United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Friday, December 19, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal Father, as we gaze once more upon the manger scene, may the child-heart of simple faith and trust be born in us again. Lead us to the truth which is understood not by logic but by poetry and music and a soul in tune with the infinite and eternal. In the long hours of toil keep us from being pushed or pinched by the day's program, but preserve in us an area of serenity and quiet strength. May we come to that reality of Thy sustaining and abiding presence we have never known before. And may we serve in the spirit of Him who came to be the servant of all. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 19, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 18, 1969, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare and the Committee on Armed Services be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

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

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

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

AMBASSADOR

The assistant legislative clerk read the nomination of Henry J. Tasca to be U.S. Ambassador to Greece.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination?

Mr. GOODELL. Mr. President, on Tuesday, December 9, I requested Senate Majority Leader MANSFIELD to place a temporary hold upon the consideration of the nomination of Henry J. Tasca to be U.S. Ambassador to Greece.

I did not take this action because I believed the United States should indefinitely postpone sending an ambassador to Greece.

On September 25, the Senate adopted a resolution (S. Res. 205) declaring that when the United States recognizes a foreign government, that action does not in itself imply that we endorse its policies. I agree with the principle set forth in this resolution, and I voted for it. In general, the establishment and maintenance of diplomatic contacts with other nations should reflect the realities of international politics, not our preferences.

Greece now is ruled by a brutal dictatorship that does not hesitate to make systematic use of terror and torture.

The repressive nature of the Greek regime does not, however, justify a permanent refusal to dispatch an ambassador to Athens—any more than Soviet police state methods would justify withdrawing our Ambassador in Moscow.

Nor was my action based on any reservations concerning Mr. Tasca's qualifications. He is, as I have stated previously, a most able diplomat who is fully qualified for this sensitive post.

I requested a temporary hold on consideration of the nomination because I was convinced it was not the propitious moment to approve an ambassador—as the Council of Europe was about to consider the expulsion or suspension of Greece from the Council for violation of the basic human rights of Greek citizens.

I was fearful that the confirmation of a U.S. ambassador a few days before the Council's meeting would be misconstrued in Europe as a gesture of support for the junta and as an attempt to intrude ourselves into a decision that should have been made by Europeans themselves.

The Council's meeting has now taken place. The Greek dictatorship was forced to resign from membership in this body of democratic nations.

The strong stand of the members of the Council is most gratifying. It will be a clear signal to the forces behind the junta that the patience of the European democracies with the Greek junta's cruel and dictatorial methods has run out.

Now that the Council of Europe has met, the dispatch of an ambassador to Athens could no longer be interpreted as a sign that the Senate of the United States opposes strong disciplinary action by the Council against Greece.

Accordingly, I have decided to release the hold I requested on the consideration of Mr. Tasca's nomination. I am hopeful he can be confirmed soon, and I will vote for his confirmation.

While I will not oppose this nomination further, I would like to register my concern over the failure of the United States to make effective use of its diplomatic influence to press for more humane and democratic policies in Greece.

Reform in Greece is needed in the interest of simple humanity and justice. The victims of the Greek dictatorship are human beings. They must not be harassed, terrorized, and tortured. If we show no interest in preventing this sort of suffering, our claims of representing democratic and humanitarian ideals become no more than a mockery.

Reform in Greece is needed to preserve our credibility. We simply cannot afford to profess a double standard of morality—one for Communist nations and one for rightwing dictatorships with which we happen to be allied. No one will believe our protests against repression in Czechoslovakia or Russia if we turn a blind eye to tyranny in Greece.

Finally, reform in Greece is needed to protect our security. Continued repression only increases the chances of a civil war—one which the Greek Communists could exploit to reestablish the influence they lost in the late 1940's.

The men supporting the junta are realists. Faced with strong and insistent demands for reform from the United States and its European allies, these men may well be induced by self-interest to press

for more humane policies. Faced with an ineffectual U.S. response, they will have little incentive for change.

Regrettably, the official reaction of the State Department to the junta's police state practices has been most ineffectual.

Despite indications that the forces in Greece undergirding the junta might press for reforms in response to a strong U.S. stand, the State Department has evinced little more than mild disapproval for the regime's harsh policies. The Department has succeeded in conveying the impression that it is far more concerned about what hypothetically might happen to our military bases in Greece than with what is actually happening to the basic human rights of the Greek people.

A glaring example of this sort of complacency was the Department's stand on the ouster of Greece from the Council of Europe.

The Council is restricted by its charter to those countries that "accept the principles of rule of law" and the enjoyment by all citizens of "human rights and fundamental freedoms." The Greek dictatorship patently fails to meet either of these requirements.

Before the Council met last Friday, the official position of the State Department was "neutrality" on the side of the junta. Persistent reports came from Paris that the State Department was lobbying with European foreign ministries for retention of Greece in the Council.

The basis of the Department's projunta stance was the familiar one of fear of loss of the NATO bases in Greece. The Department was naive enough to believe threats by semiofficial Greek sources that if Greece was ousted from the Council of Europe it might "reconsider" its membership in NATO. It chose to overlook the fact that the Council is a purely advisory body of parliamentary representatives that has never included the authoritarian government that has been associated with NATO and Portugal. It also chose to overlook the fact that the junta has strong security and economic interests in the maintenance of the bases which would make its departure from NATO extremely unlikely.

As events turned out, the Department miscalculated entirely. Its lobbying effort failed, and Greece was forced out of the Council. Not surprisingly, Greece decided to continue its NATO association.

Unfortunately, this was not an isolated incident. It reflects the basic attitude of the State Department at the working level. Department officials profess a desire for reforms by the junta, but they fail to convey any urgency or real determination. They seem more concerned with explaining away the junta's actions than with inducing constructive changes.

I am hopeful that Mr. Tasca's departure for Greece will signal a change of policy. I hope that he will be sent with new instructions for a tough stand toward the Greek regime's police state methods. I hope our State Department will become an effective advocate of reform in Greece.

A crucial test of U.S. intentions will be its decision on resuming regular military aid to Greece. It was most unfortunate that the Senate chose last week to override the ban proposed by the Senate Foreign Relations Committee on military assistance to the junta. The resumption of full military aid at this time would be a clear sign of support for the present regime's policies. Regular arms aid should be withheld until meaningful steps toward democratization are taken.

Our foreign policy must reflect something more than a mere chess game of power politics. It should embody our underlying commitment to humanitarian and democratic ideals.

The fundamental principles upon which our Nation was launched, if they mean anything at all, should be no less fundamental in shaping the relationship of our Government toward other peoples.

Where a great democracy has fallen, as in Greece, we must avoid policies that can be construed as support for those who strangled it.

Morality should not grind to a halt at our borders. We should not park our consciences when we pick up our diplomatic passports.

Mr. President, having said all this, I believe the withholding of approval by the Senate of the nomination of an ambassador to Greece 3 days before the Council of Europe met did avoid involving this country directly in that decision in the Council of Europe. I understand this was read with some meaning by members of the Council of Europe that at least the U.S. Senate was refusing at that time to take action that could be interpreted as support of the Greek junta.

I believe at this point it is in our interest to have an ambassador dealing at the highest level in Greece to present our views forcefully to the Greek junta and other elements or establishments of Greece that we want the Greek Government to move back toward democracy; that we do not attempt to dictate their form of government or attempt to tell them what change should be made, but we do say we will not support a government which engages in widespread violation of basic human rights of people. These violations of basic human rights in Greece by the junta are well documented.

Mr. President, under all these circumstances I withdraw my opposition to the nomination of Henry J. Tasca to be U.S. Ambassador to Greece.

Mr. MOSS. Mr. President, I congratulate the Senator from New York on his statement regarding the nomination of Henry J. Tasca to serve as our Ambassador to Greece. I differ with him somewhat on his conclusion as to the timing on this matter but I agree heartily with what he said about this matter.

I am one of those Senators who had a "hold" against the nomination for the very reasons discussed by the Senator from New York, but I thought the time of the pending action of the Council of Europe would have been most inopportune for the United States to confirm an ambassador to the junta in Greece.

This morning, therefore, I wish to announce I still object to the confirmation of Henry J. Tasca as U.S. Ambassador to Greece at this time because it is still so closely associated with the action that happened in the Council.

I do not oppose Henry J. Tasca because of his lack of qualification for the position. He has already distinguished himself as Ambassador to Morocco and through a fruitful career in the American Foreign Service.

I think he is eminently qualified. I want to underline this point: that I do not question his qualification, or his worthiness in any respect. I oppose the confirmation now, because I feel that for the Senate to act at this time to send an American of ambassadorial rank to Greece would be a blunder in timing.

There are a number of reasons why. I shall mention several.

Earlier this month, the Council of Europe expelled Greece from that organization. I know that the colonels in Greece say they withdrew. But the fact is that the Council voted to expel Greece at the end of this year on the charge that the Greek Government had failed to restore democratic freedoms, and the colonels withdrew rather than face the humiliation of being kicked out.

The Council of Europe is not an economic alliance. It is an association of democratic governments designed expressly to advance democracy and human rights. Their moral disapproval of the regime in Greece shows quite clearly how the people on the other side of the Atlantic feel about the military junta which holds that country in its tyrannical grasp. The Council abhors the present Greek Government. And furthermore, many of them feel that it is only America's apparent friendship for the regime—only our apparent support of the colonels—which keeps them in power.

For the U.S. Senate to confirm an ambassador to Greece hard on the heels of strongly expressed European disapproval of the regime would be little less than a slap in the face to many of our allies.

Second, according to no less an authority than former Greek Minister Constantine Mitsotakis, with whom I conferred recently, the next few months—possibly the next 3 months—offer the last opportunity for a restoration of the Greek democracy without a blood bath. This opinion is also shared by my good friend Elias Demetracopoulos, a distinguished European editor and a leader of the resistance movement against the junta in America, who accompanied Mr. Mitsotakis to my office.

The history and temperament of the Greek people practically assure us there will be an effort sometime in the future to force out the colonel's government—even if it drenches the country in blood.

No other people, on the face of the earth, understand more fully the desire of the Greek people for freedom, than do the people of the United States. Greece may have been the cradle of democracy, but we have made democracy work—and work reasonably well, for almost 200 years. The Greeks feel deeply their bond with us. They are relying on us now in their time of great travail.

Why give them cause to doubt our support—why douse their spirits and quench their thirst for freedom—by accrediting a man with the rank of Am-

bassador to the junta government. It would be an affront to the Greek patriots.

Third, since the Nixon administration has not yet come up with a policy on Greece, why do we need a man of ambassadorial rank there? America's affairs can well be handled by the competent career men already in our Embassy there. Must we fill the rank of ambassador right now?

Mr. President, in the 2½ long years since the military junta took over Greece, there has not been even one small step toward the restoration of a parliamentary government.

We hear stories every day about people being brutalized in courts, and in prisons. Civil liberties are dead. Normality and freedom and liberty and order and security are only words which the colonels use from time to time—they have no real meaning to the people.

I realize that sending an American ambassador to Greece does not necessarily mean that this country approves of the present government. But most certainly if we do not send an ambassador—if the United States would postpone action on confirmation of Ambassador Tasca for some of the reasons I have outlined, it would certainly be construed as an expression of our disapproval of the junta regime.

I suggest confirmation be delayed. It is time to stop showing cordiality and friendship for the colonels, to stop exchanging visits and honors with them, and to start openly showing some sympathy for the people who are striving to restore the democratic freedoms that we hold so dear in our own country.

The U.S. Senate should not at this juncture in history be in the process of confirming a U.S. ambassador to Greece.

Mr. GOODELL. Mr. President, will the Senator from Utah yield?

Mr. MOSS. I am happy to yield to the Senator from New York.

Mr. GOODELL. I want to express my gratification for the very fine statement the Senator has made.

We are in essential agreement. I think the only area where we may differ is on the question of sending an ambassador.

I agree with the Senator's comment that the next 3 months will be critical in Greece, that unless steps are taken to ease the repression there and move toward democracy, Greece may well enter into a blood bath and revolution, one that will be difficult to control, because revolutions never can be controlled.

I think it is imperative, under those circumstances, that we have an ambassador there at the highest level putting the pressure on the Greek junta, talking to the top leaders in Greece, expressing our concern.

I would emphasize that although the Council of Europe has expelled Greece, as the Senator has indicated, the European nations who are members of the Council of Europe have ambassadors to Greece in Athens and they are there, as I hope our Ambassador will be there, to express the deep concern of the peoples they represent over what is happening in Greece.

The record should be made clear, although the Senator and I differ on the timing of this approval, that I certainly, and I think the Senate, in approving the nomination—if that does occur—are not in any way indicating to the Greek junta our approval of their policies.

As a matter of fact, it is precisely the opposite.

I think that our Ambassador should now go there to indicate our disapproval at the highest levels.

The Senator, who has just spoken so eloquently, thinks that we should not send an ambassador because that would be a means to indicate our disapproval.

Thus, our only difference is in the way we express our disapproval of the Greek junta.

I thank the Senator from Utah for yielding to me.

Mr. MOSS. I thank the Senator from New York. He and I are in agreement that U.S. disapproval of the junta should be demonstrated. Our only difference is whether the signal has been adequately given by a rather temporary delay or whether it should be delayed further.

I am perfectly willing to acknowledge that such a signal has been given so that the people of Europe, and the Greek people themselves, understand that there is no degree of approval but, as a matter of fact, high disapproval of the regime of the junta over there, and that now we are sending our representative there to have a spokesman on hand to deal directly with the junta.

As I say, this may possibly be so, but I have felt that it is so close, still, to the action taken by the Council of Europe, that perhaps our disapproval should be underlined even more clearly.

One thing that disturbed me a bit in talking with Mr. Mitsotakis, and with others, is that there is a feeling among some of the Greeks that the United States has some sympathy for the junta; that, in fact, it has been said—rumors spread so easily—that the junta would not stay in power at all were not the Pentagon in league with it.

We know that that is not true, but I am wondering whether we should not send the signal in more clearly than we have, that it is not true that we support the junta in any way.

But in either event, I think having this colloquy on the floor and this expression made in the U.S. Senate is helpful indeed to try to get word to the Greek people that we have great affection and sympathy for the Greek people; we would like to see them have control of their own destiny and have democracy reestablished in their country; and we are hopeful that in some way we can help them back to controlling their own destiny democratically, without having a terrible blood bath, which may be imminent.

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

Mr. MOSS. I yield.

Mr. GOODELL. I think the Senator will agree with me that, in any event, Mr. Tasca should understand that the U.S. Senate wants him to go to Greece as an ambassador—if his nomination is approved—to express, in the strongest terms, our disapproval of the suppression and brutality occurring in Greece under the junta.

I think we can agree that whether the decision to send an ambassador to Greece was wise or not will be judged by the action taken by Mr. Tasca as Ambassador in Athens. If he goes over there and makes our voice stronger and clearer to the junta, then it will have been a valuable contribution in sending the U.S. Ambassador to Greece now.

I think the Senator and I would agree that, assuming the Ambassador goes, that is what we want him to do, and we hope the State Department and the President give him that kind of instruction.

Mr. MOSS. I heartily concur with the Senator and thank him for that expression.

I rather expect that the confirmation of Mr. Tasca will be confirmed. I hope there is not the least shadow of reflection of his ability or integrity coming from my remarks, because I think he is a fine, able man; but I concur with the Senator that, if he goes there, he should go there with a message, as strongly expressed as can be expressed, that we do not sympathize with the actions of the Greek junta; we sympathize with the Greek people and we want freedom and civil rights reestablished in Greece at the earliest possible time and without a blood bath.

Mr. GOODELL. If the Senator will yield, that point, I think, was made unmistakably clear the day the U.S. Senate reversed the decision on military aid to Greece; we immediately thereafter, and unanimously, passed a provision that decried what was going on in Greece and urged the Greek Government to move back to democracy. That was a unanimous action.

Mr. MOSS. Mr. President, I yield the floor.

Mr. BAYH. Mr. President, I listened with a great deal of interest to my colleagues from Utah and New York, and I find myself in complete agreement with their general thoughts. I see, once again, however, that it is possible for reasonable men to pursue the same goal by different means. I find, on weighing all of the facts, that my colleague from Utah, has made an equally persuasive case.

At this time, I, personally, am opposed to Senate consideration of the nomination of Henry J. Tasca as U.S. Ambassador to Greece. But I am inclined to lay aside my personal inclinations in the interest of Senate procedure.

I do not question the qualifications of Ambassador Tasca. It has been pointed out that he has served with distinction as Ambassador to Morocco and has proved his abilities as a diplomat during a long foreign service career. I oppose consideration of his nomination at this time for the same reasons I opposed the amendment of my distinguished colleague, the Senator from Connecticut (Mr. DODD), striking section 508A from the foreign aid authorization bill, as a demonstration to the Greek Government, the Greek people, and the world, that the Congress of the United States does not approve of the prac-

tices of the current military regime in the cradle of democracy.

This regime's policy of torture and denial of constitutional rights has been a matter of deep concern to me, not only as a U.S. Senator, but as a citizen of the United States. In a country where we take for granted those rights, it is difficult for us to imagine a normal political life without them. Yet the Greek people are now suffering from the deliberate denial of basic human and political rights.

I would remind the Senate once again, of the action taken November 18 by the European Commission of Human Rights, when it delivered a scathing report to the Council of Europe detailing its findings that the regime in Greece has allowed torture to be used against its political opponents "as an administrative practice" and that the regime has failed to prove its claim that the suspension of civil liberties had been justified by an internal emergency.

As has also been pointed out, on December 12 Greece withdrew from the Council of Europe but only when it became clear that she would be suspended until democracy and human rights were restored to the Greek people.

As I pointed out a moment or two ago, the only means available to the Senate to express its disapproval is to lay this nomination over for a short period of time. Then when we come back early in January, we could quickly confirm the nomination of this man, who is fully capable of pursuing the course the Senator from New York has suggested he should pursue and that, hopefully, he will. If he was not so inclined, I think, after reading the debate and being informed, he certainly will be. I appreciate, however, the unusual nature of this procedure and so I shall not press the matter.

Mr. President, would it be in order to address a parliamentary inquiry at this time?

The PRESIDING OFFICER. It is in order.

Mr. BAYH. As part of the advice and consent authority that is set forth in the Constitution, is it possible, in confirming the nomination of an ambassador, for the Senate to fix a time certain on which the confirmation of the nomination would take place?

The PRESIDING OFFICER. The Chair would be of the opinion that that would not be within the province of the Senate. The Senate has the duty at this time of passing on the confirmation, yes or no.

Mr. BAYH. May I address a further parliamentary inquiry?

The PRESIDING OFFICER. A parliamentary inquiry is in order.

Mr. BAYH. Is it possible for the Senate to fix any condition, such as a time at which the Ambassador would present his credentials? In other words, would it be possible for us to advise and consent with the stipulation that the credentials would not be presented before January 15, for example, as a display of our displeasure with the Greek regime?

The PRESIDING OFFICER. The Chair is advised that that would not be in order. The Senate has the right to confirm or reject. If it wishes to postpone consideration, it has that authority; but as long as it acts on a confirmation affirmatively, then it is within the province of the State Department to give the nominee his assignment.

Mr. BAYH. I appreciate the Chair's clarifying this point.

I realize that it would be possible for the Senate to move to defer consideration. After listening to the discussion between the Senator from New York and the Senator from Utah, though, the Senator from Indiana is inclined to follow the course of action expressed by the Senator from New York. I do not want it to appear that the Senate is refusing to cooperate with President Nixon in the formulation of his traditional foreign policy prerogatives. I wish it were possible for us to cooperate with the President and still indicate our displeasure with the Greek regime. It is not possible according to the Chair's ruling.

Mr. PELL. Mr. President, it is tragic that on the same day that Greece was forced out of the Council of Europe for its repressive policies and its practice of torture, the Senate voted to continue the authorization of military assistance to that unhappy country.

It was argued here on the Senate floor that we should not interfere in the domestic affairs of a friendly nation—and the definition of not interfering is that we should continue the authorizing of many millions of dollars of military support and weapons for that country.

My definition of not interfering is "doing nothing." But, I guess what we have now is the new Alice in Wonderland look—not to interfere means to have a massive aid program—to interfere is not to have such a massive aid program. Be that as it may, the net result of the actions of the Council of Europe and of our Senate is that the Greek people now realize that the Greek regime is abhorrent to the Western European democracies, but the object of acceptance and support by our own Nation.

From reactions I have already received, I understand that the United States is now, more than ever, identified by the Greek people as a supporter and an advocate of the junta. One immediate result of this action is the statement by Col. George Papadopoulos, the present Greek chief of government, to the effect that no elections will be held in the foreseeable future.

What a slap in the face to the United States is this announcement coming as it does, immediately after our action in the Senate that specifically authorized the continuation of military assistance, by knocking out my provision specifically denying continuation of such assistance in the committee bill. Now let it not be thought that we are turning the other cheek when, in a very few moments, we confirm the nomination of Henry Tasca as our Ambassador to Greece.

I am confident he will make a fine ambassador, but he certainly will have a difficult mission.

The Pentagon approves of the Greek Government as an efficient government and one which provides agreeable ports of call for our military forces. The executive branch of our Government has never vigorously expressed itself; as a whole it really has a "no policy" policy. Our Senate is divided as shown by the 45-to-38 vote last week. And our people as a whole have a justified revulsion to the Greek regime.

In voting for the nomination of Henry Tasca, I wish him luck in an exceedingly difficult position. May he have success in relaying the abhorrence of the American people for the practices of the recalcitrant Greek regime and in nudging it back onto the path of civilization, democracy, and freedom. And may he particularly succeed in reducing or—and this would be truly wonderful—in eliminating the use of torture by the junta as a matter of administrative practice.

Finally, in voting for the confirmation of Henry Tasca's nomination, I am following what I have always believed is the correct policy when it comes to having diplomatic relations with a foreign government: The more abhorent the regime, the more we dislike the regime, the more we disapprove of the regime, the more important it is to have top level representation at that regime's capital.

If we want to tangibly express our disapproval, let us not do so just in word, but let us off our aid, because by doing that, we hurt that regime; but by not having top level representation, we are simply cutting off our nose to spite our face, and I do not think this serves our national interest.

I ask unanimous consent to have printed in the RECORD the news story from Athens, headlined, "Greece's Premier Bars Early Vote: Defies Europeans," written by Alvin Shuster and published in the New York Times of December 16, 1969.

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

[From the New York Times, Dec. 16, 1969]

GREECE'S PREMIER BARS EARLY VOTE; DEFIES EUROPEANS; HE BRUSHES ASIDE COUNCIL'S CONCERN—SAYS REGIME WILL RULE INDEFINITELY

(By Alvin Shuster)

ATHENS, December 15.—Premier George Papadopoulos tonight ruled out any possibility of early elections in Greece and insisted that the aims of the army-backed Government must be met first.

In an unyielding speech, which made no mention of any new liberalizing measures, the 51-year-old Premier said that the Government would continue indefinitely to exercise all executive and legislative powers of the country. He said this was because "the people will it, because it is in their interest and because it is history's command."

Brushing aside the concern in the Council of Europe about the failure to announce an election date, Mr. Papadopoulos said: "This is a matter that concerns only us because it concerns our life and the life of our nation."

HE WARNS ALLIES

He warned Greece's Western allies to beware of the threat of democracy in their own nations. He said that Greece withdrew from the Council of Europe last Friday rather than be suspended because she could not take orders on how to run her affairs. Greece has become accustomed to bitterness from her allies, he added.

Mr. Papadopoulos, who led the army coup d'état on April 21, 1967, spoke to the nation on radio and television from the chamber once used by Greece's Parliament. It was an emotional address, delivered in high-pitched

tones before an audience of about 500, including Aristotle S. Onassis, the multimillionaire shipowner.

The Premier insisted that Greece now had a form of government that "in substance insures total freedom to the individual, except those working against public order and security." The people gave a mandate to the Government by their approval in September, 1968, of a new Constitution he said.

PREMIER LISTS GOALS

Most of the provisions of the Constitution dealing with civil and personal liberties remain suspended under existing martial law. The Government is now preparing a series of special laws aimed at eventual implementation of the constitutional provisions.

In discussing national elections, Mr. Papadopoulos said the Government would give one year's notice before elections were held to enable new political parties to be formed. He said that national elections would follow local elections, but he offered no timetable for local elections either.

As necessary requirements for elections, the Premier listed a series of goals. Among them was the reorganization of Government machinery, the "cleansing of social institutions" and improvements in the economic, social and political areas.

"Unless these are achieved and the country becomes healthy and capable of accepting the constitutional reforms, we shall not proceed to elections," Mr. Papadopoulos said.

HE TERMS REGIME A SAVIOR

Throughout the speech, Mr. Papadopoulos likened Greece to a ship whose "crew had become cowardly in a storm" and had turned to the armed forces for help. His Government merely wants to lead Greece to a safe harbor, he said.

"Yet some of our friends are treating us like pirates rather than saviors of a ship, either because they want to impose their will or out of solidarity with the old deposed crew," he said. "But the Greek people have always shouted 'hands off us' whenever foreign powers try to impose their will."

The Premier urged Greeks to buy fewer foreign goods in favor of more Greek products "as a sign of faith in your country." He also said that businessmen should be content to hold their prices.

"Public order and security," he said, "shall be preserved at the present level."

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Rhode Island for his remarks. He has expressed my views so much better than I could express them that I simply associate myself with the address he has just made.

Mr. McGOVERN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question, in executive session, is whether the Senate shall advise and consent to the nomination of Henry J. Tasca as Ambassador Extraordinary and Plenipotentiary of the United States to Greece.

Mr. McGOVERN. Mr. President, I quite agree with the statement of the Senator from Rhode Island (Mr. PELL) with reference to the qualifications of the nominee, Mr. Tasca. I am sure that he is a man who will bring good qualifications to the appointment. But I should like the Senate to know that I was one of the Senators who joined with the Senator from Utah (Mr. MOSS), the Senator from North Dakota (Mr. BURDICK) and others in asking the leadership to hold up on this nomination for a period of time, not because I was interested in blocking the nomination, but simply to signify to the people of Greece and, indeed, to world public opinion, the concern that many of us have about the Greek military dictatorship that has, at least temporarily, destroyed democracy in Greece.

I think it is a great loss to the cause of freedom around the world that Greece, which has symbolized throughout history so much of the spirit of freedom and human dignity, has fallen under the control of the group of military dictators who brutally seized power some time ago.

I regret very much what I regard as a serious mistake by the Senate, a few days ago, in approving the amendment offered by the senior Senator from Connecticut (Mr. DODD) which in effect lends American approval to this undemocratic military regime in Athens, by extending American military aid. I do not know of anything that we could have done that would have been more unwise than using American military power and the moral endorsement behind that resolution to signify to the world that, somehow, we are interested in preserving this regime that is now in control in Athens.

I very frankly hope that regime will be swiftly replaced, that it will be a short-lived experience for the people of Greece, and that a more democratic system can be restored in that part of the world. It is the sheerest kind of hypocrisy for this great country of ours to talk about advancing the cause of freedom, and then use the tax funds of the people of this country to maintain in power the kind of undemocratic, unfree, and unrepresentative regime that now holds the people of Greece in its grip.

I very earnestly hope that this Ambassador whose nomination we are about to confirm will use whatever influence he has to keep our Government fully informed on the realities of what is taking place in Greek politics today, so that we will not make the kind of tragic errors in the future that we made on this floor a few days ago when we called for the extension of American military support to that kind of a government. What we did is a defeat for freedom; and I vote for this ambassadorial nomination only on the grounds that I hope that by maintaining diplomatic relations we will come to a better understanding of the tragic forces that are now in play in what was once a free nation.

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

Mr. McGOVERN. I yield.

Mr. PELL. Was the Senator as struck as I was, in the course of that short debate, by the weird argument I have just cited, wherein one of our colleagues said we ought to be very reluctant to appear to be dictating to or meddling in the internal affairs of other governments of the world? Apparently his definition of not interfering or meddling is that we should continue this huge military assistance program to Greece.

However, if we stop this military assistance, then we are meddling and interfering. What can we do to let the American people know that we are interfering by sending military assistance?

This is the point that the press and the country has lost sight of, that we have a new Alice in Wonderland definition of interfere. And under this new definition, to interfere is not to send massive support but to let a nation alone, and not to interfere is to send massive support.

Mr. McGOVERN. Mr. President, I could not agree with the Senator more.

It is an indication of how far we have come in assuming that military aid to right-wing governments represents an investment in freedom. It does not represent an investment in freedom. It represents a setback for it.

It does not represent an investment in the cause of self-determination.

The same logic that the Senator has brought out here so well is one of the things that has concerned me for many years about our involvement in Southeast Asia.

We talk about our interference there as advancing the cause of self-determination. The truth of the matter is that the presence of American military might in such overwhelming force in Vietnam is the very factor that is preventing the process of self-determination from asserting itself. It is preventing the local indigenous political force from asserting itself in South Vietnam.

And that is true with reference to the point the Senator makes in Greece. I commend him for making what seems to me to be a valuable contribution to our understanding.

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

Mr. McGOVERN. I yield.

Mr. CHURCH. Mr. President, does not the Senator feel that our policy toward Greece is a rather frightening example of how close we are coming to the use of "doublethink" as described in Orwell's "1984." The language we use to label our policies is the very opposite of their reality. This is true of Greece and, as the Senator points out, the same tendency is to be found in our semantic treatment of our massive intervention in Vietnam.

More and more, we use words that are, in fact, the opposite of reality. And this was the very phenomenon forecast by Orwell in projecting the kind of totalitarian state he anticipated would overtake us by 1984.

Sometimes I think we are halfway there, and moving ever more rapidly in that direction.

Mr. McGOVERN. I think the Senator's point is well taken with reference to double thinking.

We have seen the same kind of phenomena with reference to our domestic situation here in terms of national priorities.

The Senator from Rhode Island and the Senator from Idaho know that we have just come from a discussion as to what should be the proper response to the President's statement that he is going to veto the appropriation bill on health, education, and welfare on the ground that it is inflationary.

Congress, as I understand it, has increased by $1.5 billion the amount of appropriations for these various programs that relate to the health, education, and welfare of the American people. And that is said to be inflationary. Yet, when we come to the military sector of the budget, the Congress of the United States has reduced the amount requested by the President by more than $5 billion.

Presumably, that is an anti-inflation-

ary effort on the part of Congress. We have reduced and taken out of circulation some $5 billion that would otherwise have been spent for military purposes. Yet, we are accused of adding to the inflationary pressures in the country because we have added a modest amount to the programs designed to improve the health, education, and welfare of the American people.

This relates directly again to the point that the Senator from Rhode Island and the Senator from Idaho have been making, that we have come to the viewpoint where we think a military investment of any kind, if it is an investment in a military dictatorship that suppresses the freedom of its own people, represents an investment in the cause of freedom and that money spent to improve the quality of our own people is dangerous and inflationary. That is double thinking.

Mr. CHURCH. I concur wholeheartedly.

Mr. PELL. Mr. President, is it not the responsibility of a free press to express clearly what the thought is? And when we use "Alice in Wonderland" looking glass talk, it seems to me that there is an obligation to tell the taxpayers exactly what is meant so that when someone says, "We shall not interfere or meddle in the affairs of another nation," the story should say, "By not interfering is meant sending massive military assistance to that nation."

I think the people as a whole, if they knew the Alice in Wonderland chatter that we sometimes engage in, would laugh at us. And that would bring us back to using the words we should use.

Mr. McGOVERN. Mr. President, that would show that foreign aid is getting "curiouser and curiouser every day."

Mr. PELL. Mr. President, I would make that point that we in public office are opinion formers and that those who interpret our words have a responsibility to clarify some of the doubletalk.

THREATENED VETO OF AN APPROPRIATION BILL

Mr. HARRIS. Mr. President, as in legislative session, I would like to say a few words about the President's threat to veto the HEW appropriation bill and also to veto the tax reform bill.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. HARRIS. Mr. President, I believe I have the floor. I did not yield it for that purpose. If the Senator wants me to yield for a question, I will be glad to do so.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kansas for the purpose of making a parliamentary inquiry?

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Mr. President, do I understand that we are in executive session?

The PRESIDING OFFICER. We are in executive session. A Senator can speak as in legislative session on request.

Mr. DOLE. Mr. President, may I inquire as to the pending business?

The PRESIDING OFFICER. The pending business is the confirmation of the nomination of Mr. Henry J. Tasca to be Ambassador Extraordinary and Plenipotentiary to Greece.

Mr. HARRIS. Mr. President, the consumer price index for November was just announced. It showed the steepest jump in consumer prices since last June.

The actual increase was 0.5 percent. The seasonally adjusted annual rate for November was 7.2 percent.

Mr. President, the steepest increase was in food. The food increase was 0.7 percent, with particularly high increases in the consumer price index for vegetables, eggs, clothing, homeownership costs, and services.

Also, the wholesale price index has just been announced. And it shows that in the wholesale price index we have just seen the biggest jump in 6 months.

It includes a 3-percent increase in food costs. Eggs, for example, went up 23 percent. Turkeys, just in time for Christmas, went up 6.7 percent. Vegetables went up 34 percent on the wholesale price index.

There is no question that inflation is a tremendous worry for this country. It is one thing which should concern every one of us. However, I do not think that the President of the United States has properly placed the issue before the people of the United States.

The Congress of the United States has been fiscally responsible. It has lowered the total appropriations on all appropriation bills which have been sent to it by more than $5 billion less than the President's budget. More importantly, this Congress has decided to begin to get the priorities of this country straight by reducing by more than $5 billion the amount of money the President asked for military appropriations, and it decided that it wanted to do more for the people of this country in health and education by raising that appropriation by approximately $1.5 billion.

I say that if the President of the United States wants to veto that bill, then Congress ought to override his veto, either now or when we return after the first of the year.

I am proud that the conference committee on the tax bill, according to this morning's report, has that bill about in balance in revenue raised and revenue spent with the bill which came to us from the House of Representatives and to the Senate floor from the Finance Committee, of which I am a member.

I am proud, too, that the conference committee on the tax bill has decided to raise the personal exemption and has decided to raise social security by 15 percent.

In his recent press conference, the President said that if those two items were in the bill, he would veto it. I say it should be sent to him. If he does veto it, that veto should be overriden by Congress.

Mr. President, I hope the President will use the influence of his office, as he has not done up to this moment, in wage and price decisions. I hope he will at long last use the influence of his office to bring down these scandalously high interest rates.

We will have a conference report before us today, handled by the distinguished Senator from Wisconsin (Mr. PROXMIRE), which will provide the President additional power to hold down interest rates—powers similar to those which were given to the President during the Korean war. The President of the United States, unfortunately, has opposed those additional powers for himself. I hope that once we give him those powers, as I think we will do today, he will use them to bring interest rates down—interest rates which have risen to the highest level in 100 years and which themselves are the greatest fuel for the fires of inflation that presently exist.

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

Mr. HARRIS. I yield.

Mr. DOLE. First, I commend the Senator for recognizing that we do have inflation. We have had it, as the Senator knows, for several years.

Mr. HARRIS. May I say that I have spoken on this issue practically every day, and I am glad that the Senator from Kansas also is concerned about inflation. I do not recall how he voted on every amendment when the tax bill was before the Senate. Most of his colleagues rather overwhelmingly voted against additional tax reforms which would have increased the revenue raised by that bill and for most of the measures which lost revenue and were adopted.

