the poachers, who will kill, skin, and market every one they can search out in their million-dollar racket.

There is disagreement about the number of alligators left. But even poachers and hide buyers agree that alligators are far fewer than they were some years ago, especially the large ones. This is significant because the big alligators are the effective breeders.

Recently I traveled across Florida talking with poachers—and the hide buyers and dealers who keep them in business—as well as with the law enforcement men who try in vain to stop the illegal traffic in alligator skins.

Across the state's wetlands, the price of hides enriches poachers with dollars that change hands largely free of tax cuts, although the Internal Revenue Service has taken a sudden interest in the incomes of hide buyers. The going price currently paid poachers for alligator hides is about $5.25 a running foot. Kill a six-foot alligator, a prime size, skin him out, and you have enriched yourself by $31.50. If you get away with it—which you probably will if you are a typical alligator poacher. A two-man team can collect, from a good night's hunting, as much as $400 to $500. As one poacher near Sanford, Florida, told me, "It's hard to leave them alone with prices like that on 'em." Consequently, there are entire counties where alligators, once abundant, are seldom seen.

In addition, the face of Florida has changed. Wetlands where the alligator once thrived have shrunk steadily. In the face of this habitat change the depredations of poachers become increasingly serious threats to the future of the alligator. One grizzled little alligator slayer in his early sixties spoke from his experience of four decades of hunting. "There's not nearly the gators there once was. Even ten years ago," his head shook sadly, "there seemed to be twice as many as now. Way things is, the gators'll be all gone. I reckon I done my share, too. I don't have no idea how many I killed. Thousands I guess."

Poachers frequently recall the biggest gators they have taken. One man spoke of a big one he and a partner came upon by surprise one night when they were really not looking for alligators. They had no gun or hatchet along. When he saw the trail of bubbles left by the big alligator, he jumped from the seat of his airboat down onto the deck and stuck the creature with a spear, then shut the boat motor off. "Bless Paddy," he said, "if it wasn't a 14-footer." The big gator headed for the hyacinth beds at full speed, towing the airboat behind him. He bored beneath the weeds, then quickly gave up. The poachers still faced the challenge of killing him. The only thing they had at hand for the job was a monkey wrench. "I just kept picking away at his skull like a cake of ice," he said, "until I broke through into his brain and killed him." The skin, inferior because of the creature's size, was worth only $25.

Some alligator poachers are professionals. Others are punks who drive out along the canals hoping to bash in a gator's skull, skin him out, and run off with their prize to some shifty buyer who will reward them with enough money for a few bottles of wine.

It has come to the point where no alligator is safe. Proprietors of roadside alligator "farms" and side-show type attractions know to lock their gates well at night. At Fort Lauderdale the owner of such an attraction told me that he came home one night to find that hide hunters had stolen six of his five-foot alligators from their pens. He found the skinned carcasses on a local dump. "That," he added, "was before I had my two German shepherd attack dogs."

Modern poachers practice sophisticated techniques. Their equipment includes powerful airboats and highspeed outboards plus citizen band radios, and they know more tricks than a magician. What the lone poacher cannot accomplish, a gang can often manage. There may be lookouts posted along canal banks, decoy boats to draw game protectors away from places where the actual killing and skinning is progressing, or phony telephone messages "tipping off" the law and drawing officers across the county on a wild-goose chase far from the action.

Meanwhile, the law enforcement people have developed better techniques, too. Their equipment now includes aircraft, powerful and camouflaged airboats, swamp buggies, and teamwork that coordinates the observations and movements of officers on water, land, and in the air. It has all become a ceaseless merry-go-round, with the poacher winning more often than not while the law enforcement officers end up frustrated, and the alligators end up dead.

The last big reservoirs of alligators are refuges and parks. There are still good populations in Everglades National Park, and various national wildlife refuges including Loxahatchee, near Delray Beach; St. Marks, south of Tallahasee; and Okefenokee, in southern Georgia. Alligator strongholds in Louisiana include Sabine National Wildlife Refuge and the state's big Rockfeller Refuge. But even in these sanctuaries, the gators live under the poacher's constant threat. With prices of alligator hides as high as they are, and promising to go higher yet, there is no safety for the big reptiles anywhere. In Everglades National Park poachers on motor scooters cruise the canal banks searching for gators to steal. In the summer of 1967, officers arrested a poacher on the Okefenokee National Wildlife Refuge only two days after he had paid a $50 fine on an earlier arrest and had been placed on probation for a year.

"Most poachers," one law enforcement officer assured me, "don't have guts enough to do their hunting on federal lands." But one National Park Service ranger says the Everglades alligator population today is only a tenth of what it was ten years ago, and he blames poachers for most of this decline. And I talked one day with an aging alligator hunter whose favorite hunting territory is the 145,500-acre Loxahatchee National Wildlife Refuge west of Delray Beach. I had first heard of the old poacher from Bill Julian, who was then manager of the refuge. Bill and the old man held a grudging respect for each other. Each was a professional in his field, one trying to decimate the wildlife, the other trying to protect it. Bill knew that until he caught the poacher, the old man would go on taking hundreds of alligator skins out of the swamp each summer.

Then on a dark night, far back in the interior of the refuge, Bill and an assistant, patrolling the canals, saw the quick flash of an electric head lamp sweep the surface of the canal a few hundred yards away. They pulled their boat back into the tall grass to hide and wait, a plan that works much better than trying to go to the poacher.

When the other boat was finally abreast of them, the refuge officers flashed their powerful lights on the poacher and ordered him to stop. But instead of stopping, the hunter heaved his weight against his long bamboo pole and set his little skiff scooting off into the protective cover of the grass on the other side of the canal. The officers had worked countless nights in the mosquito-infested swamps to catch this poacher, and now he was about to elude them once more. They started the motor on their more powerful boat and a few seconds later cut off the poacher's escape. They had made their move too fast to give him time to dump his alligators overboard. The most famous poacher in that part of Florida had finally been taken with plenty of evidence to make a sound case in federal court. When I visited with him, he had just returned from the resulting six months in the federal penitentiary at Tallahassee.

We sat beneath the metal-roofed shed outside his old house trailer. He lived alone on the back of his hide buyer's property. He was drinking bourbon mixed with rain water which dripped from the shed roof into an old washtub. Generously, he offered me a drink. I noted that already he wore a bright new pair of rubber boots, and nearby was a new cap with an electric torch mounted on it. Also, I saw a long bamboo pole that had not yet been used to push a boat, Obviously, he was getting prepared to go back in the swamp.

This old poacher was noteworthy because of his methods. Most alligator hunters slip into the rivers or swamps and out again the same night. Not this one. He stayed lost from the outside world in the depths of Loxahatchee for as much as two weeks at a time. He had established three semipermanent campsites in the federal refuge and had camouflaged them so effectively they could not be spotted from low-flying aircraft. A tarpaulin painted green was strung between trees, and at night he would pull his boat back beneath this protective covering, drop a mosquito netting around the boat and sleep there. In the bushes on a nearby shore he stored his supplies in garbage cans, all painted green. His accumulated alligator hides were thoroughly salted and rolled, then stored in clean five-gallon paint buckets, kept upside down to protect the hides from the weather.

His plan was simple. His hide buyer would haul him, boat and all, to some remote edge of the refuge in the darkness of night, and put him off with a load of supplies. At the appointed time, perhaps a week or two weeks later, he would pick the poacher up at the other side of the refuge many miles from where he had entered. This time, instead of groceries, the old poacher carried fresh buckets of hides, usually several hundred dollars worth of them. When he was finally caught, the list of confiscated goods in his camp covered 2½ pages. It included two military-type water cans filled with salt, 22 assorted magazines, a copy of the *Florida Wildlife Code* book, a paperback copy of SELF-TAUGHT BEGINNING SPANISH—WITH ANSWERS,

a 17-foot-long bamboo push pole, a 15-foot pole with a hook on the end, a supply of .22 caliber shells, six hooks with wire leaders, headlight, hatchet, and a set of dentures which gave the officers a clue as to how fast the poacher had vacated his camp. They were able to trace the dentures through a dentist, but they still never succeeded in getting the poacher to try them for fit.

There are a number of ways to dispatch an alligator, and the efficient poacher knows them all. Those under five feet in length are often grabbed and yanked into the boat, then killed. If the creature is bigger than that, he may first be stuck with a harpoon or battered on the skull with an ax. But, providing you can keep the law from detecting the muzzle flash or hearing the report, the most effective executioner of all is a little .22 rifle in expert hands.

Where do you shoot an alligator if you want to make a clean kill? "Not between the eyes," one poacher told me in his central Florida home. "He has a hard bone plate over his brain and the bullet would probably just bounce off. You shoot him right in the eye. But a better place yet is behind his skull and low enough at the base of his head so the bullet goes in under the skull bone."

The trouble with using a gun on an alligator poaching trips is obvious. There is a Florida law against night frog hunting from a boat if you carry both gun and light aboard. Consequently, alligator poachers may carry "throw-away" rifles. With the cheapest little rifle they can find, the loss is insignificant in case they must drop the gun into the murky swamp waters as a conservation officer's boat approaches.

Or you can suspend a large steel hook just above water level and bait it with a dead animal or piece of meat. Fasten the strong cord on the hook to a strong sapling and the alligator with the hook lodged inside him will usually roll up in the line and can only lie there helpless until the poacher arrives and dispatches him hours later.

One old Florida poacher once told me that a yapping dog will attract alligators. He sometimes took one of his dogs along in the boat. Deep in the swamps, he would twist the mongrel's ears or otherwise torture him until he yelled. "Them alligators," he grinned broadly, "would stick their heads up all around."

One Florida conservation officer, R. I. Roberts of Sanford, has his own candidate for the most unlovable alligator poacher he knows. The man operates a fishing camp in the valley of the St. Johns River south of Sanford. The conservation officers made one case against him for illegal taking of alligators that brought a court conviction and a $300 fine.

One day, out of the clear blue, Roberts saw the poacher's boat coming toward him. "You always wantin' to check my boat," he told the officer. "You want to check it now?"

Roberts said, "Yes. I'll check your boat." Then he proceeded to drag from beneath the seat of the man's airboat a burlap bag that had some peculiar bulges in it. Something about the bag warned the officer. He saw a slight movement of the burlap.

So instead of reaching into the bag, he tipped it up, and out came an exceptionally healthy 5½-foot rattlesnake. The infuriated Roberts charged the poacher with illegal possession of a reptile and improper handling. In the only rattlesnake case in Florida history the judge found him guilty, fined him $20 or 20 days, then suspended the whole sentence. "That," said Roberts in disgust, "was for tryin' to kill me." (And the home of an Everglades park ranger has been the frequent target of harassment by angry poachers, who dump rotting alligator carcasses in his yard.)

Game protectors in Florida know the tricks of gator poaching as well as the poachers do. Some were hunters themselves who have turned their energies to pursuit of the illegal hunter. The hours they pour into their pursuit of alligator poachers are seldom counted. There are long nights of lying out in mosquito-infested swamps waiting for the moment when a poacher can be taken with enough evidence to make a case stick in court. One case that will not be quickly forgotten by Lieutenant Tom Shirley and his officers, operating out of Fort Lauderdale, required the services of seven officers on and off over a two-month period.

Lieutenant Shirley's men are responsible for that vast Everglades country lying between Everglades National Park and Lake Okeechobee. "In the dry periods," says Shirley, "the gators concentrate in holes and the poachers can sometimes make big hauls in small areas. We had been trying to catch this one man for a long time."

During April and May 1967, when the drought had crowded alligators into the few remaining holes of water, the law enforcement people began checking the area from the air two times a day. Eventually, Shirley moved two of his men into the swamp to camp near the scene of the poaching. For two weeks they stayed there, always in radio contact with fellow officers who could swoop in by airboat or half-track if given the word.

Late one afternoon the two officers, certain their man was in the swamp after alligators, secluded themselves inside a concrete pump house beside the drainage canal where he would emerge from the swamp. Eventually, the poacher came out of the swamps. But it was plainly evident in the remaining daylight that he did not carry any illegal hides. He did, however, carry a walkie-talkie.

For the next two hours the poacher stood on top of the pump house studying the terrain. Finally, near the end of the day, he flicked the switch on his radio. "Okay boys," he said, "it's all clear. Come on out."

Soon two accomplices emerged from the swamp. They had secured their hides in a metal tank with a false bottom. When the officers emerged from the pump house to confront the surprised poachers, one of them managed to get the tank with its evidence into the deep waters of the canal. Darkness had, by this time, settled on the swamp, and the officers suddenly envisioned the case into which they had poured weeks of effort—and several thousands of dollars worth of man and aircraft time—dissolving right in front of them. One of the officers, not even hesitating long enough to remove his gunbelt, leaped to the edge of the canal and dived in after the tank.

Out of the tank the officers brought twelve alligator hides measuring 5 to 5½ feet each. They had their evidence, and they made their arrest. But the bitter part was yet to come.

After several months delay, the case came up in the Court of Record and the poacher pled guilty, whereupon he was fined $150. As Tom Shirley pointed out, this was less than the value of the hides which, figured at $5.50 each, were worth about $350. "If he gets caught even once a month," said Shirley, "that's just a business risk. Such low fines only encourage poaching. Judges fail to see how important their part is in enforcement, and the only one that profits is the poacher. We figure," he added, "this man will be active again."

Experienced conservation officers might become suspicious about alligator poaching activity for any of a number of reasons. In Sumter County near the Sunshine Parkway there is a dwelling that drew the concentrated attention of conservation officers during the summer of 1966. There were three reasons why they decided this might be a building worth investigating. First, it was a pleasant home of recent construction in an attractive shaded setting but supposedly vacant; there were no vehicle tracks in the driveway. Second, it was in the woods behind the home of a known agent for a suspected hide buyer. Third, they got a tip-off. They gathered information on the case for nearly a year.

Two law enforcement men were eventually dropped off along the highway. They watched the building for two days and two nights. There was a breezeway on the side of the house and fresh tracks ran from it through the woods to emerge on the lane of the agent. Also on the breezeway were two compressors to pump up shock absorbers on a car that might be used to haul heavy loads northward to Georgia.

In the breezeway wall was a 3- by 3-foot hole that connected with a salting and measuring room. The hunters usually measure their hides, but the buyers don't trust them and consequently remeasure them and tell the hunters what they will bring. The salted hides were carefully rolled and stored in a 55-gallon drum buried among the weeds out in the barnyard with three inches of the drum above ground level to keep water out.

Eventually, when two workmen came to process hides in the room off the breezeway, the conservation officers moved in for their arrest. They confiscated $700 worth of alligator hides including one 13-footer. The men were fined $200 or 90 days each, and their buyer paid their fines.

The scaly black hide of an alligator has a long way to go from the swamp to Fifth Avenue. It is one thing for a poacher to kill, skin, and salt down an alligator hide, and another to move it through the various illegal channels until it emerges in the world of fashion as a status symbol, shiny and costly, and free of the onus of its illegitimate beginning.

It is believed that most illegally taken alligator hides leave Florida through legitimately licensed fur buyers. There were three fur buyers who purchased the $100 state licenses last year. This makes it legal for them to deal in furs during the open trapping season. But alligator hides tend to move to market through the same channels as other skins. One of the licensed buyers operates in north Florida, one in the Tampa area, and the biggest of the bunch in central Florida.

In addition the buyers have agents scouring the country buying up merchandise for them. These agents have the state's $5 license, paid for by their employers. Then there is a third class of buyer, the local resident fur dealer, a free agent buying and selling where he chooses. He operates under a $10 state license. It is likely that alligator hides also leave Florida in the possession of handlers who do not bother to buy any state license. One such operator in the Orlando area is believed by law enforcement men to be hauling skins in the trunk of his automobile north to Georgia.

Properly salted, alligator hides will keep indefinitely. There is no big rush to get them to the tanners. If the heat is on, the contraband can be stashed away in a dry place—preferably in a dwelling because it cannot be searched without a warrant—until things cool off.

Bushnell, Florida, is widely known among poachers because of the relentless law enforcement efforts of Supervisor Roscoe Hamilton and his conservation officers. In Hamilton's kitchen one morning I talked with this veteran officer and his assistant, Jimmy Adams. Hamilton brought from his file a road map of Florida. Marked on it were the locations of most of the alligator hide buyers in the state, as well as the routes they drive in collecting their hides and hauling them north out of Florida. The town of Valdosta, Georgia, was heavily marked on Hamilton's map. This is considered a distribution center, heart of the illegal hide business in the southeast. From here the hides are believed to go to tanners in the New Orleans

area, sometimes back to the Tampa or Miami areas, but most often to a large tanner in New Jersey. Many go overseas for processing, to come back eventually as costly finished shoes or handbags. By the time an alligator hide reaches the tanners, the price has gone up with every change of hands until it is now valued at more than $20 a foot.

One Florida hide buyer who has been arrested for possession of alligator skins is a grandmother in north Florida who was left to run the hide and fur business on her own after her husband died several years ago. I stopped one afternoon to talk with her. Behind her neat, white one-story home is the unpainted woodshed where she conducts her hide business. "First, are you for the alligators or against them?" she asked, then promptly let the question drop as she began denouncing a lengthy list of officials she dislikes. Included were Dr. O. Earle Frye, Jr., Director of the State Game and Fresh Water Fish Commission; the Internal Revenue Service, which has taken a sudden critical interest in her activities; and game wardens, wherever they might be.

Also on her list is Florida's Senator George A. Smathers. "Did you hear what Smathers wants to do now? He says he's a gator lover. Said it right out in the paper." What Senator Smathers had introduced was federal legislation making interstate transportation of any part of an illegally taken alligator a federal offense. "But I don't think all them big tanners and all are gonna let him get away with passin' a bill like that."

Although not exactly a "gator lover" herself, she said, "Now I don't go for what they done to Ole Joe." She was recalling the 11-foot monarch of Wakulta Springs Wildlife Sanctuary, killed by vandals in 1966. "That was just plain bad. But you know what I was glad of? They didn't skin him. So they can't blame this on the poachers."

As a licensed buyer she receives notice of the lots of illegal hides confiscated and auctioned off by the state. "But they just make plain damn fools of us," she complained. "You know what they do, they take our merchandise, then sell it themselves, and I don't think that's fair."

As well as other Florida buyers, she traveled to Tallahassee on February 23, 1967, to inspect a recent lot of 811 confiscated alligator skins ranging in length from one to ten feet. Near the end of the day, after everyone had sufficient time to judge the worth of the lot, Director Frye proceeded to compare the bids. Among them was the bid of the Japanese firm of Kanematsu Fosho. "You know what Frye said? He just picked up this Japanese bid and he says, 'Gentlemen and ladies, this covers you all's bid.' "

The bid price on the lot was $11,054.71. "Sure the tanner can bid lower," she complained, "they can take off our margin."

The tanner to whom she once shipped her hides, she told me, was Peter Baran and Sons, Inc. The Yellow Pages of the Manhattan telephone directory say of this Harrison, New Jersey, firm, "Genuine 'Baran' Alligator Leather." When her largest competitor in Florida threatened to boycott the New Jersey firm, she was squeezed out and forced to turn to a tanner in Louisiana for her market.

Some years ago, on a bright Sunday morning when many of her neighbors were in church, she was returning to Perry from Punta Gorda with a valuable shipment of alligator hides in the trunk of her car when a police cruiser suddenly pulled abreast and signaled her to the curb. "He told me I was speeding. It was a 35-mile zone, and I told him 'no I wasn't speedin' neither.' " Then she began to understand what was happening. Within minutes she was surrounded by sheriff's cars as well as half a dozen conservation officers. Plainly there had been a tip-off.

"I felt like laughin'. They was all standin' around nervous and shakin' like they didn't know what to do next. I said, 'What you boys think you got here, Ole Ma Dillinger 'er somethin'?' It's the damn truth. I laughed. I turned to this warden. I know all them wardens. I said, 'What you want Shepard?' He said they wanted to search my car."

She had the answer for that. "You got a search warrant?"

"No," one of the officers replied. "You want me to go get one?"

After awhile she decided that with or without a search warrant the results would be the same, and told them to go ahead and search. They found $750 worth of hides packed in the car trunk and arrested her. They escorted her to the county seat, where her bail was established at $750. She forfeited the $750 "business expense" and the state sold her "merchandise." She would answer no questions about the source of the hides.

What would she do about the fate of the alligators? She admits that they are getting scarcer, especially the big ones. The blame she insists, however, belongs more on the drainers and developers than on the poachers. "They say the poachers is killin' off the seed, that there not gonna be any alligators left. What we want is a legal season."

That the dealers would work together at all indicates their concern over a common enemy. They are ordinarily not close friends, and they harbor deep suspicions of each other as they compete for the limited supplies of a high-value product.

The rapidly diminishing supply of alligators has forced a changing pattern of living on many who grew up thinking the supply of gators was inexhaustible. There were men like Clyde "Scrammy" Hunt and his brother Robert, who from the time they were four years old were off in the woods with fish hooks and slingshots so often their parents usually didn't know where to find them. They learned to take allegators and sell the hides when it was legal.

But when the State of Florida finally closed the season completely in 1961, Scrammy and Robert went right on hunting gators. "I always figured," Scrammy said, "I could outsmart them."

When I first called Hunt's home, he was out shoeing horses and would not return until late in the evening. I arranged to stop and see him early the next morning.

Scrammy Hunt lives with his wife and children and a pack of hunting dogs at the end of a long, shady lane on the south side of town. His land includes a pond in which he hopes to start a new legal enterprise—raising alligators. At 35 he is a stocky, slightly balding man. Hunt's favorite way of killing an alligator was with a .22 rifle. "Shotguns make too much noise," he said, "and there's no sport to it, anyhow." But he needed a rifle that he could hide. "I had to have a gun that didn't look like a gun."

He obtained a little single-shot .22 and removed the stock. Then he sawed off the barrel to about 12 inches. "When you're hunting at night," he explained, "you have to worry about being seen and heard. I filled a Prince Albert can with Brillo pads and fitted this on the muzzle. It cut out the muzzle flash and also acted as a silencer.

"It was hard to hold without a stock," Hunt added, "so I made one out of wire. It was a little heavier than clothes-hanger wire and fastened to the barrel with a single screw. It didn't look like a gun stock. It didn't look like anything. It was lying right in the bottom of the boat lots of times when we was checked."

When the gun was not actually in use Hunt would carry the bolt in one pocket, the essential screw in another, and the barrel taped out of sight under the deck of the boat. He could assemble it in 15 seconds.

The biggest haul the Hunts ever made in a single night was $700. In one three-night period they cleared $1,500 plus $150 each on frogs. Even on poor nights they expected to make at least $100. The limiting factor on income for an alligator poacher is the speed with which he can remove skins from the creatures. This is a job not as easy as sometimes visualized, and the bigger the alligator the more difficult the skinning task.

Hunt and his brother killed alligators even when they thought there might be wardens observing them. After they had two or three alligators ready to skin, Scrammy would cruise close to an island and Robert would jump ashore with the gators. Then while he skinned them at his leisure, Scrammy would continue to cruise around the lake, drawing the constant attention of any observers, and perhaps occasionally approaching the island close enough to heave another alligator over to his brother. To keep from getting the telltale blood in the boat, he would tie a line to each alligator killed and tow it behind the airboat. This system accounted for the removal of a staggering total of alligators over the years. Scrammy Hunt has no idea how many alligators, legal and illegal, he has killed.

Conservation officers knew what the Hunts were up to. They matched their movements off and on for weeks, then kept them under surveillance every night for a month. Seasoned game wardens know it is almost impossible to chase down a poacher and catch him with the necessary evidence for a court conviction. There is too much opportunity on a dark night to toss the hides and weapons overboard. The idea instead is to let the lawbreaker come to you.

"We got outsmarted," Scrammy Hunt admitted. They came off Lake Apopka late one night. When the officers turned the lights on there was no time to get rid of the skins. The officers knew Hunt carried his hides wrapped around his body inside his loose-fitting shirt. "I remember once they checked me," said Hunt, "when I had two sixes and a seven-footer wrapped around me. I looked kinda bulky, but I knew they couldn't search my person in a case like that."

On this occasion he also thought there was a chance he could get rid of the skins without being noticed. For two hours they argued. The officer announced they planned to search him and ordered him to spread-eagle against the side of one of their cars. Hunt told them, "Hell no." He had once worked for three years with the Game and Fresh Water Fish Commission on an alligator research project. He quoted them the applicable portions of their own code book as his authority for refusal. The frustrated officers, the prize within their grasp, called supervisor Roscoe Hamilton by radio.

"I should have made a run for it," Hunt said, "and lost them hides in the water, then let them catch me again. But by then it was three or four o'clock in the morning and we were all tired. I just said, 'All right, go ahead and search me.' "

One of the officers quickly felt around Hunt's waistline inside his shirt and found four skins wrapped around his chest. The Hunts were convicted and sentenced to three years on probation. Already a year and a half of that time has passed.

Hunt looked upon alligator hunting as a great sport, and misses his nights on the water sharply. "But the only way to break off," he says, "is all at once, like with cigarettes." In some ways life is better since he was caught. "The bad thing about it was that there wasn't much family life," he says. "I'd work all day, rush home, eat supper real fast, load up the airboat, and be out all night hunting."

Hunt's airboat rested, well-painted and clean, on a boat trailer in the front yard. "I'm going to sell it," he said. "I want to get a permit to start an alligator farm and raise gators. If they keep getting scarcer, I think there will be a demand for them. I know I can raise them. I'll sell the airboat to buy the chain link fence for my pond." He

paused and looked at his boat. "Break my heart," he said. "But I won't be needing it now."

While the poaching industry continues to hack away at the remnant populations of alligators, and legislators lose time in bringing them the protection of federal law, the State of Florida labors beneath its responsibility. As much as a third of the budget for the Game and Fresh Water Fish Commission in some regions goes to enforcing laws against illegal taking of alligators. Meanwhile, the state's biologists dig deeper into the reptile's secrets.

In charge of Florida's alligator research project until recently was biologist Tommy Hines. I talked with Hines one day in his office in Fort Lauderdale. There are, he assures me, still a lot of alligators around. Nobody knows how many. Alligators are not easily counted. But could the alligator population be wiped out if present trends continue? Hines considered the question for several seconds. "Yes," he said. "They could." Then he elaborated.

An alligator does not reach sexual maturity until it is five or six years old. By that age it is also big enough to be in prime condition for the hide industry. Biologists have learned that the sex ratio of young alligators is not balanced, but leans heavily to males, sometimes as high as 70 percent. As the alligators increase in age, the sex ratio tends to level out. But in a more youthful population, where the breeders are not allowed to grow old, this imbalance limits the number of females available for producing eggs. Alligators have long incubation periods, relatively small clutches of eggs, and suffer great losses of young to a wide range of natural predators. The conclusion can only be that the alligators' success has been closely tied to long life for the producing adults. These are the ones most vulnerable to poaching, and the average alligator's size has become smaller and smaller.

There is widespread agreement that the real way to stop the poaching is to cut off the market for the skins—to eliminate the processing of skins into items of commerce. And the key to that is federal legislation.

The poaching fraternity, well aware that such federal legislation would spell an end to the lucrative business, is now eager to have an open season as an alternative—so eager that a group of buyers and dealers recently met on a Sunday morning in Bushnell, Florida, in conference with an attorney they have retained to represent them in this campaign. Surprisingly, an open season is favored by Director Frye.

No one has quite explained satisfactorily how an open season would eliminate poaching. For as long as alligators hides can be legally taken *anywhere*, the illegal ones can be smuggled to a state with an open season, and then shipped from there camouflaged as legitimate skins.

The territory where alligators can be legally killed has dwindled to almost nil. The big reptiles are found from North Carolina around the coast south to Corpus Christi, Texas. In an important move, the Georgia Game and Fish Commission recently closed the entire state to legal hunting of alligators. (Still, one state wildlife aide recently commented, they are shot regularly by ill-informed fishermen and others who are afraid of a gator attack—an extremely rare occurrence, even when provoked.)

The season is also closed now in North Carolina, South Carolina, Alabama, Florida, Mississippi, Arkansas, and Louisiana.

In Texas, a "no open season" regulation has governed the state's 33 coastal counties. But if a gator wandered into any of 221 other counties, he could have been legally killed. On July 10th, however, the Texas Parks and Wildlife Commission extended protection to the alligator to all but about 40 counties where the commission lacks such authority. And there are few if any of the reptiles in those last counties.

There may also be a very few alligators in the far southeastern corner of Oklahoma, a state where the reptile is unprotected. But, said an aide of the Department of Wildlife Conservation there, "If someone said he killed five gators, we'd figure he had wiped out our population."

And Georgia's welcome law does not control commerce in alligator hides, hence Valdosta and nearby Homerville remain the hub of illicit interstate traffic. So when the Georgia General Assembly convenes in January, bills will be introduced to regulate the hide and fur buyers.

But state regulations have not been enough, nor do courts help matters much. Even federal district court juries in Florida have been reluctant to convict poachers of killing alligators, despite overwhelming evidence. Poachers, conservationists, government officials, state and federal alike, all agree: federal laws, and strict enforcement, are needed to help bring an end to the hustling illegal traffic in alligator hides.

Such legislation has been urged by the National Audubon Society, the Southeastern Association of Game and Fish Commissioners, and many others. In addition to the Smathers bill, legislation introduced in both the House and Senate would extend the protective canopy of the famed Lacey Act of 1900—credited with stopping the illegal traffic in bird feathers—to halt interstate shipment of poached alligator hides, or any other animal taken contrary to state laws. Fines of $1,000 and prison terms of up to two years are specified.

Those proposals should soon become law. House approval came shortly before Congress left for the conventions. Senate passage was expected after Labor Day.

The only losers will be the poachers and their kin and the segments of the world of fashion rich enough and callous enough to boast of products fashioned from illegal materials.

FREEDOM'S CHALLENGE

Mr. MUNDT. Mr. President, this week each Member of the Senate has had the refreshing opportunity to spend several hours with two young constituents selected to participate in the Senate youth program sponsored by the William Randolph Hearst Foundation.

The representatives from our home States, high school seniors, are spending the week in Washington, learning about their National Government.

The youngsters we met with this week, and particularly Wednesday when all of us were together for the luncheon meeting addressed by the Vice President, are of the generation that will provide tomorrow's leaders.

During the course of this year, many more opportunities will be presented for us to meet other young constituents—other future leaders—who will be coming to Washington, recipients of award-winning trips to our National Capital because of their achievements.

There will not be the public notice given these youngsters of the type given some other members of their generation who, in Washington earlier for the inauguration, did make headlines because of their disruptive activities.

However, the fact that our guests of this week, and those who will be coming in the future, will not make the headlines, does not lessen in any sense their individual records of accomplishments nor in any way remotely demonstrate that these outstanding young citizens are not representative in very great degree of the young people of America and who, truly, will be tomorrow's leaders.

They will be tomorrow's leaders because of their intellectual capacity, because of their abilities to recognize and deal with problems, and, most of all, because of their willingness to assume the responsibility of citizenship in working to build a system and society on the foundation of self-government we have.

"Builders for tomorrow" is one description which is applicable to youngsters, such as Mary Patricia Bierle, of Yankton, S. Dak., and Stephen Carl Hunt, of Sioux Falls, S. Dak., who were among the 100 Senate Youth Program representatives here this week.

Another such "builder for tomorrow" is William H. Jockheck, a Redfield, S. Dak., high school student.

He will soon be in Washington as South Dakota's winner of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars, joining winners from each of the respective States.

In my mail this week I received the text of Bill's radio script which won for him South Dakota's top honor.

His essay, entitled "Freedom's Challenge," reviews the concept of freedom and its relationship to his generation. I think it is representative of many of our young people who are searching for their place in a world not created by them, who are trying to determine what their contributions are to be in a social structure which they inherit, but who firmly believe that to make the world a better one, and our society a more productive, happy one, you do not destroy that which we have in mindless, reckless episodes of disorder and anarchism.

Perhaps Bill Jockheck puts his finger on the problem with this comment:

> But he knows not freedom whose freedom has not been threatened. . . . Since my generation has known nothing but freedom, we take it for granted.

I do not say the Bill Jockheck's generation does not understand freedom. In fact, the essay I shall place in the RECORD indicates to me that Bill Jockheck has a firm understanding of liberty and the involvement of good citizenship to retain liberty.

But possibly Bill Jockheck is giving us some insight into what some of the problems are with those who have determined that most of what has gone on in this country for nearly 200 years, that much of what we believe in, and that many of the traditions—such as the simple act of loving one's own country—which give the fabric of freedom sustenance, are all wrong.

But, beyond that, I believe he has given us greater insight into the type of generation growing up that we really have in America, for I think Bill Jockheck—and the many, many young leaders of which he is a part, who will be coming to Washington this year as the 100 Senate youth representatives came this week—represents the vast majority of young Americans working to build upon and not tear down the structure of freedom.

Mr. President, I ask permission to have

printed in the RECORD the radio script, "Freedom's Challenge," by William H. Jockheck, Redfield, S. Dak., the first-prize winner in the VFW's Voice of Democracy contest in my State.