But I am glad to say that it seems from this morning's press reports that the conference has gotten that bill back in about the same kind of revenue spent-revenue lost balance that existed when it came from the Finance Committee.

Mr. DOLE. Let me pursue my question. I recognize that the Senator from Oklahoma may be speaking now as a Senator and also as the chairman of the National Democratic Party. I conclude, therefore, there might be a bit of politics in the statement just made, but since——

Mr. HARRIS. May I say on that point that I would not think there is any more politics in inflation from our side of the aisle than perhaps from the other side of the aisle.

I think that the President has not been fair in what he said about the inflation which presently exists in this country and which he said he was going to do something about, but which to this moment is worse—steep climbs in the Consumer Price Index and the Wholesale Price Index just out, interest rates still up. Not enough being done by the President, that I can see, about those problems, except trying to shift the blame to Congress, which I think cannot be done under the facts, since total cumulative appropriation bills to this date, as has been pointed out on the floor earlier today, are more than $5 billion less than the President asked us to appropriate.

Mr. DOLE. My question, after that statement, is this: Assuming that the Senator recognizes there has been inflation not just since January 20, but for several years and that the President inherited a deficit of about $30 billion in the last couple of years of the Senator's administration, what does he suggest be done to halt inflation besides indicating the President has some omnipotent power with which he can stop inflation? What are the Senator's suggestions?

Mr. HARRIS. I will go back over it for the Senator from Kansas.

Mr. DOLE. I just asked for the Senator's views.

Mr. HARRIS. I will be glad to go back over it.

I invite the Senator's attention to every issue of the RECORD for the last 5 days. For example, the other day I put in the RECORD the reports concerning two members of the Federal Reserve Board which point up that the present policy of the Federal Reserve Board, which has been supported by this administration—the traditional tight money policy, which has raised interest rates to their highest level in a hundred years—is a ruinous policy and is likely to lead us into even more difficult economic times unless it is reversed.

The President of the United States, as so many noted economists have said in recent months, is the place where the public interest must be announced. Even Prof. Milton Friedman, a man who places in my judgment, too much emphasis on monetary policy, feels that this administration must loosen up this tight-money policy or it is going to lead us into much tougher economic times.

A conference report will come to the floor very soon today which will, over the objections of this administration, grant the administration additional power over interest rates. I hope the Senator from Kansas will support that bill and that, with those powers granted, the President will then begin at last to bring down the interest rates.

Furthermore, virtually so many economic experts in this country believe that the President long since helped to increase the inflationary spiral in this country and the inflationary pressures in this country by announcing, before his inauguration and after his election and inauguration, that he would, by and large, pursue a hands-off policy in wage and price decisions. It seems to me that that is a rather incredible position for a man to take who had suggested to the country that he was going to be an activist President. I think we need an activist in this field.

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

Mr. HARRIS. I yield to the Senator from South Dakota.

Mr. McGOVERN. I should like to make this observation. Some suggestion has been made about the Senator from Oklahoma raising this issue in the context of political overtone. The truth of the matter is that the President laid down this issue when he threw down the gauntlet and accused Congress of being indifferent to the problems of inflation.

The truth is that Congress has had one way of dealing with inflationary pressures, which is to reduce excessive military spending by more than $5 billion.

The President has suggested another way to deal with inflation, which is to deal with it by fighting it at the expense of the poor, by fighting it at the expense of education, by fighting it at the expense of health and the problems of the older people in this country.

That is what this issue is all about. It is a question of whether we are going to save $1.5 billion, as the President has suggested, by vetoing a bill that increases the amount he requested for such programs as hospital construction, mental health, combating air pollution, cancer research, heart research, elementary and secondary educational, and vocational education. All those items, which have been approved by Congress, add approximately $1.5 billion above what the President requested.

But I suggest to the Senator that every one of those investments, far from adding to inflation, actually will, in the long run, combat inflation.

For example, I think it was the Senator from Texas (Mr. YARBOROUGH) and the Senator from Washington (Mr. MAGNUSON) who pointed out, in the caucus that has just been held on the majority side of the aisle that one of the reasons why we have inflation in this country today is the swollen cost of medical care. One Senator told about his wife going into the Georgetown Hospital for a checkup for some 2½ days and getting a bill for $661. I understand the reason for that cost is that there is a shortage of hospital space, there is a shortage of doctors, nurses, research personnel, and medical personnel of all kinds.

By cutting back on the investment we are making in breaking that bottleneck of medical shortages, the President, in effect, is asking us to maintain that scarce availability of medical services that is responsible for the inflated costs. I think the investment we are making in medical research and hospital construction, the research to find an answer to some of the terrible diseases, such as cancer and heart disease, is an investment that will reduce the costs the American people are paying.

The same thing is true with respect to our investment in education. It is not inflationary but it will help our people become more productive, more creative, and less dependent on welfare in the long run. I think people of this country should understand very clearly what is at stake.

It is not a question of who is for inflation or who is against inflation. The question is, What is the best way to combat inflation?

I think Congress has taken proper action to scale the excessive and swollen military budget. We have increased the budget in those areas that improve the quality of life for the people of America. As far as I am concerned, I am willing to stand on that issue. I hope this message goes across to the country loud and clear.

Mr. HARRIS. I thank the Senator. I rose for the purpose of commenting on the consumer price index just announced this morning which showed the steepest jump since June. One of the items that showed the highest increase was the cost of services—health services, for example. As the distinguished Senator from South Dakota pointed out, Congress has decided it wants to change the priorities and to do more in the health-manpower field, as the bill would do, which the President threatens to veto.

But I wish to emphasize what the distinguished Senator has just pointed out. Even though we have increased appropriations in this field we have reduced other appropriations, such as more than a $5 billion reduction in the budget in military expenditures, and we have voted reductions of more than $5 billion in total appropriations below what the President asked us to spend.

Mr. McGOVERN. Mr. President, will the Senator yield on that point?

Mr. HARRIS. I yield.

Mr. McGOVERN. One Senator asked the staff of the Committee on Appropriations to figure out the total reduction in all appropriation bills, not just the military bill, but all appropriation bills. How much has the Senate reduced those total appropriation bills below the amount requested by the President? That figure is $5.79 billion. In other words, almost $5.8 billion represents the total reduction in all the appropriations below the President's request. This, it seems to me, is irrefutable proof that Congress has been responsible in facing up to the problems of inflation.

The only question is our judgment about where those cuts should have been made. Frankly, all that $5.7 billion represents cuts in military spending, as the Senator knows, but what is almost another $1 billion was cut from programs other than the Labor-HEW appropriation.

I believe the Senate demonstrated in its overwhelming vote we feel it cannot and should not be cut if we are going to meet our responsibility.

Mr. HARRIS. I agree with the Senator.

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

Mr. HARRIS. I yield to the Senator from Rhode Island.

Mr. PELL. Would it not be correct to say that the rate of inflation in the past month—and inflation is a cruel tax on the unfortunate American people and taxpayers—has been pretty close to twice the monthly average of the 8 years prior to this year.

Mr. HARRIS. The Senator is correct. Prior to the announcement this morning, the preceding Consumer Price Index announcement showed the consumer price index on meat, fish, and poultry, for example, went up in the first 8 months of this year almost as much as in those entire preceding 8 years combined. Now, we have just seen an announcement this morning which shows the latest Consumer Price Index had the steepest climb since June.

Mr. PELL. I thank the Senator for his reply. It is a telling and a very simple statistic. During the last 8 months it has been greater than it has been in any similar period in the previous 8 years.

Mr. HARRIS. Almost as much.

Mr. PELL. Almost.

I wish to make another point. I wonder if the Senator agrees that in fiscal terms or in the financial world one often hears of a prudent man policy. When one is a trustee, the prudent policy is to invest in those forms of economic activity which will have capital growth, as well as immediate return. What we are talking about here is capital investment concerned with human beings as in education and health, which increases production and longevity.

Those are true capital investments, which have more long term returns in capital growth than investments in hardware of one sort or another. An excellent example is the money spent on the GI bill after World War II, which has al-

ready produced more in tax revenue alone because of the increased earnings of those persons who were benefited by the program. I submit a query to the Senator. Is it not the prudent policy to invest in human resources as opposed to hardware?

Mr. HARRIS. I think the Senator put the question very well. Further, the fact that the cost of living has continued to rise is very much bound up with the need for a 15-percent increase in social security. The fact that prices have continued to rise is very much bound up with the need for an increase in the personal exemption. The cost of living has gone up two and a half times since the original $600 exemption was written into the law, and yet the President said he would veto a bill which included both an increase in the personal exemption and a 15-percent increase in the social security. I say let him do so. He said he was going to veto a bill which increases health and education services, antipollution programs, and other social expenditures by about $1.5 billion, but nevertheless is a part of total fiscal action by Congress which reduces the overall total budget by more than $5 billion. I say let him do so. That is an issue which can be joined.

If he does veto those two bills in preference to what we have done—reducing, for example, military expenditures by more than $5 billion, resetting and reorienting the priorities of this country, speaking out for the aged, speaking out for the schoolchildren, speaking out for those involved in health and social security, speaking out against pollution of human environment, and speaking out for the working men and women of this country who need that increase in the personal exemption, I say let him do so, and the Congress should override those vetoes now, or after we come back after the first of the year, and join those issues because I think they are good ones to be joined.

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

Mr. HARRIS. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I can make a political speech on my own time but do point out the President is making an effort to erase the mistakes of the past 8 years and two previous administrations. It takes some time. The Senator from Oklahoma would like to have seen more done this year, but it may take 11 or 12 months, or perhaps 18 months, 24 months, or 3 years, to undo some of the damage done in 8 years.

Mr. HARRIS. If I may interrupt the distinguished Senator, the Senator keeps saying, "Give us some time; give us some time." I say, "For heavens sake, one-fourth of the term to which this President was elected has now expired, 1 full year."

The other day I had printed in the CONGRESSIONAL RECORD—and I now invite the attention of the Senators to it—a detailed report of the optimistic statements we have had from time to time by Dr. Arthur Burns, Secretary David Kennedy, and other spokesmen for this administration.

It reminds me of saying, "prosperity is just around the corner," when they have been saying, "interest rates are about to go down, that is just around the corner; prices are about to go down, that is just around the corner."

I listed these administration predictions in the CONGRESSIONAL RECORD from an article written by Clayton Fritchey, and I invite the Senator's attention to that listing.

At some point in time, the people of this country are entitled to action from the Chief Executive, and that is what I was calling attention to this morning, as I rose to comment on the Consumer Price Index, just announced, which, rather than showing prices stabilizing, as the administration has continually for the past 6 months predicted, shows, once again, that the Consumer Price Index has gone up—has made its steepest jump since June.

It is time for action. It is not time for raising phony issues, for passing the buck to Congress.

President Harry S. Truman, one of the great Presidents of this country, who grew up and now lives near the home State of the distinguished Senator from Kanass, and mine, had a sign on his desk—as the Senator so well knows—"The buck stops here."

I think that the American people are saying that now to the President of the United States.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield briefly?

Mr. HARRIS. I yield.

Mr. DOLE. My only point is, let us forget about the partisan overtones and recognize that we have a shared responsibility—the Congress and the executive branch—to do something about inflation, and to recognize it. Everyone in the Senate recognizes or should recognize the problem we have.

It is fine to say that inflation has worsened more in the past 11 months than in the previous 8 years, but that is not accurate nor does it solve the problem.

It is fine to say that there should be an increase in social security. We all want that.

It is fine to say that there should be an increase in personal exemptions—we all desire that.

The point is that, even more important to our senior citizens and all other Americans, regardless of ideology, is to stop inflation because the sacrifices they are making through the inflation route will be more severe than any I know of.

Accordingly, I would only call upon the Senator from Oklahoma to recognize that we cannot have both increased spending and lower taxes.

I certainly commend President Nixon for having courage. He has the hard choice to make. The buck does stop at his desk, as the Senator pointed out.

But when the Senator rises on the floor of the Senate to denounce the President, when he rises on the floor of the Senate to make all sorts of comments and decisions, he does not have to bite the bullet. He does not have to make the tough decision regarding a possible veto.

Thus, I would say again that there should be a recognition by all in the Senate that to compare inflation to last week, last month, last year or 5 years ago is meaningless unless we do something about it. Let us not fault the President because he has the courage to veto a measure in an effort to halt the inflationary spiral. Let us not fault the President for recognizing and standing up to inflation. The Senator from Oklahoma knows that inflation will have greater impact on those living on fixed incomes, especially our senior citizens, than what we may or may not do with reference to any one bill or program.

I say again it is one thing to rise on the floor of the Senate and make a political speech by denouncing the President—whichever administration it may be—but it is quite another to share the responsibility.

I believe that we all have a part of that responsibility as Members of this body.

Mr. HARRIS. Mr. President, the Senator from Kansas is very defensive, and rightly so, it seems to me, about what has been said here about the economy.

I rose simply to call attention to the Consumer Price Index which was announced today, and to indicate my concern about continued inflation despite the regular and optimistic reports and predictions from this administration that we read.

So, I simply would say that each of us in this body has a responsibility in that regard. I think we are exercising it very well with the kind of priorities that Congress has set. I had simply said that. The Senator rose and asked me to say what I thought should be done, and I said what I thought should be done by the Chief Executive in response to the Senator's question.

I say again that if the President makes the choice to go against the old people who need that 15-percent increase in social security, against the workingman who needs that increase in the personal exemption because of increased inflation, to go against the Congress in the way it has reordered priorities by reducing military expenditures by more than $5 billion and increasing expenditures in such vital areas as health, education, antipollution, and so forth, by $1 billion and a half, but still leaving a budget with a net decrease of more than $5 billion below what the President asked—if he decides to make that choice, that is his choice and the issue is joined.

Mr. TYDINGS. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. TYDINGS. Would the Senator not agree that the President and the Vice President made great use of the communications media, particularly television, for the purpose of demonstrating their faith and interest in the so-called silent majority? They have utilized the finest techniques of Madison Avenue to get their so-called message across, that they are interested in the typical American family.

I ask the Senator from Oklahoma whether, when the issue comes to the dollars and cents of tax reform and tax relief to the average American family as opposed to the special interests, when it comes to the issue of some small increase in domestic spending which affects the

average American family, whether the President and the Vice President are not talking, on the one hand, out of one side of their mouths to incur favor, yet, out of the other side, when we get down to tax reform and tax relief and the actual fight against inflation, they are pulling the rug out from under the average American family and turning their backs on them?

They come up and defend on the floor of the Senate the so-called tax reform proposal which elicits 25 percent of a dollar tax relief to those with $20,000 income and above, and then they turn around and fight on the floor of the Senate an increase in the exemption from $600 to $800 which would help every middle-income family in the United States.

They say on the one hand that they will veto a $1 billion-plus increase in the HEW budget because it is inflationary, and yet they give no credit whatsoever to the Senate which has reduced $5 billion from the President's request in defense appropriations.

I ask the Senator from Oklahoma how can they justify to the American people such completely opposite statements on one side and an action on the other?

Mr. HARRIS. I do not think it can be justified. I think the Senator has stated that rather well. I do not believe there would be any major tax reform, nor would there be the kind of overdue tax reduction which has overburdened the lower- and middle-income taxpayers, except that Democrats stood together and demanded there not be an extension of the surtax unless there was also tax reform and tax reduction.

I believe that those are issues which are critical issues for the people of this country, as are the issues of increased social security, the human environment, health, and education, for example.

Mr. TYDINGS. I ask the Senator from Oklahoma, would not the Senator agree with me that so far as coming to grips with the problem of inflation in this country is concerned, we have really nothing but lipservice from the administration, as well as the failure of the administration to exercise leadership either with big business or with big labor in a manner which his three predecessors, Presidents Eisenhower, Kennedy, and Johnson did, the sole reliance being the raising of high interest rates with Fed? Would the Senator not agree that this puts all the burden, or nearly a majority of the burden of trying to curb inflation on the homebuilding industry in the United States and, really, rather than curbing inflation is increasing inflation, and the longer the administration fails to take leadership in this area, the worse the inflation is going to become?

Mr. HARRIS. The Senator is quite right. "Credit crunch" and "tight money" have become words as familiar to the U.S. public as the name of the Vice President. Economists as disparate as Walter Heller and Milton Friedman have warned that the extremely restrictive monetary policies of the Federal Reserve Board, which have reduced the growth of the money supply to zero, should be eased.

Friedman, a leading Nixon economic adviser, is especially pessimistic:

> We are heading for a recession at least as sharp as that in 1960–61. There is more than a 90% chance of that. There is a 40% chance of a really severe recession, such as occurred in 1957–58, when unemployment reached 8%.

The potential home buyer feels the credit crunch when he tries to finance a loan, with mortgage interest rates running about 15 percent higher this year—a high interest rate which the average homeowner will carry until he completes his payments 20 or 30 years from now. And the U.S. Government now finds itself as much a victim of tight money as the buyer of a $25,000 home. This year Congress set a legal allowance of $2 billion for uncontrollable, built-in increases in expenses. Increased interest cost on the public debt alone has mounted by $1.5 billion—using up 75 percent of the limit Congress set. These increased costs will ultimately be borne, of course, by the average U.S. taxpayer. Further, the President himself has pointed out that the Government faces additional costs because of "a potential shortfall in the sale of Government financial assets, due to the persistence of high interest rates."

Despite the administration's stringent monetary control, big banks have found ways to circumvent the restrictions to meet the demands of large corporations which were willing to pay exorbitant interest rates and priced the small borrower, the small businessman, local, State, and even the Federal Government, out of the marketplace.

I wholeheartedly support the action of the House of Representatives in passing interest and credit controls devised by Chairman WRIGHT PATMAN and his Banking and Currency Committee. These Democratic initiatives will help lower interest rates, fight inflation, assist the housing industry and small business, and help provide more jobs. The conference report on the bill will give the President power to authorize controls over extensions of consumer and business credit during times of inflation—controls necessary to relieve the current cruel interest rates. The President has not yet used the full influence of his office in moderating price and wage spirals and has, curiously enough, opposed this bill which will give him greater power to deal with high interest rates. I hope that he will decide to use these legal measures when they are passed by the full Congress.

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

Mr. HARRIS. I yield.

Mr. DOLE. In these discussions we tend to forget the item of the Vietnam war, which was left on the doorstep of the present President of the United States on January 20, 1969. That has had some impact and it, too, is a household word. This. I might add, is another way President Nixon is exercising his "veto." He is trying to end the war in Vietnam. Under his leadership, we may get that done. When it is done, there may be additional money for the projects the Senator has mentioned and perhaps there will not be further discussion about who is responsible for inflation.

We can select what is favored by one Senator, or one issue, but let us take a look at the No. 1 issue, which is the war in Vietnam. Senators on both sides of the aisle will agree that, by and large, President Nixon has dealt with it very successfully—not always with the cooperation of Senators on both sides of the aisle, I might add—but he has dealt with it successfully thus far.

If we were all to use the same zeal and cooperation, with the support of the American people, on the war on inflation as we have on the war in Vietnam, we might bring it to an end.

It is disturbing and discouraging to this Senator that some conveniently forget the war in Vietnam when talking about inflation and costs. So do not forget the war in Vietnam President Nixon inherited on January 20, 1969.

Mr. HARRIS. Mr. President, I note that the Senator has apparently given up trying to argue about inflation and interest rates and has decided instead to talk about some other subject.

Mr. PELL. I wonder if the Senator would give any thought to really moving from talk to wage and price controls, which none of us want to see, but which may be necessary for the protection of the victims of inflation and might seem to be the solution.

The PRESIDING OFFICER. Does the Senator from Rhode Island wish to seek the floor?

Mr. PELL. I beg the Chair's pardon. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Would the Senator from Kansas have any reaction to the thought of having wage and price controls as being a means of moving from talk and from various ideas into something that would really stop inflation, which is, as has been pointed out, the cruelest tax that faces our American people?

Mr. DOLE. I think that is something to consider. It is a little alien to those on this side of the aisle. We do not like Federal controls, but I say, in all sincerity, it may come to that.

HENRY J. TASCA

Mr. DOLE. Mr. President, I ask for the yeas and nays on the confirmation of the nomination.

The PRESIDING OFFICER. The yeas and nays have been requested on the confirmation of the nomination of Henry J. Tasca to be Ambassador to Greece.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so that I may proceed.

Mr. PELL. I withdraw my request.

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

H.R. 11959, VETERANS EDUCATIONAL NEEDS

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for more than 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I would like to speak on a matter directly analogous to the matter that we have just heard discussed on the Senate floor, the threatened cuts in the HEW budget. We face a similar slash in education and health benefits for the men who have fought for our country in Vietnam and elsewhere and are not now being given the level of education and health care that they desperately need. To deprive them of this for the same reason—because we have to make sacrifices to combat inflation—and specifically to ask men who have fought in Vietnam to now make another sacrifice at home in the war against inflation I believe to be heartless, unjust, and unacceptable.

I would like to speak briefly on the exact situation that our country and these veterans are presently facing.

Specifically, I am reporting to my colleagues in relation to H.R. 11959, the House bill covering veterans' educational needs, which was passed by the Senate on October 23 with an extensive substitute amendment.

After the passage of the substitute by the Senate 7 weeks ago, the House yesterday repassed the bill, substituting provisions of House-passed bills for the Senate substitute. It rejected virtually all significant parts of the Senate's special educational package for high school dropout veterans and only slightly increased its 27 percent GI bill rate increase up to 30 percent.

The House also failed to retain Senate retroactivity of rate increases. The House was offered no alternative to this watered-down package.

The chairman of the Senate Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. YARBOROUGH), and I yesterday asked the Senate to disagree to the House amendment and appoint conferees. This was done. Then, at once, I went off the floor and called the chairman of the House committee, requesting a conference on Friday or Saturday. The Senate conferees were ready to meet day and night, if necessary, to reach agreement on this vital legislation before our Christmas recess.

But, to my regret, the chairman of the House Veterans' Committee said that the House Members could not meet in a conference now; that we would have to wait until after Congress reconvened on January 19.

Unfortunately, this delay will affect hundreds of thousands of deserving Vietnam veterans, war orphans, and widows trying to pursue GI bill education and training with a grossly outmoded rate structure.

The Senate does not want to accept for them, and I am convinced that they themselves do not want to accept, a poor substitute package which fails to restore comparability to Korean GI bill rates which were available to veterans of that war, and which fails to provide retroactive increases back to the first of the school year, and which fails to propose any substantive programs to attract and assist dropout veterans—almost 25 percent of all separatees—to take advantage of GI benefits.

It is basically the President of the United States, not the House of Representatives or the members of its Veterans' Committee, that is responsible for this delay.

I categorically reject the President's expressed view that the Senate rate increase should be denied because of the war on inflation. The hint of a veto, if we passed a measure restoring aid to the Korean level, like the direct threat of a veto of the analogous HEW appropriation bill made by the President last night, apparently influenced the House's action. I understand the concern of House Members. A veto would mean another, even longer delay, in giving to Vietnam veterans the aid they need to get back to school. However, the President's approach, in effect, asks for double sacrifices from men who have fought our battles abroad.

First they made the sacrifice of fighting in Vietnam. Now that they have come back home, they are asked to make another sacrifice to help stem inflation that comes directly out of that war itself.

I do not believe Congress wants these men sacrificed on the altar of the administration's policies to combat inflation caused directly by the war these men were fighting. That makes sense to none of us.

Finally, let me make abundantly clear that GI bill education costs, like Veterans' Administration hospital and medical care costs, must be counted completely as a cost of waging war.

I do not hear anyone say, "Deny our servicemen the bullets and mortars and armaments they need to wage the war." Yet the administration is willing to pursue policies which discriminate against Vietnam veterans and deprive them of our paying the cost of the war that relates to their educational needs.

Why should we do less? I ask the Senate, why should we do less for Vietnam veterans than we did for Korean veterans? Are we discriminating, for some reason? Because this is an undeclared war? What reason has been advanced? I have heard none. The 46-percent increase the Senate bill provides in GI benefits would mean only that we would provide for Vietnam veterans the exact level of educational aid that we gave to Korean veterans.

Hearings which the Veterans' Affairs Subcommittee is presently holding indicate that not only Vietnam veterans, but all veterans—veterans of World War I, World War II, and the Korean war—are being shortchanged at present on first-rate medical and hospital care in veterans hospitals. This is totally intolerable. It cannot be countenanced.

Chairman TEAGUE in the House of Representatives has waged a superb battle in an effort to close this medical care gap. He has established how great the gap is in many respects.

In our hearings we are now finding some new evidence of incredibly bad situations developing in terms of the medical care we are not providing to men who were badly wounded in Vietnam, or men who were wounded in any of the wars our Nation has fought.

We join with Chairman TEAGUE in this effort. We pledge ourselves to see to it that the Senate is fully informed early next session of exactly what our committee has found, and exactly what VA medical and hospital needs are, after we have established those needs.

Finally, to refer back to the situation relating to GI educational benefits, we conferees on the Senate side are gravely disappointed that our attempts to secure a conference have failed. We look forward to a conference at the earliest possible date selected by the House conferees in charge, and we will then report back to the Senate what can be done to meet the great education and training needs of our Vietnam veterans.

AMBASSADOR

Mr. FULBRIGHT. Mr. President, I was going to speak on the Tasca nomination. Did the Senator from New York intend to address himself to that subject?

I understood we were ready to vote on the matter, and I was going to say a few words. I understand the yeas and nays are ordered.

Mr. JAVITS. May I say to the Senator from Arkansas that my problem is that I have another executive meeting at 2. But I will sit down and wait until he finishes.

Mr. FULBRIGHT. Mr. President, I dislike to inconvenience the Senator, but I was told this was the proper order.

Mr. JAVITS. Mr. President, I ask unanimous consent that upon the completion of the remarks of the Senator from Arkansas, I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, the pending business, as I understand it, is the nomination of Mr. Henry Tasca as Ambassador to Greece.

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. I should like to say a word or two by way of background.

Mr. Tasca has been a distinguished representative of the Foreign Service. His nomination was held up in the committee for some time, and I was responsible for holding it up. There were at least two distinct reasons for that.

One was that I thoroughly disapprove of the cruelty and ruthlessness of the military regime in Greece. I think that the treatment the Greek regime gives to so many of the enlightened citizens of that country is intolerable. I did not wish to be a party to an action which might seem to approve of such a regime by quickly and readily approving this appointment.

That was only part of the reason. The other side of the coin was that, at the same time the administration had nominated an ambassador, and a distinguished man, to Greece, it had refused, according to the newspapers, or declined—I do not know exactly what the correct word would be—to name an ambassador to Sweden. The press reports indicated that this was because of administration disapproval of Swedish

policy, particularly with respect to its attitude toward our policy in Vietnam.

Furthermore, and as a related matter, not too long ago the Cranston resolution was considered and agreed to by the Senate. I supported it. That Senate resolution stated a very wise rule; namely, that approval or disapproval of a regime is not indicated by recognition. This resolution was in general terms and certainly was not directed at Greece alone and, in any case, the question of recognition is not technically involved in the appointment of ambassadors either to Greece or Sweden. I make this statement however, because someone has said that holding up the nomination of Mr. Tasca for these few weeks is a violation of the spirit, at least, of the Cranston resolution. I do not think it was. It was not a question, there, of recognition. Also, the delay involved a combination of our Government's refusal to name an Ambassador to Sweden and the rather rapid way in which the administration had designated a new ambassador to Greece.

In any case, after some time, administration spokesmen assured me that they would proceed to nominate and name an ambassador to Sweden. I said with that assurance, I was perfectly willing to proceed. This was never a matter of personality or any criticism of Mr. Tasca himself; it involved our overall policy—and I have no objection to approving the nomination of Mr. Tasca.

But I want to reiterate that I do not approve of the Greek regime. It is not just because of my sympathy and concern for the Greek people, although that is an important reason. I think it is a great tragedy for that country, which in a sense is the birthplace and originator of the whole concept of democracy. We owe more, I expect, to Greece than to any other single country for the basic ideas under which our country has been developed, and particularly our political institutions. In addition, the Greeks are a small and very brave people, and I have great sympathy when I see the tragedy of their being mistreated by their own Government.

In addition, I am very much concerned about an attitude that seems to be growing in this country. Even though it is the Americans, my own constituents, and my own Government, that concern me more than anyone else or anyone else's government, nevertheless it makes me very uncomfortable and unhappy to see how callous our Government seems to have become about military dictatorships which mistreat their own people, and destroy even the basic human qualities of respect for the individual and respect for the dignity of the individual human being. When they engage in torture, as has been reported so often and so freely to be the case in Greece, and especially torture of the leading intellectual people of their country—their great musicians and their great writers are picked out and especially subjected to the most degrading kind of treatment—I hate to see our country become so callous that, for some ulterior political purpose—in this case, it is said, because Greece is an anchor to NATO—we overlook all these things and give them special treatment and active assistance.

I do not advocate that we go in and try to change their regime. That is up to the Greek people. We have had enough of physical intervention, as demonstrated in Vietnam and the Dominican Republic. But we should not give active support, such as we are giving to the Greek colonels. This I object to. It shows, in my view, a lack of appreciation for simple basic human rights and human dignity; and it is disgraceful, in my view, for this country, which professes all this concern for individuals and for human dignity, to engage in it.

This type of thing, it seems to me, cannot help but lead to increasing cynicism on the part of our young people, as well as those of our older people who are at all interested in humanity, because we profess one thing and do another. It is the type of hypocrisy which I think is very damaging to our reputation in the minds of thinking people.

So I regret that our country seems to be put in such a position. I think we should not give this assistance, and very substantial military assistance, to a regime which mistreats its own citizens. I think it is a reflection on our own sense of discrimination and our own principles with regard to human dignity. Therefore, although I strongly deplore what we are doing in supporting Greece with military aid, I shall now support the nomination because I do not regard sending an ambassador, and do not believe it should be regarded, as approval in the least of the regime, and because it is in accord with what I think was the sentiment of the Cranston resolution, which this body approved, not quite unanimously but overwhelmingly.

The political representation of this country is not to be taken as a sign of approval of the policies of the military regime. The sending of an ambassador is simply an essential instrument of international relations—essential to the conduct of our international relations. It should not be interpreted as supporting the regime.

I do not approve of the regime and hope that it will change. Only recently it found itself compelled to resign from the Council of Europe because it was about to be excluded because its policies were rejected by other members of the Council of Europe.

I believe that the Europeans have as much, if not more, interest in NATO than we do. Why sometimes we value the importance of matter to NATO more than they do in Europe is beyond my comprehension.

Mr. President, with these remarks I am ready to vote for the confirmation of the nomination. I want to make it clear that I do not approve of this regime. I also want to make it clear that we ought to send an ambassador to Sweden, a country which is one of the most humane and civilized countries in the world.

I have no criticism of Sweden and its actions with regard to this or any other matter. Sweden is a very advanced country. But they disagree with our policy in Vietnam. And we have therefore failed to name an ambassador to Sweden.

I hope that our Government will promptly name an ambassador to Sweden.

Mr. AIKEN. Mr. President, I feel that the United States has been severely handicapped by not having an ambassador in Athens.

With the loss of our naval bases in North Africa, there are only a few rather tenuous harbors left for our fleet in the Mediterranean. The Russian naval strength in the Mediterranean is now said to be about equal to our own.

One of the places where our Navy is still welcomed, entertained, or able to find a harbor is Greece. I do not believe that confirming the nomination of an ambassador to Greece will in any way obligate us to approve or disapprove the kind of government the Greeks have there.

I feel there are those who do not feel kindly toward approving an ambassador to Greece who would feel very much worse if our fleet were to leave the Mediterranean.

An exchange of ambassadors with another country does not mean that we approve of their form of government.

I call attention to Senate Resolution 205 which was enacted by the Senate not long ago. The resolution was introduced by the junior Senator from California (Mr. CRANSTON). I cosponsored the resolution with him.

The resolution reads:

It is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form of ideology or policy of that foreign government.

If the Senate takes the position that it should confirm the nomination of Mr. Tasca to be Ambassador to Greece, it would not mean that we approve of the present form of the Greek Government.

I have no excuse for our failure to send an ambassador to Sweden. There should be one there, and I am advised a selection has already been made.

So I hope we confirm Mr. Tasca's nomination. There is no question of his ability. That point has not been raised at any time during our discussions.

The question was whether we would, in effect, be approving the Greek Government by appointing an ambassador to that country.

We are the ones who are paying the price by not having an ambassador there.

Mr. DODD. Mr. President, I support the nomination of the Honorable Henry J. Tasca as Ambassador of the United States to Greece.

Ambassador Tasca is a career Foreign Service officer with more than two decades of experience in Europe, North Africa, and the Far East.

He is also an economist of note, who has at different times served as U.S. Treasury representative in Rome, as alternate U.S. Executive Director of Monetary Fund, as Deputy Director of the Marshall plan, and as AID Director in Italy.

He also ranks as one of our top experts on NATO affairs, having served as deputy to Ambassador Harriman on the NATO Council from 1958 to 1961.

In his most recent assignment, as U.S. Ambassador to Morocco, he conducted himself, according to all reports, with exceptional distinction.

If there is opposition to Ambassador Tasca, it cannot possibly be on the grounds of qualifications, because the Senate has rarely been called upon to approve a nominee more qualified in terms of both general background and specific exprience in the area to which he is being assigned.

The opposition is based, rather, on the belief that no American Ambassador should be accredited to Athens so long as Greece does not enjoy constitutional government.

It is for this reason that the American ambassadorship in Athens has remained vacant for more than a year now. And it is for this reason that the Senate Foreign Relations Committee took 4 months to act on the nomination of Ambassador Tasca.

Mr. President, I believe that we have been playing a dangerous and strange game with the American ambassadorship to Greece.

Although most of those who oppose the nomination are among the first to protest against any suggestion of intervention in the affairs of other nations, the fact is that our failure to appoint a new American Ambassador to Greece for almost 1 year now does constitute a kind of intervention in the internal affairs of Greece.

I do not say this by way of approving the present military government in Greece. I remind the Senate that only last Friday, when we were discussing military aid to Greece, I introduced a resolution which was unanimously approved, saying that it was the sense of the Senate that the United States should use its influence to bring about the earliest possible return to constitutional rule in Greece.

When we deliberately abstain from appointing an ambassador, however, we are not merely intervening in the affairs of Greece, but to compound the damage, we are depriving ourselves of those normal diplomatic contacts which could and should be used to convey our thoughts and suggestions to our Greek allies.

And to make matters worse, we are undercutting the NATO alliance, because without access to Greek harbors and airfields and anchorages, the position of NATO in the eastern Mediterranean would be critical indeed.

I consider our failure to dispatch an ambassador to Greece strange because it seems to involve a double standard which is applied to the prejudice of our allies and to the advantage of our enemies.

When Moscow invaded Czechoslovakia, with the support of several of its Warsaw Pact quislings, in August of last year, I know of no one among those who today oppose the appointment of an American ambassador to Athens who demanded that we refuse to accredit an American ambassador to Moscow until the Red army vacated Czechoslovakia and restored the Dubcek government.

Mr. President, I earnestly hope that the Senate of the United States will put an end to this dangerous and hypocritical and self-defeating game.