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

FREEDOM'S CHALLENGE

(By William H. Jockheck, Redfield, S. Dak.)

We have just come from a field of battle. In that battle, we have selected a president. But in this regular phenomenon there is something singularly unusual. That is the field on which the battle is fought, a background of freedom with a structure of democracy.

This field is of great value but members of my generation are losing sight of just how valuable and how dangerous such a field can be. The last two generations know all too well the cost of freedom, and in their struggles to preserve it they saw it as a glowing gift, an end in itself, to hand to their children.

But he knows not freedom whose freedom has not been threatened. Freedom means nothing lest those having it be threatened with its loss. It is only in this way one can know the meaning of freedom. Just as one does not know the meaning of hunger until he has been starving; one does not know the meaning of freedom until he has been without it.

Thus today, the threat to freedom is not from without so much as from within. Since my generation has known nothing but freedom, we take it for granted. What is worse, many keep grabbing for more and more of their so-called freedoms. They want freedom from morals, freedom from work, freedom from laws.

These individuals can be seen in demonstrations from coast to coast. Somehow, they believe they deserve complete freedom. They are not concerned about how their freedoms affect others. Many times the limits of freedom are described thus: your freedom to swing your arm stops just short of the end of my nose. This means nothing to growing numbers of young people. They think it is their right to be able to destroy public and private property, hold public officials and demand exemption from the laws. Their freedoms are one-sided. If the freedoms they expect were granted for all, there would be anarchy. But anarchy results in elimination of rights and protections. Freedom can only exist within the bounds of regulations. Freedom must be restricted or there can be no freedom for the majority.

These facts are ignored by those idealistic and impractical youths who have known nothing but freedom. This generation raised in permissiveness can not see beyond their own desires. To them, freedom is theirs. They fail to see the situation from a practical standpoint. What would happen if these so-called freedoms were given to all?

These individuals have failed to see what freedom is. Freedom is not a golden god to be worshipped. It is a tool. A tool with which we can improve ourselves, our society and our world. But like all tools it can also be used as an instrument of destruction as well as construction.

Freedom can be easily compared to atomic energy in this sense. The atom used for peace has practically no limits on what it can do. It can power our cities, light and heat our homes, create mutants for greater productivity and on and on the list goes. But as a tool of destruction it is also unparalleled in its potential.

So it is with freedom. Properly used in moderation, with respect for the rights of *others* and not just our rights, freedom and democracy can lead to peaks of prosperity and peace, but if freedom is only taken, without respect to responsibility, it can be just as destructive as any bomb. Those who want freedom without responsibility have failed. They will turn freedom into a destructive force. But to take freedom and willingly accept its responsibility, to use it in appropriate moderation, with respect for others, this is freedom's challenge.

THE POLITICAL RIGHTS OF WOMEN—XVII

Mr. PROXMIRE. Mr. President, the Senate should ratify the Human Rights Convention for the Political Rights of Women. Throughout history women have been called upon to give leadership to their country. This Nation can boast a proud heritage in this respect. The names of such women are legion—but we should not rest on the laurels of history. In the future, our Nation and the nations of the world will need the political leadership of all their citizenry, men and women alike.

In our national laws and in the U.S. Constitution there is much to insure the recognition of the political rights of women. Since the inception of the Constitution in 1789, women have been assured of many rights. With the 1920 ratification of the 19th amendment, women gained the primary instrument of political power, the right to vote. These rights have been incorporated into the Convention for the Political Rights of Women.

Such rights are clearly a part of our history and our heritage. We must now be concerned with living up to this fine tradition of political equality among all citizens of the United States. Yet the fate of citizens elsewhere must concern us too. We should ratify this convention, and other human rights conventions, which so clearly extend to others the rights which we take for granted.

FEDERAL LAW AND FEDERAL JURISDICTION FOR AIRCRAFT ACCIDENTS

Mr. TYDINGS. Mr. President, in 1968 the death toll of travelers on U.S. airlines was 303, a total in the history of aviation second only to 1960's 336 passenger deaths. Each air crash was a major tragedy for a large number of widows, children, and others dependent upon those killed in the crash. At present the sole legal course open to these dependents is a wrongful death action governed by State law.

A typical modern air crash involves passengers who are domiciliaries of a number of different States, and who are flying from one State to another, over innumerable intervening States. Responsibility for the crash may lie with the U.S. Government, the carrier, the airplane manufacturer and possibly one or more of the manufacturers of the component parts of the airplane. As a result, actions will be brought in any number of different State courts, or Federal district courts, and multiple trials will be had of the same issues. In addition the judges will have to find their way through a maze of conflicting State laws in order to determine the rules of law which will govern the litigation. The result is a considerable waste of judicial time, an increase in the expense of litigation, and a considerable delay in the rendering of justice to persons who are frequently badly in need of assistance. Furthermore, under the existing system, the possibility looms that the survivors of different individuals on the same plane may have different law applied to their cases and achieve differing results, even though these people are all victimized by the same crash and the same engineering defect or human error.

Last April I introduced two bills, S. 3305 and S. 3306 as exploratory efforts at treating the air disaster cases by replacing the multitude of diverse State rules with uniform Federal law and replacing the jurisdiction of the State courts with Federal jurisdiction which would facilitate consolidation of all cases. These bills were referred for study to the Subcommittee on Improvements in Judicial Machinery of which I am chairman.

During the hearings held on these bills in the spring and summer of 1968, the subcommittee received a number of important suggestions for the improvement of the legislation, and, on the basis of those suggestions, a somewhat revised approach for the handling of the litigation arising from aircraft crashes was developed and introduced on September 24, 1968, as S. 4089.

S. 4089 differed from S. 3305 and S. 3306 principally in the scope of the legislation. Whereas S. 3305 applied only to interstate commerce flights, and S. 3306 applied to all aviation and space activities, the jurisdictional and substantive law provisions of S. 4089 were more intricately woven, providing exclusive Federal jurisdiction only for those aircraft crashes which ordinarily involve substantial numbers of people and suits in multiple courts. On the other hand, S. 4089 provided that a uniform body of Federal law should apply to all aviation activities and to all space activities within the national sovereignty of the United States.

Further study this past fall has disclosed a number of worthwhile modifications for the provisions of S. 4089, and I intend to introduce a bill incorporating those modifications. On the whole, they make few substantive changes, serving merely to clean up and to clarify the proposed statutory language. One change bears particular mention, however. Excluded from the coverage of the uniform body of Federal law provided for in S. 4089 was all space activity outside of the "national sovereignty" of the United States. This exclusion was designed to avoid any possible conflict with future developments in international law. Upon further reflection, however, two things became clear: First, such developing international law is a natural and necessary component of the body of Federal law provided for in S. 4089; and second, no possibility of interference with such development exists if the statutory language is carefully drafted to make it clear that, as a choice of law matter, international law will govern space activity out-

side of the "national sovereignty" of the United States. I believe that the relevant language we have included in the bill I intend to introduce fulfills this goal.

The situation with regard to the judicial treatment of aircraft crash litigation is serious and constantly getting worse. In the not too distant future, new 500-passenger supersonic transports will be handling much of our commercial air traffic. As engineers are improving airport facilities and revising aircraft safety procedures in the anticipation of the greater demands soon to be placed by increased air travel and larger aircraft, lawyers and legislators have an obligation to keep pace. It is my hope that the proposed legislation will be passed and will operate to bring the judicial resolution of aircraft crash litigation into the modern era.

OIL AND GAS LEASE RENTALS

Mr. HANSEN. Mr. President, on December 26, 1968, the then Secretary of the Interior Stewart L. Udall published in the Federal Register a proposal that would authorize an increase in the rental for noncompetitive wildcat oil and gas leases from the existing rental of 50 cents per acre to an undisclosed amount. The proposal states that the "authorized officer," whoever he might be, can increase the rental "in excess of 50 cents per acre, where the prospective value of the land so offered for lease justifies such higher rental." To say the least, this is a vague and indefinite test as to which leases would be affected. Further, there is no limit placed on how much the increase could be.

There are no standards or guidelines contained in the proposal as to which leases would be charged the higher rental. The new proposal simply states:

> In simultaneous leasing, the amount of the required rental, if in excess of 50 cents per acre, for a particular leasing unit identified by parcel number will also be posted on the bulletin boards in the land office.

Mr. President, this proposal is not only vague and lacking in standards and guidelines, it is a serious blow to our Nation's security. At a time when responsible Government officials, including former Secretary Udall, are urging an increase in the search for oil and gas, the Secretary proposes to increase the rentals for public domain acreage.

It is incomprehensible that the Interior Department would take this action which is bound to discourage leasing and thus drilling on the public domain. The same Department of the Interior and the same Secretary in a study made by it, entitled "An Appraisal of the Petroleum Industry of the United States," published in January 1965, concluded, with reference to the severe decline in oil and gas drilling:

> The effect of these declines has been to slow the growth of proved reserves of crude oil almost to a halt. Between 1950 and 1956 total year-end reserves increased by 5 billion barrels. In the succeeding six-year period (1956–1962) reserves increased by less than one billion, and in four out of the past seven years additions to reserves have been less than withdrawals for use. However, additions to reserves of natural gas liquids and condensate were greater than annual production and thus helped cushion the decline in the ratio of proved reserves of total liquid hydrocarbons to production. This is no cause for immediate alarm, but it does indicate that what has been done since 1956 to find new supplies of oil, whether through new discoveries or through increasing recovery rates of old deposits, has not been enuogh to provide a sound basis for future growth. Additional exploratory effort is needed, particularly in new field wildcat drilling.

In a further study published just last year, the Interior Department declared:

> In its role of trustee of the Nation's energy resources, government has responsibility for insuring that they are developed and used most effectively to advance the general welfare. This runs to such varied tasks as making the resources on the public domain available for development in a timely and efficient manner—with due regard for the ecology and natural beauty of the landscape; for minimizing waste in the production of energy resources; for protecting the consumer against unfair pricing where competition does not provide this protection; for seeing that the specific requirements of national security are provided for; for encouraging the development of new energy sources.

The Department of the Interior concluded this study by stating:

> The choice of action relates mainly to the emphasis and direction which might be given to programs already in operation—to leasing terms, to import levels, to regulations governing drilling and production, to accelerated effort for research and development on synthetic fuels, to weighting incentives for exploration. There is still time to wait for a clear signal either of the efficacy of present industry efforts, or of a turnaround from the historic decline in activity which began in 1956. But it ought not be too long in coming.

Mr. President, here is the Department charged with encouraging the search for oil and gas, the Department which has recognized the need to step up drilling, now proposing changes in its lease rentals which will discourage leasing and drilling for oil on the public domain which will further aggravate an already serious situation.

In 1960, Congress enacted Public Law 86–705 which, among other provisions, authorized an increase in the minimum rental from 25 cents an acre, which it had been for 25 years, to 50 cents an acre. In its report accompanying this legislation, the Senate Interior Committee declared:

> It believes that such an adjustment will add incentive to actual exploration and development, discourage excessive speculation in applying for and holding leases, and result in increased revenues to the Treasury and the states.

This sounded good; but when we check the facts, we see a different picture.

Acreage under lease for oil and gas on federally owned lands—public acquired and Indian—declined for the eighth consecutive year in 1967. Acreage under lease on these lands reached a peak of 121,448,000 acres on December 31, 1959, the year just prior to enactment of the 1960 act, and has declined steadily each year since then.

Total Federal acreage under lease on December 31, 1967, amounted to only 64,609,000 acres, 47 percent less than at the end of 1959. During this period, a total of 56,839,000 acres were dropped.

Acreage under lease on the Outer Continental Shelf increased during this period from 1,465,000 on December 31, 1959, to 3,545,000 at the end of 1967. This means then that Federal acreage under lease for oil and gas, excluding the Outer Continental Shelf, actually declined by 58,918,000 acres or almost 50 percent.

Total acreage under lease in the United States for oil and gas declined during this same period from about 425 million acres at the end of 1959 to 325 million acres at the end of 1967, a drop of 100 million acres or 24 percent. It may be noted that well over half of all the acreage which has been dropped since 1959 has been on federally owned lands.

Mr. President, this downward trend in oil and gas leasing on the public domain has had a direct and adverse effect on the Rocky Mountain area of our Nation and particularly on my own State of Wyoming.

At a time when our Government should be encouraging the search for the much-needed new oil reserves, it appears that it is doing just the opposite.

While our Federal oil and gas leasing system is not perfect at present, it certainly cannot be improved upon by such a proposal as this eleventh-hour bomb dropped by the outgoing Secretary of the Interior.

This unwarranted action is highly disturbing. This highhanded proposal will do great damage to my State and our Nation.

Any broad and far-reaching change as proposed should certainly not be allowed to take place without thorough hearings and full consideration of all the factors involved.

Mr. President, I am hopeful that the new Secretary will provide all concerned with adequate opportunity to be heard on this proposal.

It is unbelievable that an outgoing Cabinet member would take such drastic last-minute action, especially the same Secretary who 8 years ago rescinded an oil import regulation and issued a blast against the previous administration. The then Secretary of the Interior Stewart Udall said that his rescinding order "in effect, revoked the eleventh-hour regulation promulgated by the Eisenhower administration."

Mr. President, I earnestly believe that this proposal is an ill-conceived policy change that would be detrimental to the Nation's security and economic welfare. Therefore, it should be withdrawn until, as I mentioned earlier, adequate hearings and full consideration can be given to this matter.

OIL DEPLETION ALLOWANCE CAN OFFSET TAXES ON OTHER INCOME

Mr. PROXMIRE. Mr. President, during the debate of January 22, 1969, on the confirmation of the nomination of Gov. Walter Hickel to be Secretary of the Interior, I spoke at length on the responsibilities of the Secretary over the oil industry. During that speech I pointed

out the many special tax privileges which the oil industry receives. I listed the fact that dry holes can be written off; that the industry can "expense" in 1 year, through the intangible drilling and development cost deduction, many items which other companies must capitalize and depreciate over the life of the asset and which, in fact, the companies do capitalize and carry on their books for other than tax purposes; the notorious 27.5-percent depletion allowance; the 14-point Western Hemisphere deduction; the "golden gimmick" by which oil royalities paid by American oil firms to Middle Eastern sheiks and potentates are offset against the actual taxes owed in this country.

During that debate I described the depletion allowance and then went on to say that:

The depletion allowance can be used to offset income from sources other than oil. Those who invest in gas and oil often do so in order to reduce their taxes from other sources.

STATEMENT CHALLENGED

At this point in the debate the Senator from Iowa (Mr. MILLER) raised a question about my statement. He said—and I quote him from pages 1508–1509 of the RECORD for January 22:

It is the understanding of the Senator from Iowa that the percentage depletion deduction is only available with respect to oil properties, or the income from oil properties. If I understand the Senator's statement, he has a different understanding.

I replied that I certainly did have a different understanding and that I would be delighted to provide the evidence for the RECORD and substantiate my statement.

I shall do that now.

NOT A SIMPLE MATTER

The matter is not simple and there is no reason why the Senator from Iowa or others should necessarily be aware of the way in which percentage depletion can be used to offset income from other sources. In fact, I am told that even the experts at the Treasury were unaware of it until a number of actual examples of companies using the device were pointed out to them. So far as even the informed public is concerned, this may be a new tax loophole for the oil industry.

TRADITIONAL DEDUCTION

Mr. President, as we all know, the percentage depletion deduction in the case of oil is 27½ percent of the gross income from the property—value of the oil at the wellhead—but the deduction is subject to the limitation that it cannot exceed 50 percent of the profit from the property. Thus, if the sales of oil from a lease amount to $50,000, and the lifting costs and other expenses chargeable to the lease amount to $40,000, the percentage depletion deduction would be $5,000—50 percent of the profit of $10,000 from the lease—rather than 27½ percent of $50,000. Accordingly, with normal operations the percentage depletion deduction will not offset income from other sources. Thus far, the Senator from Iowa (Mr. MILLER) is correct.

CARVED-OUT PRODUCTION PAYMENTS

However, by resort to carved-out production payments—a tax gimmick—it is possible to manipulate the income and deductions from an oil lease so that the percentage depletion deduction will in effect offset income from other sources. By use of the carved-out production payment, the percentage depletion deduction will be artificially increased in the year of the carve-out, followed by a resulting loss in the year of the payout which can be used to offset non-oil income. This tax gimmick has been used for years in the oil industry and recently has been used for hard minerals as well.

SPECIFIC EXAMPLE

To illustrate, let us assume in the example I have given above, that the gross income from the oil lease each year amounts to $50,000.

The annual expenses are $40,000. The depletion deduction without a carve-out would be limited to $5,000. That is, without manipulation the taxpayer would pay a tax each year on $5,000 or one-half of the annual profit from the lease.

But let us assume that in December of every other year the taxpayer carves out a production payment of $50,000 which is payable out of the production of the next year.

PRODUCTION PAYMENT EXPLAINED

What this means is that the owner of the well receives $50,000 in cash near the end of year one. He gets this from a bank, another oil company, a steel company, or a charitable foundation, to name a few of the types of institutions which have made such transactions in the past. The oil producer then agrees to pay it back by delivering his production in the following year until full payment is made, plus an additional amount of production to cover interest to the bank or oil company or corporation who paid him the $50,000.

One would think that the nature of this transaction was a loan. Very few companies pay a producer in full for a product they do not receive until many months later. They may make some small downpayment, but usually they do not make a final payment until delivery has been made or several months after delivery has been made.

But in the extractive industry, this transaction is not treated as a loan for tax purposes. Only if the seller fails to make the production payments in the following year would it be treated as a loan.

Because of this feature in the tax laws, depletion is used to offset taxes which would otherwise be paid on other income. Incidentally, the tax reform package just submitted by the Treasury would repeal this special privilege and treat the production payment gimmick as a "loan," which is the true nature of the transaction.

REAL PROFIT TURNED INTO A TAX LOSS

To return to the example we have given, the aggregate result for each 2-year period would be a $7,500 loss to deduct from income from other sources. This result comes from the additional percentage depletion deduction resulting from the carved-out production payment.

In the year of the carve-out the gross income from the lease would be $100,000—$50,000 sales of oil plus the $50,000 carved-out production payment. The percentage depletion deduction would be $27,500—27½ percent of $100,000—since the profit from the lease would be $60,000—lifting costs and other expenses remaining at $40,000. As a result, in the year of the carve-out there would be a taxable income from the lease of $32,500—$60,000 profit from the lease, less percentage depletion of $27,500.

But this taxable income would be more than offset in the following year for the lease would then produce an ordinary loss of $40,000. The holder of the production payment would receive the $50,000 proceeds from the sales of oil and the taxpayer would have $40,000 of expenses deductible from other income. Aggregating the 2 years the taxpayer would have a tax loss of $7,500 from the lease—$40,000 loss in the year of payout minus $32,500 taxable income in year of carve-out.

The actual profit for the 2-year period from the lease would be $20,000. But thanks to percentage depletion an overall loss of $7,500 is created to offset income from sources other than the oil lease.

GIMMICK WIDELY USED

Mr. President, the principle in the relatively simple example I have given above has actually been used by some of the largest oil, sulfur, and mining companies in the United States. The results have been staggering. The taxes on other income which would otherwise have been paid, but which were offset by the "production payment" gimmick, have run into the hundreds of millions of dollars.

EVEN GREATER OPPORTUNITIES FROM INTANGIBLE DRILLING AND DEVELOPMENT COST DEDUCTION

While percentage depletion can be used in the above manner to create losses which can offset non-oil income, the deduction for intangible drilling costs offers even greater opportunities. The costs of intangible drilling—even on a successful well—are deductible without limitation even though the oil companies capitalize such costs on their books. Individuals as well as corporations deduct these capital expenditures without any limitation. By contrast, if a farmer drills successfully for a water well, he cannot deduct the drilling costs but must capitalize and recover them through depreciation over the useful life of the well.

BIG TAX PRIVILEGES

The oil companies have amazing tax privileges. These make it possible for some of the largest and most powerful companies in the country to pay a smaller percentage of their income in taxes than is paid each year by the ordinary family of modest means.

OUR NATION'S ESTUARIES

Mr. TYDINGS. Mr. President, the proper care of our estuarine zones is a

vital necessity for our Nation as a whole and an urgent task for this Congress.

In these zones one finds the waters where most of our commercial fish breed, the wetlands important to our waterfowl, and many opportunities for man to find both pleasure and employment.

Unfortunately, we have permitted our estuaries to be abused and have underrated their importance to us.

In 1966 I offered an amendment to the Clean Water Restoration Act directing the Interior Department to conduct a 3-year study of pollution within the Nation's estuaries. The amendment was drafted so as to permit the Department to undertake a comprehensive analysis of our estuaries, considering factors in addition to pollution. The study is now underway and is due to be completed this fall.

One of the more enlightening pieces that I have read on the importance of our estuaries is a speech delivered a few weeks ago by S. Fred Singer, Deputy Assistant Secretary at the Department of Interior. I ask unanimous consent that the text of Mr. Singer's speech be printed in the RECORD.

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

THE FEDERAL-STATE PARTNERSHIP IN MANAGING THE COASTAL ZONE

(By S. Fred Singer, Deputy Assistant Secretary, Department of the Interior, Washington, D.C.)

The Federal Government and the States have a joint stake in effectively managing the nation's coastal zone. This valuable area must be used prudently so it is not destroyed, economically so it is not wasted, and equitably so that conflicts, which will arise, can be settled with full regard for public and private interests. At the same time, we want to ensure the interests of those who will wish to use the resources of the coastal zone in future generations.

The coastal zone, particularly its estuaries, constitutes one of the most valuable of our natural resources—yet one that is rapidly being destroyed by landfill and pollution. The importance of estuaries is evident to the more than fifty million people who live near them, use them for recreation, commercial fishing, trade and commerce and industry, mining, as a source of water, and the disposal of wastes.

The Commission on Marine Science, Engineering and Resources, in its report to the President and Congress earlier this month, gives much attention to the problems of managing the coastal zone. The report observes that rapidly intensifying use of coastal areas has already outrun the ability of local governments to plan orderly development of these areas and to resolve conflicts. The Commission says that the division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking. The body proceeds to make a number of recommendations regarding the coastal zone, most calling upon the States to exert more authority there, which we endorse.

WORTH OF ESTUARINE ZONE

There are between 850 and 900 estuarine systems around the coastal periphery of our country. They are part of a vital zone that includes the mouths of rivers, vast reaches of the continental shelf, and by Congressional definition, the Great Lakes. The Congress of the United States provided the following definition in the Clean Water Restoration Act of 1966: "The term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, in-shore waters and channels, and the term 'estuaries' means all or part of the mouth of a navigable or interstate river or stream or other body of water having an unimpaired natural connection with the open sea and within which the sea water is measurably diluted with fresh water derived from land drainage." By this definition, the estuarine zone includes the margins of the oceans.

Several years ago, a Federal department made an intensive study of the U.S. continental shelf in order to learn the value of the economic activity there. Eight major economic activities were identified: mining and petroleum, marine engineering, recreation, health and welfare, transportation, food and agriculture, defense and space, and research and development. The level of economic activity for 1964 was estimated at $21.4 billion, a total that included operating expenses, investments, and income.

A little more than half the money was spent for transportation activities; nearly $4 billion was spent for recreational activities; and about one-third of a billion was the dockside value of the United States fishery catch from the continental shelf area, an amount of money that increases sharply when we add the cost of processing and distributing the catch.

Yet we cannot easily assay the nation's estuaries and estuarine zones. How can we assign dollar-values to the relaxation achieved by sportfishing in the tidal waters, swimming, surfing, skin diving, pleasure boating, or contemplating nature in solitude?

COMPETING DEMANDS ON THE ESTUARINE ZONE

As the economic value of the estuarine zone rises, and population pressure increases, conflicting and competing uses of the estuaries become dominant.

Today we have almost six times as many people in this nation as we had a century ago. Since all of these people, in some fashion, call upon and derive some benefit from the estuarine zone, the nation has been forced to recognize that what it had in surplus, it now has in jeopardy. Even seemingly unrelated uses of an estuarine zone can have dire consequences; a solution to one irritating problem may engender far more pressing problems. For example, a pesticide that helps cherries grow in unblemished splendor in an orchard in a Michigan valley could result, under certain circumstances, in a mass of dead Coho salmon on the banks of Lake Michigan. While supertankers transport oil very economically to all parts of the world, a bit of carelessness, which results in an oil spill, can fill nearby beaches with the carcasses of thousands of oil-drenched waterfowl and suffocate much of the shellfish. Modifications of estuaries through dredging operations or filling-in for real estate development, or the outpouring of wastes from a city, or fertilizer from nearby land—all are capable of disfiguring and destroying an estuarine zone.

Many people do not realize what happens to the ecology of an estuary when modifications are made in the waterway. But even when they do, an overriding influence on their actions may be the short-term rather than the overall or long-term gain.

Even as I talk, more intensive uses of our estuarine zone are being planned:

Bigger and more nuclear-fueled power plants, which will be located on the coasts because they require very large quantities of cooling water.

Increased desalting of estuarine and coastal waters as technology improves, creating brine, heat, and radioactive waste disposal problems; but desalting also gives water to cities and to arid lands.

Increased pressure for housing and commercial sites in estuaries, stimulating the filling-in of marshes and bays, and resulting in soil erosion and runoff of wastes from urban areas.

Increased recreational demands, increased channel dredging for marinas and harbors, and shoreline modifications for beach development.

NEED FOR OPTIMUM USE

Sometimes the opportunities for short-term gains can be very persuasive. We suggest that anyone who desires to change the environment should do so only with as near full knowledge as possible of the implications of the change. These should be clearly drawn for the governmental bodies involved and for the people who will be affected.

We must learn how to make optimum use of our estuarine areas since they are obviously limited in extent and in their ability to absorb abuse. They are also being called upon to serve more and more masters, under more and more difficult conditions. This brings forth the now accepted notion of multiple use of the coastal zone under which compromises are introduced in order to permit competing uses to coexist. Harbors and healthy oysters can coexist, for example, if pollution levels are held down; similarly, a properly designed sewage treatment plant and a swimming area can coexist in the same area. Water quality is the common denominator for multiple use of the coastal zone. Here is an area where the Federal Government and the States cooperate to produce a management system to advance the public interest.

ROLE OF THE STATES

The Federal Government, with the encouragement of the States, is prodding the States to plan the effective development of their coastal zone and water resources. It is indeed significent that the strong role of the States is recognized in the Federal Water Pollution Control Act, and the Water Resources Planning Act, in which designs are laid out leading to comprehensive regional planning.

Legally, politically, and as a matter of good sense, the States are the governmental units best equipped to plan and manage their coastal zone. This argument can be based on the constitutional right of the States to assume all roles except those specifically assigned to the Federal Government. It can also be based on the familiar grounds that the States can do the better job because they are smaller units and closer to local problems. In this view, the States must be the advocates of the communities within their boundaries and the guardians of equality of treatment for these communities. The States also bear the final responsibility for assuring that the national need, as reflected by the separate needs of the concerned Federal agencies, is included in the final plans.

MARINE COMMISSION AND MARINE COUNCIL

The highest level of the Federal Government has been giving strong attention to the problems of estuarine zones. Two bodies—the Commission on Marine Science, Engineering and Resources, which we mentioned earlier, and the National Council on Marine Resources and Engineering Development—have made major efforts in surveying activities in these zones, and in formulating recommendations to use them in the best possible ways. As we noted, the Marine Commission has already completed its study, which makes long-range recommendations to the President and Congress. The Marine Council, chaired by the Vice President, through its Committee on Multiple Use of the Coastal

Zone, is coordinating the many coastal zone interests of many Federal agencies and offices.

ARMY CORPS OF ENGINEERS

The Army Corps of Engineers is one of the strong influences in the nation's estuaries. The Corps has sole authority to grant or deny permits for dredging and filling in the nation's navigable waters, based on the Rivers and Harbors Act of 1899. This Act is concerned solely with the navigational aspects, but more recent Federal regulations have given the Corps the responsibility to prevent undue destruction of the nation's resource-rich estuaries as well, at least in the Corps' permit-granting activities. As a result, the Corps states: "The determination as to whether a permit will be issued will be based on an evaluation of all relevant factors including the effect of the proposed work on navigation, fish and wildlife, conservation, pollution, and the general public interest. The Corps will accept comments on these factors, which will be made part of the record and will be considered in determining whether it will be in the best public interest to grant a permit." Yet, whether the Corps can use other than navigational considerations in denying a permit has not been fully tested in court.

The Fish and Wildlife Coordination Act, amended in 1958, requires the Corps, and any other private or public agency needing Federal permission to alter the course of any body of water, to consult both the Fish and Wildlife Service of the Department of the Interior and the Wildlife Resources Office of the affected State. The Act requires that the recommendations of both these resource agencies regarding the wildlife aspects of the project be explicitly considered in the planning.

In another action to help preserve our estuaries, the Department of the Interior and the Army Corps of Engineers signed an agreement in 1967 to combat pollution in the dredging, filling, or excavation of navigable waters of the United States. Field representatives of Interior and the Corps confer before the Corps decides whether to grant a permit affecting any navigable water.

WATER QUALITY ACT AND CLEAN WATER ACT

The next decade will be critical in the preservation of the estuaries.

If we delay action until we fully understand how an estuary behaves and reacts to changes, we may be too late. The estuaries may become stagnant, putrid pools able to support only microscopic life and fit only to be filled for real estate development. Fortunately, we have the legal authority available now for a vigorous program, as well as full Presidential and Congressional support, to get on with the job of preserving our natural resources.

Congress created an effective instrument for action when it required that water quality standards be set for all interstate waters. Congress defined these waters in the Water Quality Act of 1965 to include all coastal waters. All of the States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Delaware River Basin Commission have submitted water quality standards. Nearly all have been approved as Federal standards. The remainder are under active review by the Department of the Interior.

The standards identify uses of the waters, including agricultural, municipal, industrial, recreational, and fish and wildlife use including shellfish; they indicate the water quality standards needed to support each use, and include plans to implement and enforce these standards. A strict cooperative State-Federal enforcement and implementation of these standards will upgrade water quality in our estuaries.

Controlling pollution and meeting water quality standards are costly. Consequently, the Clean Water Restoration Act of 1966 authorized $3.5 billion to be spent over a four-year period to aid construction of municipal waste treatment plants. This money as it is appropriated will help remove the backlog in construction of waste treatment plants, and control the municipal and industrial pollutants that might otherwise reach our estuaries.

NATIONAL ESTUARINE STUDY

A comprehensive study of many aspects of estuaries—the National Estuarine Study—was authorized by Congress in the Clean Water Restoration Act of 1966. Led by the Secretary of the Interior, with the cooperation of other Federal departments, the study will put forth an optimum management system for the coastal zone. Specifically, the completed report, due in November, will include: ". . . recommendations for a comprehensive national program for the preservation, study, use and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments, and by public and private interests."

The recommendations will be based on extensive hearings, which have been conducted in the coastal States, to obtain the views of State and local government bodies, private organizations, and individuals. Note that Congress asks for recommendations for a national program, not a Federal program. This is the same mandate Congress gave to the Marine Commission.

Congress is extremely broad in its prescription for this estuarine study; there is little that the study cannot encompass: a "comprehensive study of the effects of pollution, including sedimentation, on fish and wildlife, on sport and commercial fishing, on recreation, water supply and water power, and other beneficial purposes. Such study shall also consider the effect of demographic trends, exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood erosion and control, and other uses of estuaries and estuarine zones . . .".

That is not all. The report will contain an inventory of the nation's estuaries and an identification of areas where scientific knowledge is deficient. Let me stress the three elements of the National Estuarine Study as it is envisioned today: 1) an inventory; 2) an identification of scientific knowledge gaps; and 3) recommendations for a national management system.

A comprehensive management system for the nation's estuarine zones, one that seeks to consider long-term as well as short-term benefits of resources, must arrange to: (a) understand estuaries; (b) direct an interim approach toward saving endangered ones; (c) work up a long-term management scheme for preserving them; and (d) arrange for the most concerned governmental bodies to have the strongest voices in deciding the destiny of the estuaries.

Before we can manage, we must measure. We need the inventory. Consequently, an important part of the National Estuarine Study will consist of a thorough description of estuarine areas and their resources, together with careful analyses of all present uses, and projections of future uses. This inventory will include assessments of the present and potential damage and losses to estuaries; in particular, the state of pollution and physical modification of the nation's estuaries will be identified. Noting the responsibility of the Department of the Interior for estuarine studies, the Marine Commission recommended that the Department also identify areas to be set aside as sanctuaries to provide natural laboratories for ecological investigtions.

The second element, that of identifying scientific knowledge gaps involved in estuarine processes, is essential for any management program. We particularly need to understand the ecological effects made by changes in the physical and chemical environment of estuaries. I am reminded of a remark made by James Muir, famed 19th century naturalist, who said that whenever he picked up anything, he found it was attached to everything else in the universe. We will have to wait a long time before we see even a part of the web of these attachments. On the other hand, many actions will have to be taken based upon what knowledge we have available. It would be a poor doctor indeed who, because of his incomplete understanding of the whole of physiology, refused to administer first-aid to his patients.