In the present critical situation in the affairs of Greece and of NATO and of the Mideast, it is imperative that America be represented in Athens by an ambassador of qualified background.

Ambassador Tasca has this background.

His nomination should be approved.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mr. Henry J. Tasca to be Ambassador and Plenipotentiary to Greece. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

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

The Senator from Tennessee (Mr. BAKER) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), the Senators from Illinois (Mr. PERCY), and (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 79, nays 4, as follows:

[No. 266 Ex.]

YEAS—79

Aiken	Goodell	Montoya
Allen	Gore	Murphy
Allott	Gravel	Muskie
Bayh	Griffin	Packwood
Bellmon	Gurney	Pastore
Bennett	Hansen	Pearson
Bible	Harris	Pell
Boggs	Hart	Prouty
Brooke	Hartke	Proxmire
Burdick	Hatfield	Randolph
Byrd, Va.	Holland	Ribicoff
Byrd, W. Va.	Hughes	Saxbe
Cannon	Jackson	Schweiker
Church	Javits	Scott
Cook	Jordan, N.C.	Smith, Maine
Cotton	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Curtis	Long	Stennis
Dodd	Magnuson	Stevens
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Ellender	McClellan	Williams, N.J.
Ervin	McGee	Williams, Del.
Fannin	McGovern	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	
Goldwater	Mondale	

NAYS—4

McCarthy	Nelson	Young, Ohio
Moss		

NOT VOTING—17

Anderson	Hollings	Russell
Baker	Hruska	Smith, Ill.
Case	Inouye	Symington
Cooper	McIntyre	Tower
Eagleton	Mundt	Tydings
Eastland	Percy	

So the nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. HARTKE. Mr. President, on the occasion of the Senate's confirmation of Mr. Henry J. Tasca as U.S. Ambassador to Greece, I want to express my deep concern about the continuing deterioration of the political situation in Greece. It is a situation which, if it continues to worsen, could well lead to a new Vietnam—this time in Europe.

I want also to express my dismay at the fact that the present administration is following the same set of policies established by the previous administration that must inevitably lead to disaster, not only for Greece but for long-range American interests in that vital part of the world. The net result of these policies has been that the majority of the Greek and European peoples generally believe that the United States is responsible for bringing the military junta to power in the first place and maintaining it in power since April 21, 1967.

As early as August 10, 1966, 8 months before the colonels destroyed Greek democracy in its own ancient birthplace, I had occasion to refer to the impending disaster in an interview with the political editor of the Athens Daily Post, Mr. Elias P. Demetracopoulos. "If we want," I said, "to avoid more Vietnam and Dominican Republic interventions in other crucial parts of the world, both the White House and Capitol Hill should thoroughly investigate these grave charges voiced in Greece against the United States."

The following year it was my unhappy distinction to be the first Member of this body to visit Athens after the colonels came to power. I had lengthy talks then with their leaders. The impression I gained from those conversations has only been reinforced by events in the interim. And that is why last Friday I voted against granting U.S. military assistance to the present regime. How tragic it is that a majority of the Senate determined otherwise on the very day that member nations of the Council of Europe took the unprecedented action of forcing Greece to resign from the council because of the regime's violation of the human rights of the Greek people and its torturing of political opponents. I might add that the Council took this step in the face of intense lobbying by American spokesmen arguing against it.

Thus the Greek issue has now become a European issue. The action of our allies last week constitutes a sharp diplomatic slap against our policies in that area. We had better heed the warning before it is too late.

The Truman Doctrine of 1947 saved Greece from becoming a satellite of the Soviet Union. The Greek people have been deeply grateful to us for this, but their gratitude is turning now to resentment and worse because of our support of the dictatorship. If we fail to join our European allies in their efforts to restore democracy to Greece, we may soon be faced with developments too terrible to contemplate. And we may end up by hav-

ing to bury, with our own hands, that Truman doctrine which is so proud a milestone in our postwar resistance to tyranny.

Mr. President, these pressing issues have been dealt with in characteristically cogent fashion by Mr. Clayton Fritchey in an article appearing in today's Washington Evening Star. I ask unanimous consent that the article be printed at this point in the RECORD.

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

WHY DOES U.S. BACK GREEK REGIME?

(By Clayton Fritchey)

After the military dictatorship that runs Greece hurriedly quit the Council of Europe to avoid being kicked out for violating democratic freedoms, the country's former finance minister, Constantine Mitsotakis, now an opposition leader, said, "The next step is up to the United States." It is indeed but when that step is taken it is not going to please Mitsotakis and his fellow exiles.

While the hopes of the democratic exiles have been raised by the council's indictment of the military junta, these oppositionists know that it is not enough in itself to topple the regime or even generate serious reforms, unless the United States also applies pressure on the generals, for the junta can afford a European boycott as long as it can count on the support of the American government.

Instead of joining in the isolation of the junta, however, the Nixon administration is about to resume full military aid for the regime, and it is also about to send a new U.S. ambassador to Athens as further recognition of the dictatorship.

The Senate Foreign Relations Committee has been doing what it can to delay both actions to indicate its disapproval of the Athens government, but that strategy is about exhausted. Sen. Claiborne Pell, D-R.I., got the committee to amend the foreign aid bill to forbid all arms for Greece, but, with administration blessing, the amendment was defeated a few days ago by the full Senate. The committee has also been holding up the confirmation of Henry Tasca as the new ambassador to Athens, but he will soon be on his way nevertheless.

All this, of course, is going to be dismaying to the democratic exiles. Also, it explains why our European allies are so skeptical about our objectives in Vietnam, especially the Nixon-Johnson protestations that the United States has to fight in Vietnam because it is dedicated to upholding the principle of self-determination.

Even that leading hawk and veteran anti-Communist, Sen. Karl Mundt, R-S.D., finds this line too much to swallow. After hearing Defense Secretary Melvin Laird and Secretary of State William Rogers (in secret session) emphasize "self-determination" as the No. 1 U.S. objective in the war, Mundt felt compelled to say, "I do not think there is self-determination in Greece . . . I do not think they have self-determination in Portugal . . ."

Mundt could have cited 50 other countries where, unlike South Vietnam, the United States has been unmoved by the suppression of self-determination and democracy. In fact, in many instances, such as Taiwan and Thailand, the United States is actively helping the very governments which abolished self-determination.

Mundt thought the administration would be on better ground if it substituted resistance to aggressive communism as its prime objective. But that, too, is subject to glaring inconsistencies. Why, for example, could the United States tolerate a Communist takeover in North Vietnam, but not in South Vietnam? Why is communism acceptable only 90 miles away in Cuba, but not acceptable 10,000 miles away in one small corner of Asia?

The conclusion that our European friends draw from this is that neither our dedication to self-determination nor Communist containment is absolute. When it suits our interest to back democracy or fight communism we sometimes do so. Otherwise, we look the other way, as in Czechoslovakia and Hungary, or Brazil and Argentina.

In the case of Greece, however, the Europeans think we could do much to restore self-determination at no cost and little or no risk. The administration's answer is that it must help the junta because the Greek arm is supposed to be the southern anchor of the North Atlantic Treaty Organization. Our allies point out that NATO is designed to protect Europe, and if the Europeans are not worried about the alleged southern anchor why should the United States be so fearfull?

After all, the United States has been exclusively equipping the Greek army for over 20 years, and so far it has used the arms only to subdue the Greek people. If the security of Western Europe depends on this Fascist force, Europe is in a bad way.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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

On December 15, 1969:

S. 564. An Act for the relief of Mrs. Irene G. Queja; and

S. 2019. An Act for the relief of Dug Foo Wong.

On December 16, 1969:

S.J. Res. 143. Joint Resolution extending the duration of copyright protection in certain cases.

On December 18, 1969:

S. 118. An Act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, was read twice by its title and referred to the Committee on Public Works.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, notwithstanding the fact that the morning hour has expired, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements limited to 3 minutes, making an exception in the case of the Senator from New York.

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

Under the previous order, the Senator from New York is recognized.

FIGHTING INFLATION: RECESSION OR STABILITY?

Mr. JAVITS. Mr. President, I rise to voice my serious concern over what appears to be a basic change in the administration's policy for fighting inflation, a change that is relevant to the current debate over whether we are already in—or the 50–50 chance that we will soon be in—a serious recession.

The basic change in policy to which I refer is the abandonment by our monetary authorities of the strategy of orderly monetary restraint which was considered so important by the administration last spring. This strategy was intact last spring, but during the summer and fall we have seen it give way to a system of monetary repression. It is now bringing about a state of affairs causing alarm among prominent economists and which, if allowed to persist, would accelerate the danger of serious recession without bringing a halt to the steep rise in prices.

Since the administration is responsible for this change, it can also be responsible for not allowing it to persist and for reverting again to orderly monetary restraint.

I would also like at this time to outline the steps I think Congress should take to mitigate the suffering which this change will necessarily bring about.

The present administration was brought to power, at least in part, as a result of widespread dissatisfaction among Americans over the "guns and butter" approach of the Johnson administration, a course which involved us heavily in an unpopular war in Southeast Asia and brought on crippling inflation at home. What was obviously needed on the economic front was strong leadership to bring the budget back into balance and to coordinate this fiscal policy with a system of orderly monetary restraint.

As far back as July 1968, presidential candidate Nixon had charged that the

inflation has resulted "primarily from an expanding money supply," which in turn had been fed by the monetization of budget deficits. To correct this condition, Mr. Nixon said, required reversing the irresponsible fiscal policies which produced these deficits.

The President's message to the Congress, in March of this year, on combating inflation, correctly pointed out that "only a combined policy of a strong budget surplus and monetary restraint can now be effective in cooling inflation." This diagnosis echoed public statements of administration economic policymakers, all of whom emphasized the need to get monetary and fiscal policies back on to the proper course of restraint.

What was meant by "restraint" was spelled out by the Chairman of the Council of Economic Advisers last spring. Fiscal policy, he said, would be directed toward achieving a strong budget surplus in 1970. With regard to monetary policy, Dr. McCracken added:

> There is one element here that is very important—that monetary and credit policy remain on a course of relatively slow expansion.

These words were said in March of this year. On May 20, in testimony before the House Banking and Currency Committee, Dr. McCracken repeated this view when he characterized existing monetary policy as, "moving along a course permitting only a slow and cautious expansion of the money supply."

Looking back over the past 10 months, I believe that the administration has made commendable progress in bringing fiscal policy back on the right track, assuming the Congress does not jeopardize this progress by an improvident tax reform bill.

With regard to monetary policy, however, I fail to see the slow expansion of money and credit which Dr. McCracken thought was so very important. The growth of the money supply has been at an absolute standstill since late spring, causing alarm among prominent economists as to the effects of continuing this state of affairs any longer, and the total supply of commercial bank credit has remained virtually unchanged since last April. Is this the relatively slow expansion of money and credit which we were told in March was very important?

In fact, Mr. President, what we have at the moment is not monetary restraint—it is monetary repression—and I submit that the responsibility for this lies not only with the Fed, which formulates monetary policy, but also with the administration, which is on record as supporting it.

Some explanation for this fundamental change in policy can be found by examining policy statements of administration economic advisers over the course of the past several months. What emerges is the distinct impression that the makers of monetary policy have panicked, and have abandoned their previous approach of firm restraint. That approach was originally designed to slow down the economy—to head it back onto a noninflationary path.

The policy of firm restraint—in the words of Secretary Kennedy last February—was to last "until there are unmistakable signs" that we are headed back on this path. But the same Secretary Kennedy in October has been looking for different signs. According to Secretary Kennedy, the administration still wants the signs to be unmistakably clear, but this time he says the signs must also show "that the balance of risk has shifted from inflation to recession."

In other words, the administration and the Fed plan to slam on the brakes, and not to let off until there are unmistakable signs that the brakes may lock.

While the administration does not formulate monetary policy on a day-to-day basis, it does closely coordinate its long-range objectives with those of the Federal Reserve Board and, in the final analysis, bears primary responsibility for the state of the economy.

I urge the administration and the Federal Reserve Board at this time to heed the growing concern of economists and legislators including the Joint Economic Committee itself, and bring monetary policy on to the track of a slow but stable increase in the money supply.

At the same time, so that the administration can realize significant budget surpluses for the near future, I urge that Congress in the House-Senate conference on the tax reform bill reexamine the tax rate reductions in the reform bill now before us, including the very worrisome action which the Senate took in raising the personal exemption to $800. I do not put the self-financed social security increase in the same class; we should not expect the Social Security Trust Fund to finance the Government debt as it is presently doing.

Failure to act in both these policy areas and on both these levels of Government could quickly bring this country into the grim situation of continued price inflation coupled with a mild or not so mild recession.

In some sectors of the economy we have pretty grim conditions right now. If the housing industry, for example, reflected the state of the economy as a whole, we could say we were in the middle of a full-blown recession.

Also, Federal, State, and local government financing has been hard hit by soaring interest rates.

Prices of stocks are at a 3-year low.

We have viewed with alarm the ominous weakening of the employment market this year and November culminated a 4-month slide in industrial production this year.

I believe that two of the most important areas determining the Nation's economy are housing and unemployment.

HOUSING

For two decades the stated objective of Federal housing policy has been to provide every American with "a decent home and a suitable living environment." Only last year this objective was translated into a specific national housing goal of 26-million units in 10 years—or 2.6 million annually.

On the basis of present housing starts we will not even approach that goal. At the beginning of this year, housing production was at 1.9-million units. It now stands at 1.3 million, and by the end of this year it is said that we will be building houses at a rate of only 1 million units a year—well under half the production needed to meet the national goal.

Probably the single most important reason for this failure has been the pattern of rapidly escalating costs in the building industry, in excess of increases in the cost of living. Increases in the cost of money have been most dramatic. Interest rates have gone up so high that the housing industry is today on the verge of a major recession.

The tragic irony of the situation is to be found in the contradictions of Federal policy. In 1 year we enact bold new housing programs and establish national housing goals. Yet, in the next year, the administration supports changes in both tax legislation and monetary policy which could make it impossible to implement the national housing policy which has been authorized.

It would appear that periodic crises in housing are built into our economic system and the present structure of our financial institutions, and that housing will always bear the major burden of tight money.

But this need not be so. I believe that these institutional inadequacies can and must be corrected, so as to attract Government and institutional funds into the mortgage market, and to prevent disintermediation by the smaller investor out of that market. In a word, housing must be sheltered from the full impact of a high interest rate policy.

Among the reforms which I support are the following:

First. Requiring the Federal Reserve to deal in the open market in certain major Government mortgage securities, as a means of implementing monetary policy, and under conditions consistent with orderly markets for these securities. In hearings on this subject in the House Banking and Currency Committee this October, Federal Reserve Chairman Martin conceded that a requirement of this sort which was directed toward improving the market for housing issues along with sound monetary policy was not objectionable. I believe, therefore, that there is a difference between this proposal and any other approach which would merely amount to a "pipeline" from the housing industry to the Fed.

Second. I would urge placing similar requirements—with similar safeguards—on Government trust funds to invest certain percentages of their portfolios in residential mortgage paper.

Third. Two new types of mortgage paper were authorized by the 1968 and 1969 Housing Acts. The first is the federally guaranteed mortgage pool secured obligations authorized under section 804 of the Housing Act of 1968. The second is the "tandem" or "pass-through" approach authorized in the 1969 bill, which has just been sent to the White House, under which Ginny Mae-serviced mortgages can be discounted to Fanny Mae. I recommend full utilization of the mortgage pool authority, and of the tandem approach when enacted.

Fourth. I urge the Treasury Department to pay greater heed to our housing needs in its debt management policies.

I have mentioned the potential of Government trust funds. But I would also urge that the Treasury Department seriously consider raising the minimum denomination on short-term Treasury bills and notes to an amount far greater than the $1,000 minimum now on the market. In its search for lendable money, the Federal Government should compete with, but not be in a position to overwhelm, savings institutions which support the housing market. A raise in this minimum denomination—to $15,000 to $20,000—would discourage disintermediation from such institutions and bring more money into those financial intermediaries which can most actively support the housing market.

In addition to these recommendations, I support actions by both the Labor Department and the building trades unions toward reducing barriers to entry into the building trades. To the extent to which inflation in the housing industry has been caused by a tight labor market, a loosening of this market through reducing these barriers will help solve a social problem, as well as this economic one.

UNEMPLOYMENT

When employers eventually realize that they really cannot see the light at the end of the tunnel of tight money and monetary repression, they will adjust their sales forecasts—and their labor force—accordingly. The results will not be pleasant, for it will mean that no amount of retraining or computerized job banks will prevent a substantially higher rate of unemployment.

Mr. President, the unemployment figures this year should teach us that we cannot be complacent about our efforts to cope effectively with the problems of unutilized and underutilized workers. On a quarter-to-quarter basis, unemployment has been rising since the beginning of the year. In September, it jumped half a percentage point, to 4 percent. The recently published 3.4 percent rate for November has been generally interpreted as less important than other factors which show a weakening of the employment market. For example, unemployment rates for manufacturing and blue collar workers remain high. Most analysts agree that basic pressures in the economy point toward further rises in the unemployment rate.

The administration has assured us all along that its policies for cooling off inflation would not create an unacceptable rise in unemployment. Treasury Secretary Kennedy repeated this pledge shortly after the September unemployment figures were announced. However, the administration has heretofore failed to give us an idea of what constitutes an unacceptable rate. Furthermore, I see no planning on the part of the administration for measures to cope with the kind of unemployment which we are courting with the present state of monetary and fiscal policies.

There may have been a time when a 4½-, a 5- or even a 6-percent unemployment rate was a normal and acceptable thing. However, progress and the achievement of our goals have a way of turning around on us and becoming starting points for nobler attempts. Our consciences require us to keep setting our sights high.

For this reason, I believe that the rise in unemployment rates over the first three quarters of this year, coupled with the ominous signs which I see for this rate in the future are completely unacceptable.

While large-scale unemployment remains only a grim prospect, it is incumbent upon us to step up our thinking now on the extent to which manpower programs can be designed to ameliorate the hardships that unemployment promises.

The administration deserves commendation for recognizing, in its proposed manpower bill, which I introduced on August 12, the need for increasing our manpower effort in the event of an increase in national unemployment to 4½ percent or higher. Title V of that bill, provides an automatic appropriation of additional funds in an amount equal to 10 percent of the sums already appropriated for that year, in the event that the unemployment rates rises above 4½ percent.

The additional funds would be used in financing training and related activities for unemployed individuals, on the implicit theory that unemployment will provide the opportunity for many to participate in training and supportive programs. This is a valid concept.

But, I also believe we must explore the possibilities of expanded public employment. The administration has taken the position that it will not create new public sector jobs for the disadvantaged and unemployed, but that its new public services careers program—JOBS—will try to put the disadvantaged into jobs as they become open by resignation or normal expansion.

The Commission on Technology, Automation, and Economic Progress estimated in 1966 that 5.3 million new jobs could be created through public service employment. An OEO study recently suggested 4.3 million such jobs. And a 1969 study by the Upjohn Institute indicated that the mayors of the 130 largest cities alone could use another 280,000 persons on municipal payrolls immediately.

In citing these statistics, I am not referring to "make-work" jobs, but to positions that would provide communities with needed public services, while providing the opportunities to individuals. These statistics point out a need which is far greater than the administration is apparently prepared to admit.

I will soon introduce amendments to the manpower training bill to develop the public sector jobs concept so as to meet this need.

CONCLUSION

The fact that a speech about monetary and fiscal policy must necessarily encompass an examination of housing and unemployment suggests that further work needs to be done about refining the decisionmaking process in the Government. The Federal Reserve System controls monetary policy, but it is not charged with insuring the stability of the housing industry which it so greatly affects. The Treasury Department already has the authority to carry out some of my recommendations, but it is admittedly not the Treasury's job to define our national housing or manpower goals and capabilities.

Informed public opinion now demands a greater effort on the part of government to subject its decisions to the test of our social priorities. Nevertheless, there is no organized mechanism within the Congress or the executive for accomplishing this task.

This year I cosponsored a bill which would take a significant step in this direction, and on Tuesday I offered an amendment which would further refine its effect. These proposals would establish a Council of Social Advisers within the executive and an Office of Goals and Priorities Analysis within the Congress. Recommendations of these bodies would come under congressional and public scrutiny in open hearings. The debate over national priorities, now carried out in diverse and diffuse forums could, through such a proposal, find an efficient channel for constructive and informed action.

Our economy stands at a fork in the road. Faded maps and dark skies make the journey dangerous. One road leads to slow economic stabilization, the other to a turndown or even a recession. Neither road can guarantee safety from the risk of inflation. Whether we choose one road or the other we must not forget the reason we have set forth on the journey at all; that is, the relief of human suffering and the improvement of the human condition.

I hope the administration will give heed to these words and to these suggestions.

THE MYLAI MASSACRE

Mr. CHURCH. Mr. President, we have all been shocked at the unfolding news of the tragedy at Mylai.

Numerous newspapers in my State—both daily and weekly—have commented editorially. In sum, these editorials, I think, represent much of the reaction of my constituents to this tale of horror.

I ask unanimous consent to have printed in the RECORD the following editorials:

An editorial entitled "Not the Way To Fight a War," published in the Idaho Statesman of November 22, 1969.

An editorial entitled "The News About Mylai," published in the Idaho Statesman of December 4, 1969.

An editorial entitled "At Mylai, Punish the Truth," published in the Post-Register of Idaho Falls, Idaho.

An editorial entitled "Stream of Thought," published in the North Idaho Press, of Wallace, Idaho, November 28, 1969.

An editorial entitled "Possible Precedent at Mylai," published in the Lewiston Morning Tribune, and reprinted in the Idaho State Journal of December 8, 1969.

An editorial entitled "Taking the Nazi Route," published in the News-Tribune of Caldwell, Idaho, November 23, 1969.

An editorial entitled "In Spite of Atrocities," published in the Blackfoot News, Blackfoot, Idaho, December 3, 1969.

An editorial entitled "A Stench in Viet-

nam," published in the Idaho State Journal of November 26, 1969.

An editorial entitled "A New Burden in Vietnam," published in the Intermountain Observer, of Boise, Idaho, November 29, 1969.

An editorial entitled "'Irreversible' Withdrawal," published in the Rexburg Standard, Rexburg, Idaho, December 2, 1969.

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

[From the Idaho Statesman (Boise), Nov. 22, 1969]

NOT THE WAY TO FIGHT A WAR

War is brutal, frustrating and maddening. So if a few U.S. soldiers massacre Vietnamese civilians in a village it can be put down as evidence of the horrors of war.

But it is shocking and depressing and a blow to the assumption that all righteousness is on the U.S. side in this struggle. Americans don't believe in fighting that way.

Now the other side—which has been guilty of numerous massacres—can say that the Americans do it, too.

There is a difference. When the other side kills innocent people, it is apparently a matter of deliberate policy, accepted in Hanoi.

The U.S. Army officially rejects the idea of cold blooded murder. Hence the charges against the eight Green Berets in the death of a South Vietnamese civilian, and now the charges against a lieutenant in My Lai killings.

It isn't surprising that there is shock and surprise in the U.S., or that there are voices in Congress asking for an investigation. It would be more shocking if Americans weren't concerned.

In the case of the Green Berets the murdered man was apparently an agent, a participant in the war. Accounts of the My Lai killings indicate that innocent civilians were massacred en masse, similar to the way the Communists massacred civilians at Hue.

The Communist propagandists will suggest that this is common U.S. practice, with official sanction—in the same style that some critics of anti-war protest here brand all protesters as traitors.

How sorry are Americans about this incident? The degree of sorrow would be a good measurement of our genuine concern about the fate of the people of Vietnam.

[From the Boise (Idaho) Statesman, Dec. 4, 1969]

THE NEWS ABOUT MYLAI

News reports on interviews with men who were at My Lai have become a matter of controversy. But the U.S. Court of Military Appeals declined to accept a request to ban them.

The question before the court was whether it felt the news reports would interfere with Lt. William Calley's right to a fair trial. It said that insuring a fair trial was the responsibility of the military judge.

Another matter is involved, of course. Some people don't believe the press should report the interviews because it is disagreeable to read or hear them. Still others find them agreeable, because they tend to reinforce an impression that U.S. involvement is wrong.

Gov. Ronald Reagan complained about the My Lai news stories on grounds that they might prejudice a trial. He didn't feel any constraint, however, about offering his own comments. He said if events happened as described then "I think anyone has to realistically accept that in war and in the heat of combat these things have happened as long as there have been wars."

He also said the U.S. was probably the only country to consistently look with abhorrence on such acts.

That is one way to look at it. But because such instances may occur in wars doesn't excuse them any more than it could excuse the North Vietnamese massacre of civilians at Hue. It is questionable whether the United States is the only nation that consistently abhors such acts, alhough it may be comforting to make such a self-righteous assumption.

It is difficult to separate feelings and attitudes about the war in Vietnam from My Lai. One good example is the South Vietnamese government which denied that there was any massacre at My Lai and then sent an investigating team to find out what happened.

Do we indeed sincerely abhor what we have been told happened at My Lai? Or do we abhor more than the deaths of the Vietnamese the fact that our assumption that Americans could never do such a thing is challenged?

Is publicity about My Lai resented because it might impair Lt. Calley's right to a fair trial, or because we don't like to hear about it?

There is another question. How can we, if we are not greatly disturbed by the deaths at My Lai, be sincere in our support of a war on behalf of the people of South Vietnam? We either care about those people and their fate or we do not.

My Lai in itself, if the charges are correct, does not prove U.S. policy in Vietnam is wrong. An entire nation can't be blamed for the actions of a few. But if many of us are not really disturbed about loss of life at My Lai it could help explain what we have been told happened there.

[From the Idaho Falls (Idaho) Post-Register]

AT MAILAI, PUNISH THE TRUTH

On December 19, 1675, a thousand armed men from four New England colonies carried out a search-and-destroy mission. Their target was the Rhode Island encampment of neutral Indians harboring refugees from the tribe of the warring Indian leader called King Philip.

The colonists had suffered much from the depredations of the savages and were not in a mood for temporizing or discriminating between friend and foe, combatant and noncombatant.

In what has gone down as "The Great Swamp Fight," they attacked the Indian village, set fire to 600 wigwams and caused, directly and indirectly, the deaths of some 300 old men, women and children while suffering only 60 deaths among their own force.

A respectable "kill ratio" even by today's standards.

In January, 1879, the long struggle to pacify a hostile continent, if not to win the hearts and minds of its aboriginal inhabitants, was virtually concluded at Fort Robinson, Nebr., with the massacre by the U.S. Cavalry of the remnant of rebellious Cheyennes, whose only crime was that they insisted on occupying ancestral lands coveted by the white man.

Between these two events lie 200 years of broken treaties, bloodshed and atrocities, on large scale and small, committed by both white men and red.

This is not to dredge up the old charge that "violence is as American as apple pie," which is no more nor less true than that compassion for the underdog is a traditional American characteristic.

It is to suggest, however, that in all times and in all wars certain circumstances and conditions have brought out the worst in the best of men.

As cruelty toward their enemies was the norm among the Indians, so is it among the Viet Cong and North Vietnamese and as so-called civilized Europeans often dealt back to the Indian measure for measure, so have a few American boys matched the savagery of the foe in Vietnam.

"The only good Indian is a dead Indian," said the Indian fighters, and meant it. A similar feeling seems to be in Vietnam that, "The only gook you can be sure isn't a Viet Cong is a dead gook." . . . but, again, among a few.

Women and children in Vietnam have lobbed grenades at Americans, planted booby traps, lured them into ambushes. In this war, the basic rule of survival has been to shoot first and ask questions afterward.

But never before in this war have American fighting men been accused of wantonly and coldbloodedly slaughtering women, children and even babies.

Americans have recoiled in horror and disbelief as details have unfolded in recent days. There is, to be sure, no incontrovertible proof that GIs deliberately gunned down civilians. Pictures of piled-up bodies do not show how or by whose hand they were killed.

But the charges are too grave and too horrible and corroboration is coming from too many sources to be swept aside.

The Army's investigation into the matter must be pushed until all the facts are known and published to the world, not because it matters what the world thinks of us, which it does, but because it matters more what we think of ourselves. By all means, the Senate should initiate its own investigation as several of its members have demanded.

The ugly truth of what can happen when civilized standards of behavior are put aside for one instant must be faced, lest in attempting to save a nation from communism we place ourselves in danger of losing something infinitely more valuable—our own decency, humanity and self-respect.

But, above all, let us keep it in perspective. A fraction of U.S. soldiery was involved. And let us keep in mind that every day—every day, we repeat—of the war, the Viet Cong have kidnaped and murdered village leaders and mere village members just because they have consorted with the South Vietnamese and their allies. It is so easy to conjure up comparisons with the Nurenburg trials for example, as some columnists have. There is no comparison with the Nuremberg trials and the long Nazi flight from reason. Atrocity was a policy with the Nazis, government-sanctioned and was widely known and accepted. It is decidedly never sanctioned by U.S. Policy. It was a strange abberation of a few in a strange war undoubtedly who had been repeatedly the target of Viet Cong men, women and even children.

[From the Wallace (Idaho) North Idaho Press, Nov. 28, 1969]

STREAM OF THOUGHT

(By R.J.B.)

It is true, of course, that the alleged massacre of South Vietnamese civilians by Army men is "abhorrent to the conscience of all the American people", as a spokesman for President Nixon said Wednesday.

But there are other aspects of the case that deserve more soul searching by the American people than this rather obvious comment.

One is the rather flagrant attempt to make it a political matter by declaring that the alleged incident occurred 10 months before the Nixon administration took over. The alleged massacre is not a political matter—if it were then perhaps the Army investigators should learn whether the officer charged in the affair, Lt. William L. Calley, Jr., is a Republican or a Democrat.

The issue is not one of politics, nor a question of whether the alleged massacre occurred under Democratic or Republican administrations. The issue is one of Army attitude toward situations of this kind in relation to the fact that the men who are fighting in Vietnam are civilians drafted for

the job of fighting a war that has become perhaps the most unpopular conflict this nation has ever fought.

It is important that we keep in mind this is not a professional army that is doing the fighting—but young men taken from civilian life or studies and made to serve one year of their service life in Vietnam. After their "hitch" they return to civilian life or studies.

With that thought in mind, it is relevant to ask why, if this incident did occur, did it take letters from a discharged soldier to bring it to light? It is relevant to ask why the alleged incident did not reach the attention of the Secretary of Defense until April, this year although it occurred on March 16, 1968. It is relevant to ask whether it would have come to his attention at all, if Ronald L. Ridenhour, an ex-GI, had not sent copies of a 2000 word letter to 30 congressmen, government executives and Army officials last March relating details of the story. It is relevant to ask why, in view of these letters sent in March, the affair did not come to the attention of the Secretary of the Army until April.

It also is relevant to ask if other such incidents have occurred, as alleged, and if they will come to light only if ex-GI's make the facts known.

These questions are relevant because they concern Army policy—not Republican or Democratic politics—and because the Army is responsible for the minds, and consciences, and morals, as well as the physical lives, of the one and a quarter million young Americans—most of them draftees—who have fought in South Vietnam.

The presidential spokesman Wednesday said the incident should not be permitted to reflect on these young Americans.

Of course it doesn't. It reflects on Army officials who obviously, from the facts established, either condone, permit, overlook or encourage such incidents. If they didn't the investigation of an incident that allegedly occurred in March 1968, would have been completed before November, 1969. One is led to wonder whether there would have been an investigation at all, if it were not for Ridenhour's letter.

The incident does not reflect on the million and a quarter young Americans who have served in South Vietnam.

It does reflect on those civilians in this country who have written Ridenhour criticizing him for what he did. He is quoted as saying "People are saying, 'what's his angle? What prompted him to do this? Money' "

As Ridenhour said:

"It's not that I was so right, but that so many people were wrong."

This is the fact that should be abhorrent to the American conscience.

Is honesty, morality, conscience so suspect in this nation that a man must "have an angle" if he lives by these rules?

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[From the Lewiston (Idaho) Morning Tribune, Dec. 8, 1969]

POSSIBLE PRECEDENT AT MYLAI

Are we going to take every helicopter pilot and B52 pilot who makes a mistake and call him a murderer?—Sen. Ernest F. Hollings.

Senator Hollings was equating the possibility that children were murdered at point-blank range at My Lai with the inadvertent liquidation of innocents from 50,000 feet.

The children are dead either way, so maybe it makes no difference. But it does make a difference with the other victims of the war—the once civilized men who are brutalized by the experience of pulling the trigger.

Both the bombing deaths and the suspected My Lai murders are reprehensible, but for two very different reasons. The flaw in bombing villages you cannot see is that it is such an indiscriminate weapon. Even a man who wanted to avoid killing children could not. The My Lai incident, if it happened, involved weapons that permit the utmost discrimination. If the charges are true, men who could easily have avoided killing innocents did so anyway.

It is different in war to determine where conventional killing of the enemy leaves off and outright atrocity begins. That is even more true in a guerrilla war where it is often impossible to distinguish between combatants and noncombatants.

But lining up people and shooting them, whether they are enemy soldiers who could be captured instead, or civilians, as in the case of My Lai and Hue, is clearly an atrocity and a crime in war or peace.

The Hue massacre is somehow less shocking because it was committed by those on the other side, whom we are told, are capable of such acts. The My Lai case is another matter. Those being charged with the crime are our own countrymen, who are supposed to know better.

It might not be so surprising if one psychopath had cropped up among the thousands of officers in Vietnam and given such an order. What is difficult to accept is that anyone would follow such an order. Such questions were at the heart of the Nuremberg war trials.

There is, however, one faint silver lining to this tarnished cloud. Atrocities were an official government policy with the Nazis. Atrocities are against the policy of this government, and American soldiers are being brought to trial by the American government, charged in effect with war crimes.

[From the Caldwell (Idaho) News-Tribune, Nov. 27, 1969]

TAKING THE NAZI ROUTE

(By Pete Hackworth)

It is amazing to us that the American people are taking the Nazi Germany route while there live so many individuals who personally remember the road signs along that highway toward totalitarianism.

As President Nixon is fond of saying we want to make it clear that we are not saying the United States is in any imminent danger of falling under a dictatorship, or that our national character will be changed over night.

However, dictatorships and national character aren't sudden things. Sometimes they appear to be sudden, but they're not.

Many of us taking an attitude on the Agnew press attack and the Song My massacre that reflects the attitude of millions of Germans relative to Hitler (no comparison to Agnew—please) and his minions.

A great many intelligent and concerned U.S. citizens are saying of Agnew's official implied threat against the networks and disparagement of the printed media that he's right . . . the press (especially the biggies) should be put in its place, toned down, made to present a "balanced" news picture.

We submit that that is one of the road signs mentioned above.

On the subject of the Song My massacre, many concerned U.S. citizens are saying that the press should lay off, let the officials do the investigating, make the announcement. A great many are saying the press should flat out shut up—"this is WAR!" Still others are saying, "They were just following orders."

Do those road signs seem familiar to you?

If they don't, they should.

The American public not only is entitled to ALL of the details that can be dredged up by the press and officialdom, but it is necessary that nothing be placed in the way of the press presenting every scrap of information obtainable having to do with the disgraceful affair.