INTERIM ACTIONS TO PROTECT ESTUARIES

The third element of the National Estuarine Study calls for recommending a national management system. It will probably take many years before such a system for estuaries is worked out, converted into legislation, and put into operation. Meanwhile, there will continue to be strong economic and political pressures on local communities and districts to accelerate the already increasing flood of development projects in estuaries. The pressure will be to make physical modifications to the estuaries, together with economic commitments, which are virtually irreversible. However, it is in the nation's interest, and probably in regional and local interests, to keep open as many of its choices as possible, at least until we know what we are foreclosing; it is advisable to err on the side of conservation. The need, expressed in sharply drawn terms, is to make sure there are estuaries left to manage when a national management system is adopted. To this end, all available existing legislation, Executive orders, and regulations should be used by the Federal Government and by State and local governments to prevent, or at least to minimize, further irreversible degradation of the estuarine zone. The Marine Commission made a strong recommendation affirming this point.

State governments should enforce their water quality standards, which have been set up for their estuarine and coastal zone waters; pollution abatement actions should be initiated whenever cause exists. States should be encouraged to adopt appropriate tideland legislation, following model legislation such as that in Massachusetts and New Hampshire. Construction projects in estuaries, which require permits from the Corps of Engineers, should be carefully and severely scrutinized by both State and Federal agencies. It has been suggested that a permit be issued only when it conforms with a master plan. Lacking a master plan, States should be encouraged to develop a total or partial moratorium until one is developed. There is a precedent for this procedure in the State of California's Bay Conservation and Development Commission and in recent action by Florida's Internal Improvement Fund.

During recent Interior Department hearings, some witnesses suggested that all Federal agencies involved in granting licenses, for example, the Atomic Energy Commission and the Federal Power Commission, or in granting planning or construction funds to municipalities or States—this includes agencies such as HUD, the Economic Development Administration in the Commerce Department, and the Department of Agriculture—should relate the award of grants to the prevention of estuarine degradation. The Marine Commission has made a similar recommendation. The witnesses also suggested that disposal of Federal surplus coastal lands to private developers should be suspended during the moratorium period.

LONG-TERM SYSTEM FOR MANAGING ESTUARIES

An interim plan is clearly needed, but it is not sufficient because it would not necessarily give adequate weight to the legitimate needs for development. We need to construct a long-range plan for managing our estuaries. Obviously, there are many legitimate uses for the estaurine zone. In general, no single interest should have the right to use this zone to the exclusion of others; rather, the management system should permit the most effective use.

A planning technique that might be used would be to devise an "optimum resource utilization profile" for each estuary based on a thorough analysis of the estuary's value. For example, certain estuaries, or portions of estuaries, might be set aside for aquaculture because of inherently favorable environmental circumstances. In other estuaries, land development might be permissible and consistent with recreation demands. Certain estuaries, on the other hand, might be singled out for preservation and acquired by the Federal Government or by State or local governments. Such a course is being studied now, under the Estuary Protection Act (Public Law 90–454), by the Department of the Interior.

This latest estuarine Act expresses the intent of Congress "to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries in the United States." The legislation directs the Secretary of the Interior, in cooperation with the States and with other Federal agencies, to inventory the estuaries and recommend legislation needed to preserve a desirable balance between conservation and economic development. The Secretary is authorized to enter into cost-sharing agreements with the States for management of significant State- or other public-owned estuarine areas. In addition, the States are encouraged through specified Federal Aid programs to acquire and protect estuarine areas. The inventory an legislative recommendations are due next January.

The difficult management question is, who does the planning and determines the system of designating uses of estuaries? and at what level of government should this be carried out? Today, approximately sixteen Federal departments or independent agencies, three hundred State agencies, and twelve interstate agencies, plus several thousand local agencies, have a significant involvement in estuarine uses or management. All of their efforts are highly focused. As yet, no one is looking at the collective effect on the estuarine resources—as distinct from specific effects on a water resource or on a fish and wildlife resource, or on its use for recreation.

Since the pollution introduced at one point in an estuary has continuing effects elsewhere in the estuary, since the dredging of part of an estuary can destroy the spawning grounds of fish that mature in waters miles away, we can see that "spot zoning" of these waters could not lead to an effective management system. It has been suggested that the level of government involved in managing estuaries for multiple uses should be commensurate with the "range" of interference in water uses, or, alternately, with the entire extent of the estuary. Primary governmental responsibility for estuarine management would then go to the States, but the interests of local governments must be safeguarded, as well as those of the Federal Government, which represents the national interest. Interstate estuaries would be managed by the bordering States through appropriate interstate agreements and compacts.

CONTRIBUTION OF FEDERAL GOVERNMENT

The Federal Government probably should not participate directly as a member of a management authority, which might be called the State Estuarine Management Authority, or—according to a Marine Commission recommendation—the State Coastal Zone Authority. However, the Federal Government should provide:

(1) National leadership.

(2) A clear definition of national goals and national interests.

(3) Guidelines to the States for assigning multiple uses, for management and for enforcement. It is important, for example, that the State Estuarine Management Authority be independent of other State agencies which represent special interests in the use of estuaries; that a mechanism be provided for adequate consideration of local interests most directly affected by zoning decisions; and that proper representation be given to the Federal interests of navigation, national security, and international commitments.

(4) A technique for value identification and appraisal in order to provide a methodology for the rational zoning of estuaries; in other words, we need a methodology for assigning a value to a specific use.

(5) Funds on an equitable and matching basis to each State or interstate authority for the necessary planning and for management operating costs.

(6) Training opportunities, training grants, and other means for producing the planning and management personnel for State authorities.

(7) A general format for a continuing inventory of the estuaries and coastal zones. The States probably should have the primary responsibility for the perpetual inventory of their estuaries and for studying their estuarine problems.

(8) Studies that have general rather than local application. One example is a national port study that would be conducted by appropriate Federal agencies. Ports and harbors are generally built and maintained to satisfy local and even regional needs. In the process of dredging, leveeing and diking, many vital estuarine resources have been destroyed. An appropriate study would define the nation's needs in terms of major ports, off-shore terminals, and other facilities for maritime commerce in the light of new maritime requirements. Perhaps the number of ports and harbors could be cut down radically, and consequently some valuable estuarine areas saved or rejuvenated. In a similar vein, the Corps of Engineers is authorized to conduct a three-year study of the overall problems of beach erosion, and the types of possible remedial action.

(9) A general environmental monitoring and prediction system. This would provide important data and services to the States and other governmental units for estuarine management work.

The States probably should have a major responsibility for studying the scientific problems peculiar to their own estuaries. The Federal Government should be concerned that these efforts are properly financed. Existing programs could be utilized, such as those of the National Science Foundation, the Office of Water Resources Research, the Federal Water Pollution Control Administration, and the Bureau of Commercial Fisheries. The Sea Grant Program, established a few years ago by the Congress, may be ideally suited for the support of local universities which may wish to engage in estuarine and near-shore marine research and engineering. In fact, the Marine Commission recommends that the Sea Grant Program be made responsible for a proposed system of Coastal Zone Laboratories. These would be established in association with appropriate academic institutions to pursue scientific investigations of estuarine and coastal processes; in addition, the Laboratories would be able to advise States in planning and managing their coastal zones. The Commission also proposed that the Sea Grant College and Program Act of 1966 be amended to permit Federal grants for the construction and maintenance of seagoing vessels and other facilities.

SUMMARY

We have gone full circle. We started out with the familiar concept that often we do not appreciate what we have until we lose it. Our estuaries fall into this category; they are immensely valuable and they are endangered by pollution and irreversible physical modification. All levels of government—indeed, all individuals—have a great stake in using these areas in an optimum manner. To do this, we pointed out the need for various interim measures so that we have viable estuaries left to manage by the time a long-range management scheme is instituted. Such a long-range management scheme would have to be based upon some effective use allocation, with full knowledge of an estuary's potential for development and its vulnerability to destruction. To obtain this information, we need to understand estuaries scientifically and technically, as well as in economic and social terms. We would use this information to construct an optimum management structure for the nation's estuarine zone to serve public and private needs in the best way possible. The National Estuarine Study will contribute to this purpose.

NEW ERVIN CONSTITUTIONAL CONVENTION BILL DESERVES SENATE'S FULL CONSIDERATION

Mr. PROXMIRE. Mr. President, the distinguished Senator from North Carolina, Senator ERVIN, has once again introduced proposed legislation to regularize the procedures for calling a constitutional convention. Those of us who have been strong advocates of the Supreme Court's one-man, one-vote ruling have long been concerned about the calling of a constitutional convention on the issue of reapportionment—a convention that could make substantial changes in massive portions of our Constitution, rewrite the Bill of Rights, and do other mischief to our traditional values.

For this reason I have welcomed Senator ERVIN'S efforts to regularize the convention process, although I differed with the legislation he introduced in 1967 in a number of respects. I am very happy to say that this year's bill, S. 623, incorporates two of the suggestions I made in testifying on the 1967 bill, S. 2307, before the Subcommittee on Separation of Powers of the Committee on the Judiciary.

First, I recommended that applications for a constitutional convention should be good for 4 years rather than the 6 years provided for in the 1967 legislation. The new Ervin bill also sets a 4-year standard. Under this criterion 18 of the 32 State petitions and memorials calling for a constitutional convention on the reapportionment issue would at this date be invalid. In fact not one single State has called for a reapportionment convention since March of 1967—a period of almost 2 years.

Second, I suggested that States should be represented at the convention by a number of delegates equivalent to the State's representation in both Houses of Congress, and that each delegate should have one vote. The old Ervin bill provided for bloc voting—each State having

but one vote and that vote being cast in accordance with the sentiments of a majority of the State's delegates. Again I am pleased to say that the current Ervin bill incorporates my suggestions. Thus the present bill eliminates the possibility that 26 States, representing a mere one-sixth of the population could propose an amendment after States representing but 30 percent of the population had called a convention.

There are other provisions in the bill recently introduced with which I continue to disagree. For example I think that two-thirds of the delegates should be required to support a constitutional amendment proposal before it could be submitted to the States for ratification rather than the simple majority provided for by the Ervin bill. This would square with the constitutional requirement that two-thirds of Congress approve a proposed amendment if the congressional route is used.

Nevertheless I believe that the bill as drafted is a substantial improvement over the earlier Ervin approach.

In a recent editorial, the Washington Post pointed out the dangers of a Constitutional Convention and characterized the Ervin bill as removing "the risk of a runaway convention." Although the editorial went on to say that "other powerful arguments against the back-door amending process remain" it is clear that Senator ERVIN's proposal is a constructive approach to a difficult and dangerous problem. I commend his efforts to bring order out of chaos and I ask unanimous consent that the Post editorial be printed in the RECORD.

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

BACKDOOR AMENDING PROCESS

The threat of a new constitutional convention called by the states may not be very grave, but the fact that such a threat exists at all is cause for vigilance and effective counteraction. Senator Dirksen has indicated that he is still eager to press his proposed amendments to the Constitution to allow prayers in the schools and apportionment of one house of the state legislatures on various other criteria in addition to population. Since neither proposal can muster a two-thirds vote of Congress, he wants to invoke the never-used device of a constitutional convention called by two-thirds of the states.

In our view this sleeper in the Constitution should never be used. The threat to use it appears to have been influential on one occasion in inducing the Senate to accept the amendment for the popular election of Senators. But in general amendments to the basic law ought to have the approval of two-thirds of the Senate and House before being submitted to the states for ratification.

The first line of defense against a constitutional convention initiated by the states lies in the states themselves. Though 32 states had petitioned for such a gathering when excitement was running high over the Supreme Court's reapportionment decisions, there are indications that some of these resolutions may be rescinded by legislatures meeting this year. Newly reapportioned legislatures are less concerned than their predecessors about a return to the old structure, and they have reason to fear the outcome of a possibly unrestrained revision of the Constitution.

The second line of defense lies in Congress. Some members believe that Congress would not have to call the proposed convention even if petitions should come in from two-thirds of the states. Others who read the word "shall" in Article V in a more literal sense are trying to lay down rules that both the states and Congress would have to comply with in utilizing the rusty state-initiated convention device. Senator Ervin has introduced a revised bill which would greatly reduce the dangers of any wholesale constitutional revision by this means.

The Ervin bill would require states seeking to invoke Article V to state the nature of the amendment or amendments proposed. A resolution for that purpose would have to be passed by the regular lawmaking processes, except for the Governor's signature. Then it would be sent promptly to both houses of Congress, where it would be widely publicized to avoid the dangers of a sneak campaign. Such resolutions would remain effective for only four years, and could be rescinded any time before two-thirds of the states have joined in the petition. But Congress would decide whether the state resolutions were valid and confined to the same subject or subjects.

If a constitutional convention were called by this method, the states would have to elect their delegates—equal in number to their Senators and Representatives. Congress would specify the problems to be considered by the convention, and if the proposed amendments emerging from the convention did not conform to the congressional limitations they would not be submitted to the states for ratification. With these guidelines on the statute books, the risk of a runaway convention would probably be gone, although other powerful arguments against using the back-door amending process would remain.

THE ADMINISTRATION'S NEW POSTAL POLICY

Mr. BAKER. Mr. President, on Wednesday, February 5, President Richard Nixon and Postmaster General Blount jointly announced an historic new postal policy to remove all postmaster and rural carrier appointments from the political arena. This landmark decision effective immediately, will mean that the Civil Service Commission will conduct open competitive examinations for all new postmaster and rural carrier vacancies and that the top qualified person will be named for each vacancy.

I wish to give my enthusiastic and wholehearted support to this innovative procedure. The postal system ought not to be an institution for political patronage. The requirements for improved efficiency of our system are so obvious and so urgent that they must be instituted promptly.

On the Senate floor and in a letter to the Postmaster General I previously voiced my strong opinion that the postal system should be removed from the political structure. I further stated to the Postmaster General that in my view the postal service in America is in crisis and that I would be most pleased to see postal appointments in Tennessee made on a nonpolitical, nonpartisan basis.

It was for this reason that I was most pleased to read the release on Wednesday and to learn that the President and the Postmaster General intend to move in the only direction that I believe will save us from increased postal chaos.

Mr. President, I further believe that fairness demands that this new administration policy should not operate to freeze a pre-existing partisan political situation I am hopeful that this will not occur. I am confident that the policy announced by the administration is the first of many steps that will be taken to provide much needed postal reform.

TRIBUTE TO MR. STANFORD Z. ROTHSCHILD

Mr. TYDINGS. Mr. President, a distinguished Marylander, Mr. Stanford Z. Rothschild, has just been selected as State vice president of the American Life Convention for 1969. The American Life Convention is the oldest and largest of the life insurance trade associations, and Mr. Rothschild will serve Maryland and his industry well in his important new position. Mr. Rothschild, who is the president of the Sun Life Insurance Company of America in Baltimore, brings unique experience, background, and great personal integrity to his new position.

The life insurance business occupies a significant place in the economy of the State of Maryland. Maryland citizens purchased $1.6 billion of ordinary life insurance in 1967, bringing the State's total for all types of life insurance in force to $19.8 billion.

Many Maryland firms are members of the American Life Convention. They are the American Health & Life Co., the Baltimore Life Insurance Co., Fidelity & Guaranty Life Insurance Co., Home Mutual Life Insurance Co., Monumental Life Insurance Co., and Sun Life Insurance Co. of America, all located in Baltimore.

I know Mr. Rothschild, who has had so distinguished a career in the life insurance business, will be a great asset to all member companies during his term of service.

MESSAGE FROM THE HOUSE— ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res 414) making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, and it was signed by the Vice President.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 12 NOON, MONDAY, FEBRUARY 17, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 124, agreed to today, that the Senate stand in adjournment until 12 o'clock noon, on Monday, February 17, 1969.

The motion was agreed to; and (at 2 o'clock and 25 minutes p.m.) the Senate adjourned until Monday, February 17, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, February 5, 1969 (under authority of the order of February 4, 1969):

DEPARTMENT OF DEFENSE

John S. Foster, of Virginia, to be Director of Defense Research and Engineering.

Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense.

ASSISTANT SECRETARY OF THE NAVY

Charles A. Bowsher, of Illinois, to be an Assistant Secretary of the Navy.

Robert Alan Frosch, of Maryland, to be an Assistant Secretary of the Navy.

SECRETARY OF THE ARMY

Stanley R. Resor, of Connecticut, to be Secretary of the Army.