The Song My thing is out of character—the national character. We the People can't afford this divestment.

"Some civilians are killed by American troops and look at all the fuss. But the Communists can kill them by the thousands, and nothing is ever said."

That's another criticism of the American press.

And it's not true.

This newspaper and hundreds of other U.S. newspapers have carried stories and photos by the dozens of Communist atrocities. It's just that we expect such rotten behavior from a dictatorship-directed military operation. We see the pictures, we read the stories, and it registers as just another one of those deplorable things.

But when the press rightly takes up the hue and cry against such an outrage committed by American troops, the people—in their shame—retreat behind one of the totalitarian road signs and say, in effect, "Let the officials take care of it," The press is told to stop washing our bloody linen in public—it hurts our conscience.

When a totalitarian-directed Viet Cong guts a village chief and leaves his body hanging in a tree to stink up the place, it is a terrible thing.

When an American soldier does it—or its equivalent—it is infinitely worse.

[From the Blackfoot (Idaho) News, Dec. 3, 1969]

IN SPITE OF ATROCITIES

The thought of young American men committing war crimes is a foreign thought, something previously attributed to Nazis and Arabs.

And yet, young American men are currently accused of atrocious behavior in Vietnam and the accusations are not surprising. Whether or not the men involved are found guilty by courts martial, the thought will still remain that atrocities committed by American soldiers are a possibility.

The capability of atrocity is perhaps a new concept in the continuing Vietnam war, but it is not a surprising concept because there is a war in Vietnam. War itself is atrocious, and so-called atrocities have little shock value any longer.

When Idaho Atty. Gen. Robert Robson was in Blackfoot a while back, he said, in effect, war between peoples is inevitable. "We are witnessing again the song of the dove of peace," he said, then set himself the task of showing the futility of the dove.

Robson said he didn't believe God intended man to be an animal of peace. And, he said, if man wasn't by nature dissatisfied, he'd accomplish nothing.

Perhaps Robson is correct. Man's dissatisfaction with man is doomed to manifest itself in war of one kind or another, in violent death of some kind, in eternal opposing forces of totalitarianism.

It is beginning to appear likely that President Nixon will follow the Johnson footsteps in Vietnam. Perhaps Mr. Nixon won't "escalate," but keeping American troops and equipment there is in itself a form of escalation.

The assassination deaths of John and Robert Kennedy and Martin Luther King demonstrate that the atrocious is now commonplace, acceptable. If that's hard to swallow, think back on how many times you heard the comment, "Good, the so-and-so deserved it."

President Nixon pooh-poohs the peace marchers and lauds the telegram senders and thereby burns in our minds the fact the U.S. is a warlike country.

We are warlike, Robson seemed to be saying, so it follows that we may as well be good at waging war. That thought is similar to a quote from a mythical U.S. Army general to the effect, "Vietnam may not be the best war, but it's the only one we've got."

Some peace seekers see the alleged U.S. atrocities in Vietnam as some kind of coagulant or turning point in opinion at home.

At this point, that could be called a false hope.

Maybe admitting we are a warlike people is the first step toward changing ourselves into a peace loving people. Through all our wars we have claimed we were fighting for peace, a gross contradiction in terms.

Perhaps instead of marching on Washington each month, the peace seekers could send telegrams. This seems to be a more effective way of touching the President. It is more impersonal, takes less trouble and is less human, but telegrams carry more weight than actual human bodies.

Finally, peace seekers should expect no policy change because of any alleged atrocities. The intensity of the peace effort must continue in spite of that.

[From the Pocatello (Idaho) State Journal, Nov. 26, 1969]

A STENCH IN VIETNAM

To those Americans who thought the abortive murder case involving eight Green Berets smelled strongly, the current revelations unfolding around the alleged massacres of South Vietnam civilians are enough to make one's gorge rise.

The Army so far has officially charged only two persons with complicity in the alleged murder of 109 civilians in the 1968 raid on the village of My Lai. But there are voices being raised from all corners, spilling tales that will implicate many more.

If American soldiers, as it has been reported, moved into the village and simply gunned down unarmed civilians including women and children, then the white hat is off forever. Never mind that it is the nature of this dirty war that the enemy may be one of those ragged civilians by day, and a pajama-clad Viet Cong by night.

How do you round up people, and shoot them like cattle? Even if they were uniformed enemy soldiers—not women and little children?

Not all Americans, or even many, are guilty of such atrocities. And the enemy, even while trumpeting propaganda to the world over this alleged incident, is a hundred times more guilty. He slaughtered thousands at Hue, and he makes terror his principal weapon.

But to millions of Americans, this is the latest chapter in the saga of how a noble campaign on behalf of a small and weak nation degenerated into a military misadventure with consequences that threaten to be disastrous.

There will be a new hue and cry for an immediate pullout, and it will be more difficult for the President to stand firm unless he is reassured that most Americans still support him in his announced plan for disengagement.

We think most persons do, and we urge the President to be resolute in his planned system of withdrawals while strengthening the South Vietnamese. In the meantime, we hope the Army's belated investigation of the massacre incident is now swift and thorough. A breath of fresh air is badly needed there.

[From the Boise (Idaho) Intermountain Observer, Nov. 29, 1969]

A NEW BURDEN IN VIETNAM

Reports filtering out of Washington, Saigon and the village of Song My appear to indicate that the acknowledgement of an atrocity, committed by American soldiers, will soon be added to the weight the country already bears from its involvement in the Vietnam war.

The needless killing of women and children, captured prisoners and others who get in the way is a part of any war. There is no such thing as a humane war, and no military force which ever took the field—ours included—can lay claim to having acted more compassionately than another.

Seldom, however, is the brutal nature of warfare brought home to a country in such a way as to cause it to question the justice of the cause. That is because the war itself serves as justification for the things which are done in its name.

But Vietnam is no ordinary war. The fact that it is unpopular and that, after five years, no end is in sight, robs many Americans of the opportunity for rationalization. As a consequence, such incidents as the massacre at Song My, hideous and brutal as it appears to have been, are likely to have grave impact on public opinion despite the Army's efforts to bring the perpetrators to an accounting.

Were it true, as President Nixon would have us believe, that a formula has been devised for bringing an end to American involvement in the war in the foreseeable future, then perhaps it would be possible to dismiss this latest incident as a closing episode of a chapter which is now largely behind us. After all, it occurred more than 18 months ago.

But, unhappily, there are scant grounds for placing confidence in the President's assurances. The limited troop withdrawal plan now in effect is not so much a formula for getting the United States out of the war as it is a formula for keeping the United States in it.

The plan is no more than a tactical shift designed to replace American combat forces with the combat forces of the Saigon government—a tactic which has been tried repeatedly and unsuccessfully in the past. The United States commitment to maintain the Saigon government in power by any means and at whatever cost apparently remains unchanged.

So long as the commitment remains, and so long as any American troops remain in South Vietnam to back it up, the war can be counted on to continue indefinitely. The Viet Cong and the North Vietnamese have made it plain they do not intend to settle for a political compromise on our terms. We have made it plain we do not intend to impose such a settlement by knocking them out militarily, even if that were possible. The Saigon government has made it plain—even though the Pentagon and the Nixon Administration do not publicly acknowledge it—that it lacks the popular support necessary to preserve itself without our military intervention.

As the war drags on, as the inadequacy of the Nixon plan becomes more apparent, and as the frustrations mount at home, Americans are going to find new burdens such as the Song My massacre increasingly difficult to bear.

[From the Rexburg (Idaho) Standard, Dec. 2, 1969]

"IRREVERSIBLE" WITHDRAWAL

The Slaughter at My Lai, and hints of other similar episodes in Vietnam, give further impetus to the rising popular desire in the United States to get out of this terrible war. There is more and more reason for devoutly desiring an end to the fighting, and to the cost that this conflict imposes on our society.

In such a situation, one looks for reassurance that the administration is attuned to this widespread feeling—that it is determined to extricate us from the morass of Vietnam as quickly as possible. Such assurance has been given by President Nixon. Now, encouragingly it has been reaffirmed in even more direct terms by Secretary of State William P. Rogers.

The secretary said in an interview for the National Educational Television network that the present course of withdrawing our forces, while at the same time shifting the burden of defense to the South Vietnamese, is "irreversible." There was no equivocating, no hiding behind the language of diplomacy. Rogers said flatly: "We are withdrawing troops. We are going to Vietnamize the war. We are going to get American soldiers out of combat. And that is irreversible."

It must be noted that this sheds no light on how fast the withdrawal will move. At the present rate, a long time would pass before U.S. troops in Vietnam were down to anything like a mere standby force. Still, it is good to have that word, "irreversible," given such emphasis by one so close to the President.

There was encouragement, too in something else Rogers said. After years of official attempts in both the Nixon and Johnson administrations to flesh out a rather thin justification for our involvement in Vietnam, we now have this from the secretary of state: "We are not going to fight any major wars on the mainland of Asia again . . . unless we have the American public and the Congress behind us."

That, said Rogers, is the lesson the United States has learned in Vietnam. Let us hope that he is right on this point, and not merely optimistic. Those eminent military men who over the years had warned against committing this nation to war on the Asian land mass have beyond question been proved right. Now, happily, we have begun the "irreversible" process of getting out.

THE ONLY ALTERNATIVE: A REPLY TO THE PRESIDENT ON VIETNAM

Mr. CHURCH. Mr. President, following President Nixon's November 3 address to the Nation on the Vietnam war, I was asked by the editors of the Washington Monthly to write a reply in the nature of a rebuttal.

The resulting article was published in the December issue of the Monthly, in which I undertake to state the case for an orderly, systematic disengagement from the war as the only course offering us "a sure and certain path of extrication."

I ask unanimous consent that my article published in the Washington Monthly, entitled "The Only Alternative," be printed at this point in the RECORD.

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

THE ONLY ALTERNATIVE—A REPLY TO THE PRESIDENT ON VIETNAM

(By Senator FRANK CHURCH)

On November 3, 1969, President Nixon appealed to the country for more patience with his Vietnam policy—for more time. To his credit, he stressed that "we are finally bringing American men home," but, like his predecessor, he could not find the rsolution to cut the knot that binds us to the Saigon generals. The United States thus remains committed to a war that we have been able neither to end nor to win. Ironically the reasons for the deadlock are much the same as those which governed the final outcome of our own struggle for national independence nearly two centuries ago.

In the second year of the American Revolution, the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. "My Lords," he declared, "you cannot conquer America. . . . You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irri-

tates, to an incurable resentment, the minds of your enemies. . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!"

The England which Pitt counseled was not a decrepit nation but a rising empire still approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo and in the 19th century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two world wars.

The paradox turns back upon us full circle. The victory denied George III by ragtag American rebels fighting to end foreign rule has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The "victory" of holding a proud people hostage? The "victory" of inflicting a "favorable kill ratio" upon an enemy who will not quit? The "victory" of maintaining a puppet government in Saigon propped up by the money we lavish on it and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no "victory" we can win in Vietnam worthy of the name. President Nixon himself conceded as much. Six months ago, he said, "We have ruled out attempting to impose a purely military solution on the battlefield."

When, on November 3rd, he again addressed the nation on the subject of Vietnam, he sought not to reach for the laurels of an unobtainable victory, but to reject the sackcloth of an abject defeat.

"The precipitate withdrawal of all American forces from Vietnam," he warned, "would be a disaster not only for South Vietnam but for the United States and the cause of peace. . . . Our defeat and humiliation in South Vietnam . . . would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere. For the future of peace," the President repeated, "precipitate withdrawal would be a disaster of immense magnitude."

It is unnecessary to dispute these dire prophecies, as no responsible critic of the war calls for our "precipitate withdrawal" from Vietnam. Webster defines "precipitate" as "acting very hastily or rashly; impetuous; very sudden, unexpected or abrupt." I am unaware that any member of Congress, in either party, has urged the President to preside over an American rout in Vietnam. Nor is there any real pressure elsewhere in the country—even on the campuses—for a Dunkirk-type evacuation. Mr. Nixon simply conjured up a dragon in order to slay the monster before the approving eyes of his vast television audience. Then, just to be sure no one had missed the screen, he recited how he has spurned the advice of those who pleaded with him to adopt "a popular and easy course," only to imply, a few minutes later, that the course he had adopted faced no resistance more formidable than that of a "vocal minority" of dissidents seemingly bent on surrender.

Setting these political theatrics aside, what are the real alternatives open to us for ending American participation in the Vietnamese War? In his speech, President Nixon mentioned two of the three courses that are actually available. He said, "We can persist in our search for a just peace through a negotiated settlement if possible, or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forces from Vietnam . . . as the South Vietnamese become strong enough to defend their own freedom." Left unmentioned was the third course: a deliberate, orderly withdrawal of American forces which depends neither upon the willingness of Hanoi to give in, nor of Saigon to take over. If we are to free ourselves from the morass in which we are now caught, the third course alone offers us a sure and certain path of extrication.

THE FIRST COURSE—A NEGOTIATED SETTLEMENT

As for the first course, a negotiated settlement, the President himself all but writes it off. He concedes, despite his many overtures, that "no progress whatever has been made except agreement on the shape of the bargaining table," and he charges that the fault lies with Hanoi. Here in the United States, that proposition looks incontestable. From our point of view, the terms we have offered are unprecedented in their generosity. We say, let the people of South Vietnam decide by free elections who shall govern them. What could be fairer than that? What, indeed, could be more reasonable?

Yet the likelihood remains that the North Vietnamese and the Vietcong will continue to reject even the most "reasonable" proposals we can make. They have been at war for over 20 years and have lately been on the receiving end of something over three million tons of American bombs. They have also been betrayed before by foreign governments: by the French in 1946, who promised a referendum and then refused to hold it, by the United States in 1956, when the Eisenhower Administration upheld Ngo Dinh Diem in his refusal to hold the elections provided for in the Geneva Accords. These are not experiences to encourage reasonableness. The enemy may indeed be in a most unreasonable state of mind. Even the most carefully constituted electoral commission, even the most painstaking arrangements for a fair, internationally-supervised election, if that is possible, could well run up against an impenetrable wall of mistrust. If this seems outrageous, we might ask ourselves how, during our own civil war, the Union government would have responded to a British or French proposal for an internationally supervised plebiscite on Southern secession!

In his November speech, President Nixon held that Hanoi alone opposes self-determination for the people of South Vietnam. Once again he assured us that Saigon stood ready to accept the peoples' verdict, presumably even if elections were to result in a communist victory.

Mr. Nixon may think so, but not Mr. Thieu. Consistently and repeatedly he has made it clear that his government has no intention of accepting a "coalition with the Communists" or "domination by the Communists" under any circumstances whatever. No sooner had Thieu returned from his lovefeast with President Nixon at Midway last June than he proclaimed: "I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government." If we must wait at the conference table in Paris for Saigon and Hanoi to compose their differences, then we shall probably have to sit there until pigs sprout wings.

Still, Mr. Nixon stalls for more time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave! His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, that all the sacrifices have not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a winddown of the war, will mean faster withdrawal of American troops, while we tell Saigon that the peace will depend on the demonstrated ability of their forces to replace our own. In the resulting muddle, all we have succeeded in doing is to place the time-table out of our hands into theirs.

A policy wrong from the start can't be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies; there can be no compromise settlement of the war in Vietnam which will be applauded by the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

THE SECOND COURSE—VIETNAMIZATION

The Nixon alternative to a negotiated peace is the "Vietnamization" of the war, by which he means turning the battle back, little by little, to the Thieu-Ky regime. How long this will take depends on Saigon, since it is clear that American disengagement cannot be completed until the South Vietnamese army, in the President's words, "becomes strong enough" to assume the full burden of the war. Thus does Mr. Nixon pin our hopes for a successful withdrawal in the future upon the very government which has proven the root cause of our failure in the past.

Had an honest and patriotic government ruled in Saigon, it would have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied more upon police state tactics and American support to stay in power than upon true representation and popular support.

Of all the misrepresentations which have been perpetrated about Vietnam none has been more insulting to the intelligence and offensive to the moral sensibilities of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Still, it is to this corrupt, incompetent rule of the Saigon generals that President Nixon looks for the implementation of his plan to extricate the United States from the war. He speaks of changing the military mix in Vietnam by first replacing American ground troops with South Vietnamese, while leaving our supply and support forces—air, artillery, engineers—in their combat roles. Gradually, the argument goes, these forces too could be reduced and returned home. So revealed, "Vietnamization" is not really a formula for leaving an American army engaged in Vietnam indefinitely. Its purpose is not to get us entirely out, but to keep us partially in.

Mr. Townsend Hoopes, former Under Secretary of the Air Force, has just completed a brilliant book on Vietnam called *The Limits*

of Intervention. In it he discusses the inherent weakness of any plan for partial withdrawal:

"At best, such a course is a prescription for interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become open-ended as we leveled off our forces at 100,000 men or thereabouts.

"Sooner or later, and probably sooner, the American people would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement and could not remain in power for more than a few months without our largescale presence. These things are predictable because the Thieu regime is both self-serving and wholly unrepresentative; its strong anti-communist stance (which our support has both nurtured and hardened) bears little or no relation to the vaporous, myth-filled, unideological, village-oriented political sentiments of the vast majority of people who inhabit the non-country of South Vietnam.

"At worst, the course of partial withdrawal would produce a progressive erosion of the military situation in Vietnam, leading downward to a time when we faced the prospect of outright defeat. With U.S. strength reduced to 100,000 men, with no corresponding enemy reduction and with no dramatic improvement in the South Vietnamese government and army, developments could seriously threaten the safety of our smaller forces and thus pose the same hard question we faced in 1965—to escalate or liquidate. Were the United States to face, several months or years from now, the serious prospect of military defeat in Vietnam, I believe that fact would strain our capacity for wise choice beyond the breaking point, and that any decision in such circumstances could only further divide our people and imperil our political process."

Little can be added to so lucid and devastating an indictment of the Nixon plan for partial withdrawal, except perhaps this: To persist in a policy which offers us neither hope of winning nor hope of ending our marathon involvement in this tragic war—already the longest in our history—can only compound frustration at home and fuel the unsavory search for scapegoats.

In much the same way that the German General Staff, which had actually initiated Germany's surrender in World War I, later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. "Let us understand," said the President, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

The failure to make any progress at the conference table is also being laid at the feet of the critics: "For the more divided we are at home," Mr. Nixon admonishes us, "the less likely the enemy is to negotiate in Paris."

Furthermore, Mr. Kissinger complains, "It's awfully hard to play chess with twenty kibitzers at your elbow, all of them demanding explanations of the purpose of every move, while your opponent listens."

The "Kibitzers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table. Had these critics remained silent as the war makers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers" gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that "mugwump" dissenter from McKinley imperialism, who proclaimed: "Our country, right or wrong. When right, to be kept right; when wrong, to be put right."

THE THIRD COURSE

For the reasons I have endeavored to set forth, I believe that neither the prospects for a negotiated settlement nor the probable consequences of a partial withdrawal offer us any reasonable hope for resolving our predicament in Vietnam. For my part, I advocate a third course, ignored by the President in his address, but contained in a bipartisan resolution which Senator Mark Hatfield (R-Ore.) and I joined in introducing earlier this year. The operative language is the following:

"Be it resolved, That it is the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

"Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them."

Nearly everyone now recognizes that our intervention in Vietnam was in error. Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we couldn't possibly leave the outcome for others to decide, even in a free election.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an "honorable settlement" and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, five years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the 18th century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

The United States government is not a charity-dispensing institution; its primary obligation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to their security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified—in terms of American interests, correctly defined as the freedom and safety of the American people.

"A nation cannot remain great," the President said on November 3rd, "if it betrays its allies and lets down its friends." But what more can the Saigon generals expect from us? The amount of money, weapons, ammunition, food, equipment, and supplies we have funneled into South Vietnam is beyond belief, vastly exceeding the outside help given North Vietnam and the Vietcong by all the communist governments combined. To fight for the South, we have sent an American expeditionary force of half a million men; no Russians or Chinese have been imported to fight for the North. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better-armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We didn't undertake to make South Vietnam the 51st American state; we didn't promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, there would be "a collapse of confidence in American leadership, not only in Asia but throughout the world." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene militarily to prevent communist-provoked internal "wars of national liberation" from succeeding. Yet, in his November address, the President reiterated what he had earlier disclosed in Guam, that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within and not look our way again. The motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

Withdrawing from Vietnam, according to President Nixon "would promote recklessness in the councils" of the Communist powers, and "would cost more lives. It would not bring peace, but more war." The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the 1930's when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed that "We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well; but also she will never sit down on a cold one anymore." In the case of Vietnam we would do well to settle for the unwisdom that is in it and stop the sacrifice of real American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those

South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

The most dangerous result of withdrawing from Vietnam, President Nixon contended on November 3rd, turns out not to be external but internal. "We would lose confidence in ourselves," he said. "Oh, the immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people." Now, all of us have reason to fear the re-emergence of a new era of Joe McCarthyism in America. One wonders why the President insists on building the trap so large. Why does he continue to clothe this war in sacred language which has no bearing on its reality, as though "virtue" and "freedom" and the shape of the future itself were really at stake in Vietnam?

As Tom Wicker of The New York Times observed in his column on the Sunday following Mr. Nixon's address: "If the President wants . . . peace to be accepted in this country, it would be more logical for him to use such occasions as Monday's appearance to make a positive case that the American commitment to Vietnam has been honored. The most ever claimed for that commitment was that the United States had obligated itself to halt an aggression and give the people of South Vietnam an opportunity for self-determination. Dating from the first air strikes against the North in 1964, the 'aggression' has been staved off for five years. . . ." [In that time, I might add, we have told the world that a duly-elected government has been installed in Saigon.] "Surely," Wicker continues, "if the American people could be shown that the United States has done as much as possible of what it supposedly set out to do, it would be easier for Mr. Nixon to persuade the nation to expect something less than military victory." To this, I say, "Amen."

THE NATIONAL INTEREST

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the freedom and safety of the American people? I attempted to define those interests more than four years ago, shortly after our full-scale intervention in Vietnam began. As to freedom, I said:

"Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails, the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, far-flung places around the globe, wherever adverse conditions within a country permit communist subversion to take root."

And as to the safety of the American people, I added:

"Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific; there is no need for us to retain a military base on the mainland of Asia."

After five years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a noncommunist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for five long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise nor prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain turned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

As a result, Vietnam is destined to revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. Indeed, the chance for a political settlement among these forces may well hinge on our leaving, for it is hard to believe that the Saigon generals will ever settle, as long as they can depend on an American army to keep them in power.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own civil war provides an example: after four years of savage warfare and 11 years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century "Vietnam." After more than two years of frustrating warfare against a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of universal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War, the Boer War, and the Vietnam War is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance "victory" becomes insupportable; in the other meaningless.

Weighing this dilemma along with the other main considerations I have discussed—that this war is a failure and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgment of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always has been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will only be ours when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese government would be left helpless in the face of its enemies. It would still have 1,200,000 men under arms as against a total of 250,000 Vietcong and North Vietnamese soldiers now in South Vietnam. If Saigon's army could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for five long years and sacrificed 45,000 American lives. It is enough!

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon Administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years!

For our own part, we have neither the need nor the right to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spiritual entity transcending its individual citizens, may claim that right. A democratic nation cannot; its very existence is for the purpose of protecting and serving its citizens.

WHY WE MUST GET OUT

That is why it has become so necessary to disengage from Vietnam, because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one: the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple war-weariness, or, as President Nixon seems to think, with any lessening of the American people's "moral stamina and courage to meet the challenge of Free World leadership." Something more fundamental than fatigue is

involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but it is this war, with its blood-soaked strategy of attrition, its unsavory alliance, and its objectives—which are both irrelevant to our interests and offensive to our principles. Nor is "weariness" in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. A portion of my reply follows:

"The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast. . . .

"Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.

"So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost. . . .

"I am convinced that we must end the war—or at least our participation in it—before we can begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith and who regard the job as worth doing."

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption, we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam." Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's "lesson" that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our "social science," or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the "lessons" of Vietnam, but my own hunch is that none of these will stand as a definitive "lesson" or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by James C. Thompson, Jr. of Harvard: "Never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous communist control in former French Indochina." Or the equally modest lesson: that we must for a time—not necessarily forever—tend to neglected matters at home. Or perhaps we will have learned nothing more than that we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, dated December 9, 1969 (with an accompanying report; to the Committee on Armed Services.

REPORT OF ADVISORY COMMITTEE TO THE COOK COUNTY DEPARTMENT OF PUBLIC AID ON PRESIDENT NIXON'S WELFARE PROPOSAL

A letter from the chairman, advisory committee to the Cook County Department of Public Aid, transmitting a report prepared by the Committee on President Nixon's Welfare Proposals (S. 2986 and H.R. 14173) (with an accompanying report and list); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on management of the logistics airlift system contracted for by the Air Force, Department of the Air Force, dated December 18, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON U.S. ASSISTANCE PROGRAMS IN ETHIOPIA

A letter from the Comptroller General of the United States, transmitting a secret report on U.S. assistance programs in Ethiopia (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. MAGNUSON, from the Committee on Commerce:

Douglas William Toms, of Washington, to be Director of the National Highway Safety Bureau.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations I report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

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

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

Thomas D. McKiernen, of Massachusetts, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services I report three flag and general officer nominations in the Navy and Air Force. I ask that these names be placed on the Executive Calendar.

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

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

Gardiner Luttrell Tucker, of Virginia, to be an Assistant Secretary of Defense;

Lt. Gen. James W. Wilson (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of lieutenant general;

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

Vice Adm. Arnold F. Schade, U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations.

Mr. GOLDWATER. Mr. President, in addition to the above, I report 108 nominations in the Army in grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expenses of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Arthur C. Harris, Jr., for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list;

William R. Bates, and sundry other persons, for appointment in the Regular Army of the United States; and

Juan G. Santiago Rijos, scholarship student, for appointment in the Regular Army of the United States.

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

James L. Browning, Jr., of California, to be U.S. attorney for the northern district of California.

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

Lynn A. Davis, of Arkansas, to be U.S. marshal for the eastern district of Arkansas; and

Lee R. Owen, of Arkansas, to be U.S. marshal for the western district of Arkansas.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services, without amendment:

H.R. 944. An act to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel (Rept. No. 91–622).

By Mrs. SMITH of Maine, from the Committee on Armed Services, without amendment:

H.R. 14227. An act to amend section 1401a (b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index (Rept. No. 91–623).

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

H.R. 14571. An act to amend the Central Intelligency Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes (Rept. No. 91–624).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 3009. A bill to authorize the Commissioner of the District of Columbia to enter

into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes (Rept. No. 91–625).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 1626. A bill to regulate the practice of psychology in the District of Columbia (Rept. No. 91–626).

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. PACKWOOD:

S. 3262. A bill to establish the French Pete Creek Intermediate Recreation Area; to the Committee on Interior and Insular Affairs.

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

By Mr. CRANSTON:

S. 3263. A bill for the relief of Maria Pierotti Lanci; to the Committee on the Judiciary.

By Mr. FONG:

S. 3264. A bill to waive the statute of limitations with respect to a certain claim against the United States by the State of Hawaii; to the Committee on the Judiciary.

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

By Mr. MANSFIELD (for himself and Mr. INOUYE):

S. 3265. A bill for the relief of Mrs. Anita Ordillas; to the Committee on the Judiciary.

By Mr. COOK (for Mr. COOPER) (by request):

S. 3266. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Labor and Public Welfare.

By Mr. DOMINICK (for himself, Mr. BELLMON, Mr. FANNIN, Mr. GOLDWATER, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. MURPHY and Mr. RANDOLPH):

S. 3267. A bill to amend title III of the Higher Education Act of 1965, relating to developing institutions, in order to promote the availability of higher education to Indians; and

S. 3268. A bill to amend title V of the Higher Education Act of 1965, in order to improve educational opportunities for Indians; to the Committee on Labor and Public Welfare.

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

By Mr. HART:

S. 3269. A bill for the relief of Tsung-Yao T'ien (Tien); to the Committee on the Judiciary.

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

S. 3270. A bill to amend the act of March 4, 1915, relating to the welfare of seamen in order to authorize the two watch system on certain voyages of less than 1,800 miles; to the Committee on Commerce.

S. 3271. A bill for the relief of Fred Earl Stephenson; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3272. A bill to extend to shipping in the Alaska trade the construction differential and operating differential subsidies now provided to shipping in foreign commerce; and

S. 3273. A bill to exempt Alaskan trade from sections 289 and 883 of the Cabotage laws; to the Committee on Commerce (by unanimous consent).

(The remarks of Mr. STEVENS when he introduced the bills appear later in the RECORD, under the appropriate heading.)

By Mr. FULBRIGHT (by request):

S. 3274. A bill to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to the Committee on Foreign Relations.

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

By Mr. MONDALE (for Mr. INOUYE):

S. 3275. A bill for the relief of Miss Alma Carrillo Custodio; to the Committee on the Judiciary.

By Mr. NELSON:

S. 3276. A bill to provide for the development of a low-emission engine for motor vehicles and for assistance to American industry in putting such engine into production as a replacement for the internal combustion engine; to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. MONDALE, Mr. MCGOVERN, and Mr. HARRIS):

S.J. Res. 168. A joint resolution to provide for a White House Conference of Indians and Alaska Natives; to the Committee on Interior and Insular Affairs.

(Remarks of Mr. KENNEDY when he introduced the joint resolution appear later in the RECORD, under the appropriate heading.)

S. 3262—INTRODUCTION OF A BILL TO ESTABLISH THE FRENCH PETE CREEK INTERMEDIATE RECREATION AREA

Mr. PACKWOOD. Mr. President, today I am introducing legislation to create the French Pete Creek Intermediate Recreation Area within the Willamette National Forest in Oregon.

This proposed legislation has evolved after long and serious negotiations with the U.S. Forest Service. French Pete Creek is one of a kind. There exists nowhere else in the Oregon Cascades such a combination of a major untouched valley, a sweep of unbroken forest from low elevation to high elevation with all its associated ecological connotations, with all its associated opportunities for a special kind of recreation experience. I believe the people of Oregon have the right to experience the recreation, scenic and esthetic, which this valley has to offer, and which is becoming virtually extinct in our country. No valley remains within the Oregon Cascades that can offer all the characteristics of French Pete Creek drainage—a continuous stretch of unbroken, typical old growth virgin forest, in a totally unroaded and unlogged state.

It is the purpose of the bill I am today introducing to preserve this experience as part of our American heritage. This legislation would create an "intermediate recreation area" which would be administered by the Secretary of Agriculture; and wherein there would be no road construction, or timber harvest activities of any kind; no use of motor vehicles, motorized equipment or other mechanical transport; and no structures or installations, except as is necessary to meet emergency health and safety standards.

On the other hand, it would provide for trail construction, primitive walk-in campsites, trail bridges, sanitary facilities, and other necessary facilities.

In an article in the June 1968 Journal of Forestry, it was pointed out by professional forest ecologists that virgin forest communities typifying highly productive, low elevation sites are already scarce. I believe French Pete is one of the few remaining. I believe it is the only such valley left in the Oregon Cascades. I strongly feel it is worth saving and must be saved.

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

The bill (S. 3262) to establish the French Pete Creek Intermediate Recreation Area, introduced by Mr. PACKWOOD, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3264—INTRODUCTION OF A BILL WAIVING THE STATUTE OF LIMITATIONS WITH RESPECT TO A CERTAIN CLAIM AGAINST THE UNITED STATES BY THE STATE OF HAWAII

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill, the purpose of which is to grant a waiver of the statute of limitations in connection with the tort claim of the State of Hawaii against the United States.

My bill would waive the time limitation as set forth in section 5 of the act of March 9, 1920 (41 Stat. 526, 46 U.S.C. 745), as to the State of Hawaii's claim against the U.S. Bureau of Commercial Fisheries for damages to a pier owned by the State of Hawaii which resulted from the collision of the vessel *Townsend Cromwell* with the vessel *Neptune* in Kewalo Basin, Honolulu, Hawaii, on or about January 15, 1964. It does provide that such statute of limitations shall not apply in the case of any suit brought within 2 years after the date of enactment of this bill by such State.

The facts and circumstances giving rise to the claim of the Harbors Division, Department of Transportation, State of Hawaii, against the U.S. Bureau of Commercial Fisheries are as follows:

On or about January 15, 1964, the vessel MV *Townsend Cromwell*, under the control and supervision of employees and/or agents of the U.S. Bureau of Commercial Fisheries, collided with the vessel MV *Neptune* in Kewalo Basin, Honolulu, Hawaii. At the time of the collision, the *Neptune* was docked alongside of berth 104, Kewalo Basin. The catwalk on berth 104 was, and is, owned, operated, and maintained by the Harbors Division, Department of Transportation, State of Hawaii. The collision pushed the *Neptune* into the catwalk of berth 104, causing the berth to collapse. The damage being substantial, it was not economically feasible to repair the catwalk.

In meetings as to liability and the filing of a claim against the U.S. Bureau of Commercial Fisheries, officials in the harbors division of the State's department of transportation were apparently informed and advised by officials of the U.S. Bureau of Commercial Fisheries that the claim could be administratively settled under the Federal Tort Claims Act.

On September 17, 1965, and in reliance upon the representations and advice of the U.S. Bureau of Commercial

Fisheries, the legal section of the department of transportation, acting on behalf of the harbors division, filed a claim for $6,597 under the Federal Tort Claims Act. The claim was filed on form 95–103, "Claims for Damage or Injury," as supplied by, and submitted to the U.S. Bureau of Commercial Fisheries. The time of filing the said claim was well within the 2-year statute of limitations imposed by 46 U.S.C. 745.

Eleven months after submission of the State's claim, and after the statute of limitations had run, the deputy attorney general who had submitted the claim was informed by Mr. Lewis S. Flagg III, Associate Solicitor, Territories, Wildlife and Claims, Department of the Interior, by letter dated August 15, 1966, that the claim could not be administratively settled. The grounds were:

First, that the claim was an admiralty claim and did not come under the Federal Tort Claims Act:

Second, that that office could not administratively settle the claim under the provisions of the Federal Tort Claims Act; and

Third, that the 2-year statute of limitations had run against the State, thereby barring any action against the U.S. Bureau of Commercial Fisheries.

Further requests by the attorney general of the State of Hawaii, Mr. Bert T. Kobayashi, that the claim be settled administratively or that the statute of limitations be waived for this claim proved fruitless. On Feburary 25, 1969, the U.S. Department of Justice confirmed that the claim was barred by the statute of limitations and that the claim could not be settled administratively.

The bill I now send to the desk would right this injustice, and I urge its favorable consideration.

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

The bill (S. 3264) to waive the statute of limitations with respect to a certain claim against the United States by the State of Hawaii, introduced by Mr. FONG, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3267 AND S. 3268—INTRODUCTION OF BILLS IMPROVING EDUCATIONAL OPPORTUNITIES FOR INDIANS

Mr. DOMINICK. Mr. President, I am introducing two bills which will implement some of the recommendations made by our Special Subcommittee on Indian Education. The first bill assists developing colleges for Indians; the second, encourages young Indians to enter the teaching professions, and at the same time provides aid to teachers in Indian schools.

Title III of the Higher Education Act is designed to assist in raising the academic quality of colleges which have the desire and potential to make a substantial contribution to the higher education resources of our Nation, but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The present law enables the U.S. Commissioner of Education to set up a national teaching fellow program as well as assist in the creation of cooperative arrangements under which these colleges may draw on the talent and experience of our finest colleges and universities. In addition, these arrangements may bring in the educational resources of business and industry, all in an effort to improve academic quality.

The law requires, however, that any of the developing institutions must be in existence for at least 5 years in order to be eligible for assistance.

Our subcommittee recommended that the Commissioner be authorized to waive the 5-year requirement in those cases of recently established colleges for educating Indians. An example of a college which the subcommittee intends should become eligible for consideration as a result of this bill is the Navajo Community College, which was established in January 1969.

My second bill would correct a serious deficiency in the Education Professions Development Act, relating to the various considerations involved in training and retraining teachers, attracting new personnel, and so forth.

According to the National Advisory Council on Education Professions Development, schools and programs operated by the Bureau of Indian Affairs are not now technically eligible for the benefits available under this act.

Moreover, I am concerned that schools operated by an agency of an Indian tribe, such as the Rough Rock demonstration school, may not have access to these resources.

As I have said before, one of our prime goals should be to shift from reliance on Indian experts to reliance upon expert Indians. What better way is there to achieve some forward momentum in this direction than to attract the Indian youth in this country to the teaching profession, and see that they receive our support as they continue to teach?

Mr. President, the following Senators have asked to join in cosponsoring the proposed legislation: Messrs. BELLMON, FANNIN, GOLDWATER, JAVITS, KENNEDY, MONDALE, MURPHY, and RANDOLPH.

Since these bills deal with Indians, but in fact deal with education, I ask that the assignment of these bills be considered carefully, because it is my opinion that they should properly come before our Committee on Labor and Public Welfare.

I ask unanimous consent that both bills be printed in the RECORD.

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

The bills (S. 3267) to amend title III of the Higher Education Act of 1965, relating to developing institutions, in order to promote the availability of higher education to Indians; and

(S. 3268) to amend title V of the Higher Education Act of 1965, in order to improve educational opportunities for Indians, introduced by Mr. DOMINICK, for himself and other Senators, were read twice by their titles, referred to the Committee on Labor and Public Welfare and ordered to be printed in the RECORD, as follows:

S. 3267

A bill to amend title III of the Higher Education Act of 1965, relating to developing institutions, in order to promote the availability of higher education to Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (d) of the Higher Education Act of 1965 is amended by inserting before the semi-colon at the end thereof a comma and the following: "except that the Commissioner may waive the five year requirement of this clause with respect to an institution located on or near an Indian reservation in any case in which he determines that such action will increase the availability of higher education to Indians".

S. 3268

A bill to amend title V of the Higher Education Act of 1965, in order to improve educational opportunities for Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503 (a) of the Higher Education Act of 1965 is amended (1) by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians," and (2) by inserting after "the Department of Labor," the following: "the Department of the Interior,".

SEC. 2. Section 504(a)(1) of the Higher Education Act of 1965 is amended by inserting after "secondary schools" the following: "(including such schools operated by the Department of the Interior for Indians or by an agency of an Indian tribe.)".

SEC. 3. Section 505 of the Higher Education Act of 1965 is amended by inserting after "shall consult with" the following: "the Secretary of the Interior,".

SEC. 4. Subsections (a) and (d) of section 552 of the Higher Education Act of 1965 are each amended by inserting after "in all the States" a comma and the following: "including such needs in schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe.".

SEC. 5. Section 553(a) of the Higher Education Act of 1965 is amended by inserting at the end thereof the following: "The Commissioner may also enter into arrangements with the Secretary of the Interior, or with an agency of an Indian tribe, and use funds appropriated for the purpose of this section, for carrying out the purpose of this section with respect to schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe."

S. 3272 AND S. 3273—INTRODUCTION OF BILLS PERTAINING TO ALASKAN TRADE

Mr. STEVENS. Mr. President, I introduce today two bills of extreme importance to my State.

Alaska is a land of great potential. Ours is a vast land with a wealth of natural resources. It has hundreds of millions of acres of virgin forest lands. It is laced with thousands of miles of clean rivers. It is underlain with a wealth of minerals, including the largest proven reserves of petroleum in the United States.

But, Alaska is also a land of people—hearty, strong, industrious people of all ethnic backgrounds. These people are forging a new State, building homes and roads and industries that will turn a land of potential into one of productivity, that will turn a promise of the future into an asset of the present.

Alaska has long been termed the "last frontier," and this description is accurate. Alaska now stands in the position occupied by California in 1850, or by the 13 colonies in the 17th Century. And it shares the problems those pioneers of yesterday faced: isolation, lack of adequate communications, lack of sanitation facilities, and lack of adequate transportation. Most of these problems can be related to one factor—the great distances between the frontier and the nearest civilization. In the case of the colonies, it was 3,000 miles of open sea, in the case of California, it was 2,000 miles of unsettled plains and mountains, and in the case of Alaska it is either thousands of miles of rugged, unsettled Canadian northwest or thousands of miles of both sheltered and open seas. In all previous frontier situations the great distances over which supplies to sustain the pioneers had to be carried resulted in a high cost of living. And these distances also prevented products produced on the frontier from being competitive with similar products produced in settled areas even though the frontier producers may have had lower manufacturing costs. The Alaskan frontier has the same problems.

But Alaska's transportation problem is not simply the result of the great distances involved. Modern technology has so shrunk the world that people can travel to and from Alaska in a matter of hours whereas previous pioneers took weeks and even months to reach the frontier. Ship borne commerce can travel from Seattle to Anchorage in a fraction of the time it took to reach the colonies from Europe or California from the east coast. And, this same technology that greatly reduced the time involved has also reduced the costs. It cost $250 to fly from New York to California as late as 1936; the same flight can now be made for just over $100. Giant trucks traveling superhighways can deliver freight from New York to California at a fraction of the costs involved a few decades ago.

Then, why does Alaska still have this great transportation problem? It is not a result of such technology not being available to Alaska; it is. Alaska has consistently taken advantage of the latest technological advancements. Our highway standards already provide for the more efficient large trucks now being considered by Congress for the Interstate System. The latest jet aircraft fly in and out of our modern airports. Our ships employ the latest developments in containerized shipping.

The source of the problem can be isolated to two basic facts: Alaska is not contiguous to the South 48 by land, and an anomoly in our shipping laws substantially increases the cost of shipping by sea.

Alaska is as dependent on ocean shipping as an island. There is no railroad connecting Alaska with the South 48—though there should be. The only highway to the South 48 is still unpaved for over 600 miles of its length. Both automobiles and railway rolling stock are transported on barges or ferries. Air transportation is the only other means of mass transportation of passengers and merchandise to and from Alaska. And, at present, it is too expensive for the carrying of bulk cargo. So, oceangoing vessels must do the task.

Even though Alaska must rely on a single mode of transportation instead of the myriad of alternatives available to the South 48, there would be no problem if this mode of transportation were competitive with the alternatives. And, on a worldwide basis, it is. World trade reached a staggering $487 billion last year, and machinery shipped from Germany to Greece did not find itself at a competitive disadvantage because it went by ship rather than rail. In fact, in many instances ocean shipping is cheaper than alternative modes.

This is so partly because most of the shipbuilding nations of the world subsidize ocean shipping. These subsidies take many forms. Greece, for instance, exempts from income taxation for 10 years any ship brought under the Greek flag. Several nations provide either tax benefits or low interest rates for ship construction loans. France, Italy, and Japan and the United States provide direct subsidies for construction and operation of ships in domestic and foreign commerce.

But the United States has done a most peculiar thing. It has divided its shipping into two categories—foreign commerce and coastwise trade—and we subsidize the former to a great extent, but do nothing to make the latter competitive. Of the 11 major shipbuilding nations surveyed by the Joint Economic Committee of the U.S. Congress in 1963, three provided direct construction or operating subsidies to both foreign and domestic shipping and three provided such subsidies to domestic shipping only, but only one—the United States—provided direct operating and construction subsidies to ships engaged exclusively in foreign commerce, while denying such subsidies to its own domestic shipping industry. This anomaly in our shipping policy was a result of the unusual way in which we backed into subsidies.

The safety of passengers, crews, and merchandise on board oceangoing vessels has always been of great concern to the United States. During the past century we have taken a number of steps to assure that American passengers, crews, and merchandise would receive the maximum protection from ocean disasters, particularly fire, that technology allowed. In 1886, we prohibited the carrying of passengers on foreign vessels between American ports. In 1912 we prohibited the registry of foreign built vessels under the American flag unless they were engaged exclusively in foreign commerce. In 1920 we prohibited the carrying of merchandise on foreign built ships between American ports. This body of law is commonly known as the Jones Act. The reason for this heavy restriction against the use of foreign built vessels was, in part, predicated on the fact that we could control the method of construction of ships only if they were built in our own shipyards. Our safety record since the enactment of the Jones Act is an enviable one. There has not been one death due to fire on a nonmilitary ship built to our specification since these safety precautions were taken.

But the building of ships to these safety standards has been costly, and the ability of our merchant marine to compete in foreign commerce was greatly impaired. In 1936 we took steps to correct this problem by the enactment of construction differential and operating differential subsidies. However, since foreign built and foreign manned vessels could not operate in the coastwise trade—that is, trade between American ports—the subsidies were not extended to all shipping, but only to shipping which competed directly with foreign shipping.

The decision to exclude coastwide shipping from subsidization was based on two assumptions: That coastwise shipping was protected from competition by cheaper foreign shipping by operation of the Jones Act and that alternate methods of shipping among the United States did not receive construction differential or operating differential subsidies either.

These two assumptions, which may have had validity in 1936, are no longer valid today.

First, coastwise shipping, insofar as Alaska is concerned, does indeed receive competition from foreign shipping. Alaska imports almost all of its consumer goods and pays for them by exporting its natural resources. This is a typical frontier situation. The colonies exported agricultural products in exchange for manufactured goods from Europe. California exported lumber and gold and later fruits and vegetables in exchange for consumer products from the East. But California did not enjoy the option of an alternate market that Alaska does.

Alaska finds that Japan, a little over 3,000 miles away, has a great demand for its natural resources and is able to supply consumer goods in return. The "South 48," of course, is less than 2,000 miles away and offers the same market. However, Alaska finds itself shipping increasing quantities of its natural resources to foreign countries and importing increasing amounts of consumer goods from these countries in preference to the "South 48." In 1967, Alaska's five largest harbors reported handling 2,561,200 tons of imports, of which 538,800 tons—or more than 20 percent—was imported from foreign countries. In 1967 these same ports reported handling 1,279,800 tons of exports, of which 704,700 tons—or nearly 60 percent—was shipped to foreign countries. Alaska's three major timber-producing areas exported 333,000 tons of lumber to foreign countries, principally Japan, while only 3,000 tons went to the other 49 States. No one can tell me that there is no foreign competition in shipping when the shipping rates in foreign commerce make it economically advantageous to ship lumber, badly needed in the South 48 less than 2,000 miles away, to Japan over 3,000 miles away.

In testifying before the Subcommittee on Minerals, Materials, and Fuels recently, former Senator Kuchel pointed out that southern California will soon experience a shortage of natural gas. One solution to this problem is to ship liquified natural gas from Alaska to California. But, as Mr. Kuchel, pointed out:

The natural gas industry is faced with a paradox. The "lower 48" states are experiencing a rapid growth in the demand for natural gas, while generous supplies remain untouched in Alaska. Gas consumers in Japan and other countries may ultimately reap the benefit of these valuable Alaska reserves, since Alaska LNG can be transported to those countries in lower-cost, foreign-built vessels. On the other hand, American gas companies may find it economically advantageous to import LNG from foreign countries because such supplies can be carried in lower-cost tankers.

Mr. President, on October 10, Alaska began exporting LNG to Japan. Mr. Kuchel's prophecy is not conjecture, it is reality.

The assumption that coastwise trade does not require subsidization because it does not compete with foreign trade is wholly erroneous insofar as Alaska is concerned. Foreign commerce does compete, and it is winning. Alaska is being treated like a foreign country because of the anomaly in our shipping laws created by this erroneous assumption.

The second assumption on which the decision to exclude coastwise trade from subsidization was based is equally fallacious. The alternate methods of transportation are subsidized to a far greater extent than coastwise shipping. Highway user taxes exacted of all users, including passenger autos, build highways. Railroads received incentives to build their original rights-of-way, and they developed a system of rail transportation that was the envy of the world. Railroads no longer receive significant subsidies, and the decline that has resulted is evident to even the casual observer. In order to restore passenger rail service Congress is now being asked to commit $10 billion to the urban mass transit system—much of it for rail carriers. The fact that unsubsidized coastwise shipping is not competitive is clearly evidenced by the small fraction of cargo now carried in that trade compared to the volume handled by alternate transportation modes.

How does this concern Alaska, which does not have these alternate means of transportation? When California depended on shipments by ocean going commerce to supply its needs, the cost of living there was fantastic. As low-cost subsidized rail and truck transportation came to California, its cost of living grew closer to that of the east coast, until today it is a modest 10 percent higher than elsewhere in the South 48 and is actually lower than in some east coast cities. But Alaska cannot take advantage of this subsidized overland transportation because it does not have an unbroken land route to Alaska. It is not contiguous to the South 48 and it cannot control or subsidize the development of such transportation since a foreign country separates us from the rest of the United States. We depend to a great extent on ocean-going shipping and must work with that method of transportation.

So, Alaska is left with two basic facts with which it must reckon. The subsidies to non-ocean-going transportation are not available to Alaska because it does not have such transportation alternatives, and the subsidies which make ocean-going transportation competitive are denied Alaska because of the Jones Act restriction. There are two possible solutions to this dilemma: Alaska could be removed from the Jones Act restriction so that it could take advantage of the lower cost of foreign transportation, or Alaska ocean-going trade could be subsidized to offer to Alaska the same low transportation costs that the subsidization of alternate modes offers to the South 48. The bills I am introducing today are designed to accomplish these two solutions respectively.

The first would make the Jones Act restrictions inapplicable to ships operating in the Alaska trade. It would allow foreign vessels to compete with domestic carriers in shipping between points in Alaska and the rest of the United States. It would permit the registry of foreign-built ships under the American flag for purposes of engaging in the Alaska trade. It would permit foreign-built and foreign-operated vessels to carry passengers and merchandise between Alaska and the rest of the United States. It would solve the problems I have outlined without direct cost to the American taxpayer, since no subsidization by our country is involved. Of course, it is a foregone conclusion that American-built vessels could not compete without such subsidization, but it is a solution from Alaska's point of view. It is a "meat ax" approach to a problem that could be more deftly handled by a scalpel, and that is what the second bill I am introducing is designed to accomplish.

The second bill would retain the Jones Act restrictions intact. Alaska would not be opened up to direct foreign shipping competition, but it would still receive benefits as if it had. The bill simply extends to ships engaged in the Alaska trade the construction-differential and operating-differential subsidies now available to American ships engaged in foreign commerce. It is a logical step from the fact I have demonstrated that the Alaska trade does indeed compete with foreign commerce. It is a logical step also in view of the fact that Alaska cannot enjoy the subsidization granted to alternate modes of transportation in the South 48. Alaska, therefore, is not asking for special treatment, but is only asking that it receive the same benefits already granted to the South 48 through subsidies to alternate transportation methods.

The policies expressed in the Jones Act are national policies designed to benefit all Americans equally. But because of Alaska's geographical position as a noncontiguous State, the burden of these policies falls far more heavily on my State than on the contiguous 48. Because of the availability of alternate modes of transportation in the South 48, Alaska and Hawaii have ended up bearing almost the entire burden of these national policies. It is simply unfair to require that two States should bear the burden of policies designed to benefit all the States. My bill would recognize this unfairness insofar as Alaska is concerned and provide a simply way to remedy it.

I ask unanimous consent that the bills be referred to the Committee on Commerce. They pertain to amendments to the Jones Act.

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

The bills (S. 3272) to extend to shipping in the Alaska trade the construction differential and operating differential subsidies now provided to shipping in foreign commerce, and (S. 3273), to exempt Alaskan trade from sections 289 and 883 of the Cabotage laws, introduced by Mr. STEVENS, were received, read twice by their titles, and referred to the Committee on Commerce (by unanimous consent).

S. 3274—INTRODUCTION OF A BILL IMPLEMENTING THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference, a bill to implement the convention on the recognition and enforcement of foreign arbitral awards.

The bill has been requested by the Acting Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State dated December 3, 1969, to the Vice President.

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

The bill (S. 3274), to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered printed in the RECORD, as follows:

S. 3274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Codes, is amended by adding:

"Chapter 2.—Convention on Recognition and Enforcement of Foreign Arbitral Awards

"Sec.
"201. Enforcement of Convention
"202. Agreement or award falling under the Convention.
"203. Jurisdiction; amount in controversy.
"204. Venue.
"205. Removal of cases from State courts.
"206. Order to compel arbitration; appointment of arbitrators.
"207. Award of arbitrators; confirmation; jurisdiction; proceeding.
"208. Chapter 1; residual application.

"§ 201. Enforcement of Convention

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

"§ 202. Agreement or award falling under the Convention

An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a

relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad or has some other reasonable relation with one or more foreign States. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

"§ 203. Jurisdiction; amount in controversy

An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of Title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

"§ 204. Venue

An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

"§ 205. Removal of cases from State courts

Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

"§ 206. Order to compel arbitration; appointment of arbitrators

A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

"§ 207. Award of arbitrators; confirmation; jurisdiction; proceeding

Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

"§ 208. Chapter 1; residual application

Chapter 1 applies to actions and proceedings brought under this chapter to the extent that chapter is not in conflict with this chapter or the Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by inserting at the beginning:

"Chap. Sec.
1. General provisions ---------- 1
2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards ---------- 201"

SEC. 3. Sections 1 through 14 of title 9, United States Code, are designated "Chapter 1" and the following heading is added immediately preceding the analysis of sections 1 through 14: "Chapter 1.—General Provisions".

SEC. 4. This act shall be effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States.

The letter, furnished by Mr. FULBRIGHT, follows:

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. VICE PRESIDENT: On behalf of the Department of State I am forwarding draft legislation to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The Senate gave its advice and consent to United States accession to the Convention on October 4, 1968. At the hearings on the Convention, the witness from the Department informed the Foreign Relations Committee that deposit of the United States instrument of accession would be deferred until the Congress enacted the necessary implementing legislation (Senate Executive Report No. 10, 90th Congress, 2d Session).

The Federal Arbitration Act, which has been codified in Title 9 of the United States Code, embodies basic national policy concerning arbitration. The Secretary of State's Advisory Committee on Private International Law, which includes representatives of the American Bar Association, the Conference of Chief Justices, and the Conference of Commissioners on Uniform State Laws, suggested that the Department discuss with a small group of representatives of the American Arbitration Association, members of the arbitration bar, and law school professors, the most effective approach to the implementing legislation. The consensus of the group, with which the Department of Justice concurs, was that rather than amending a series of sections of the Federal Arbitration Act it would be preferable to enact a new chapter dealing exclusively with recognition and enforcement of awards falling under the Convention. This approach would leave unchanged the largely settled interpretation of the Federal Arbitration Act. Moreover, it would avoid complicated interlineations which, while facilitating implementation of the Convention, might also mislead or confuse persons dealing with cases falling under the Federal Arbitration Act but not under the Convention.

The proposed new chapter has eight sections.

Section 201 provides that the Convention shall be enforced in United States courts in accordance with the provisions of the proposed new chapter.

Section 202 defines the agreements or awards that fall under the Convention. The second sentence of section 202 is intended to make it clear that an agreement or award arising out of a legal relationship exclusively between citizens of the United States is not enforceable under the Convention in United States courts unless it has a reasonable relation with a foreign State.

Section 203 gives original jurisdiction over any action or proceeding falling under the Convention to the District Courts of the United States regardless of the amount in controversy. Section 204 establishes venue with respect to such action or proceeding.

Section 205 permits removal of an action or proceeding relating to an agreement or award falling under the Convention from a State court to a District Court of the United States.

Section 206 permits a court to direct that arbitration be held at the place provided for in the arbitration agreement. Since there may be circumstances in which it would be highly desirable to direct arbitration within the district in which the action is brought and inappropriate to direct arbitration abroad, section 206 is permissive rather than mandatory.

Section 207 deals with confirmation of an award made under the Convention. A similar provision is included in section 9 of the Federal Arbitration Act.

The purpose of section 208 is to make the provisions of the Federal Arbitration Act applicable to actions brought under the Convention to the extent that such provisions are not in conflict with the implementing legislation or the Convention as ratified by the United States.

The Department of State has been informed by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional relations.

SENATE JOINT RESOLUTION 168—INTRODUCTION OF A JOINT RESOLUTION PROVIDING FOR A WHITE HOUSE CONFERENCE OF INDIANS AND ALASKA NATIVES

Mr. KENNEDY. Mr. President, within the past few months three volumes have provided us with broad analyses of various issues relating to the American Indian and Alaska native. The Senate Subcommittee on Indian Education, the Citizens' Advocate Center, and Vine Deloria, Jr., have all reached the same conclusion: in the words of the subcommittee report, this Nation's Indian affairs has been "a national tragedy and a national disgrace."

The statistics indicating the extent of poverty of American Indians have been repeated again and again. Mr. Deloria, a Standing Rock Sioux, observed almost as an aside that "Indians rank lowest of any group in every conceivable statistic used to measure poverty." To what should we attribute this plight that Mr. Deloria describes? His answer: "It is the fault of the U.S. Government."

It should be clear by now that if any progress is to be made in Indian affairs, we must stop offering the white man's solutions as the only solutions to the Indians' problems. We should use as a premise, not a conclusion, that each American Indian and Alaska native must be provided with the full measure of his rights and privileges. He must be able to enjoy them in our society, if he chooses. Otherwise, he must feel secure in their enjoyment on his own land, on his own terms.

And, most importantly, we must learn his terms; we must provide the native American with a vehicle for making his voice heard here in Washington, by Congress and the Executive. We must listen to that voice, as well. I believe we should start by providing for a White House Conference of American Indians, to be convened as soon as possible. I am sending to the desk, on behalf of myself and Senators MONDALE, MCGOVERN, and HARRIS, a resolution to authorize such a conference.

The white man has sought both comprehensive and piecemeal solutions to the "Indian problem" for centuries.

Annihilation seemed to be our first solution. Puritans settling in the New

World burned Indian villages and shot their inhabitants or sold them into slavery. Bounties were set on Indians, and thus did the English introduce scalping to this country before the French and Indian War.

Although less direct in our approach following these early days, this Nation's policy "to Christianize and civilize the nation" has been no less destructive to Indian society. Assimilation was the ultimate goal—our goal, not theirs. Subjugation was the means.

Probably the most consistent feature of Federal Indian policy through the years, besides its failure, has been the lack of Indian participation in its formulation. In 1928, the Meriam report, commissioned by the Secretary of the Interior, surveyed the social and economic conditions of the American Indians and the administration of Indian programs. The report concluded that one of the most serious deficiencies in Indian administration was the exclusion of Indians from the management of their own affairs.

The Citizens' Advocate Center, over 40 years later, outlined the many solutions formulated by various governmental agencies for the red man's betterment and concluded:

> History, if it has taught anything, should demonstrate that unless the Indians can shape their own policies and priorities and have the opportunity to participate—an opportunity which is, after all, integral to American democracy—the solutions will fail.

We have studied the Indian, his tribes, his history, his customs. We have mounted task forces, study groups, research teams. We have come up with reports, studies, analyses, histories. Volume after volume of them.

These reports and studies have been important and valuable. But there is still a need for a more unified policy formulation, greater legislative oversight, and greater participation by Indians and Alaska natives in the total process. On the congressional side, we need more data, and more reliable data, on Indian needs and on Federal programs operating to meet them. The Special Subcommittee on Indian Education, in a little over 2 years, has provided us such data in the area of education. We should not stop there. I have thus recommended the establishment of a Select Committee on the Human Needs of the American Indian, and I shall soon introduce a resolution to authorize such a committee. This committee would gather and analyze data and work on programs and priorities necessary for Congress to carry out its legislative oversight function in this area.

But we need more than a congressional committee; more than another Executive task force. We need a vehicle for involving Indians and Alaska natives, on more than a token or after-thought basis, in the actual analysis and formulation of Federal policy and Federal programs. To this end, I am introducing today a resolution to provide for a White House Conference of American Indians and Alaska natives.

The final report of the Indian Education Subcommittee followed 2 years of hearings and extensive investigations into many aspects of the human needs of American Indians and Alaska natives. That report explored and analyzed the failure of national Indian policy throughout this country's history and recommended emphatically, in the following language, that Congress authorize a White House Conference on American Indian affairs:

> The Subcommittee has found that one of the primary reasons for the failure of national policy and programs for American Indians has been the exclusion—or only token involvement—of Indians in determining policy or planning of programs. A White House Conference on American Indian Affairs would be a dramatic reversal of this unyielding practice.

My resolution calls for broad-scale participation of Indians and Alaska natives in extensive deliberations at the local, regional, and national levels of the conference. I outlined this approach to the National Congress of American Indians in October of this year. It was endorsed by the NCAI and by the present Commissioner of Indian Affairs. Funds are to be provided equal to those Congress authorized for the White House Conference on Aging, reflecting our equally strong commitment to the American Indian and Alaska native.

I understand that some Indians feel it important to disassociate the conference provided in any congressional resolution from the White House as such. For example, one member of the American Indian Task Force suggested that a "red house conference" be authorized. I believe that we cannot ignore the prestige and attention accorded a conference of white status, wherever it is held. And as I earlier mentioned, it is important that the Indians be clearly heard by the Government and by as large a segment of the public as possible. I am thus using this designation, but I do suggest this as a proper area of inquiry by the committee considering the resolution.

The resolution provides that the Office of Economic Opportunity and the National Council on Indian Opportunity will be the contracting authorities and provide back-up services for the various stages of the conference. Indian and Alaska native tribes, communities, groups, and organizations will be responsible for actually conducting the conference. Participation of minority Indian groups and dissenting tribal factions is to be provided. Thus, the conference recommendations will be not only for the Indian people, but also by them.

We can all look forward to the recommendations that would come from such a White House Conference—to the information and to the insights that we would be provided with. It is time we raise to the highest status the voices of the American Indian and Alaska native. They have been listening to our voices, silently, for long enough.

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

The joint resolution (S.J. Res. 168), to provide for a White House Conference of Indians and Alaska Natives, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 2218

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. COTTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Oregon (Mr. PACKWOOD) be added as cosponsors of S. 2218, to amend the Elementary and Secondary Education Act of 1965 and related Acts, and for other purposes.

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

S. 2846

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of S. 2846, the Development Disabilities Services and Facilities Construction Act of 1969.

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

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 166

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), I ask unanimous consent that, at the next printing, the name of the Senator from Virginia (Mr. SPONG) be added as a cosponsor of Senate Resolution 166, to provide for an International Conference on Problems of Human Environment.

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

MANPOWER TRAINING ACT OF 1969—AMENDMENT

AMENDMENT NO. 440

Mr. BOGGS. Mr. President, I submit an amendment intended to be proposed by me and the distinguished Republican leader (Mr. SCOTT), the distinguished assistant majority leader (Mr. KENNEDY), and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), to S. 2838, the proposed Manpower Training Act of 1969. This amendment would establish a new category of program that would be eligible for funds under title I of this legislation.

Specifically, the language of my amendment is designed to insure that the Federal Government can and will provide financial support to the opportunities industrialization centers.

The OIC concept was developed 5 years ago by the Reverend Dr. Leon Sullivan, a minister in Philadelphia. From this idea and money raised by Dr. Sullivan's congregation, the OIC concept of self-help job training has been expanded to some 75 cities across the Nation. Only one-third of the OIC's receive financial support from the Federal Government. Yet each provides an important adjunct to Federal manpower programs, an important blending of local needs with national goals.

Earlier this year, I introduced S. 1362, a bill that would enable the Federal Government to offer more adequate financial support to the OIC program. Since that time, of course, the proposed Manpower Training Act has been introduced by the distinguished Senator from New York (Mr. JAVITS). This is an attempt to coordinate the Government's programs for training the unemployed and the underemployed. It is my belief that the approach of this bill, S. 2838, has merit: Too many of these programs are widely scattered among various agencies, fragmenting the effort and undermining the goal.

While I personally believe it is important to formally recognize the OIC program through legislation. I believe we should not neglect this opportunity to use the Manpower Training Act to assist the OIC programs and thus strengthen the Federal Government's program in manpower training. As this important Manpower Training proposal is discussed by the Congress, I believe we should consider the OIC proposal in conjunction.

Therefore, I have prepared an amendment to the language of S. 2838. I must also add that the OIC approach meshes well with the intent of the Manpower Training Act. Both seek to invest increased authority and responsibility for program development in the States and cities.

You will notice that the amendment does not offer any reference to the title of the opportunities industrialization centers. Part of the approach of S. 2838 is to free the existing manpower training programs from the naming game.

While I believe it may still prove helpful to legislate Federal participation in the OIC's by name at some later date, every approach should be considered to insure that this important community program is given our full support.

The PRESIDING OFFICER The amendment will be received, printed, and will be appropriately referred.

The amendment was referred to the Committee on Labor and Public Welfare.

ANNOUNCEMENT OF RESUMPTION OF HEARINGS ON AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

Mr. ERVIN. Mr. President, I announce that the Subcommittee on Constitutional Rights will resume hearings on amendments to the Voting Rights Act of 1965, on January 27, 28, 29 and February 3, 4, and 5, 1970, in room 2228, New Senate Office Building.

So that all may understand what is being considered, I ask unanimous consent that the Voting Rights Act of 1965, the administration's proposed amendments (S. 2507), and the proposed simple extension of 5 years (S. 818) be inserted at this point in the RECORD.

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

PUBLIC LAW 89–110, 89TH CONGRESS, S. 1564, AUGUST 6, 1965

An act to enforce the fifteenth amendment to the Constitution of the United States and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners if any incidents of denial or abridgment of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provision of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to

have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided,* That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplement as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided,* That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner of (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order re-

quiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10, or shall violate section 11 (a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in

any judicial district of the United States: *Provided,* That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

S. 2507

A bill to amend the Voting Rights Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act Amendments of 1969."

SEC. 2. Section 4 of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended as follows:

(a) Strike subsection (a) and substitute the following:

"(a) (1) Prior to January 1, 1974, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device."

(b) Strike subsection (b) and designate present subsection (c) as (a) (2).

(c) Strike subsections (d) and (e) and add the following as subsection (b):

"(b) (1) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the first day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

"(2) If such citizen has begun residence in a State or political subdivision after the first day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election: (A) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (B) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(3) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

"(4) 'State' as used in this subsection includes the District of Columbia."

SEC. 3. Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 197c) is amended to read as follows:

"SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting which has the purpose or effect of denying or abridging the right to vote on account of race or color, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate.

"(b) An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court."

SEC. 4. Section 6 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973d) is amended by striking the words "unless a declaratory judgment has been rendered under section 4(a)" and by striking, immediately after the words "political subdivision," the words "named in, or included within the scope of, determinations made under section 4(b)."

SEC. 5. Section 8 of the Voting Rights Act of 1965 (79 Stat. 441; 42 U.S.C. 1973f) is amended by striking the words "Whenever an examiner is serving under this Act in any political subdivision the Civil Service Commission may" and substituting the following:

"Whenever the Attorney General determines with respect to any political subdivision that in his judgment the designation of observers is necessary or appropriate to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall".

Section 8 is further amended by adding the following sentence at the end thereof:

"A determination of the Attorney General under this section shall not be reviewable in any court."

SEC. 6. Section 14 of the Voting Rights Act of 1965 (79 Stat. 445; 42 U.S.C. 1973l) is amended by striking subsections (b) and (d) and designating subsection (c) as (b).

SEC. 7. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973) is amended by redesignating sections 17, 18, and 19 as sections 18, 19, and 20, respectively, and inserting the following new section:

"SEC. 17. (a) There is hereby created a temporary Commission, to be known as the National Advisory Commission on Voting Rights (hereafter called the Commission), which shall be composed of not more than nine members who shall be appointed by the President. The President shall designate one member to serve as Chairman.

"(b) The Commission shall undertake to make a study of the effects upon voting and voter registration of laws restricting or abridging the right to vote, including laws making residence, economic status or passage of literacy tests and other tests or devices a prerequisite to voting. The Commission shall also study the impact of fraudulent and corrupt practices upon voting rights. The Commission shall conduct such hearings as it deems appropriate and shall consult with the Attorney General, the Secretary of Commerce, and the Civil Rights Commission, and with such other persons and agencies as it deems appropriate. The Commission shall report to the President and the Congress, not later than January 15, 1973, the results of its study and make its recommendations for legislative or other action to protect the right to vote. The Commission shall cease to exist thirty days following the submission of its report.

"(c) As soon as practicable following enactment of this statute and after consultation with the Attorney General and the Civil Rights Commission, the Secretary of Commerce shall make special surveys, in States which utilize literacy and other tests or devices, and in other States, to collect data regarding voting in Presidential and other elections, by race, national origin, and income groups. The Secretary of Commerce shall transmit this data, together with other pertinent data from the Nineteenth Decennial Census, to the Commission.

"(d) The Commission is authorized to request from any executive department or agency any information and assistance deemed necessary to carry out its functions under this section. Each department or agency is authorized, to the extent permitted by law and within the limits of available funds, to cooperate with the Commission and to furnish information and assistance to the Commission.

"(e) Members of the Commission who are Members of Congress or in the executive branch of the Government shall serve without additional compensation, but shall be permitted travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons intermittently employed. Other members of the Commission shall be entitled to receive compensation at the rate now or hereafter provided for GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission. While traveling on official business in performance of services for the Commission, members of the Commission shall be allowed expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons intermittently employed. The Commission shall have an Executive Director who shall be designated by the President and shall receive such compensation as he may determine, not in excess of the maximum rate now or hereafter provided for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Commission is authorized to appoint and fix the compensation of such other personnel as may be necessary to perform its functions. The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code."

SEC. 8. The provisions of this Act shall become effective on August 6, 1970, except that section 7 shall become effective immediately.

S. 818

A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b(a)) is amended as follows:

In the first and third paragraphs, after the words "during the", strike the word "five" and substitute the word "ten".

In the first paragraph, after the words "a period of" strike the word "five" and substitute the word "ten".

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to speak for 5 minutes in the morning hour.

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

CONGRESS HAS MADE A $5 BILLION CUT IN PRESIDENT'S BUDGET REQUESTS

Mr. PROXMIRE. Mr. President, the impression has gotten around the country that the President is being responsible on fiscal policy and that Congress is being irresponsible; that Congress is spending money wildly; that we are, so far as the HEW budget is concerned, so far beyond the budget that the President, unfortunately, has to veto the measure.

This, I suppose, is not the fault of the press. The press is being honest and objective in reporting this news, but I think it is the fault of those of us who are on the Appropriations Committee and have responsibility for reporting to the Congress and the country on what we have done.

The fact is that the Congress has cut presidential requests sharply; that we have made cuts on most appropriation bills.