ASSISTANT POSTMASTER GENERAL

John L. O'Marra, of Oklahoma, to be an Assistant Postmaster General.

Executive nominations received by the Senate February 7, 1969:

IN THE ARMY

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Feeney, Gerald F., xxxxxxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captains

Badine, Alan H., xxxxxxxx.
Bluemink, Gary G., xxxx.
Boyce, David C., xxxxxxxx.
Edmonson, Bert D., xxxxxxxx.
Eichner, Harvey L., xxxxxxxx.
Ellis, Donald R., xxxxxxxx.
Gardner, Lawrence A., xxxxxxxx.
Gott, Frank K., xxxxxxxx.
Jones, Roy M., xxxxxxxx.
Kearns, John W., xxxxxxxx.
Mayers, Frederick H., xxxxxxxx.
McMarlin, Stacy L., xxxxxxxx.
Mohrmann, George F., xxxxxxxx.
Nawotka, Edward E., Jr., xxxxxxxx.
Phillips, Johnny A., xxxxxxxx.
Porter, Kelly A. L., xxxxxxxx.
Redick, Earl P., xxxxxxxx.
Roberts, Clifford E., xxxxxxxx.
Smith, George M., xxxxxxxx.
Turner, James E., xxxxxxxx.
Van Harty C., II, xxxxxxxx.
Yamabayashi, Gilbert, xxxxxxxxx.
Zucchi, Mario C., xxxxxxxx.

To be first lieutenants

Condon, Brian F., xxxxxxxx.
Delay, Thomas H., xxxxxxxx.
Fisherman, William H., xxxxxxxx.
Glouberman, Stephen, xxxxxxxx.
Goodman, Roy B., xxxxxxxx.
Gustincic, David J., xxxxxxxx.
Head, Jorj C., xxxxxxxx.
Irvin, James M., xxxxxxxx.
Joyce, Joseph J., Jr., xxxxxxxx.
Keeler, David A., xxxxxxxx.
Keeney, Glenward T., xxxxxxxx.
Kiley, Richard J., xxxxxxxx.
Kreutzmann, Robert J., xxxxxxxx.
Lowden, Roland G., xxxxxxxx.
Mattar, George G., xxxxxxxx.
McCloud, John A., xxxxxxxx.
McKinster, Lowell, xxxxxxxx.
Merz, Edward W., II, xxxxxxxx.
Michelin, Robert E., xxxxxxxx.
Moore, Nolan C., xxxxxxxx.
Morrison, Robert E., xxxxxxxx.
O'Neill, Timothy R., xxxxxxxx.
Shippey, William H., xxxxxxxx.
Sickinger, Thomas L., xxxxxxxx.
Southwick, Sandra J., xxxxxxxx.
Stanford, James E., xxxxxxxx.
Sundstrom, Carl, xxxxxxxx.
Wetherington, Wanda J., xxxxxxxx.
Whitehouse, Elray P., xxxxxxxx.
Wiese, George M., xxxxxxxx.
Wilhelm, William C., xxxxxxxx.
Yates, Dewey J., xxxxxxxx.

To be second lieutenants

Bombard, Charles F., xxxxxxxx.
Christy, Samuel L., xxxxxxxx.
Dileonardo, Anthony, xxxxxxxx.
Lovelace, George B., xxxxxxxx.
Moro, Kenneth S., xxxxxxxx.
Woolever, Ronald J., xxxxxxxx.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, Sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Abramovitz, Irwin J.
Adamko, James J.
Adinaro, Joseph T., III
Aegerter, Gorden L.
Affeldt, John F.
Ahern, Michael F.
Alexander, Theodore W., III
Allen, James M.
Allen, Michael R.
Anconetani, Anthony A.
Anderson, Michael B.
Anderson, Thomas M., Jr.
Andrasik, Joseph, III
Antoniotti, Joseph C.
Armstrong, James T.
Armstrong, Marion V., Jr.
Artola, George H.
Atkins, Bruce A.
Austin, John C.
Bailey, Palmer K.
Bailey, Ronald R.
Bailey, Thomas K.
Bassham, Lanny R.
Bastey, Mark F.
Bator, Robert E.
Battjes, Henry
Battles, Dennis O.
Baum, William E.
Beaudet, Bevin A.
Beaulieu, Bruce O.
Beavin, John D.
Becket, Michael P.
Bell, Burwell B., III
Bennett, James D.
Berkson, Joseph M.
Berwick, Christopher L.
Besecker, Kenneth H.
Blair, Thomas G., Jr.
Blake, David C., Jr.
Blankenship, Alan L.
Blank, Jonas L., Jr.
Block, David J.
Bockman, Gary J.
Bohn, William H.
Bonno, Michel E. C.
Boothman, Richard S., Jr.
Boudra, Luther H.
Bratton, Marshall S.
Braun, George F.
Brechtel, Michael
Brennan, John F.
Briggs, Ronald S.
Briggs, Walter J.
Brock, Terrence A.
Brooks, John, Jr.
Brosnan, Francis M., Jr.
Bross, Paul J.
Broughton, Paul D.
Bryan, James D.
Bryan, Samuel W.
Bryant, Fred E.
Buchanan, Michael A.
Buehler, Richard T.
Bullock, Jerry J.
Burgher, Wayne K.
Burgos, Victor L.
Burnett, Gary L.
Burwell, Jack O., Jr.
Butcher, David G.
Butler, George W.
Buttram, Marvin M.
Byard, Robert W.
Byers, John B.
Byers, George G.
Byrne, Robert L., Jr.
Byrne, Michael H.
Caffo, Ronald L.
Campbell, John G.
Campbell, David R.
Cardo, James J., Jr.
Carlisle, Ronald W.
Carlson, Craig H.
Carpenter, Ira W., Jr.
Carrato, Joseph T.
Carrigan, Yancy L.
Carroll, Ronald L.
Carter, James T.
Chambers, James D.
Chang, Roger
Chaze, Kim T.
Cheatham, Sidney F., Jr.
Chernauskas, Paul J.
Chierichella, John W.
Chinquina, Robert N.
Christian, Robert F., II
Clancy, Edward F.
Clark, Gregory E.
Clearwaters, Christopher
Clegg, Robert H.
Clemens, Robert B.
Colkett, David S.
Collins, Michael W.
Collier, Allen S.
Conn, Daniel J.
Connolly, Michael P.
Connor, Dennis R.
Connor, Sean C.
Conway, Richard G.
Cook, Charles B.
Cook, Gary A.
Copeland, Michael J.
Copple, Hal E., Jr.
Corneil, Terry C.
Cornes, William B.
Costello, John
Coughenour, Kavin L.
Cox, John C.
Cox, James A.
Creasey, Kenneth H., Jr.
Crenshaw, Charles E.
Crenshaw, Walter A., Jr.
Crocker, Thomas W.
Crockett, Justin D.
Crocifisso, Joseph
Crook, Thomas M.
Crowden, Gary G.
Cunningham, Alan R.
Cunningham, Walter J., Jr.
Cunningham, Dennis W.
Cuyler, Lynn E.
Dack, Max S.
Dallmann, Paul H.
Dannison, Charles R.
Dare, Steven N.
Darr, George J.
Davala, John C.
Davis, Randolph J.
Day, Curtis J., Jr.
De La Cruz, Peter L.
Deale, Robert C., III
Dean, Charles L.
Delacy, Peter W.
Deleonardis, James A.
Devlin, Daniel D.
De Wald, Lee S.
Dey, Michael J.
Dickinson, Don P., III
Dickinson, Mark V.
Dickson, Dwight B., Jr.
Dittmar, Joseph A.
Dixon, James W.
Dolan, Joseph P.
Donovan, Francis M., Jr.
Dooley, Thomas M.
Dorn, William E., Jr.
Dorrick, Jon B.
Dotsey, George J.
Doubleday, Everett R.
Douglas, Ed P.
Dowling, Raymond B.
Downing, Brian T.
Drescher, Gary A.
Drzik, John M.
Dull, Robert J.
Dunham, James M.
Dunn, Richard J., III
Duvic, Robert C.
Edwards, Mark D.
Egan, James W.
Eisert, James T.
Engiles, James G.
Eubanks, Joe W.
Evans, Leroy W.
Fairlamb, John R.
Farber, Charles W.
Farmer, James Z., Jr.
Faul, Jerry W.
Featherstone, William L., Jr.
Fenimore, David L.
Fernandez, Robert M.
Flack, Michael M.
Fleischer, Harold C., III
Flowers, Robert B.
Flusche, Mark S.
Foley, Howard R.
Fontana, Dennis J.
Fore, David A.
Frederick, Richard B.
Freeman, Carl H.
Freeman, Thomas K.
Friedrichs, Louis G.
Fruge, James E.
Fueger, Gregory G.
Fullerton, Robert A.
Furey, William T.
Fye, John H., IV
Gamel, Gary L.
Gange, David B.
Gans, David N.
Gardner, Joseph E., III
Gard, Paul T., III
Garrett, Joseph G., III
Gass, Robert G.
Gauld, Roger E.
Gavant, Cary
Gaylord, Thomas A.
Geier, Thomas R.
Geiger, Charles R.
Gerken, Cary S.
Gerlinger, Rex E.
Gibney, Alan W.
Giguere, Michael J.
Gilbert, Edward C., Jr.
Glendening, Dale D., Jr.
Goddard, Monte S.
Godwin, David C.
Goeringer, Fred
Goff, Donald G.
Gogola, James D.
Gonczy, Stephen T.
Goodenough, James D.
Goring, Richard H.
Gosnell, Robert S.
Gottshall, John F.
Graham, Jimmie C.
Grauel, John R.
Green, Michael T.
Gregory, James F., Jr.
Grell, Larry R.
Griffith, Joseph H., III
Griggs, George W.
Grisham, Danny S.
Grubb, John W.
Guenther, Richard J.
Haas, Joseph
Hagberg, Jon M.
Haggard, Brian K.
Haker, John W.

Hall, Dennis R.
Hall, James M., III
Hamack, Keith H.
Handley, Edward R.
Hansen, Peter J.
Harben, Harley J.
Hardy, Glenn D.
Harden, Richard C.
Harper, Michael V.
Harris, Alfred L.
Harrington, Thomas S.
Harrison, James R.
Hartz, James A.
Hay, Richard O.
Hayes, Raymond H.
Hays, Scott L.
Hedin, Nyle E.
Heimlich, Joel G.
Heitman, Robert H.
Helmold, Norman C., I.
Helton, Roy T.
Henry, Gene E.
Heritsch, Robert R.
Herold, Thomas J.
Herrod, Wilson H.
Hess, William W.
Hinrichs, Ralph W.
Hinton, Gene W.
Hitchcock, Raymond R.
Hoffman, Erich H.
Hoffman, Richard V.
Holdridge, Michael C.
Holt, Jimmie F.
Home, William G.
Homza, Eli A., Jr.
Hooper, Kenny A., Jr.
Hope, Alga, Jr.
Horan, David A.
Horn, William W., IV
Houf, Thomas A.
Howell, Henry T.
Howle, Preston F.
Hudson, Willie J.
Hufnagel, Oscar E., Jr.
Hughes, James F.
Hulin, Terry M.
Hull, David F., Jr.
Hull, Kenneth S.
Hunt, Henry B.
Hunter, Andrew D.
Hunter, Edwin R.
Isom, Lamont W.
Jackson, James H.
Jackson, Jobe
Jackson, Steve G.
Jacobs, William A., Jr.
Jalette, Robert E.
Jefferis, Robert J.
Jeffries, Jay B.
Jenkins, Gerald L.
Jenkins, Lynn A.
Jenkins, Park T., Jr.
Johnson, James R.
Johnson, Jeffry M.
Johnson, Lawrence F.
Johnson, Steven E.
Johnston, Steven D.
Johnston, Wayne R.
Jolissaint, John M., Jr.
Josey, Willie L.
Joyner, Charles H.
Kamimura, Dennis A.
Kanaly, George W., Jr.
Kanarkowski, Edward J.
Kanelakos, James L.
Kanner, Leonard J.
Karabaich, Bryan N.
Kavanagh, Thomas W.
Kays, Roger B.
Keener, Kenneth C.
Kelley, Rodney L.
Kettler, Ronnye E.
Kiefer, David S.
Killeen, John W.
King, Robert L.
Kinniston, Edward T.
Kirkland, James J.
Kitchen, Orville E., Jr.
Knapp, Kenneth D.
Knighton, Douglas W.
Kohl, Ronald L.
Koski, Daniel A.
Kotheimer, Carl J.
Kramer, Richard D.
Kratochvil, Gary L.
Krowdak, William J.
Kyckelhahn, Jerry A.
L. Heureux, Roy W.
Lafond, Ronald J.
Lamb, Michael K.
Lambert, James J.
Landry, Robert R.
Langaunet, Clyde W.
Larson, Lars E.
Lasater, Gary M.
Laundon, Walter C.
Lazure, Paul A.
Leeper, Daniel M.
Legg, Donald B.
Leibecke, Robert C., Jr.
Lenehan, Daniel W., Jr.
Leraas, Ronald E.
Lindsey, James S.
Lindauer, David B.
Lindaman, Jim E.
Lipson, Mark R.
Lockhart, James H.
Lohmann, John R.
Long, Hal A.
Lopez, Richard L., Jr.
Lorenz, Grant G.
Lott, Ronnie D.
Lowe, Robert S.
Lucas, Gustavo H.
Lucas, Walter W.
Luedeke, James A.
Lynch, Edmond B., Jr.
Lynch, Terrence C.
MacLaren, Geddes F.
MacNaught, Kenneth L.
MacFarlane, Marshall G.
Mack, Gregory A.
Maddocks, Emery A., Jr.
Maddox, Roger D.
Mahler, Fred L., Jr.
Maldonado, Jose
Maravola, Anthony M.
Marcoulier, Timothy W.
Marchitto, Dominick W.
Marks, William D.
Martin, David G.
Martin, Walter D., Jr.
Martinez, Ruperto N.
Maruska, Wayne G.
Matsumoto, Allen S.
May, Randall L.
Mayrose, David F.
McClung, Kenneth A., Jr.
McDonald, Lawrence V.
McGourin, James P.
McGowan, Donald E.
McGregor, Robert G.
McGruder, Gregory
McPhail, John F., III
McPherson, Robert S.
Medaris, Ronald J.
Meeks, Kenyon G., Jr.
Melchior, William G.
Merchant, Berkeley T.
Merriken, Harry E., III
Metcalf, Myron L.
Michalski, Edward S.
Mikolashek, Paul T.
Miles, David R.
Miller, Jacob R.
Miller, Richard C.
Minnehan, Patrick M.
Minnich, Ray A.
Mohney, Thomas L.
Monahan, Peter J.
Monshower, Alvin C.
Moody, Thomas P., Jr.
Moore, David B.
Moore, Peter A.
Morgan, Robert C.
Morrison, Charles K.
Moses, David L.
Mowen, John C., III
Mueller, John F.
Muller, Donald F.
Murguia, Gerald J.
Murray, Paul E.
Nagengast, Paul F., Jr.
Naughton, John M.
Nelson, David R.
Nelson, Terrence J.
New, Dale W.
Newell, Robert D., Jr.
Newett, Frank R.
Newton, Charles A.
Newtown, Glenford A.
Nielsen, Eric D.
Noblett, Paul W., Jr.
Noffsinger, John R.
Nuffer, William L.
Nylander, Gregory S.
O'Brien, Charles L.
Obradovich, David J.
Ogden, Glenn A.
Ogle, Robert H.
Ogus, Louis R.
O'Keefe, Raymond W.
Ortiz, Julio E.
O'Shea, Daniel J.
O'Toole, Lawrence G.
Outler, John R., Jr.
Ozment, Oliver J., Jr.
Pais, Lee, Jr.
Parker, Raymond A., Jr.
Parks, Edward A.
Paskauskas, Vitas G.
Pederson, Robert H.
Pelis, Joel M.
Pepper, James D., Jr.
Perry, Donald H.
Petoskey, Peter L.
Pfeiffer, Ronald D.
Pherson, James W.
Phillips, Gail C.
Piper, William C., Jr.
Plumber, David B.
Polin, Richard B.
Popadich, Michael J.
Post, Gerald M.
Poston, Albert B.
Prescott, Dana C.
Price, Dale E.
Price, Frank W.
Pridgen, Eugene C.
Privratsky, Kenneth L.
Profitt, Stanley D.
Prud, Homme, Robert K.
Pryplesh, Stephen J.
Puffer, Glenn R.
Quereau, Douglass T.
Quinby, George W.
Radsky, Peter B.
Raisig, Russell H.
Rankin, Jerry A.
Raskob, Michael P.
Ratcliff, Ronald E.
Rayburn, Ralph
Read, Richard D.
Reiff, Martin H., Jr.
Repya, Joseph, Jr.
Revilak, Stephen A.
Reynolds, James P., Jr.
Rice, Robert T., Jr.
Richardson, Paul T.
Richter, Larry L.
Ricks, Charles W.
Ridley, Wayne D., Jr.
Rigby, Dwight A.
Rine, James M.
Ritchie, Gary L.
Robbins, William L.
Robinson, James P.
Robinson, Bryce J., III
Robison, James C.
Rose, Kenneth H.
Rosengrants, David E., Jr.
Rosine, Philip E.
Ross, Richard
Ross, Steven C.
Rubel, Malcolm C.
Rudasill, Michael L.
Ruiz, Daniel, Jr.
Rumney, Thomas N.
Runge, Charles D., Jr.
Rusk, Jon G.
Russell, David R.
Russo, Kurt W.
Rust, Charles M.
Sabo, Lawrence D.
Saffold, Donnell F.
Sartor, Billy F.
Satterwhite, Larry W.
Scarangella, Henry M.
Schlomer, Duane R.
Schmitz, Thomas F.
Schoettmer, Gerald R.
Schroeder, Randall W.
Schwartzman, Charles.
Scott, Frederick R.
Seiberling, Walter E.
Selby, Frederick S.
Selden, George H., Jr.
Setty, Thomas J.
Sheon, Jesse P., Jr.
Sheridan, Joseph C.
Shiflett, James E.
Shuklis, Ronald W.
Silva, John J., Jr.
Simon, Denis G.
Sionina, John R.
Smith, Clark A.
Smith, Gaylord G.
Smith, Maurice L., Jr.
Smith, Paul S., Jr.
Smith, Richard W.
Smith, Robert J.
Smith, Thomas Q.
Snow, Richard A.
Sokoloff, Leonard J.
Soltau, Douglas D.
Southcombe, William St Cyr, David A.
Stancil, Larry B.
Stanfield, Charles D.
Stauffer, George A.
Steele, Kenneth A.
Steimle, Gary T.
Steiger, William A., III
Steiner, Charles V., Jr.
Stephens, Terry M.
Stewart, William G., II
Stimeling, Terry L.
Stives, Timothy R.
Stockwell, Robert L.
Stolt, Gregory A.
Stone, Thomas E.
Strouble, Dennis D.
Stube, John D.
Stuckert, Michael J.
Stull, Everett J.
Sugai, Howard T.
Sulikowski, George P.
Sundberg, Stephen H.
Sutton, Joseph W.
Tahtinen, Daniel A.
Tallman, Charles L.
Tanzillo, John M., Jr.
Tate, Ronald J.
Taylor, Cecil R.
Taylor, Vaughn E.
Teagarden, William G.
Tesko, Steven R.
Theiling, Henry W., Jr.
Thomas, Larry A.
Thompson, Gerald B.
Tinsley, Harry L., III
Townsend, James W.
Tremblay, Peter D.
Tron, Philip C.
Turner, Stephen D.
Tyer, Gary S.
Underwood, Richard H.
Vance, Robert W., Jr.
Varner, George C.
Vass, Charles R.
Vaughn, Everett S., III
Vaughn, Rayford B., Jr.
Vickers, David R.
Vigna, John E.
Voelpel, Stuart G.
Vorder, Bruegge Howard J., Jr.
Vornehm, George F.
Vreeland, Neal C.
Wagner, Kenneth E.
Wagner, Robert A.
Wagstaff, David A., Jr.
Walker, Robert M.
Walker, Robert M.
Wallin, Dennis G.
Warbasse, Steven K.
Washburn, Lee P., Jr.
Washburn, Michael E.
Watson, Jerome A.
Watters, David R.
Wehmeyer, John G.
Welker, Richard D.
Wheel, Thomas B.
Wheeler, James S.
Whittenberg, Michael E.
Wiklund, George C., Jr.
Wilhelm, Robert J.
Wilkes, Greg S.
Willbanks, James H.
Williams, Robert D.
Willis, Clifford G.
Wilson, Dale F.
Wilson, Robert A.
Wilson, Ronald W.
Witchen, Gary L.
Wold, Odd A., Jr.
Wolf, Eric D.
Woods, James G.
Woodward, William R.
Woodson, Kenneth L.
Worley, Edward R.
Wren, James G.
Wyse, Edward J.
Wzorek, Lawrence E.
Yocom, Michael L.
Yoste, Harry M., Jr.
Young, Lester R.
Zagrodny, Michael P.
Zalewski, Alan R.
Zerdecki, John W.
Zumwalt, Marvin C.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abein, Gregory B.
Adams, Tommy M.
Alesia, Pasquale A.
Allbach, Douglas M.
Allen, John E.
Allen, Robert W.
Allred, Elwood D.
Ambrose, William G., Jr.
Ammon, Peter J.
Anglin, Raymond H.
Arakaki, Don
Archer, Robert A.
Arentowicz, Frank, Jr.
Armbrister, Leo B., Jr.
Armentrout, Terry B.
Armour, Arthur A.
Armstrong, Richard N.
Arthur, Ralph W., III
Arthur, Robert C.
Atenasio, Anthony D.
Atwood, David A.
Bailey, Linwood J., Jr.
Baird, Barry W.
Barker, Jefferson H.
Barry, Richard M., Jr.
Bean, Robert E.
Beane, Charles B.
Beane, Phillip E.
Beauchamp, Frederick C.
Becker, David T.
Begley, Edward P., Jr.
Belcuore, Dennis R.
Bell, George A.
Bellamy, Thomas N.
Beth, Larry D.
Bewley, Robert S.
Biasi, Peter M.
Bieganousky, Wayne A.
Biegel, Thomas O.
Billingsley, Sidney T., III
Blackstone, William J.
Blakeslee, William P.
Blubaugh, James A.
Boccolucci, Daniel J.
Boden, Michael J.
Bormanis, Valdis
Borresen, David F.
Bowen, Cotton W. S.
Bowen, Herbert C.
Bowie, Joseph A., Jr.
Bown, Gilbert F.
Boyer, Charles H.
Boyer, Charles T., Jr.
Bozeman, Danny
Bradley, Ward J., Jr.
Brennan, Patrick J.
Bridge, William D.
Brinkley, Fulton M.
Brinkman, Robert J., Jr.