Let me document that. We have cut approximately $5 billion from the President's request for new obligational authority. We have cut almost $3 billion in fiscal 1970 outlays. I am including the Health, Education, and Welfare appropriation bill, as well as all the other bills. The fact is that if we take a look at the action that we have taken so far, we find that on only four of the 14 fiscal year 1970 appropriation bills has the Senate provided amounts above the President's requests. One is on the agriculture bill. One is on public works. One is on labor, health, education, and welfare. One is on transportation. These are the only bills in which Congress has provided money over the President's requests.

The fact is that if Congress had done exactly what President Nixon had asked us to do, we would have appropriated $5 billion more than we have appropriated.

I wonder how many people in the country really appreciate that? I am sure they have gotten the impression, especially in view of the action of the President last night, that the President is laboring hard to hold an irresponsible Congress in check. The fact is precisely the contrary. The cuts Congress has made is the biggest anti-inflation news of the year.

Contrary to the impression the Nixon administration is trying to put across, it is the Congress which has acted constructively to stem inflation. Congress this year has cut the President's budget.

It is therefore ironic that the President should now exhort the Congress to cut spending and that he should now threaten to veto funds for schoolchildren, for the poor, for the ill, and for the unskilled at the end of a year when he has sent to the Hill one inflationary budget request after another, from the ABM and the B–1 superbomber to the SST.

The President yesterday voiced his concern that the Labor-HEW appropriations bill is too costly at this critical point in the battle against inflation. It is strange that the President did not give way to a similar concern when he gave the go-ahead to the SST or when the Pentagon decided to ask for money for the B–1 superbomber and countless other unneeded weapons systems.

The President has tried to give the impression that we in the Congress are irresponsible spendthrifts. The facts are just the opposite.

What the Congress has done is to change the administration's priorities. We cut the military budget, which is far and away the most significant cause of the present inflation. We increased somewhat the funds for the poor. We cut back on proposed foreign aid abroad. We used some of the money to help the needy here at home. But, overall, we made a major cut in Presidential requests.

We have cut hardest in the military budget because that is where the greatest dividends in the war on inflation were to be found. Military spending is the most inflationary spending the Government does because it does not supply a marketplace need.

We have increased the funds for investment in people, where the payoff is largest. The President gives us no credit for cutting his inflationary requests. Yet he tells us he will veto the bill for health, for schools, and for the development of the human resources of the country.

The Congress—and I am talking about the House and the Senate—reduced the Treasury-Post Office-Executive Office appropriation by $38 million.

It reduced the independent offices bill.

It reduced the Department of Housing and Urban Development by $226 million.

It reduced the Interior Department appropriation by $10 million.

It reduced the State, Justice, Commerce, Judiciary appropriations bill by $111 million.

It reduced the legislative branch appropriation by $27 million below the request.

It will reduce the military construction bill by approximately $400 million, depending on what happens in conference. The House was $466 million under the President's request. The Senate was $313 million under the Presidents request.

Congress reduced the District of Columbia appropriation by $60 million below the President's request.

It reduced the Department of Defense appropriation $5.637 billion below the President's request.

It reduced the foreign aid appropriation between $1.071 billion and $858 million. Probably it will be about a $1 billion reduction below President Nixon's request.

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

Mr. PROXMIRE. I am glad to yield.

Mr. GOLDWATER. Did I understand the Senator from Wisconsin to say that the Appropriations Committee cut defense spending by $5 billion?

Mr. PROXMIRE. The fact is that the action on new obligational authority so far was to reduce defense expenditures by a total of $5.637 billion below the revised budget request and to cut outlays by more than $3 billion below the President's request.

Mr. GOLDWATER. If I am not mistaken, it seems to me that the Senate Armed Services Committee provided about $1.7 billion——

Mr. PROXMIRE. The Senator is correct; that is a very good correction. The fact is that the Armed Services Committee did that. Further action on the floor cut it somewhat but did not cut very much more than the Armed Services Committee had recommended and what the Appropriations Committee had recommended. That is a good correction. I should have said the action of the Congress, not just the Appropriations Committee, reduced the President's request overall by $5 billion in obligational authority and by about $3 billion in spending outlays below what the President requested in his revised budget.

Mr. GOLDWATER. Again I may be mistaken, but it seems to me Secretary Laird accomplished most of that $5 billion reduction.

Mr. PROXMIRE. I am talking about cuts below the estimate of the Secretary. We are almost $9 billion below President Johnson's defense budget. Secretary Laird cut a little less than $4 billion below President Johnson's budget, and we went another $5 billion below Secretary Laird.

Mr. GOLDWATER. I just wanted to get the record straight. I know the Appropriations Committee works very diligently and that it has its problems on the floor when we continue to add billions of dollars to bills that we should not be adding billions of dollars to; but I think it is proper to recognize that a Republican administration, with a Republican Secretary of Defense, really got the ball rolling on cutting military expenditures.

Mr. PROXMIRE. Who got the ball rolling is a question.

Mr. GOLDWATER. The Armed Services Committee——

Mr. PROXMIRE. There were many who were responsible for it. There were critics of wasteful military spending. I think there are enough billions of dollars in cuts here to permit a number of people to get credit.

Certainly Secretary Laird deserves credit for cutting below the request of

Secretary Clifford and President Johnson's requests, but Congress as a whole made the big reduction. As we know, the Senate cut the amount lower than the House did.

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

Mr. PROXMIRE. I yield.

Mr. ALLOTT. I think it goes beyond that. If the Senator will examine the RECORD, I think he will find Secretary Laird's cut, in conjunction with the President's, which is reflected in the reduced appropriation, resulted in $3.5 billion below the President's original budget figure.

Mr. PROXMIRE. I am not talking about the original budget figure. I am talking about the latest revised budget. If we followed the recommendation of Secretary Laird and the President we would have been $5 billion above. We would have spent $5 billion more than we did.

Mr. ALLOTT. That is true, but the $5 billion cuts the President speaks of are reflected because of an additional $3.5 billion to $4 billion of Defense spending curbs by Secretary Laird, which are reflected in the $5 billion the Senator is talking about. This is below the revised estimate.

Mr. PROXMIRE. We have received cooperation from the Secretary of Defense, that is true. The point I am making is what I am sure is the impression around the country. In fact, it is the impression in this body. I brought this up, frankly, in our caucus this morning. Senators were astonished. They could not get over it. They wanted to get the table I will introduce to document the greater fiscal responsibility of Congress. I am sure the overwhelming majority of the people do not know that Congress reduced the President's requests sharply.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. WILLIAMS of Delaware. There is no question that Defense has been cut——

Mr. PROXMIRE. I am talking about overall cuts, not only in Defense, but other departments.

Mr. WILLIAMS of Delaware. Defense and a few of the others. When he speaks of Defense is it not true that the Senator is talking about pipeline appropriations which will feed into the economy months and years later? We have to take the initial step in appropriations, but those cuts will not show up until months or years later. It is a fact that right now, as a result of carryover appropriations last year and before, mandatory expenditures are running considerably higher than they were a year ago in Defense.

Mr. PROXMIRE. May I say to the Senator, first, that these cuts are cuts below what the President requested, for the future.

Mr. WILLIAMS of Delaware. That is right.

Mr. PROXMIRE. In addition to that, it is a fact that in terms of outlays, not obligational authority, but outlays—and this has the inflationary impact—the Senate is not $5 billion below on Defense, but about $3.1 billion below. But it is substantially below, and I assert that Congress is playing a bigger role in fighting inflation or cutting spending than the President is.

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

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. WILLIAMS of Delaware. No, I think the figures—and we will have them over here in a moment, and I shall put them in the RECORD—the exact spending figures on Defense are running higher now than they were a year ago due to the excessive amount that was appropriated and contracts made in earlier years. The most recent daily Treasury report shows expenditures of all agencies are running about $5 billion higher than they were last year.

Mr. PROXMIRE. I did not know that, but I accept the word of the Senator from Delaware. He is always accurate in these things. But the point is that that is not the result of action by this Congress.

Mr. WILLIAMS of Delaware. Not entirely.

Mr. PROXMIRE. We cannot control what previous Congresses have done and what this President and the Secretary of Defense have decided to do now, this year. But what we have done this year is cut the appropriations, both the obligational authority and the outlay far below what the President requested in Defense and these other areas.

Mr. WILLIAMS of Delaware. The Senator is correct on Defense, and that reduction will show up later in reduced expenditures; and whether the reduction is the result of action by the Armed Services Committee, the Secretary of Defense, or Congress, it is certainly a step in the right direction, and one that is long overdue.

But what has the inflationary aspect now is that, as a result of large appropriations heretofore made and in the pipeline, expenditures must be carried on to fulfill our contract obligations. We are actually spending more money in the first 5 months of this fiscal year than we did in the corresponding months of fiscal year 1969, by about $5 billion.

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

Mr. PROXMIRE. I yield.

Mr. SPARKMAN. I am glad that the Senator changed his credit line to Congress as a whole, because action on these bills is always by Congress as a whole, both Houses.

Mr. PROXMIRE. Yes, absolutely. That statement that the Appropriations Committee has made the cuts was unfortunate. This was action by Congress as a whole.

Mr. SPARKMAN. I want to get this point clear: The Senator is speaking of the appropriations that have been passed by this Congress, as against the requests of the President, even under his revised estimates?

Mr. PROXMIRE. That is correct.

Mr. SPARKMAN. In this Congress; we are not dealing with previous Congresses.

Mr. PROXMIRE. That is right.

Mr. SPARKMAN. I wonder if the Senator has checked on previous Congresses. I do not know how it stands now, but I know several years ago I checked on it, and I found out that Congress almost always appropriates less money than the President requests.

Mr. PROXMIRE. The Senator is absolutely correct. I checked 2 years ago, and found that for the preceding 24 years, Congress was below the President 24 times. Every year it was below the President. This year we are doing one of our better jobs. Rarely have we cut as much as $5 billion below the President, though we have on occasion. Back about 1954 I think Congress cut something like $12 billion below the President.

The point I am making is that Congress has cut well below the President this year, and, as the Senator adds, we have done that consistently over the years.

Mr. SPARKMAN. I think a great many people get the idea that Congress is supposed to go exactly by the rule book as laid down by the Bureau of the Budget functioning for the President. I think we are in danger of losing the proper perspective. Historically, the legislative body is supposed to be on the one that, as we say, controls the purse strings; is that not correct?

Mr. PROXMIRE. Yes, indeed. This is the one real power Congress has. The President has the power of the sword; we have the power of the purse.

Mr. SPARKMAN. And it is a constitutional power.

Mr. PROXMIRE. That is right.

Mr. SPARKMAN. And the power the executive has is to recommend to Congress.

Mr. PROXMIRE. The President proposes, Congress disposes.

Mr. SPARKMAN. Yes; and the President recommended, this year, sums that totaled more than $5 billion above what Congress has appropriated?

Mr. PROXMIRE. Exactly.

Mr. SPARKMAN. That is a simple story, is it not?

Mr. PROXMIRE. Yes, indeed.

Mr. SPARKMAN. I appreciate the Senator's bringing out these facts. We are not dealing with current expenditures; they are controlled by past appropriations, are they not?

Mr. PROXMIRE. That is correct.

Mr. SPARKMAN. And we are talking about this only because, in his letter last night, as I understand, the President referred particularly to this bill because it exceeded his request?

Mr. PROXMIRE. Correct.

Mr. SPARKMAN. By the way, there is another thing, too. We receive a lot of criticism about dragging our feet on appropriation bills. Does the Senator from Wisconsin know what happened with reference to this Health, Education, and Welfare appropriation bill while it was pending, so far as additional requests from the White House are concerned?

Mr. PROXMIRE. How much were they? I am sure they were very substantial.

Mr. SPARKMAN. More than $3 billion.

Mr. PROXMIRE. More than $3 billion, that is right.

Mr. SPARKMAN. Came up here in additional requests.

Mr. PROXMIRE. From the President.

Mr. SPARKMAN. We were asked to add those items to the bill.

Mr. PROXMIRE. That is right.

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

Mr. PROXMIRE. I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. SPARKMAN. Does the Senator know how recently some of those requests came?

Mr. PROXMIRE. How recently did they come?

Mr. SPARKMAN. How long ago it was when the last one came up?

Mr. PROXMIRE. No; I do not.

Mr. SPARKMAN. I heard the chairman of the subcommittee, the able Senator from Washington (Mr. MAGNUSON), say that some of those requests came up only 2 weeks ago.

Mr. PROXMIRE. Two weeks ago the President was asking us to spend more?

Mr. SPARKMAN. Asking for money, yes. And now he says because we went over what he asked for in this particular bill, it is inflationary and, therefore, he is going to veto it. Did the President say anything about the bills—Defense, for instance—where we cut $5 billion under what he requested?

Mr. PROXMIRE. Not a word.

Mr. SPARKMAN. Or any of these other bills the Senator has so well pointed out?

Mr. PROXMIRE. Independent offices, foreign aid, and a number of others. Of the 14, 10 of them were reduced.

Mr. SPARKMAN. Ten out of the 14 we reduced?

Mr. PROXMIRE. Exactly.

Mr. SPARKMAN. I certainly commend the Senator for bringing out these important facts for the Senate and for the country, and I hope the word gets around that that is the way Congress is acting, instead of in a reckless, irresponsible manner, as so many have charged us with acting.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SPARKMAN. If there is fiscal responsibility in the Government today, it has been exercised by Congress.

Mr. PROXMIRE. There is no question about that, in the area of spending. Of course, we have to see what comes out of the tax bill.

Mr. SPARKMAN. Yes; I am not referring to the tax bill.

Mr. PROXMIRE. I understand it is in pretty good shape. As far as spending is concerned, there is no question but that the Senator is absolutely correct, and that, as the Senator from Delaware has indicated, there has been substantial reduction in spending.

Mr. WILLIAMS of Delaware. Will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Much has been made of the requests of the administration for some additional appropriations for some program in HEW. Normally those requests keep coming in at intervals and are included in the supplemental appropriation bill. This year we were so late with our regular appropriation bills that they were all included. Next year we shall have a second supplemental. This is the first time we have ever had appropriation bills held up this late. They should have been acted upon months ago.

And when we speak of the HEW bill I am not unmindful of the fact that when it was reported out earlier this week the Senate was actually debating the bill for about 3 hours before it came back from the printer. It was to my mind highly irresponsible for the Senate to have been asked to vote on a bill 3 hours before it was printed. I am sure that the Senator from Wisconsin will concur that we should have these appropriation bills at least a day or two ahead of time.

As to the amount of the HEW bill, it was $1,496,566,000 above the budget at the time of the final rollcall here in the Senate. This was for increased expenditures, and that is why the President is so concerned.

Mr. PROXMIRE. The Senator is correct. We were well under, as I say, on 10 of them. That was one of the four on which we were over; and, in the aggregate, we are more than $5 billion under what President Nixon asked Congress to find; and, in addition, in terms of the inflationary fight, we are about $3 billion under the President in terms of outlay of cash. This year, right now, in terms of the amount that will be spent during the fiscal year.

Mr. WILLIAMS of Delaware. I agree with the first part of the Senator's statement, that we have cut the appropriations back for some projected or future expenditures. In actual current expenditures we have not cut back. For instance, the $1,496 million we have added to HEW are mandatory expenditures, and the President could not impound the funds. While Defense is cut back, he could have impounded funds in certain areas where they are not for contractual obligations.

I mentioned a moment ago how expenditures were rising. I notice that the Defense military expenditures for the first 5 months of this year are about $250 million more than they were for the corresponding period last year.

On the military for the first 5 months of this year they were $37.352 billion compared with $37.102 billion in the corresponding 5 months for fiscal year 1969. That has to do with the fact that there were such large appropriations for the earlier years, and we have to pay for these contracts now. It takes time to shut it off.

Mr. PROXMIRE. The Senator is absolutely right. That was under both President Johnson and President Nixon. They were both involved. President Johnson asked for more money than Congress provided. That money was in the pipeline. It is being spent. President Nixon can spend that money on defense.

Mr. WILLIAMS of Delaware. He can cut back in the future, but not now. He is obligated to pay for contracts previously incurred under the prior administration.

In agriculture there is $1.2 billion more cost this year to carry out contractural obligations than in the corresponding period.

Mr. PROXMIRE. And agriculture is one of the four out of the 14 programs which the Senate increased above the President's request.

Mr. WILLIAMS of Delaware. On this item alone there is $1.2 billion in extra cost for the first 5 months.

HEW expenses are up $720 million. The increase on the interest on the national debt was $500 million more in the first 5 months of this year than last year. That is to pay the interest on the money we borrowed to cover last year's deficit.

Altogether our expenditures in the first 5 months of this fiscal year have increased $9.5 billion above the corresponding 5-month period last year whereas our income increased only $6 billion. We are running about $3.7 billion more deficit than last year.

I notice that on December 12 our national debt had climbed up to $372 billion.

We are increasing our national debt by an average of about $720 million a month right now to pay for the operating expenses of the Government. That is the reason that I said we could not afford any reduction in taxes at this time.

Mr. PROXMIRE. I agree with much of the thrust of what the Senator is saying. We are spending enormous amounts of money, and we will probably have to spend more in the future.

However, so far, in terms of responsibility, as between this Congress and the Nixon administration, if we had followed to the letter the advice of the Bureau of the Budget, we would have appropriated $5 billion more than we have appropriated and provided for outlays of more than $3 billion more than we are providing.

So, this Congress, I would say, has been more responsible in the area of spending and has fought harder to combat inflation than has the President of the United States.

Mr. WILLIAMS of Delaware. Mr. President, I cannot agree with the Senator from Wisconsin on that point.

Mr. PROXMIRE. I am talking about this year.

Mr. WILLIAMS of Delaware. Our mandatory programs, the Veterans' Administration, and various other programs that are mandatory, have been approved in the Congress. In fact, if Congress continues to save money as this Congress is saving money we shall save ourselves into a state of bankruptcy. The Senator will agree with me that we are not making any headway when we run behind by $720 million a month.

Mr. PROXMIRE. The Senator agrees with me that we are $5 billion below the requests.

Mr. WILLIAMS of Delaware. We have cut back on Defense requests but have increased the mandatory expenditures to more than offset it.

Mr. PROXMIRE. Defense is only one out of the 10 that have been cut back. Four others have been increased, and there have been substantial cuts elsewhere.

Mr. HART. Mr. President, will the Senator yield, so that I may attempt, perhaps by oversimplifying my question, to clarify what the Senator from Wisconsin is suggesting?

Mr. PROXMIRE. I yield.

Mr. HART. Mr. President, let us assume that we have been what we are sometimes charged with being, a rubberstamp. If this Congress had rubberstamped the Nixon budget request, would we be authorizing more money than we as independent agents are authorizing?

Mr. PROXMIRE. Yes; because if we had been a rubberstamp and done everything they asked us to do we would have been providing more than $5 billion more than we did provide.

Mr. HART. Mr. President, so, except for Congress, which in the minds of most of the people of the country is a big spender, except for Congress and its responsible action, if there had not been any Congress intervening, the President would be in a position of pumping out more money.

Mr. PROXMIRE. The Senator is absolutely correct. The administration is a big spender. There is no question about that.

Mr. HART. I think that comes as a surprise to some Members of the Congress.

Mr. PROXMIRE. I think it does, too. But there is not any question about it.

Mr. ALLOTT. Mr. President, the executive branch is always the spender. Congress does not spend money.

Mr. PROXMIRE. That may be, but the executive branch last night with their dramatic—some would call it a "snow job"—action gave the impression very skillfully that it was cracking down on a spendthrift Congress that was throwing money around like a drunken sailor, in port after a year at sea. The administration pointed out that it is constrained now to act to veto the HEW bill under these circumstances.

Mr. ALLOTT. I think one thing that was not understood last night at all, except by a handful of people, if I may say so—and I am not sure that even some of those intimately involved really understood—is the fact that the Labor, Health, Education, and Welfare appropriation bill—which is I guess still in conference, although I am not sure what the situation is at the moment—contains so many items which the President must spend and must spend this year. And the President pointed that out.

It was pointed out in some 3 hours of conferences in which the majority leader and several of the senior appropriations people were involved, along with the minority leader and the distinguished Senator from North Dakota (Mr. YOUNG), who is the ranking minority member on the Appropriations Committee, and the senior Senator from Colorado. This was pointed out repeatedly, again and again.

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

Mr. PROXMIRE. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for another 5 minutes.

Mr. ALLOTT. Mr. President, this is where the real impact of the HEW bill is going to come, and the real impact so far as spending and inflation.

There are two points I would like to ask the Senator about. The Senator has been a member of the Appropriations Committee for some time, I do not recall exactly how long.

Mr. PROXMIRE. I have been a member of that committee for 6 years.

Mr. ALLOTT. I have been a member of that committee now for 10 years. And I do not think there was ever an instance on an overall basis that Congress was not somewhere in the neighborhood—and I had these figures at one time and am trying to recall them—of between $5 billion and $7 billion a year in its appropriation bills below the President's budget.

Mr. PROXMIRE. I made a study of that about 2 years ago. I found that for the preceding 24 or 25 years, Congress has been under the President's budget every year. There is no question about that. One year they were under his budget by $12 billion. They are usually under it by $1 billion or $2 billion.

This is a good Congress in this respect. It is more than usual below the President's request. They are being tremendously economical. This is one of the better Congresses, I would say.

There have not been more than one or two Congresses in the past that have done a better job in terms of cutting requests.

Mr. ALLOTT. Mr. President, of the $5 billion the Senator has talked about that Congress has cut, about $3.5 billion in round figures of those cuts are subsequent cuts that were made by the President and Secretary of Defense Laird in the Defense Department and are reflected in the Defense appropriation bill.

Mr. PROXMIRE. The Senator can put any interpretation he wants on it. However, we have taken the latest revised budget of December 17. If we could get the figures for today, we would use them. As of December 17, 1969, it was $5 billion above what Congress provided.

Mr. ALLOTT. Yes. I will agree to that unadorned statement. But of that $5 billion, approximately $3.5 billion of the cut is reflected in subsequent cuts and expenditures in the Defense Department made between the President and Secretary Laird.

Mr. PROXMIRE. Secretary Laird said he was cutting reluctantly; that, in his view, it could hurt our defense, and that he was doing this only because he felt he had to accommodate a Congress that insisted on it.

Mr. ALLOTT. If we are going to talk about that, we could get into another area.

Mr. PROXMIRE. It was not done of his volition.

Mr. ALLOTT. Our whole defense system in this country has been brought to a shambles by the Vietnam war. There are so many areas in which to protect ourselves that we will have to make large expenditures, and we still have a long way to go in that respect.

I want to say one other thing, if the Senator will yield—and I know he does a great deal of work in this area. I wonder whether he agrees with me that one of the most phony things that ever came down the track is the so-called combined budget, or unitized budget, under which we have been operating the past 2 or 3 years. And does the Senator believe that we would do much better, in dealing with figures such as he had in his hand a few moments ago—new obligational authorities and so forth—to go back to the administrative budget, in which we say we appropriate, and we do appropriate?

I know that the Senator is far too smart to think that, as a businessman or as a professional man, he could mix his customers' funds with his own and think he could get away with it. We all know that none of us could. But in the Government of the United States, that is exactly what we are doing under the budgetary system.

Mr. PROXMIRE. The new budget, as the Senator knows, is the result of a Johnson committee, but it was a Johnson committee headed by the present Secretary of the Treasury, David Kennedy. The executive director of the group that made the study and recommended the budget was Robert Mayo, the present Director of the Budget. These gentleman recommended that Congress would be better served by this kind of consolidated budget. I think it gives us a better picture of the impact of Federal spending on the country.

The Senator is correct in pointing out that it does not give us as clear a picture as the administrative budget did of the effect on the national debt and of many other relationships. We ought to have them all in mind, if we are going to make a fair judgment of our own actions and of the effect on the country as a whole.

Mr. ALLOTT. I think that the Secretary of the Treasury, in that task force—or committee, or whatever it was; I do not know its official designation—in doing this, I think it was one of the biggest mistakes the country ever made, because in the first year everybody was confused because part of the departments were operating under one budget and another. But you cannot take the income into trust funds—and social security is a trust fund—and the income, for example, from the highway fund and treat it as income of the Government.

Mr. PROXMIRE. I think the Senator from Colorado has a good point, inasmuch as we ought to have all these budgets in mind and should not pick one as if it is the only one that counts.

CONGRESS HAS REORDERED PRIORITIES

Mr. President, what Congress really has done here is to reorder our priorities. We have cut the overall spending, but we have cut military spending, cut military construction spending, cut spending in many other areas, and we have added to the appropriations for Health, Education, and Welfare. In my view, that is about the healthiest and most wholesome thing Congress could do at this time. We have reordered our priorities, and I think properly so.

I ask unanimous consent that a table documenting and reflecting what I have just spoken of be printed at this point in the RECORD.

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

TABLE NO. 1.—ACTIONS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF DECEMBER 18, 1969)[1]

[In thousands of dollars]

Items acted upon	NOA: Congressional actions on budget authority (changes from the revised budget)[1]			Outlays: Congressional actions on budget outlays (changes from the revised budget)[1]		
	House	Senate	Enacted	House	Senate	Enacted
	(1)	(2)	(3)	(4)	(5)	(6)
Fiscal year 1970:						
Appropriation bills (changes from the revised budget):						
Treasury, Post Office, and Executive Office (H.R. 11582, Public Law 91-74)	−42,382	−34,519	−38,482	−37,000	−30,600	−34,000
Agriculture and related agencies (H.R. 11612, Public Law 91-127)	−160,907	+405,236	+251,341	+53,000	+294,000	+166,000
Second supplemental, 1969 (H.R. 11400, Public Law 91-47)				−92,700	−64,700	−75,000
Section 401 outlay ceiling					(−1,900,000)	(−1,000,000)
Independent Offices and Department of Housing and Urban Development (H.R. 12307, Public Law 91-126)	−471,325	−177,521	−226,099	−61,000	−25,900	−40,000
Interior and related agencies (H.R. 12781, Public Law 91-98)	−15,810	−8,090	−10,481	−15,300	−11,800	−7,800
State, Justice, Commerce, the Judiciary and related agencies (H.R. 12964)	−130,070	−83,350	−111,272	−71,000	−40,600	−56,100
Labor and Health, Education, and Welfare and related agencies (H.R. 13111)	+1,078,365	+1,637,286		+521,000	+653,000	
Legislative Branch (H.R. 13763, Public Law 91-145)	−26,850	−29,842	−27,826	−7,900	−8,800	−8,700
Public Works (H.R. 14159, Public Law 91-144)	+301,469	+789,451	+552,030	+10,500	+67,400	+50,000
Military Construction (H.R. 14751)	−466,741	−313,854	−356,844	−37,000	−26,500	−29,000
Transportation (H.R. 14794)	+34,546	106,579	+89,265	−172,000	−43,260	−153
District of Columbia (H.R. 14916)	−40,151	−55,295	−60,332	−14,000	−13,800	−18,800
Department of Defense (H.R. 15090)	−5,318,152	−5,955,544	−5,637,632	−3,000,000	−3,250,000	−3,200,000
Foreign Aid (H.R. 15149)	−1,071,544	962,626		−167,000	−146,000	
Supplemental, 1970 (H.R. 15209)	−63,490	−17,721		−5,670	+30,000	
Subtotal, appropriation bills	−6,393,042	−4,699,310	−5,576,332	−3,096,070	−2,617,500	−3,406,400

[1] See explanation below:

Explanation of table: The table indicates that 11 of the 14 appropriation bills affecting fiscal year 1970 appropriations have been enacted. (The 15th bill, the second supplemental, 1969 affects 1970 outlays but not appropriations.) The total reduction in new obligational authority from that requested by President Nixon is $5,576,332. (Total, Col. 3.)

Three bills have yet to be enacted. These are the Labor-HEW bill, the Foreign Aid bill and the supplemental, 1970. In each case, the final amount enacted will be an amount somewhere between the amount the Senate enacted and the amount the House enacted.

The Labor-HEW bill will be between $1,078,365,000 and $1,637,286,000 over the President's request.

The Foreign Aid bill will be from $962,626,000 and $1,071,544,000 under the President's request. The supplemental, 1970 will be from $63.5 million to $17.7 million under the President's request.

The final net result will in any case mean a cut in the new obligational authority (NOA) of at least $5 billion below the President's request and a cut of $3 billion in outlays below the amount the President requested in his revised budget.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive J, 91st Congress, first session, the Convention on the Privileges and Immunities of the United Nations, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

I transmit herewith the Convention on the Privileges and Immunities of the United Nations with a view to receiving the advice and consent of the Senate to accession.

The United Nations General Assembly unanimously approved the Convention on February 13, 1946, to give precision to the obligations of members under Articles 104 and 105 of the United Nations Charter. Of the 126 United Nations Members, 100 have already become parties to the Convention.

As host to United Nations headquarters the United States bears special responsibility for the status of the United Nations, its officials, and representatives of its members. We should have acceded to the Convention long ago. Over the years, our failure to do so has become a source of embarrassment to the United States as well as increasingly troublesome to the U.N. Secretariat and to a growing number of U.N. Member states.

The Convention was submitted to the first session of the 80th Congress for approval by Joint Resolution together with the Headquarters Agreement Between the United States and the United Nations. The Headquarters Agreement was approved by both Houses of Congress and entered into force on November 21, 1947. The Convention was approved by the Senate and the House Committee on Foreign Affairs, but the House as a whole took no action. It was resubmitted to the 81st Congress, but once again no action was taken. It has not subsequently been resubmitted up to this time although I understand the Chairman of the Foreign Relations Committee inquired during the last Congress as to its status.

In accordance with the more usual practice concerning conventions dealing with diplomatic and consular matters, I have decided now to submit the Convention to the Senate for action under the treaty power of the Constitution. The enclosed report of the Secretary of State explains the Convention and its relation to existing law. Many of the privileges and immunities provided by the Convention are already accorded by the Headquarters Agreement or by the 1945 International Organizations Immunities Act. But under existing law full diplomatic status is not accorded to the Secretary-General, to Under Secretaries-General, or to non-resident representatives from other countries to United Nations meetings. Accession to this Convention would close these and other anomalous and unintended gaps.

It is my hope that the Senate of the United States will consider this long overdue matter and consent to United States accession at an early date.

RICHARD NIXON.

THE WHITE HOUSE, *December 19, 1969.*

ADDRESS BY SECRETARY OF COMMERCE STANS BEFORE NATIONAL MARKETING CONFERENCE

Mr. MOSS. Mr. President, on December 4, 1969, Secretary of Commerce Maurice H. Stans addressed the opening session of the National Marketing Advisory Conference, which had as its focus marketing and consumer interests. This important annual conference brought together 54 of the country's marketing leaders representing manufacturers, retailers, advertising agencies, and graduate schools of business. In his keynote speech, Secretary Stans reaffirmed his commitment to the American consumer in a most lucid and forceful manner. I believe his ideas will be of interest to all Senators. I ask unanimous consent that his address be printed in the RECORD.

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

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE, BEFORE THE NATIONAL MARKETING ADVISORY COMMITTEE, NATIONAL MUSEUM OF HISTORY AND TECHNOLOGY, WASHINGTON, D.C., DECEMBER 4, 1969

INTRODUCTION

Mr. Cleaves has already pointed out that this is an unusual and highly significant

meeting of the National Marketing Advisory Committee. I am particularly pleased that in addition to more than 40 members of NMAC who are here for tomorrow's working session with the Department of Commerce, we also have with us tonight representatives of the White House, other Federal agencies, key Congressmen and Senators, and the press. You all are vitally interested in our conference subject—Marketing and Consumer Interests.

I have really been looking forward to this opportunity to exchange views on consumer matters with this top group of marketing executives, which represents both manufacturers and retailers. Without the vital link provided by marketing, producers and consumers could not deal with each other effectively and goods would pile up at our factories. There would be many products ill-suited to customer needs and conversely, important wants would go unrecognized and unfilled. Our whole society would be a vastly different place if it were not for the American marketing system which it is your job to foster and advance.

First, I want to say how much we in the Department of Commerce value our relationship with the NMAC. You have provided us with expert assistance and wise counsel in the past on a wide range of marketing problems. We sincerely appreciate that help. We hope that this particular conference will afford you, the marketing leaders of the country, and those of us in government, with a unique forum to talk and plan together on how to best meet the growing consumer needs of our most important constituents—the American public.

BUSINESS-CONSUMER RELATIONS

A prime secret of the success of the U.S. competitive enterprise system has been the great freedom of interaction between buyers and sellers. That freedom has generated the most dynamic and productive economic system in the world. We need to preserve that system, and build upon its effectiveness.

But that does not mean that there are no problems in the marketplace.

In our complex technological society today, the individual buyer often feels isolated and helpless in what he regards as an increasingly impersonal environment. In fact, this may be the key consumer problem. We all know that purchasing choices are very personal decisions. Even when such decisions are based on factual comparisons and on adequate information, the final decision is a matter of individual judgment. The mass marketplace of today arouses a natural sense of frustration despite its very real contributions to our ever higher material standards of living. When sufficient knowledge on which to base our purchases is missing—and when product dissatisfaction results—the consumer's sense of frustration can reach great heights. Congressmen, Senators and the President himself are no longer surprised at receiving angry letters of consumer complaint with calls for Government action.

Without question the consumer is justified in complaining about products that do not work, warranties that are meaningless, services that do not serve, repairs that cost too much, and workmanship that is shoddy. Even though perhaps only 1% of business is intentionally responsible for these abuses, they reflect upon all.

The consumer has been heard on these matters. Business has recently been placing much greater emphasis on voluntary consumer protection programs. But the efforts to date have left the consumer still not satisfied. One thing should be said in defense of the business community. Without doubt companies have been afraid to meet, to discuss such matters as product standards, sizes and similar subjects for fear of anti-trust action. Certainly we must remove this threat in the interest of the consumer to pave the way for voluntary business action.

The extent to which legislation becomes a substitute for free operation of the marketplace in the future will depend on how responsibly we all act—businessmen, those of us in all parts of Government, and even the consumer organizations themselves. But whether we take the legislative route or the route of voluntary action or some blend of both, we need to understand what it is that we really are seeking to protect.

BASIC CONSUMER RIGHTS

These are some of the basic rights of the consumer which I believe we must all acknowledge:

First, the consumer certainly must have protection from fraud, deceit, and misrepresentation.

Second, he must have access to adequate information to make an intelligent choice among products and services.

Third, he must be able to rely on products working as represented.

Fourth, he must have the right to expect that his health and safety will not be endangered by his purchases.

Fifth, our marketing system must provide him with a wide range of choice to meet individual tastes and preferences.

THE CHALLENGE

It is this last consumer right which reflects the great strength of our current marketing system and yet causes the most difficulty in assuring the other four rights.

As you gentlemen well know, meeting this challenge is easier said than done. The government could, for example, legislate standards for a whole range of "perfect" products. What would be the point, however, if it forced prices so high that the great majority of consumers wouldn't or couldn't buy the goods? There have been attempts to bring out such products. You may have heard about the electric toaster that was guaranteed not to give an electric shock no matter how badly it was misused. And it really worked. That toaster lived up to its billing. The only problem was that it took twice as long to make a piece of toast and cost 20% extra. You all can guess what happened. Customers weren't willing to pay more and wait longer for their toast just to have that extra protection.

More simply, not every automobile driver wants a Cadillac. His needs may be less and he wants to pay less. He should have that right of choice.

Also, it is pretty clear that there is no "average consumer." At least my wife doesn't think she's average in this regard, and I'll bet yours doesn't think she is either. For each individual consumer, product life and performance legitimately have different meanings and value. The fact is that product qualities which are important to some individuals for some uses are not important to others. To restate, the challenge is how to maintain and preserve a diversity in the options available to the consumer while preventing abuses.

BUYER'S BILL OF RIGHTS

From the very beginning of this Administration, President Nixon asked all of us who have consumer responsibilities to give top priority to developing a more constructive consumer program. On October 30th he sent to Congress a "Buyer's Bill of Rights" that will give consumers new protection and at the same time build on the inherent strengths of the American marketing system. The President's program represents an Administration-wide effort focused through Mrs. Knauer, his Special Assistant for Consumer Affairs, and drawing in the Federal Trade Commission, the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Economic Opportunity. The President called for:

A New Office of Consumer Affairs in the White House:

Expanded powers for the Federal Trade Commission;

A new Division of Consumer Protection in the Department of Justice;

A new consumer protection law with provisions for consumer class action;

A new consumer products testing law;

A newly activated commission on consumer finance;

Expanded Government consumer education activities;

Increased Federal attention to product safety;

Stronger enforcement of food and drug laws;

Expansion of consumer activities in the Office of Economic Opportunity;

Greater Federal efforts to strengthen State and local consumer programs; and,

A new look at warranties and guaranties and possible legislative remedies.

These proposals stand as the most significant set of Presidential recommendations ever made on consumer interests. Let me emphasize that in this program there is ample room for constructive, voluntary initiatives by business.

The President's consumer program has been hailed as a very significant and positive step forward. There are other views being put forward too. There are those who would resist change and attempt to keep the status quo. There are others who seem to believe that the answer to consumer problems is to have the Government go much further in master-minding the marketplace. Some of their proposals seem to focus only on the very small percentage of present shortcomings while failing to retain the benefits of legitimate market competition.

There is, in my opinion, a middle ground solution. If the American marketplace is to be made to serve the consumer better, we need active involvement throughout the entire marketing community. We want you to use your knowledge and voices in business and trade associations and in the universities where the businessmen and consumers of the future are forming their attitudes which will shape our world of tomorrow.

You men are the top business communicators of America. We are counting on you to make yourselves heard as never before, particularly in the area of voluntary improvements.

VOLUNTARY ACTION

How far can we go and what do we really mean by voluntary action? Let's talk some specifics. We can't expect the impossible. No amount of voluntary action (or legislation either, for that matter) to reduce package size proliferation can give us both standard sizes *and* standard weight of contents. An ounce of perfume and an ounce of cornflakes weigh the same, but they can't be packaged in the same size containers. We are dealing here with the laws of physics rather than the laws of the courts. Lawmakers can't change the laws of physics.

On the other hand, this can go too far. Will we really serve the consumer by standardizing the size and shape of perfume bottles?

But we in Commerce have had some good experiences with voluntary actions which have taken place in a framework of law. The National Bureau of Standards wrote the performance specifications for refrigerator door latches to prevent children from being entrapped. Voluntary innovative action by private manufacturers produced the magnetic door latch to meet the need. Working together, business and Government conceived a better product and ended needless deaths

Do we always need a framework of law

to have effective voluntary action? Let's look at another case. For a year we have been working, along with the President's Special Assistant for Consumer Affairs and others, to guide the major household appliance industry towards voluntary improvements in warranties, guaranties, and service. Frankly, it has been complex and difficult going. But we do see significant progress. Their warranties and guaranties *are* now simpler, easier to read and understand. Agreements *have* been reached on parts availability, the meaning of "authorized" and "factory trained" service, and the location of model numbers where purchasers can read them without undue effort. I understand that agreement has been reached, after more than a decade of indecision, on how much a pound of wash really is, and we didn't even ask them to settle that one.

Gentlemen, we would like to launch more joint Government-business efforts like this major appliance project. We would welcome suggestions either from the retail or manufacturing segments of industry.

MANDATORY ACTION

At the other end of the spectrum there are important mandatory approaches to protecting the consumer. What would our marketplace be like without the rigid standards of weights and measures? Where would we be without standardization on household electric current, light bulbs or pipe threads. You may have noticed that we finally have reached agreement in the lumber industry on a standard size of a 2 x 4. Differences in wet and dry measurement will be eliminated and construction costs will be cut without strength impairment.

As the President indicated in his Consumer Message, there are some other areas where the mandatory approach can underlie a sounder program. The proposed consumer product testing law aims not at having Government test every product but at determining what tests should be performed to give the consumer the right information on which to base his purchasing decision. And to have Government certify what constitutes a proper testing procedure to develop that information. We believe this proposal is a sound and practical way to help our consumers be better buyers and our manufacturers and retailers be more reliable sellers.

SUMMING UP

What we can observe, then, is that there is no single answer to the protection of the consumer. We must find the best blend of purely voluntary action, voluntarism within a framework of law, and mandatory regulations. Each has its place, and ours is the task of matching each to the need.

How each individual acts—each businessman, each trade association, each Government official and each consumer group—will determine how well we match up problems with the right answers. By helping us and by helping yourselves in your businesses, you can play a crucial role. You are close to the consumer. You know, or know how to find out, what he really needs and wants. You also know business, what it can and cannot do. And as our advisors, you have come to know Government, what we can do and what we must do. You are the professionals on whom the responsibility has fallen to fill two key functions:

First, the early-warning system for business to recognize emerging consumer problems and their solutions *before* business's inability or unwillingness to solve the problem requires the Government to act; and,

Second, where and when it is necessary for Government to act, you can serve as the most effective business spokesmen to Government on the basis of your unmatched knowledge of the consumer and the marketing system.

So gentlemen, please recognize that we take most seriously our responsibility to see that the consumer's rights in the marketplace are protected, that the needs of the consumer are being met, and that our marketing system, which we recognize as the world's most productive engine for meeting the consumer's needs, is functioning up to its potential.

Our intent is to act where and when we see consumer problems going unmet, but to do so in a manner which improves the functioning of the marketplace. This means protecting the consumer's freedom of choice and preserving fair initiative for the producer.

Our expectation is that business will recognize the wisdom and profit of meeting the consumer's needs on its own, and of cooperating to the utmost with Government when our involvement is required.

RESPECT FOR THE U.S. AIR FORCE

Mr. GOLDWATER. Mr. President, having spent many years of my life in the Air Force Reserves, I naturally hold this branch of our military in great respect. Never, though, have I been so proud of the U.S. Air Force as when I visited 18 of their bases in Vietnam and Thailand during the last several weeks.

My pride, in fact, stems from the obvious pride that every member of the Air Force in that theater has in the service they are giving. Commanders, pilots, enlisted men, noncommissioned officers, and officers all reflect this. I have been trying to put this feeling into words, but I read an article, entitled "Tactical Air Power," written by Gen. William Momyer, and published in the November-December issue of Ordnance, which does it far better than I can.

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:

TACTICAL AIR POWER: OUR SUPERBLY TRAINED PILOTS MUST HAVE FIRST-CLASS FIGHTER AIRCRAFT

(By Gen. William W. Momyer)

Today's pilots are the most professional we have produced. As many did, I flew fighters in World War II. As Commander of the 33rd Fighter Group, I trained and took to war what I considered to be the best pilots ever to climb into a cockpit. There was no question in my mind that they were good, considering what we knew at the time about fighting an air force.

I arrived in Korea just before that war ended. As Commander of the 8th Tactical Fighter Wing, I had a first-hand opportunity to see what kind of pilots we were producing some 10 years after the conclusion of World War II. These pilots were flying at speeds never thought possible in World War II. I was soon convinced that these Korean veterans exceeded the hard-core professionals we produced in World War II. They destroyed the MiG's at a 14 to 1 advantage.

All my previous views about pilots had to be changed when I went to Vietnam some 11 years after Korea. As I watched our pilots perform under the most exasperating kind of limitations, the true attributes of experts were prevalent throughout all our operations. These pilots are superb in all categories of airmanship. This ability to produce men of such quality is the greatest source of strength in our Air Force—of all our armed services.

As long as we have men dedicated to their country and their profession as we have in Vietnam, I am convinced the security of this Nation will never be jeopardized because of inadequate military leadership.

We can't defeat an enemy air force which is equipped with modern aircraft unless we have first-class aircraft for our superbly trained pilots. We must provide our pilots with the best weapons that are within our imagination, ingenuity, and skill to produce. We must rely upon industry to provide the same high standards of performance in our weapons that we demand of our combat pilots. Nothing less is acceptable. There must be teamwork between industry and the military to produce the most effective fighting potential for the dollar invested. The taxpayer is entitled to nothing less.

The war in Vietnam has indicated what is needed if we are to maintain our tactical air forces in the posture required to support our national policy and strategy. Every war produces new requirements by virtue of the peculiarities of the combat. This war is no different than previous ones in this respect.

The need for gaining and maintaining air superiority was never more self-evident than in Vietnam. Our air operations against the North Vietnamese Air Force prevented it from being a factor on the battlefields of South Vietnam. As I flew around Vietnam it didn't take much imagination to visualize what the effect would have been if there were MiG–21's over the ports of Cam Ranh Bay, Da Nang, Saigon, and our supply depots at Long Binh and Nha Bey.

With the heavy concentration of supplies and equipment we had in those ports and depots, even a limited air attack would have had a major effect on all our ground operations. We are able to concentrate our resources for better efficiency because of the uncontested air superiority we have enjoyed throughout the war. We know from World War II what happened to the German Army when the Allied air forces cut their logistics to pieces. In Vietnam, because of the nature of the terrain, our logistics are far more vulnerable than in World War II and Korea.

Maintaining air superiority is a continuous and never-ending task because of the sanctuaries enjoyed by the enemy. By the nature of our objectives and the character of the geography, the enemy defenses had a distinct advantage. To get into important targets, we had to penetrate the full gamut of his defenses. Hence he could configure his defenses to meet the approaches our strike forces had to take on penetration.

For the first time our tactical air forces were fighting in an arena where we didn't have the flexibility of employing the full potential of our striking power. Consequently, we couldn't use the tactics that characterized our operations in World War II and even in Korea. This imposed upon us the necessity of meeting the enemy defenses head on. No military commander elects these tactics unless he has no other option or unless the enemy is particularly vulnerable to a frontal assault.

With our air operations in North Vietnam, we had no other option or alternative in the field but to go at the defenses direct. The magnitude of these defenses was formidable. The total number of antiaircraft guns numbered about 7,000—with 3,000 to 4,000 of them in the Hanoi area. We suffered most of our losses from these weapons. I would estimate that about 60 per cent of our air combat losses were from antiaircraft guns.

With so many guns, there was no way to get into the target area without being highly exposed. The high speed of penetration of our strike forces limited the time in the target area while the ability of pilots to execute accurate dive-bomb runs in a matter of a few seconds further reduced the exposure. In addition to these techniques, we used some of the flak-suppression tactics of World War II but with different munitions. The CBU is an excellent munition for flak sites and I don't know a pilot who doesn't want them when going against a defended target.

I am sure the antiaircraft fire would have

been less effective without the enemy's surface-to-air missiles (SAM's). Most pilots have a healthy respect for SAM's. The effectiveness of these weapons has been vastly overrated—but this still doesn't minimize them as a potent threat. I can remember in the late 1950's when many were postulating the death of the aircraft as a weapon because of the lethality of the surface-to-air missile. This hypothesis has been proved wrong by the relatively low kill rate of the missile.

The SAM's, however, limited the altitudes at which we could employ our strike force without unacceptable vulnerability. The SA–2, like all other such missiles, is less effective at lower altitudes but increases in effectiveness until reaching its optimum altitude of between sixty and seventy thousand feet. At these altitudes it has achieved its maximum speed and therefore has its highest kill probability. At the very low altitudes, it is still picking up speed and the target aircraft has a greater potential for evasion.

These characteristics of the SAM made our operating altitudes, at best, a compromise. If we moved into the higher altitudes to avoid the antiaircraft guns, the SAM's became very difficult to handle. On the other hand, if we stayed at the lower altitudes to minimize the SAM's, the antiaircraft artillery (AAA) was maximized and our losses would go up.

We constantly shifted our altitudes of attack to take advantage of electronic countermeasure (ECM) coverage, the position of antiaircraft batteries, SAM locations, and MiG performance versus our aircraft.

This was a different combination of defenses than we had encountered in previous wars and led to the development of new techniques to be able to live and fight in such an environment. The defenses were more aggravating than one would have to deal with if the area of operation were comparable in size to Europe. Confronted with a front of defenses packed into an area of about 100 miles by 60, our problem was severe. We couldn't flank or deceive it because of its concentration. The directions of penetration were limited because of the close proximity of the Chinese border.

Not much has been said about the real unsung heroes of the war. They were quite a small group of men who flew the Iron Hand aircraft. They were the elite of the strike force. These pilots led the attacks in suppressing the SAM's. Normally, they flew in flights of four. Many times they were able to pick up the SAM's before launch and by firing a Shrike air-to-ground missile often either knocked out the SAM or forced it out of the air.

These flights were the first into the target area and the last to leave. It took great courage, skill, and dedication to fly these missions.

The North Vietnamese unloaded everything they had at these pilots. When the SAM's and AAA were not giving them a hard time, the Mig's were after them. Our losses would have been much higher without these flights covering the penetrating forces during ingress to and egress from the target.

The Iron Hand is a new element in tactical air warfare, but it is here to stay. I believe we will require these highly specialized pilots to help minimize the missile threat. Whereas we used a 2-seater F–105 for the mission in Vietnam, I believe that whatever high-performance fighters we buy for the future, some of them will have to be dedicated to this effort.

Even though eventually we must have a self-possessed capability for all fighters to destroy SAM's, it seems to me, we probably will have to work our way around to this position over a period of time because of the specialized nature of the task.

In addition to the Iron Hand flights, electronic countermeasures (ECM) became a most essential element of our force. It was not until the spring of 1967 that we were able to get an operational ECM pod for our fighters. With this equipment, the strike force carried their jammers into the target area.

This demanded some special tactics, ones that were very difficult to execute with the high speeds we were flying. Nevertheless, we gained much greater tactical flexibility with the introduction of this equipment. There was a significant reduction in losses as well as an appreciable gain in bombing accuracy.

This type of equipment will be essential to the future of tactical air warfare. Much ingenuity will be needed to keep ahead of the enemy as well as to be able to package the equipment with minimum penalty in weight and aircraft performance.

Where the standoff jamming aircraft fits into the tactical forces for the future is uncertain. Unless such an aircraft has the same performance as the strike force, it seems to me the enemy will drive it out of effective jamming range. To expect a standoff jammer to operate in heavy defenses of AAA, SAM's, and fighters is perhaps too much. For this reason we must be extremely cautious about how we apply resources for this function.

At the moment, I am inclined to think the EB–66 is probably the last of the standoff jammers we will have in the tactical force. This makes the problem critical in the development of organic ECM for fighters and reconnaissance aircraft.

There has been much said and written about the MiG's and the air battles. Our kill rate never reached the level it did in Korea and, I think, for some very good reasons. Whereas we had a 14-to-1 kill rate in Korea, the final rate in Vietnam was about 2 to 1. It reached a high of 4 to 1 in late summer of 1967.

Actually, the total number of MiG's based in North Vietnam didn't vary much between the summer of 1966 and the halt of the bombing on November 1, 1968. I would estimate the total aircraft in the North Vietnamese Air Force didn't exceed 120 aircraft. At any given time, there were about 50 to 60 MiG's in North Vietnam, with the remainder held in reserve in China.

Beginning in the fall of 1966 we saw a major change in the North Vietnamese air-defense system. With their redundancy in early-warning radars, the problem of tracking our strike forces was not significant. Getting the AAA, SAM's, and fighters working together so that the opportunities of each weapon could be taken advantage of seemed to be their most severe problem. In a small area, this is not an easy task and is one of the reasons I think the North Vietnamese defense system was so slow in developing into a problem for us.

Once this coordination was achieved, we began to encounter some new tactics that were difficult to cope with. With the excellent GCI control, the MiG's could be vectored very accurately on the ingress or egress routes to make an attack at our 6-o'clock position. We were particularly vulnerable during penetration with a load of bombs.

Because of fuel limitations, the strike force couldn't do much better than 480 knots prior to the target. In the target area, the speeds would be boosted to over 500 knots.

The MiG controllers would try to vector the MiG's in behind us and then have the pilots boost their speed up over Mach 1. This type of an attack with a heat-seeking missile is most difficult to handle. The attacker has the advantage of position and speed. All fighter pilots dream of being in such an advantageous position on an enemy aircraft. Even though our combat air patrols (CAP) were alert to these tactics, they still were difficult to stop.

To make it even more difficult, we had to make a visual identification before our air-to-air missiles could be fired. With this type of restraint, it meant the enemy was almost within firing range before we could do anything about it. This was a tremendous advantage to the enemy since he was always free to fire by being under his own controllers while we were never free to fire until the enemy was on top of us.

If we had been allowed a missile-free environment, I think our kill rate would have been far different. The superior performance of our aircraft at the lower altitudes was the only thing which made our position tolerable. If we are to be confronted with such restraints in the future, we need some breakthroughs on visual identifications at ranges three and four times that of the naked eye.

I think we have got to approach the problem differently in the future. It seems to me we must have a missile-free authority in order to break the enemy attack before it develops. To do this we will have to move our command and control closer to the air battlefield.

Our proposal for the Airborne Tactical Air Control Battle System (ATACBS) is designed to accomplish his. We would bring this command-and-control platform into such close proximity to the air battle it would be able to provide just as positive control for our fighters as the enemy does for his.

If we achieve this tactical advantage of being able to know where all of our forces are, I see no reason why we shouldn't be able to operate missiles free as long as we are under control of the ATACBS or have a visual contact.

It will probably cost us some effort to protect the ATACBS, but we may have to sterilize an area of AAA, SAM's, and fighters in order for it to be brought close enough to the battle to control our forces effectively. I don't think we can count on a sanctuary for the protection of this platform or being able to operate over open seas like we could in the Gulf of Tonkin.

In the Korean war we were able to keep most of the enemy airfields knocked out between the Yalu and the ground battlefield. Our daily effort against these airfields left the enemy no alternative but to base in China as a sanctuary and then sortie across the Yalu when he thought it was to his advantage. It is surprising that we destroyed as many MiG's as we did under these conditions.

The airfields in North Vietnam were not released for attack until the spring and summer of 1967. By this time the enemy had well developed revetments and large dispersal areas. Under these conditions, the task of destroying the aircraft and making the runway unusable was very difficult. With the large labor force he had, an airfield could be put back in operation almost as fast as we could take it out.

Dut to poor weather, we rarely had sufficient good days to sustain our attacks against the airfields. The North Vietnamese would move their aircraft into China as our attacks developed and then return as soon as the airfield was repaired. Many times they would intercept the strike force which was attacking airfields and, if the airfield was damaged, recover in China.

If we could have kept the airfields in North Vietnam in an unusable condition, the MiG's operating from bases in China, wouldn't have been a significant threat to our strike forces.

This is one of our most pressing problems today—a new munition that will effectively crater a runway with a high degree of delivery accuracy. With such a weapon we would require a minimum of follow-on attacks to force the enemy air out of range. We could do this in World War II because of the large force which could be put against German airfields. I don't think we will ever see a time again when we will have forces of such size to do this task. We must, therefore, look to new developments that will let

a small number of fighters neutralize in airfield for a protracted time.

Finally, it was the superior performance of our fighters at the operating altitudes we flew which made it possible to contain the MiG's in the north. There is no substitute for superiority in performance. Our foresight in developing the F–105 and F–4 was the decisive element in our gaining air superiority. Without the high performance of these aircraft, it would not have been possible to sustain the air offensive in such a heavily defended area.

Our tactical air forces must be continuously modernized to meet the new tactical weapons of the enemy. Because air superiority is of such fundamental importance to the survival of air and surface forces in war, we have placed the attainment of a new tactical fighter as the dominant requirement today.

The F–15 is proposed as a replacement for the F–4. With its high speed, maneuverability, and bomb load, I see no reason why we won't be able to live and fight regardless of the enemy defenses we can visualize in the future. We must be sure that specifications prescribed for the F–15 are met and that late add-ons don't increase the weight and degrade performance.

We are in a highly competitive time period with rapid advancements in aircraft performance. The air force which is able to control the air will dictate the outcome of the battle.

Our tactical air forces are at an all-time high in combat experience. The Vietnam war has produced a higher proportion of combat veterans than any other time in our history. On the other hand, the Vietnam war has not produced the new weapon systems needed for the future. This is the task ahead which will require the most critical judgment we have.

Without our overwhelming air superiority, I am convinced there would be no Vietnam peace negotiations; much larger forces would have been required; greater casualties would have occurred; and in all probability we would have a war of far greater size. Our forces have fought magnificently in Vietnam under conditions which have challenged all the courage and discipline we could muster.

PROTECTING OURSELVES

Mr. PROXMIRE. Mr. President, the Human Rights Convention on Genocide was adopted in December of 1948 by the United Nations General Assembly. Over 70 nations have signed this convention since its adoption. The United States has not.

One reason for our failure to join other nations in a declaration against this crime is the question of the value and effectiveness in ratifying such a convention.

A United Nations report has, I think, answered this urgent question in the correct perspective. It stated:

The effectiveness of any law depends upon its acceptance and application. It will, therefore, be incumbent upon all nations to develop the necessary moral force, to be expressed in decisions to apply the Genocide Convention, if peoples and their cultures are to be saved from obliteration. At stake is not only the solidarity of nations in preserving human life, but the interdependence and mutual borrowing among various cultures on which civilization rests. Consequently, it is hoped the feeling will grow in world society that by protecting national, racial, religious and ethnic groups everywhere, we are protecting ourselves. Towards this end, the Convention establishes that the international community cannot tolerate acts of genocide which threaten the very foundation of world order. Further, it obligates contracting states to pass effective national legislation. In this way, the laws of individual nations will reaffirm and thus strengthen international law.

Another and inestimable effect of the Convention would be that it represents the moral force of a unanimous proclamation by member states that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world." It is widely held that the very existence of the Convention and the severe penalties for which it calls will act as a deterrent.

The United Nations report stresses the "moral force" of this convention. Can Senators doubt the value of such a force? Has the Nation not relied many times on moral force to generate the public awareness of a problem and to generate public pressure for change in the form of law? I believe that an international moral could also be developed that would one day be responsible for the elimination of the crime of genocide from the earth forever.

The value of ratifying this convention can also be seen in the comment by the United Nations that by protecting national, racial, religious and ethic groups everywhere, "we are protecting ourselves." It is in the interest of self interest, then, that we should consider and ratify the Human Rights Convention on Genocide.

FRANCHISING—SMALL BUSINESS BOON OF BOONDOGGLE?

Mr. WILLIAMS of New Jersey. Mr. President, on two occasions recently, I have spoken to the Senate regarding the franchising concept and its implications on small business.

I have scheduled 3 days of public hearings on January 20, 21, and 22 before my Small Business Subcommittee on Urban and Rural Economic Development, to explore "The Impact of Franchising on Small Business."

On these same occasions, I have had printed in the RECORD articles on franchising that appeared in U.S. News & World Report and Newsweek magazines. These articles were noteworthy, in my judgment, in that they discussed many new and interesting developments now taking place within the franchising system. The public needs to know more about franchising. Housewives and the elderly should know more about franchising. Small businessmen and prospective small businessmen need to know more about franchising.

Mr. President, I am calling for an education in franchising. Why is this so important? Why do we need to explore the franchising concept in search of knowledge?

The explanation is simple. Franchising has grown so phenomenally in the last few years that it now accounts for over $90 billion in annual sales, over 10 percent of our entire gross national product. There are 600,000 franchisees operating in the United States today, most of which are small businesses.

Franchising was for many years a "sleeping giant" within our economic system. We have now witnessed its awakening.

The amazing success stories of franchising have also been accompanied by some equally depressing failures.

The ever present con artist and swindler are using the franchise phenomenon to lure unsuspecting and uninformed small businessmen into back alleys of deceptions, fraud, and trickery.

The public must learn all about franchising—its attributes, advantages, and benefits—as well as its somewhat shady side—if we are to produce an intelligently cautious investor.

Mr. President, I wish to share with my fellow Senators an article which appeared recently in Parade magazine entitled, "Franchise Frauds: How To Lose Your Life Savings Without Really Trying." I ask unanimous consent to have this article printed in full at the conclusion of my remarks.

I submit that a thorough reading of this article by Senators and other readers of the CONGRESSIONAL RECORD will serve to make us all better informed and intelligently cautious. We will want an answer to the question: Is Franchising a Small Business Boom or Boondoggle? I hope our January hearings will provide that answer.

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

FRANCHISE FRAUDS: HOW TO LOSE YOUR LIFE SAVINGS WITHOUT REALLY TRYING

(By James D. Snyder and Robert F. Hickox)

Big corporations and crushing taxes are driving the small businessman into oblivion. Right?

Wrong. This year some 500,000 Americans will take the plunge into self-employment—25 percent more than ten years ago. The increase comes largely from franchising. By offering the "little guy" a piece of the action, plus management guidance and quality control, franchisers have carved out an $80 billion industry whose 400,000 "partners" operate everything from pizza parlors to pet shops to ear-piercing salons.

But unfortunately, the wave of success ridden by reputable firms like McDonald's, Howard Johnson's, Burger Chef and Burger King has created an undertow in which con artists suck out the life savings of those who plunge in without testing the water. The Post Office Department, for example, reports that franchise rackets have shot up to the top of the list of 68 fraud categories policed by its network of mail fraud inspectors. Since 1964 alone, they've investigated more than 550 franchise schemes and obtained some 220 convictions. The damage just from those already behind bars exceeds $120 million.

How do franchise frauds operate? An excellent teacher is Harold ("Wild Man") Pritchard, a long-time St. Louis promoter of dubious renown until he confirmed the description by literally painting himself into a corner. A few years ago, ads appeared in various publications under the banner of "National Chem-Plastics Corporation." For fees of $3000 to $7000 "qualified investors" could obtain exclusive territorial franchises to sell an "amazing liquid plastic coating for all surfaces . . . which eliminates waxing and painting." If you signed up, Chem-Plastics promised to help you get started with a direct mail advertising campaign and by sending in trained salesmen. One small condition: you had to sign an agreement to buy at least 500 gallons of the wonder product each month. But even then, if you wanted out after 30 days, Chem-Plastics would take the product off your hands at cost: $6 a gallon.

How could you lose? In truth, you couldn't win, as postal authorities and Better Business Bureaus began to learn through irate

letters. The miracle product turned out to be an ordinary floor paint sold to Chem-Plastics by an unsuspecting manufacturer for $2 a gallon. Pritchard and his sales crew never furnished franchisers with sale training, never produced the direct mail aids, refused all requests for refunds, and even had the gall to assign investors overlapping sales territories. Pritchard was eventually sent upstream for ten years—and five of his cohorts for lesser terms—but not until scores of gullible investors had willingly handed him life savings totaling $1.5 million.

BUSINESSMEN, TOO

Some might say that people so gullible deserved their fate. But the fact is that franchise frauds can victimize even businessmen with years of experience. Recently, dozens of construction contractors, cement masons and plumbing firms received offers to "share in the family swimming pool construction boom" by becoming franchised dealers for corporations with such glamorous names as Bermuda Pools, Inc., Cinderella Pool Corp., and Town & Country Pools. Pulling the strings behind all three corporate facades was a group of 11 "promoters" headed by 46-year-old Clair Wagner.

Terms: magnificent. A display pool would be sent free. Dealers would have to purchase pool construction kits worth $2000 each, but wouldn't have to pay until each was sold. Only $3000 in "good faith money" would be needed to seal the deal—to be returned later.

It wasn't. Promises of sales training and advertising aid also failed to materialize. The display pool and construction kits did arrive but accompanied by a C.O.D. bill for $2000 each. Franchisers usually wised up after a few shipments, but by then they'd already been abandoned. By the time postal inspectors caught up with Wagner, he had taken an estimated 400 businessmen for $1 million. Wagner was sent to jail.

Overlapping territories, "can't miss" come-ons, unreturned deposits, unfulfilled advertising and training assistance are all part of the franchise fraud's stock in trade. But there are many other tools often more subtle. A few examples:

"Pyramid" distributorships

"Fradulent multilevel distributorships are in many ways like the illegal chain letter or lottery," says Chief Postal Inspector William J. Cotter. "In most such cases, families with savings of from $2000 to $10,000 are lured into buying a distributorship for a 'fabulous' new product which can bring them five- and six-figure incomes." Typical was the carpenter in Oklahoma who mortgaged his furniture to invest $1200 after being swept off his feet at a lavish free dinner by a Tulsa-based company, the National Marketing Association. The carpenter and others at the dinner were told how they could earn more than $15,000 a year by taking out franchises to sell a cleaning solvent named "Terrific." Part of the "Terrific Success Plan" called for the investor to share in the company's growth by inviting friends and relatives to other dinners featuring impressive speakers and a "beauty queen" as hostess. Once friends of the "sponsor" signed up, too, he'd get a percentage of their initial investment plus a commission on all sales in their territories.

The big hitch; each new recruit's profits depended on keeping the chain going by roping in others for "sub-franchises." By the time National Marketing Association's chain was broken and its president sent to jail for ten years, it had taken 400 investors for $400,000.

"Dumping" equipment

Just as the pyramid seller is more interested in the franchise than the product, some swindlers use the attractive word "franchise" merely as a cover to sell equipment. The vending machine industry, for example, is rife with promoters who lure customers with newspaper ads seeking persons to "service coin-operated machines" or to "invest in an established vending route." Invariably when the prospect makes his inquiry, he's told that no "established" route is open at the time. "But don't worry," the salesman comforts him. "If you'll agree to buy our vending machines, we'll help you find 'hot' locations and even pay local license fees." A schoolteacher in Jacksonville, Fla., decided to buy 20 hot-nut vending machines at $100 apiece—a seemingly low price in view of the "up to" $3000 in sales each machine was supposed to yield annually. None of the promises showed up in the contract signed by the victim—only the obligation for $2000. When he later protested that he'd received no help in establishing the franchise territory, the company agreed to "place" his machines. It did—at lonely bus stops, dingy stores, and even at an abandoned train depot. Only after the promoters had been caught and sentenced to three years for swindling $350,000 from others like himself did the schoolteacher learn the machines had cost the company only $17 each.

The "secured" investment

"You can't lose. Your entire investment has been secured by an equal value of goods at our warehouse," the "Terrific" products salesman told the carpenter who plunked down $1200 for a franchise. He even got a gilt-edged receipt, which of course turned out to be worthless. And even had the inventory really been "secured," chances are that its value (determined, naturally, by the promoter) would have been a fraction of its worth on the open market.

In a similar vein, the Federal Trade Commission warns against promoters who vow to buy back a franchisee's equipment and inventory if he wants out. Says the FTC: "This may show up in the contract language as merely giving the franchiser an *option* to repurchase—and, of course, no assurance that the option will be exercised."

The "switcheroo"

The franchise is authentic; only the quality of the product has been changed to milk the innocent. This was what 32-year-old James Fallin of Minneapolis had in mind when he offered record sales franchises under such names as Economy Record Service, Discount Record Service and Hit Parade Record Company. Recordings of top name artists were promised. But when the delivered products turned out to be amateurish "cuts" by unknown performers, some 3000 inexperienced franchisees found themselves minus a combined $750,000. Fallin has pleaded guilty and awaits sentencing.

The "name game"

One of the Post Office Department's mail fraud specialists in Washington recently received a puzzled inquiry from an executive of the National Biscuit Company in New York. Nabisco, he explained, had received angry letters from Texas residents threatening to sue the company for selling them fraudulent franchises. "We told them we don't offer franchises," he said. "Now we're wondering if the Post Office might know what this is all about." Indeed it did. Several weeks beforehand mail fraud experts in Dallas had closed in on 28-year-old Russell Lee Hildebrand, who headed "Nabisco Snack Varieties." His scheme was cut in the usual pattern: advertisements to operate "Nabisco Snack Routes," which turned out to be a come-on for selling vending machines which yielded their owners little. But by using a name linked by implication to a reputable, nationally known company, Hildebrand had to fight the suckers off. He's now fighting a grand jury indictment.

Unauthorized franchises

While some promoters prey on an established company's good name, others sell franchises *in* their name, but without their sanction. One classic case got its start when the Marathon Battery Co. of Wausaw, Wis. (now Gould Marathon Battery Co.), granted a legitimate sales distributorship to a firm called Mercury Electronics, Inc. of Dallas. Shortly afterward Marathon got a query from Mercury: "Would it be all right if we authorized other distributors to sell your batteries to retail stores?" Sure, said Marathon. "Our distributors don't have exclusive territories. We can't stop you from selling to other wholesalers."

The Wisconsin firm was amazed, however, when it learned from the Federal Trade Commission that Mercury Electronics had formed the "Marathon Sales Company," represented itself as a subsidiary of the battery manufacturer, and advertised "exclusive franchises" to all who would get up sizable fees.

The franchiser made sure that its territories didn't overlap, but left unsaid one fact: those who thought they alone could sell Marathon batteries in their territory found themselves competing with many other battery distributors in the same retail stores.

When federal officials caught onto the game, they faced a dilemma: should they take the long months necessary to build a criminal case, during which many more unwitting investors might lose their life savings? Or should they shoot for a quick settlement that would halt the practice at once? They chose the latter. Officials of Mercury Electronics signed an FTC "consent order," which while agreeing to stop the franchise plan, carried no penalty nor admission of guilt.

The above case demonstrated one of franchising's side effects. Franchising, with all its unique characteristics, sprouted so suddenly and grew so fast that efforts at regulation have never been able to keep pace. The FTC is now finding that even some of the oldest prosperous franchise agreements give the parent company almost totalitarian control of its franchisees. Recent court decisions have, for example, outlawed contracts which force a franchisee to buy from suppliers who pay the franchiser a kickback, or make him finance all credit purchases through its own wholly owned loan company.

SENATE BILL

If Sen. Philip A. Hart has his way, Congress may soon balance the scales. The Michigan Democrat, who chairs the Senate's powerful antitrust subcommittee, introduced a bill in April requiring all franchise contracts to allow impartial arbitration in the event of disputes with franchises. One of Hart's main goals: "to curb the ability of the franchiser to whip the franchisee into line by threat of cancellation."

Mere laws, however, don't seem to curb the appetite of the determined con man. California, for example, recently enacted a statute requiring new franchise organizations to register their proposed plans with the State Attorney General just as stock offers are now submitted in advance to the Securities and Exchange Commission. Results? "Negative, if anything," complains a veteran franchiser with a multimillion-dollar restaurant business. "It may seem strange," he says, "but the public now tends to think that anyone offering a franchise has been cleared by the Attorney General's office. The con man, who doesn't bother with such things, now goes about his promoting under what amounts to a veil of official protection."