Brooks, William H.
Brown, Bruce W.
Brown, Douglas M.
Brown, James R.
Brown, Royal A., III
Brownsberger, William J.
Bruno, William A.
Bruun, Michael C.
Bryant, George T.
Bryant, Gorden V., Jr.
Bryant, Hugh S.
Brydon, George M., III
Buckley, Robert P.
Buehler, Robert J.
Bullock, Thomas F.
Bumgarner, Thomas M.
Burdick, Robert A.
Burgeson, Milton R.
Burns, Robert P.
Burrell, Jeffrey T.
Bustamante, Roberto J.
Butler, Anthony K.
Cain, Calvin E., Jr.
Cain, William E.
Calfee, William E.
Caliri, Francis B.
Calzetta, Robert K.
Cammarata, Frank S.
Campbell, Joel W.
Cappadona, Fred J., Jr.
Caprio, John A.
Carey, Thomas A.
Carlton, Kent W.
Carlton, William, Jr.
Carr, Samuel E.
Carter, Thomas W.
Cash, Randy L.
Cavoretto, Robert E.
Charles, Edward R.
Cheek, Robert C., Jr.
Cheek, William A., II
Cheney, Gene W.
Chesley, Philip W.
Christiansen, Dale P.
Cleary, Daniel ., III
Cline, Larry R.
Clukey, Gary P.
Cole, John H.
Congrove, Jack R.
Connell, Joseph E. A., Jr.
Cook, John B., Jr.
Cook, Roger M.
Cooney, Terrence E.
Cope, Ronald A.
Corda, Paul W.
Crawford, Douglas M.
Crawford, Gerald W.
Cronin, Robert M.
Culp, Trygve H.
Cunningham, Charles R., II
Cupelli, Ralph P.
Curth, Harry F.
Cuviello, Peter M.
Czarnecki, Stephen G.
Daly, Daniel L.
Daniel, Robert I., Jr.
Dapper, Leroy R.
D'Aprix, Barry R.
Davidson, Donald G.
Davidson, Phillip L.
David, Philip J.
Davidson, William A., Jr.
Davis, Thomas J.
Dean, Arden M.
Dearwester, Harry R.
Dedonato, David M.
Deekens, John M.
Delaney, Richard P.
Delvin, Clyde H., III
Demarco, John A.
De Nuccio, Gerald F.
Devos, Edward G., Jr.
Dietz, Robert G.
Disantis, Peter D.
Dittmeier, Robert F.
Dixey, Robert J.
Dixon, Michael L.
Dobson, Robert H.
Donoghue, Richard G.
Dooley, Joseph C.
Dopson, Hugh P.
Downey, Frederick M., II
Drake, Lincoln T.
Druener, Ronald K.
Dudley, Derrell E.
Duet, Louis J., Jr.
Dunlevy, David B., Jr.
Eberle, Michael K.
Eberhardt Robert W., Jr.
Eckert, Thomas L.
Edmund, William P., III
Edwards, Emory H., III
Ehlinger, Thomas M.
Ehrenreich, Stuart B.
Ellis, Larry R.
Elmore, Claude D.
England, John C.
Enochian, Steven R.
Erickson, Andrew E.
Evans, Edgar A.
Evans, Will H., III
Everhart, Michael J.
Ewen, John E.
Fahey, William A.
Fain, Richard L.
Falen, Bob S.
Fallon, James D.
Falls, Richard A.
Fambro, George H., II
Farquhar, Benjamin A.
Fedeli, David M.
Fenlason, Robert W., III
Fields, Joseph A.
Finch, John R.
Flickinger, George L.
Floyd, Arthur L.
Folger, Gregory L.
Fontenot, Bristow I.
Ford, John H.
Forsyth, Gordon, III
Fouts, Benjamin F.
Frame, Robert V.
Franson, Dennis A.
Frantz, William T., Jr.
Frost, Donald C., Jr.
Gallo, Louis D.
Garcznski, Casimir L.
Gaskins, MacLawrence
Gatti, John S.
Gay, William R.
Gerig, Donald D.
Gillespie, Ottie P., Jr.
Glasgo, Philip W.
Glen, James D.
Glover, Donald L.
Gonyea, Edmond C.
Gooch, Terry J.
Goodman, Frederick J.
Gotowko, Peter F.
Gounley, George E.
Grady, Henry S.
Grafton, William D.
Graham, Lynn B.
Grapes, Delmon B.
Graven, Johannes T.
Gray, Walter A., III
Greer, Charles W.
Griffin, Mark L.
Griffith, James W., Jr.
Griffith, John R.
Groce, James H.
Grote, Richard E.
Habasevich, Robert A.
Halkovich, Paul S.
Hall, John S.
Hall, Larry C.
Hall, Lawrence B.
Haran, Jeffrey C.
Hardegree, Jimmy V.
Hargrove, Kenneth R.
Harris Danny R.
Harrold, Lyman L.
Harrington, Stephen G.
Hartley, David B.
Hartley, Donald S.
Hassin, Charles K.
Hawkins, Allen R.
Hawkins, Edward G., Jr.
Hayes, John J.
Healey, James S.
Heath, Charles E.
Heaton, Thomas A., Jr.
Helms, Charles J., Jr.
Hendrix, Robert C.
Herchelroath, Charles
Herndon, Silas K.
Higgins, Edward D.
Hill, Paul H.
Hill, Raymond D., Jr.
Hilton, Corson L., III
Hitch, Kenneth E.
Hock, Richard J.
Hoffman, John T.
Hoffmeyer, James H.
Hoffpauir, Patrick L.
Hollings, Richard W.
Hood, James C.
Hood, James V.
Hooper, Steven E.
Hornaman, John R.
Hornyak, Robert F.
Houseworth, Ronald I.
Houston, David M.
Howard, Patrick E.
Howard, Thomas E.
Huey, Robert F., Jr.
Hull, Donald L.
Inge, Joseph R.
Ishee, George E.
Jackson, Randall H.
Jaffe, Reid S.
Jamison, Clarence C., Jr.
Jeary, Michael J.
Jeffers, Roy R.
Jeffrey, James F.
Jeffrey, Thomas S., III
Jewell, David R.
Johanson, Erick S.
Jones, David L.
Jones, Jerome
Jones, Joseph
Jones, Louis G.
Jones, Thomas R., Jr.
Jones, Vincent P.
Jordan, Richard R.
Joyce, William J.
Jozwiak, Stanley D.
Judge, David J.
Justice, William S.
Kaiser, Dennis M.
Kalagian, Samuel, Jr.
Kaminski, Kenneth J.
Karbel, Robert E.
Kaufman, Gerald L.
Kavanaugh, Thomas C.
Kennedy, Dennis J.
Kenyon, Robert W.
Kilpatrick, Roger T.
Kimker, Christoph K., Jr.
King, Donald H.
Kinsel, Thomas E.
Kish, Robert J.
Klinck, Earl F.
Kluge, Charles W.
Kokko, Robert A.
Koss, Stephen J., Jr.
Kramer, John J., III
Krupski, Joseph P.
Kubiszewski, Stephen P.
Lacallade, Charles L.
Lacher, Gary N.
Ladasky, John J.
Lagerborg, Alexander V.
Laich, Walter E.
Lanigan, Dennis M.
Laroe, Stephen K.
Larsen, Lester J.
Larue, Lanny R.
Ledesma, David M.
Lee, Han C.
Leketa, Anthony F.
Lesher, Donald S.
Leung, Allan F. W.
Lewis, Herman E.
Lilienthal, John G.
Linkhart, John R.
Lipinski, Robert B., Jr.
Livingston, Allen S.
Livingston, James T.
Locke, Melvin W., Jr.
Lomenzo, Peter T., Jr.
London, David R.
Lopez, James F.
Lott, Theron E.
Lovasz, Steven A.
Love, George U, II
Lowry, George C., Jr.
Luciano, Joseph W.
Luczu, Louis J.
Lumpkin, Harry N.
Luszcz, Victor J.
Lyons, William C.
MacDonald, Paul M.
Mackey, Richard H.
Mackin, Joseph L.
MacKinlay, William A.
MacNeil, John W.
Macys, Michael E.
Maeger, Henry V.
Maggio, Robert M.
Malachosky, Edward II
Malecki, Michael J.
Maloney, Cornelius R., III
Mann, Gary D.
Mapes, James A.
Marginson, William R.
Martin, Hilton G.
Martin, John C.
Martin, Perry W.
Massey, David L.
Matthews, Donald D.
Matzdorf, Gilbert R.
Maxey, Clarence E.
Mazur, Daniel H.
Mazzel, Walter R.
McCarty, James J.
McCormick, Robert E.
McCombs, Charles D., II
McCullough, Thomas A.
McDonough, Thomas W.
McGill, Dennis R.
McGowan, Jeffrey L.
McGriff, Billy W.
McIntyre, Stephen P.
McKennon, Larry W.
McKinnon, David E.
Mead, James L.
Melching, John B.
Mendall, Carlton J.
Merrell, Robert B.
Metcalf, William A.
Meyer, Edward R., Jr.
Michaliga, Michael G.
Mikolitch, Earl E., Jr.
Miller, Gordon R.
Minshew, Jimmy W.
Mitchell, Clarence B.
Mitchell, Douglas D.
Moczulski, John J.
Moisuk, John Jr.
Monahan, Alfred
Monden, Gerald W.
Mongillo, Steven E.
Morgan, Wayne J.
Morris, Andrew N.
Morse, Richard H.
Morsman, Kimball H.
Mosley, Joshua Jr.
Mouton, Robert H., Jr.
Moxon, Peter W.
Murn, Thomas J.
Murphy, William P.
Nash, Darryl W.
Nasuti, Frank W.
Nealy, Robert L.
Neerman, Marc A.
Newsome, Wendell W., Jr.
Nichols, Howard V.
Nienaber, Ralph H.
Nuttall, Donald O.
O'Dawe, Nicholas, P.
O'Donovan, Michael E.
O'Donnell, Peter B.
O'Neal, James P.
Orgill, James R.
Owens, William D.
Palmiero, Frank R.
Paluska, Stephen M.
Parks, Benjamin A.
Parker, Howard C.
Parmelee, Asahel F., Jr.
Parrish, George W.
Parsons, Eugene
Patrick, Thomas E.
Patterson, Phillip G.
Pawliczek, Edward H., Jr.
Payne, Jan E.
Pearsall, Russell L.
Peck, Robert A.
Perkins, Glenn W.
Persia, Stephen F.
Persyn, Charles E.
Phillips, Charles C., Jr.
Phillips, Eugene B.
Phillips, Robert J.
Picard, George A.
Pickard, Andrew D., II
Pierce, Kurt A.
Pluto, Charles P.
Poltrino, Robert L.
Potamis, Gerald C.
Pratt, Robert J.
Prior, Earle H.
Ratcliffe, Donald R.
Ray, James E.
Rehm, Donald A.
Reichle, William J.
Reimer, William C.
Reimers, Ronald J.
Reiss, David Marshall
Repole, Richard G.
Reynolds, Jesse E.
Richard, Floyd H.
Ridout, Robert A.
Riffle, Scottie R.
Ritchie, Richard A.
Roberts, Charles E., Jr.
Robertson, James D.
Robinson, J. Paul
Rochford, Dennis J.
Roder, Walter H., II
Roeder, Donald R.
Rosa, Robert J., Jr.
Roszkowski, Joseph A.
Rothwell, John C., II
Rouillard, Edward C.
Rowlett, Ricky M.
Rundall, Robert L.
Russ, Jerome F.
Sakaley, John A., III
Salisbury, Michael H.
Sanders, Clarence S.
Santini, Gerald
Sarratt, James S.
Savitske, George J.
Sawyer, Charles K.
Sayers, Ronald T.
Schade, Jon C.
Scheer, Dennis M.
Schimeneck, Herbert A.
Schindler, David C.
Schmidlapp, John E.
Schneeberger, John, Jr.
Schoenberger, Dale G.
Schoomaker, Peter J.
Scholtes, Wayne H.
Schopfer, George F., Jr.
Schorpp, Earl L., II
Schroeder, Michael A.
Schultz, John T.
Schumacher, Frederick W., II
Seehausen, Verne P.
Seidel, Paul R.
Seier, Joseph S.
Seitzinger, George G.
Sell, Mark F.
Sheehan, Robert P.
Sheller, Thomas G.
Sheptak, Stephen M.
Sherman, Daniel H., III
Shirron, William E.
Shuler, Ronald M.
Shultz, Carl F.
Singer, Robert E.
Slabe, Francis J.
Smith, Douglas I., Jr.
Smith, Kevin B.
Smith, Larry M.
Smith, Paul D.
Smith, Richard A.
Smith, Richard J.
Sneed, James I., Jr.
Snyder, James C.
Sosnin, Embert G.
Souders, Ronald L.
Souza, Dennis D.
Spadaford, Joseph F., Jr.
Spencer, Kenneth E.
Spicer, Joseph G., Jr.
Spigelmyer, Donald W.
Stanford, John, Jr.
Stapler, John G., Jr.
Staples, James J.
Steeb, John E.
Steele, Robert L.
Stenger, John E., Jr.
Stevens, John Leo
Stevens, Michael J.
Stewart, Frank G.
Stewart, John F.
Stewart, Robert D.
Stone, William E.
Street, James M.
Stripling, Francis W.
Subelsky, Lewis B.
Sylvain, Richard W.
Talmadge, Robert E.
Tanksley, James E.
Tatum, Larry D.
Taylor, Howard E., Jr.
Terry, William B.
Thomas, William J., III
Thompson, Gary W.
Tilburg, William E.
Timmons, Thomas H.
Totten, James P.

Townsend, Donald P.
Townsend, Ronald E.
Trevino, Romero C.
Troup, Craig A.
Trudil, David P.
Tucker, James H.
Tufts, Memphis D.
Turillo, Michael J., Jr.
Turner, Lamont D.
Updike, Godfrey W., Jr.
Vanier, Robert O.
Van Zandt, James M.
Varrieur, Michael R.
Vereb, Thomas Andrew
Vinciquerra, James A.
Vonasek, Stanley C.
Wade, Gregory K.
Wagner, John M.
Walbridge John H., Jr.
Walker, Henry P., Jr.
Wallace, William H.
Wallin, Gerald E.
Warner, Donald E.
Warrington, Thomas G.
Washington, Donald E.
Waters, Elliott M.
Watson, Henry, III
Weatherly, William C.
Weaver, Brian M.
Weaver, Steven L.
Weill, Randall B.
Welliver, Wallace H.
Wesp, Arthur P., III
Whitaker, Cornelius E.
Whitaker, Steven J.
White, Patrick G.
White, Terry W.
Whiting, Marvin E.
Wickham, Stephen H.
Wiggins, Romeo O., Jr.
Wilde, Burt W.
Wilkinson, William B., III
Willard, Robert E.
Willhoft, Richard J.
Williams, Claude A.
Williams, Jonathan G.
Williams, Wayne Q.
Willie, James F.
Willis, William D.
Wilson, Frederick R.
Wimberly, Marion D., Jr.
Windham, Rodney E.
Windsor, Robert G.
Wingerter, George J.
Wise, George R.
Wisser, George R., Jr.
Wolvington, William H.
Wood, Andrew G.
Wood, Lawrence E.
Wooldridge, Michael L.
Worley, Joe R.
Wund, Robert L.
Wynne, William L.
Younker, George D.
Zimmerman, Ryan M.
Ziomek, Daniel D.
Zook, Phillip M.

CONFIRMATIONS

Executive nominations confirmed by the Senate, February 7, 1969:

DEPARTMENT OF THE INTERIOR

Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Richard C. Van Dusen, of Michigan, to be Under Secretary of Housing and Urban Development.

Floyd H. Hyde, of California, to be an Assistant Secretary of Housing and Urban Development.

Samuel C. Jackson, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Samuel J. Simmons, of Michigan, to be an Assistant Secretary of Housing and Urban Development.

Sherman Unger, of Ohio, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF STATE

U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Under Secretary of State for Political Affairs.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

U.S. INFORMATION AGENCY

Frank J. Shakespeare, Jr., of Connecticut, to be Director of the U.S. Information Agency.

DEPARTMENT OF LABOR

James D. Hodgson, of California, to be Under Secretary of Labor.

Arnold R. Weber, of Illinois, to be an Assistant Secretary of Labor.

Willie J. Usery, Jr., of Georgia, to be an Assistant Secretary of Labor.

Elizabeth Duncan Koontz, of North Carolina, to be Director of the Women's Bureau, Department of Labor.

OFFICE OF SCIENCE AND TECHNOLOGY

Lee A. DuBridge, of California, to be Director of the Office of Science and Technology.

DEPARTMENT OF STATE

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Joseph John Sisco, of Maryland, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Gerard C. Smith, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

POST OFFICE DEPARTMENT

Elmer T. Klassen, of Massachusetts, to be Deputy Postmaster General.

James W. Hargrove, of Texas, to be an Assistant Postmaster General.

Kenneth A. Housman, of Connecticut, to be an Assistant Postmaster General.

John L. O'Marra, of Oklahoma, to be an Assistant Postmaster General.

David A. Nelson, of Ohio, to be General Counsel of the Post Office Department.

DEPARTMENT OF DEFENSE

John W. Warner, of Virginia, to be Under Secretary of the Navy.

Frank Sanders, of Maryland, to be an Assistant Secretary of the Navy.

OFFICE OF EMERGENCY PREPAREDNESS

Fred J. Russell, of California, to be Deputy Director of the Office of Emergency Preparedness.

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code:

To be brigadier general

Col. Fred A. Heimstra, [redacted], Regular Air Force, Medical.
Col. Paul P. Douglas, Jr., [redacted], Regular Air Force.
Col. James O. Frankosky, [redacted], Regular Air Force.
Col. Victor N. Cabas, [redacted], Regular Air Force.
Col. Kendall S. Young, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. William A. Jack, [redacted], Regular Air Force.
Col. Ernest F. John, [redacted], Regular Air Force.
Col. Ralph J. Hallenbeck, [redacted], Regular Air Force.
Col. Quintino J. Serenati, [redacted], Regular Air Force, Medical.
Col. Harold L. Price, [redacted], Regular Air Force.
Col. Woodard E. Davis, Jr., [redacted], Regular Air Force.
Col. Ray M. Cole, [redacted], Regular Air Force.
Col. Michael C. McCarthy, [redacted], Regular Air Force.
Col. Jessup D. Lowe, [redacted], Regular Air Force.
Col. Donald A. Gaylord, [redacted], Regular Air Force.
Col. Vernon R. Turner, [redacted], Regular Air Force.
Col. Edgar H. Underwood, Jr., [redacted], Regular Air Force, Medical.
Col. Coleman O. Williams, Jr., [redacted], Regular Air Force.
Col. Leslie J. Westberg, [redacted], Regular Air Force.
Col. George K. Sykes, [redacted], Regular Air Force.
Col. Wendell L. Bevan, Jr., [redacted], Regular Air Force.
Col. William P. Comstock, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Richard C. Catledge, [redacted], Regular Air Force.
Col. Madison M. McBrayer, [redacted], Regular Air Force.
Col. William H. Holt, [redacted], Regular Air Force.
Col. James H. Watkins, [redacted], Regular Air Force.
Col. Warren D. Johnson, [redacted], Regular Air Force.
Col. Paul C. Watson, [redacted], Regular Air Force.
Col. Maxwell W. Steel, Jr., [redacted], Regular Air Force, Medical.
Col. Jack K. Gamble, [redacted], Regular Air Force.
Col. William C. Fullilove, [redacted], Regular Air Force.
Col. Charles E. Yeager, [redacted], Regular Air Force.
Col. Harold R. Vague, [redacted], Regular Air Force.
Col. Paul G. Galentine, Jr., [redacted], Regular Air Force.
Col. Foster L. Smith, [redacted], Regular Air Force.
Col. Thomas P. Coleman, [redacted], Regular Air Force.
Col. Homer K. Hansen, [redacted], Regular Air Force.
Col. Peter R. DeLonga, [redacted], Regular Air Force.
Col. Clifford W. Hargrove, [redacted], Regular Air Force.
Col. Samuel M. Thomasson, [redacted], Regular Air Force.
Col. Robert E. Huyser, [redacted], Regular Air Force.
Col. William J. Evans, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Thomas W. Morgan, [redacted], Regular Air Force.
Col. William R. Goade, [redacted], Regular Air Force.
Col. Charles I. Bennett, Jr., [redacted], Regular Air Force.
Col. Otis E. Winn, [redacted], Regular Air Force.
Col. Woodrow A. Abbott, [redacted], Regular Air Force.
Col. James R. Pugh, Jr., [redacted], Regular Air Force.
Col. Robert P. Lukeman, [redacted], Regular Air Force.
Col. James L. Price, [redacted], Regular Air Force.
Col. John W. Roberts, [redacted], Regular Air Force.
Col. Brian S. Gunderson, [redacted], Regular Air Force.
Col. Geoffrey Cheadle, [redacted], Regular Air Force.
Col. Floyd H. Trogdon, [redacted], Regular Air Force.
Col. Devol Brett, [redacted], Regular Air Force.
Col. Paul F. Patch, [redacted], Regular Air Force.
Col. Harold E. Collins, [redacted], Regular Air Force.
Col. Benjamin N. Bellis, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Salvador E. Felices, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Richard G. Cross, Jr., [redacted], Regular Air Force.
Col. Lew Allen, Jr., [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Martin G. Colladay, [redacted] (lieuten-

ant colonel, Regular Air Force), U.S. Air Force.

Col. Charles C. Pattillo, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Billie J. McGarvey, [redacted], Regular Air Force.

Col. James D. Hughes, [redacted] (lieutenant colonel, Regular Force), U.S. Air Force.

Col. James R. Allen, [redacted] (major, Regular Air Force), U.S. Air Force.

Col. Robert E. Pursley, [redacted] (major, Regular Air Force), U.S. Air Force.

IN THE NAVY

Rear Adm. Jackson D. Arnold, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of major general:

Charles T. Hagan, Jr.
Arthur B. Hanson

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Richard Mulberry, Jr.

The nominations beginning Rodolfo Alvarez, Jr., to be second lieutenant, and ending James A. Zahm, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 1969.

HOUSE OF REPRESENTATIVES—*Friday, February 7, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My brethren, be strong in the Lord and in the power of His might.—Ephesians 6: 10.

God of our fathers, amid the tumult of troubled times may we keep within our hearts a calm and a quiet place where Thou dost dwell, where Thy power strengthens us, Thy wisdom makes us wise, and Thy goodness keeps us good.

At times may we withdraw from the loud hatred of the world and the noisy bitterness of men and silently lift our hearts unto Thee in prayer. Then alive with Thy spirit may we face our daily tasks with courage and faith and hope.

Bless Thou our country. Make her faithful in her devotion to truth, great in her desire for honor, strong in her willingness to serve, and wise in her dealings with other nations. By doing Thy will may we bring peace to our world, peace to our Nation, and peace to our hearts. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ANNOUNCEMENT OF SPECIAL ORDER TO EULOGIZE THE LATE HONORABLE ROBERT A. EVERETT

Mr. McFALL. Mr. Speaker, the gentleman from Tennessee (Mr. EVINS) has asked me to advise Members that he is today requesting a special order for 1 hour on Wednesday, February 19, for the purpose of eulogizing our late friend and colleague, Representative Robert A. Everett, of Tennessee.

SABBATICAL LEAVE GRANTS FOR TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am today introducing my bill to establish a program of sabbatical leave grants for experienced teachers in elementary and secondary schools. This bill—introduced in the 89th and 90th Congresses—has received the endorsement of every teachers' organization which presented testimony on it at our prior hearings.

The purpose of this bill, Mr. Speaker, is to provide aid and assistance to those teachers who seek to improve their professional capabilities, and to create an incentive for those teachers who do not or cannot because of economic circumstance.

Many of our dedicated public school teachers now attempt to improve themselves by attending night classes in nearby colleges while others spend their summers taking the necessary course work. These teachers know the necessity for and the value of continuing their own education in their chosen profession. They know of the rapid development of new teaching techniques, of new teaching aids and new material; they know of the rapid discovery and accumulation of new knowledge, and they know that if they are truly to call themselves teachers, they must keep abreast of the times.

Surely we in Congress are no less aware of the tempo of our time than are the teachers; surely we know as well as they do—and perhaps better—of the gigantic task of keeping pace with the developments of our day. If we know this and do less than we can to prevent horse-and-buggy teaching in our classrooms, have we kept faith with our children?

Mr. Speaker, I would hope that no one would deny that we should do all we can constantly to improve our teaching capabilities; the only question should be: How should we do it? My bill would establish a method.

The bill would authorize a yearly appropriation of $50 million for sabbatical grants to teachers selected under specified criteria to enable them to pursue courses of study in subject areas where special needs exist. No grant would exceed $200 per month, and many would be less. These grants would be awarded by the Commissioner of Education who would also pay, on behalf of the teacher, a tuition fee not to exceed $1,000.

Desirable safeguards have also been incorporated into the bill. It contains a "Maintenance of Effort" section to prevent this program from replacing existing local and State sabbatical leave programs. It further prevents a department, agency, officer, or employer of the United States from exercising any direction, supervision or control over, or imposing any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution. To qualify for a study grant, a teacher would have to be granted a leave of absence from his employer with mutual assurances that he would return to the teaching profession, he must be accepted for full-time enrollment at an institution of higher learning, and he could not qualify for a grant more than once in 7 years.

Sabbatical leave grants would be allocated to the States on a pro rata basis established in the bill.

Mr. Speaker, my bill would go a long way toward filling an existing need, and I urge its enactment.

A COMMISSION TO STUDY PASSENGER-CARRYING RAILROADS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, today I am introducing legislation which would establish a Commission on Passenger Railroads to make a full and complete investigation and study of all problems relating to the decline in the transportation of passengers by railroads and to recommend methods to resolve these problems. Our colleague from West Virginia (Mr. HECHLER) is cosponsoring this legislation with me.

The problems facing passenger carrying railroads today are huge, Mr. Speaker, and likewise the conditions passengers find on some of these carriers are deplorable. The intent of this legislation is that the Commission fully report on what should be done in the way of possible Federal assistance so that obsolete equipment can be replaced and the railroads continue to serve the public.

We are witnessing today the decline of passenger trains in America. This must not be allowed to happen for many reasons, most notably that our airports are becoming increasingly and perilously overcrowded, making it necessary that clean, comfortable, and convenient rail service, particularly for the medium-length runs between major U.S. cities is essential.

In addition, we must never allow ourselves to be without passenger train capability in the national interest in case of crisis, war, or disaster when it might again become necessary to carry hundreds of thousands of persons across our Nation.

However, it is plain that even while many of the Nation's railroads are sincere in their desire to provide good passenger service, their management is hard put on how to replace their equipment because of high replacement costs.

This Commission would make these recommendations after careful and in-