Until the laws do catch up with franchising frauds—if ever—it appears that the new franchisee will have to look to other sources for protection. One place is the industry itself, whose ideals are embodied in the Chicago-based International Franchise Association, whose 260 company members represent more than 75,000 franchised outlets. IFA claims that 79 of every 20 franchisees who sign up with its members make it through

the critical first five years, compared to five in 20 for those who go it alone.

"One of the basic reasons for starting the association was the desire by established, reputable companies to set themselves apart from the charlatans who were doctoring age-old con games and calling them franchises," says IFA's refreshingly frank 36-year-old director Thomas O. Robinson. "We take pains to investigate the business reputations and financial records of all companies who apply for membership. We have also developed a code of ethics, which all members pledge to follow by signing affidavits. We think the great majority live up to the code but I'll be the first to admit that we haven't got the power to police it.

TEN-POINT CHECKLIST

"Despite all we try to do," says Robinson, "protection in the long run depends on the prospective franchise himself." He offered PARADE readers a ten-point checklist:

1. Make sure the promoter does indeed have all the franchisees he claims.

2. If a product is involved, find out who makes it, is it the franchiser? If someone else, who controls its price to the franchisee?

3. Does the product measure up to official quality standards? Are there any government restrictions on its use? Several persons, for example, recently bought franchises to sell large neon signs, only to learn that their sales were severely restricted by local ordinances.

4. Double check all claims of "guaranteed earnings" and "secured investments." Most reputable franchisers don't promise either.

5. If advertising or training aids are offered, find out exactly what they include.

6. Under what conditions can your franchise contract be canceled?

7. Does your agreement obligate you to buy a minimum amount of goods or services each month from the franchiser? If so, beware. Most reputable franchisers don't require it.

8. Check the franchiser's financial record through sources like Dun and Bradstreet and the Better Business Bureau.

9. Does the franchiser say a market study has been made of your potential franchise area? If so, ask who did it. Get a copy and read it in full.

10. Make your own market study. Find out how the product compares with competitors in price and performance. Take a lesson from a retired Army colonel and his wife who paid $4000 for a garage full of cosmetics. According to the franchiser's sales plan, all they had to do was recruit college kids for door-to-door routes, sell them the cosmetics for $5000. The salesmen would add another $1000 to make up the actual consumer price, and everyone would be happy.

Had the couple bothered to learn cosmetics marketing, they would have found that most established door-to-door sellers must mark up the manufacturer's price by 100 percent to make ends meet. By selling at a mere 25 percent markup, the military couple's business was doomed from the start.

"The latter experience demonstrates what I feel is the cardinal rule for any prospective franchisee," says IFA's Tom Robinson. "For heaven's sake get in touch with the guy who already operates one of the franchises. Suppose it even costs you $50 in long-distance calls. What's that compared to the $2000 or $20,000 you're about to invest?"

Another bit of advice comes from Chief Postal Inspector William Cotter. "Before you plunge into that 'fabulous franchise'," he says, "stop and think how hard you really worked for that savings."

THE NATIONAL INTEREST IN OIL IMPORT CONTROLS

Mr. MURPHY. Mr. President, I am deeply concerned about the widely publicized misconceptions that the oil import controls initiated by President Eisenhower and continued under the administrations of President Kennedy and President Johnson are not necessary for national security. These controls are vital to national security and actually serve well the interests of consumers as well as our military forces in assured supplies of oil and gas at reasonable prices.

First, let me set the record straight on the erroneous assumption that oil import controls costs billions of dollars. The price index for petroleum products this year is only 2.5 percent higher than in 1957–59, the period immediately prior to import controls, whereas the general cost of living is up over 20 percent. If other goods and services had increased only as much as the price of petroleum, consumers would be saving billions of dollars and would not be complaining about inflation and following practices that cause individuals and business to pay record interest rates for money.

Second, the idea that foreign oil is cheap assumes incorrectly that the price would not increase if we were dependent upon it and overlooks the large supply of low-cost natural gas supplied by the domestic petroleum industry. Demands for oil abroad are increasing so rapidly that what seems to be a surplus will prove quite temporary, as happened when the United States found a lot of new oil in the 1930's, with the result that foreign oil prices will increase sharply.

We must realize that the domestic petroleum industry supplies as much energy for us in the form of cheap natural gas as in the form of crude oil. The wholesale price of that natural gas is much cheaper than any natural gas that can be imported from overseas sources. We now use 20 trillion cubic feet of natural gas a year and probably save an average of 25 cents per thousand cubic feet, or about $5 billion a year, compared with the use of liquified natural gas imported by tankers.

Third, we have created a false sense of security by talking about crude oil imports representing only 12.2 percent of domestic production. In fact, petroleum imports are already 22 percent of our total demand. Furthermore, these imports are concentrated heavily on the east coast. For the east coast, 85 percent of the industrial fuel oil used currently is already imported, and the fact that these imports are free from controls provides benefits for this area not enjoyed by other areas that use gas. The east coast also uses large amounts of other imported oil, so that it now depends on imports for 50 percent of all oil it uses. If imports were greatly liberalized, the east coast would become almost entirely dependent on foreign oil. In that case, facilities to supply the east coast with oil from domestic sources would no longer exist or be available to take care of this area in emergencies.

Fourth, removal of controls on oil imports would have serious adverse effects on the entire economy. It would greatly depress the drilling of wells in the United States, affecting jobs everywhere, from the steel mills in Pittsburgh to the suppliers of pumps and tanks in the Midwest and the companies engaged in well servicing in the producing areas. Reduced production of oil and gas would also mean much less tax revenue for local, State, and Federal Governments. Such action would also drive out of business thousands of small operators in producing, refining, and related service operations, reducing competition and concentrating the remaining business in the hands of a few large companies.

The consequences that I have set forth as a result of removal of controls are economic realities that would affect every citizen as well as our national security. Protecting national security by means of stockpiling foreign oil has been mentioned but that would require billions of dollars of Federal money and still not avoid drastic economic consequences in the United States. We cannot expect private investors to maintain their properties in standby condition without payment of the same return they realize from operations which they must have to pay out and justify their investments.

The oil industry is a vital part of our economy affecting the lives of every citizen. We are all consumers of oil and gas, and we all benefit greatly from the better life that these attractive and reasonably priced forms of energy have made possible. Also, the vast investments made in this industry represent holdings by millions of individuals and stockholders. Even those who do not own oil stocks directly are affected if they own mutual funds or have interests in pension funds whose portfolios include a substantial portion in petroleum companies.

The petroleum industry of the United States has served the Nation well for many years. It has brought us from the "horse and buggy days" to the age of jets and space travel. It has provided the power for victory by our military forces in all our wars. It has increased our supplies of oil and gas enormously and provided us with products that became increasingly attractive in terms of the pay for an hour's work. It will continue to serve us well if we maintain in effect sound and reasonable policies of import controls and of differential tax treatment suited to the hazardous and unusual business of petroleum exploration and development.

NATIONAL GENERAL SERVICES PUBLIC ADVISORY COUNCIL

Mr. MURPHY. Mr. President, Robert L. Kunzig, Administrator of General Services, has recently formed a National General Services Public Advisory Council in keeping with President Nixon's desire for greater public involvement in the operations of the Federal Government.

I am pleased to learn that California is represented on the council by Jay Davis, Jr., of Monrovia.

Mr. Davis is vice president and a director of the Los Angeles-based Southern Counties Gas Companies, and also chairman of the American Gas Association. In addition, he is chairman and director of the Pacific Coast Gas Association.

Mr. Davis attended Fresno State College and the University of Southern California, where he majored in mathematics and English.

GSA is indeed fortunate to have obtained the services of such an outstanding civic-minded citizen.

MARY E. SWITZER TAKES A NEW JOB

Mr. RIBICOFF. Mr. President, Mary E. Switzer, the Administrator of the Social and Rehabilitation Service at HEW, is leaving the Government to become vice president of the World Rehabilitation Fund.

I have known Miss Switzer for many years. She was one of my most trusted and capable associates when I was Secretary of the Department of Health, Education, and Welfare.

She is also a dear friend.

Our Government will miss her wise counsel and competent administration. However, I know that in her new position at the World Rehabilitation Fund she will continue to make an important and constructive contribution to social and medical progress.

With the ending of her Federal career in 1970, Miss Switzer will complete 48 years of public service spanning an era marked by unprecedented changes and far-reaching improvements in federally supported social programs. As an administrator of major Federal social agencies for two decades, Miss Switzer exerted enormous influence over the evolution and expansion of federally financed services to millions of people in need of help.

Miss Switzer leaves Government service from the post of Administrator of the Social and Rehabilitation Service within the Department of Health, Education, and Welfare. This agency, organized August 15, 1967, with Miss Switzer as its first head, combines under her unified administration welfare and social programs with a total annual budget exceeding $8 billion. For more than 2½ years, as administrator of Federal programs serving the needy, the disabled, children and youth, and the aged, she has carried the largest adminstrative responsibility of any woman in the history of our Government.

A native of Newton, Mass., Miss Switzer is a 1921 graduate of Radcliffe College. Her Federal career began the following year when she became a junior economist in the Treasury Department. The first of many promotions came within a year, and her long rise to the highest level of the career service was underway. By 1928 Miss Switzer was handling press intelligence for the Secretary of the Treasury, and she subsequently served with that Department's representative on President Hoover's White House Editorial Report Service.

In 1934 Miss Switzer was named assistant to the Assistant Secretary of the Treasury who had supervisory responsibilities over the U.S. Public Health Service, and from that time to the present she has nurtured a deep and enduring concern for public health, and for the delivery of health and medical services. When the Public Health Service was transferred in 1939 to the Federal Security Agency—forerunner of the Department of Health, Education, and Welfare—Miss Switzer became assistant to the Administrator with special concern for public health and vocational rehabilitation services.

In this capacity Miss Switzer served during World War II as the Federal Security Agency representative with the Procurement and Assignment Services for Physicians, Dentists, Sanitary Engineers, and Nurses. She helped develop the Government's system for assuring maximum use of the Nation's medical and health manpower during the war emergency, and she served with the War Research Service which developed scientific policies and projects in support of the war effort. For this latter service she received the President's Certificate of Merit, the highest wartime award for civilians. Immediately following the war Miss Switzer was a member of the President's Scientific Research Board, which produced the widely used series of reports on "Science and Public Policy."

In 1950 Miss Switzer was named head of the Federal-State program for the rehabilitation of the disabled, a post which she held until her appointment as administrator of the Social and Rehabilitation Service in August 1967. As commissioner of the Vocational Rehabilitation Administration, Miss Switzer made sweeping changes in the public rehabilitation program and made recommendations to the Department and to the Congress which resulted in vastly expanded and improved services to the disabled.

When Miss Switzer assumed responsibility for administering vocational rehabilitation in 1950, this program was rehabilitating fewer than 60,000 disabled persons a year for useful work. Of this number, only about 200 were mentally retarded—a particularly difficult and challenging group to serve. The vending stand program which provides earning opportunities for blind operators under the Randolph-Sheppard Act was a source of employment in 1952 for about 1,500 blind persons, and the gross business of these small enterprises amounted to less than $19 million a year.

In the face of pressing needs for expansion of vocational rehabilitation services in the United States, there was no organized national training program to help meet the demands of public and voluntary rehabilitation agencies for professional staff members. Only 12 rehabilitation counselors graduated from American universities in 1950, and only three of the Nation's medical schools were providing their undergraduate medical students with any training in rehabilitation methods. No organized research program in the field of rehabilitation existed in 1950 to seek new methods and techniques for making rehabilitation services more effective.

One of several major social programs under Miss Switzer's administration, the public vocational rehabilitation program today is rehabilitating more than 240,000 disabled Americans a year for useful work. Many of these are severely disabled; about 8,000 of them are blind, and 25,000 of them are mentally retarded. The number of blind persons given employment through the vending stand program has grown to more than 3,300, and these 3,300 small enterprises now are doing a gross annual business of $86.4 million.

When she was commissioner of Vocational Rehabilitation, Miss Switzer instituted a comprehensive training program through which universities across the country are supplying a wide variety of professional specialists for both public and voluntary rehabilitation agencies. Training is provided in such fields as medicine; physical, occupational, and speech therapy; rehabilitation counseling, psychology, prosthetics, and orthoptics; workshop administration and other specialties involved in rehabilitation. Last year more than 5,000 rehabilitation counselors were graduated in this country—a far cry from the mere dozen who entered this profession in 1950.

Today, in contrast to the three medical schools offering undergraduate training in rehabilitation for medical students, most of the Nation's 98 schools of medicine and osteopathy routinely provide such training. Seventy-six of these schools are providing training supported by the Social and Rehabilitation Service. The far-reaching research program initiated by Miss Switzer today supports a wide variety of advanced research undertakings in universities, rehabilitation facilities, and other institutions with research competence. This research program has brought about vast improvements in rehabilitation methods and techniques, benefiting uncounted thousands of severely disabled individuals.

One achievement of which Miss Switzer is especially proud is the establishment in 1960 of an international rehabilitation research program. This was in part the product of an interest in international affairs extending back to her college years when she majored in international law at Radcliffe, and her subsequent participation as a U.S. representative in international proceedings which led to development of the constitution for the World Health Organization. Miss Switzer helped work out the idea of using foreign currencies owed to the United States by foreign governments for the support of rehabilitation research abroad. Since this program got underway in 1961, 237 projects have operated in 12 countries. Forty-eight new projects in seven countries were approved in 1969. Through these projects, rehabilitation and medical specialists in foreign countries receive valuable training which otherwise would not be possible, and rehabilitation methodology is advanced throughout the world.

In fiscal terms alone the Federal vocational rehabilitation agency grew under Miss Switzer's leadership from a small agency that invested only $20.5 million in the rehabilitation of the disabled in 1950 to the dynamic organization now acknowledged to be making a substantial impact on the problem of disability throughout the United States. The agency's budget for 1969 amounted to $433.2 million—an investment that will be repaid many times over by taxes collected from the thousands of disabled men and women provided with the capacity and the opportunity to work and to earn.

August 15, 1967, is a significant milestone in Miss Switzer's public service. On that date she assumed responsibility for unifying under her leadership all of the major welfare and rehabilitation programs of the department and heading them in a new direction. As administrator of the newly constituted Social and Rehabilitation Service, Miss Switzer faced the enormous task of welding into a single organization the income support programs for needy Americans, rehabilitation services for the disabled, and specialized services for mothers and children, for youth, and for the aged.

Five major Federal agencies serving millions of Americans were brought under the new agency. Its functions included providing cash assistance, in 1967, to 7.6 million persons—about 4 percent of the population—supporting medical assistance for 6 million needy persons a year, providing rehabilitation services for the Nation's disabled, extending Federal assistance for medical services for 450,000 crippled children each year, helping a quarter million women a year obtain family planning services, and assisting 700 projects in the course of a year in providing services for 19 million Americans over 65. To carry out its far flung missions, Miss Switzer's new agency began with a work force of 1,900.

The Social and Rehabilitation Service under Miss Switzer's guidance has simplified procedures for needy people to obtain public assistance and other social services, and has ameliorated the punitive aspects which often had been associated with welfare payments. Both the agency's experience and its research proved Miss Switzer's conviction that the overwhelming majority of welfare recipients prefer work and self-support to idleness and dependency.

Exercising her prerogatives to unify social programs, Miss Switzer has achieved close and effective relationships between the welfare and rehabilitation components of her agency. As a consequence, increasing numbers of persons on welfare as a result of disability are receiving rehabilitation services on a priority basis, and increasing numbers thereby are enabled to become wholly or largely self-supporting. One of the success stories still being written is the work incentive program through which welfare recipients are provided with job training and job opportunities in cooperation with the Department of Labor's manpower training and placement programs.

Miss Switzer regards the monumental task of organizing the Social and Rehabilitation Service and welding it into an effective instrument for administering and advancing major social programs as on the way to being accomplished. She also recognizes the considerable contributions of the constituent agencies under her control to the emerging concepts upon which legislative proposals for a new and improved welfare system are largely based.

Miss Switzer was elected to the position of vice president of the World Rehabilitation Fund by the Board of Governors of the Fund on December 2, 1969. At that time the Board asked her to assist the Fund's efforts to carry out its growing worldwide commitments in the rehabilitation of the disabled. In her new capacity, Miss Switzer will be in charge of the Fund's Washington office which she will establish, and will be responsible for the Fund's relationships with the U.S. Government, with national and international voluntary organizations, and with international health agencies. She also will provide technical consultation to these agencies on behalf of the Fund. She will also be associated on the domestic scene with the Association of Schools of Allied Health Professions, a longtime interest of hers.

Miss Switzer has been the recipient of many honors both in the United States and abroad. She received the President's Certificate of Merit, highest wartime award given civil servants, for her work in medical manpower procurement and scientific research programs. In 1956 she received the Department of Health, Education, and Welfare Distinguished Service Award.

She received the Albert Lasker Award in 1960 for her contributions to international rehabilitation programs. In 1966 she received the National Civil Service Award, the Hadassah Myrtle Wreath Award, Dignity of Man Award from the Kessler Institute for Rehabilitation, and Distinguished Service Medal from the National Society for Crippled Children and Adults. Her most recent one has special significance—the George Deaver Award from the Institute for the Crippled and Disabled.

Honorary degrees have been conferred on Miss Switzer by Tufts University, Gallaudet College, Western College for Women, Adelphi College, Boston University, Duke University, Women's Medical College of Pennsylvania, California College of Medicine, Springfield College, Manhattanville College of the Sacred Heart, Temple University, New York University, Smith College, Assumption College, Hofstra University, and Russell Sage College.

Miss Switzer is a past president of the National Rehabilitation Association and twice served as president of the American Hearing Society. In 1946 she was the U.S. representative to the first International Health Conference which developed the charter for the World Health Organization. She served on the American Preparatory Commission and later as a delegate to the First World Congress on Mental Health. In 1949 she was a delegate to the Second World Health Assembly. She is vice president for North America and member of the Council of the International Society for Rehabilitation of the Disabled. In 1968 she was vice chairman of the U.S. delegation to the First United Nations Conference of Ministers Responsible for Social Welfare. In June 1969, Miss Switzer was appointed the first woman to serve on the board of directors of Georgetown University and in October 1969, as the first woman to be appointed a trustee of Assumption College.

Miss Switzer has served as a member of the board of trustees, Radcliffe College; board of trustees, Menninger Foundation; board of visitors, St. Elizabeths Hospital; advisory council, Community Services Committee, AFL–CIO; and the Board of the World Rehabilitation Fund.

A longtime resident of Alexandria, Va., Miss Switzer finds time to participate actively in the civic affairs and social life of her home community.

For the Washington Post of December 18, 1969, reporter Mary Wiegers wrote an informative article about an interview with Miss Switzer. The interview captures the flavor of Miss Switzer's inviting and charming personality.

I ask unanimous consent that article be printed in the RECORD.

On January 3, 1968, Miss Switzer spoke before the HEW Forum. Her address is most informative—and inspiring. I ask unanimous consent that it be printed in the RECORD.

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

MARY SWITZER: WELFARE, WORK, AND WISDOM

(By Mary Wiegers)

Since Mary Switzer "came to Washington with the Harding gang," eight Presidents have come and gone.

Through all those administrations, Mary Switzer was making a steady climb from a clerk's post in the U.S. Treasury Department to the job she holds today as head of the U.S. Department of Health, Education, and Welfare's Social and Rehabilitation Service.

The SRS is an agency organized in 1967 with Miss Switzer as its first head. It combines welfare and social service programs with a total annual budget exceeding $8 billion, and distributes funds to the needy, disabled, children and the aged. It also makes Miss Switzer the executive with the largest administrative responsibility of any woman in government.

Now at the age of 69, the tough-minded bureaucrat with the Boston accent is retiring. HEW Secretary Robert Finch announced yesterday that he is accepting her resignation "with regret," to be effective in mid-February.

As the announcement was being released, the gray-haired, sparkling-eyed Miss Switzer sat at a conference table outside her office and talked about her 48 years of government service.

She reflected on the future of the welfare program, and the landmark decision which merged welfare, rehabilitation and social services and what it could mean.

She recalled highlights from her career, the jobs she didn't get, the ones she did—like becoming the first person to organize a bacteriological and chemical warfare program, and the first to head federal programs for rehabilitation of the disadvantaged.

The beginning, she recalled, was pretty inauspicious. "I came in at the bottom as a junior economist in the division of statistics in the Treasury Department. If there's one thing I have no gift for, it's research." On the day the Graf Zeppelin flew over Washington, she was fired. But the Treasury Department is "paternalistic" and took her back as a mimeograph operator.

That first setback didn't last long. By 1928, Mary Switzer was handling press intelligence for the Secretary of the Treasury. By 1934 she was assistant to the assistant secretary, who supervised the Public Health Service.

In 1939, when the Public Health Service was transferred to the Federal Security Agency, forerunner of HEW, Miss Switzer became assistant to the administrator. During the war, she managed the Procurement and Assignment Services for Physicians, Dentists, Sanitary Engineers and Nurses. For her work she received the President's Certificate of Merit, the first of many honors.

She also organized a research program on bacteriological and chemical warfare. "I had to do it because, strangely enough in today's light, the Army and Navy wouldn't do it. They thought it was contrary to the Geneva Convention. I've often thought how terrible it was, that I did that though I don't know. I don't see much difference between one weapon and another, though on the scale they're doing it today, it's unnecessary and unreal. Anyway we developed some good medical information valuable to researchers later on, so I suppose some good came out of it."

In 1950, Miss Switzer became head of the federal-state program for the rehabilitation of the disabled. Thirteen years later, she was made commissioner of the vocational rehabilitation administration, when HEW Secretary Anthony Celebrezze thought that rehabilitation ought to be co-equal with welfare. In 1967, Secretary John Gardner sold her on the idea of merging the two areas and she was appointed head.

That merging, she felt, was an important and wise step. What she'd like to see now is a merging of services for the individual on the local level.

"The next five years are years that need the thrust in the field to get much closer interaction of these services in the community." She would like to see the individual get medical needs, welfare assistance, disability training, and so on, all in the same place, and with all the bureaus working together.

"There has to be a willingness to give up sovereignty on everybody's part to give people what they have to have. There must be decentralization of authority to regions. This big government has to have some glue—has to put things together."

The SRS, she believes, is the part of HEW that is concerned about the individual. "It's like a southern mansion with three pillars. There's health on one side, education on the other and us in the middle.

"Health and education deal mainly with institutions. And sometimes the institutionalized structure stops before they ever see a person. SRS reaches down to the individual.

"One of the most exciting exposures to involvement was with the National Welfare Rights Organization people. During the Poor People's march, we met with them or their representatives every day for a month.

"The greatest eye opener of that was the difficulty they had getting something done on the local level."

Miss Switzer lives in Alexandria and has made it a point to take part in community affairs there. "It's essential if you have a job like mine, where you are telling people what to do in the communities. It's one thing to tell people what to do, but to do it yourself is to find out how difficult it really is.

"In the Rehabilitation Administration, I had every letter of complaint followed up immediately. Now I've adopted that program in welfare, but I've found the welfare people are not as responsive. I suppose after years in the field they become kind of tough."

On the welfare program, Mary Switzer is a firm believer that "people shouldn't get something for nothing. I think we made the biggest mistake when we saw the welfare load growing, when we didn't emphasize work."

She added that work must be made dignified and meaningful again, as it's not been "in this age of permissiveness."

"I think that one good part about Mr. Nixon's welfare program is that it doesn't put a premium on breaking up homes." In the past, she explained, a man didn't work if, for instance, he had a wife and three children, because he could get more money for his family by deserting them and letting them get welfare.

"I don't see anything else that will change the present psychology of not minding dependency, except to make it more attractive to be employed."

Miss Switzer, herself, is going to continue to be employed after her retirement. On Dec. 2, she was elected vice president of the World Rehabilitation Fund, and when she leaves government service in February, she'll set up an office at 1 Dupont Circle for the fund.

She'll also work with the Association of Schools for Allied Health Professions in Washington.

"But if I want to take a day off, I'll be able to. When I feel like cooking my spiced gooseberry preserves and yellow tomato preserves, I can."

Her HEW office is filled with more than 40 awards she has received, among them the Albert Lasker award and the National Civil Service award. Sixteen colleges have given her honorary degrees. She is the first woman to serve on the board of directors of Georgetown University, and the first woman to be appointed trustee of Assumption College.

Miss Switzer was born in Newton, Mass. Her parents came from Ireland. About the one disappointment in her life was that she didn't become assistant director of the mint, a job she badly wanted at the time. "Nellie Tayloe Ross was director then, and she said no. She didn't want another woman around her. When I think of what a dead end that job would have been . . ." said Miss Switzer, her voice trailing off.

REHABILITATION: AN ACT OF FAITH

(By Mary E. Switzer)

I see the Social and Rehabilitation Service in terms of people. I feel an intensely personal identification with hundreds of rehabilitated people I have met all over the world. One of my most vivid recollections is of a young man in Portland, Oregon, who had broken his neck in an automobile accident two years before I saw him. He was then a patient in a nursing home, had been bedridden and almost helpless for two years.

His physical disability was severe, almost insupportable, but his spiritual and social disability was even worse. He had been a brilliant young commercial art student in a school where a number of handicapped individuals had been trained by the Oregon Department of Vocational Rehabilitation. The teachers and staff of this school knew about rehabilitation and immediately thought of it in connection with this young man. Counselors, teachers, friends, and family worked with him to try to bring him out of his depression so he could embark again in the world of art, where he had such a promising career.

For two years this was without avail, and then suddenly the spark revived and hope returned. Faith in him had never been lost, and this faith by those who were committed to see him through, combined with all their kindnesses and acts of love, helped to bring about this miracle.

He was in a modest nursing home, rather a grim place it seemed to me as I visited him, and I thought it would be hard to revive any spirit in that atmosphere. He came from a limited family background, and family resources had long since been used up in his physical care.

The day I visited him, he spoke with a certain degree of enthusiasm about getting back to his drawing and painting. He had begun by copying the little portraits of children that families wanted enlarged. I must have gotten across to him my elation at his response, because a month or so later he sent me a lovely picture of the head of a little boy with something very special in his eyes—one of his first comeback efforts.

This little boy looks down at me in my office every day and gives me the inner strength to do impossible things. It reminds one that this young man made it. He went back to his art work with almost no motion anywhere except in the tips of his fingers. He painted and drew, and people in downtown Portland began to buy his paintings. He began to earn money and to be almost self-sustaining. And what did he do with the first money he earned? He paid it back to the Welfare Department on which he had been dependent for two years.

This case has almost every lesson any rehabilitation case could have. Most of all, it illustrates the axiomatic fact that without faith, hope can hardly be revived. My life with rehabilitation has been a continuous renewal of acts of faith by myself and thousands of others who had joined in writing the rehabilitation story, which brought us last August to the creation of the Social and Rehabilitation Service.

FAITH IN OUR COUNTRY

Today, I reaffirm anew my abiding faith in the strength of our country, and I do so because I have been able to look back on other days when faith was hard to sustain. We are all the result of the road over which we have come, of the people who have inspired us, of the work which has challenged us and built our experience, and we are also frequently standing at "crisis corner"—as we are today—looking back and looking ahead, and wondering.

In the course of my long Government service, I have heard warnings. I heard it long ago from President Roosevelt, when in his first inaugural he said, "The only thing we have to fear is fear itself." Today, we are again on the verge of succumbing to fear—fear of the complicated and seemingly uncontrollable forces creating problems beyond our power to solve.

But not long after President Roosevelt's clarion call, revolutionary things happened to our social fabric. The Social Security Act was passed and a floor was built under the disasters of the depression. It is well to recall here that this floor had financial grants that remain the main support of dependent people today, and it had work programs in great variety—WPA, NYA, PWA, and so on. Then in 1939, the Federal Security Agency was created, bringing together for the first time the constellation of services that constituted the Federal Government's investment in its human resources of health, education, and welfare.

I was one of the staff members chosen by the first Administrator, Paul McNutt, to attempt to unify at least the philosophy behind what was for those days a major shift in Federal policy. Before much progress was made to forge a unified agency, the war came and, with it, seemingly insurmountable problems for this new and struggling agency.

But our faith was unbounded in those days. We had faith in our manifest destiny, and faith in our own ability to do what had to be done. During those years, I learned about scarce medical manpower and how scientific research could be organized by Government grants and contracts. I was exposed to the miracles that were taking place in the care of the injured in battle. Dr. Howard Rusk was building the rehabilitation service of the Air Force, Henry Kessler had the Navy program, and the Army, too, was making its contribution, especially in work for the blind at Valley Forge and Avon.

The civilian program of vocational rehabilitation, reaching only a few thousand people a year, was chafing under its inability to respond to the war needs, when suddenly, in 1943, disability became a serious fact in our consciousness and trained manpower a national need. Congress passed the 1943 amendments to the Vocational Rehabilitation Act, the first gesture of recognition that not only the war-disabled, but all disabled people, were entitled to a chance for a full life and for an opportunity to contribute to the needs of our country.

CREATIVE FORCES OF HEALING

Finally the war was over and the creative forces of healing were finding their way back into civilian life. Dr. Rusk went to New York

to found his great center and begin his years of tireless education of the United States and the world in what rehabilitation could mean to the faith and hope of that world. He and others began to demand more and more of the civilian program, no longer satisfied with small victories when so many great ones needed to be won for peace.

The forties gave way to the fifties, and one day the then Federal Security Administrator, Oscar Ewing, said to me, "I want you to take over the vocational rehabilitation program, expand it, and breathe new life into it." With the support of leaders becoming constantly more numerous, vocal, and influential, with another act of faith, I did. Fifteen years later, the greatest challenge that rehabilitation has ever had was given to it and to me when Secretary Gardner created the Social and Rehabilitation Service on August 15, 1967.

HELP AND HOPE—FOR ALL IN NEED

What were the ingredients of the years that brought such a profound expression of faith in the rehabilitation program? An important foundation stone was the creation of the Department of Health, Education, and Welfare in 1953. Its motto, "Spes Anchora Vitae—Hope the Anchor of Life," seemed to make a special plea to reaffirm once more our faith that more could be done for the disabled, for the underprivileged, and for all those in need.

Gradually, the philosophy of helping people constructively to be what they have it in themselves to be permeated the new Department's thinking about the future and influenced its choice of programs to advocate. And so Congress passed the 1954 Vocational Rehabilitation Amendments, coupled with companion pieces enacted the same year—such as the amendment to the Hospital and Medical Facilities Act which made it possible to build rehabilitation facilities, the first step toward the Social Security disability payments program. But more important than all of these separate acts was the national commitment to serve all the disabled and return them to useful work at the earliest possible time.

Without the basic features of the new 1954 Act, properly exploited through the 1950's, rehabilitation would not be where it is today; it would not have its opportunity now, or its obligation.

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As we moved through the busy fifties and came into the sixties, a sense of uneasiness was growing again in our society, based on a slowing down of civil rights progress, unemployment (especially in marginal groups), mounting decay in our cities, and economic upheavals resulting from our tremendous technological changes.

And then we had another stirring challenge. Just as many were asking for the impossible from their country, a young President said in his inaugural, "Ask not what your country can do for you—ask what you can do for your country." How many times in the past six years have we thought about that challenge? Like President Roosevelt's—great words, it unleashes something within us when we are tired, frustrated, and frightened. We renew again our faith in our America, because we *know* we can do *something* for our country. Building on the past and the lessons of the past, the future becomes clear and hopeful.

A GREAT MOMENT FOR REHABILITATION

In what now looks to me like a fairly sequestered, pleasant valley, the rehabilitation program was also coming of age in the sixties. It was in August 1962 that President Kennedy in a ceremony in the Rose Garden at the White House memorialized the fact that we had reached an annual goal long sought for—more than 100,000 disabled men and women had been rehabilitated through our public program in a single year. This was a great moment in the lives of many of us.

As we look back today upon the success story that rehabilitation is, we see a well-established public program with its roots now in every community in the country—a mosaic of local community groups serving the mentally retarded, the cerebral palsied, the blind, and some antedating the idea of rehabilitation, but unknowingly committed to its philosophy.

We look back, too, from any one of hundreds of rehabilitation facilities designed to provide under one roof the many services we have learned to give, many of which were unknown in the historic past.

We look back from the apex of our educational institutions—hundreds of them—where thousands of dedicated, talented people are acquiring the knowledge and skills to go forth to share the burden.

Today, the success of vocational rehabilitation owes much—perhaps all that is distinctive in the program—to the principle that the serving person gives himself to the served; he thinks first of the disabled person as a human being in need of something and, in the giving of that something, the giver receives even more, to store up for the next cycle of sharing.

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DARING TO INNOVATE

Now, just a word about two or three of the distinctive characteristics which have made rehabilitation popular and which have lessons for us today. I think the research and demonstration program broke ground in demonstrating new methods of dealing with old problems and daring innovations in tackling new ones. First of all, it identified areas of need that were not now served. A good example is the field of mental retardation where one of the first and earliest projects was a work training and evaluation effort to show what the mentally retarded could really do. And against a hundred mentally retarded young people who were rehabilitated at the beginning of the program we had about ten thousand last year—and these were in a whole variety of jobs, including the civil service. This is an old story now, but it's a good example too of how a pebble dropped in a pool makes concentric circles that have far-reaching effects. This led to the cooperative effort with school systems—first, for the mentally retarded and, finally, for all disabled youngsters—to try to get as early as possible a hold and a continuing program for their vocational adjustment.

All this was before President Kennedy's task force so that when that report came out, the rehabilitation program was able to take full advantage of it. It resulted in the establishment of comprehensive research and training centers and extensive new legislation which is now a matter of history. And it led, of course, to the inclusion of the major parts of the mentally retarded program in the new agency, the Social and Rehabilitation Service.

Another series of projects concerned the older handicapped worker. Here again the same procedure was followed—first, a demonstration showing new ways of doing things, spreading it by a wide variety of other projects and, finally, the public program taking it on.

Public assistance cases have always been a major concern of rehabilitation agencies and a *great* variety of projects have been tried in this area. The cost-effectiveness of these projects have been outstanding. One of the most interesting and successful, in the State of California, shows an 80-percent success story, after 30 months, of people working who were originally on public assistance.

NEW EMPLOYMENT OPPORTUNITIES

An area of tremendous importance is to open up a new and special employment opportunities. I think we would all agree that, with the complexities of the labor market for any group that has special problems, the necessity of experimenting with new kinds of professional opportunities is fundamental. A few of the more dramatic examples I'll just mention in passing:

We had a training program in spoken Russian for the blind, among the group of people who have a special talent for language, in order to supply much need translators.

The Theater for the Deaf opens up to the deaf a whole range of professional opportunities and related occupations in theater.

For the retarded, we have *very* comprehensive experiments still going on in banking, in making candles, and in a whole variety of other jobs.

For the mentally ill, amazing success has been achieved in special training for women in home economics projects.

For the blind, there have also been training programs for tax assisters in Internal Revenue.

And oftentimes the research grants have led to legislation. Our statewide rehabilitation planning grew out of a grant to the Oklahoma Joint Committee of the Legislature for surveying the needs of that State.

In the last several years we have been concentrating particularly on private industry, and the importance of tying in employers in the process of evaluation and adjusment of mentally disabled and physically disabled people. Among the outstanding areas here:

Fountain House in New York works with 34 different employers handling the personal adjustment of mental patients returned from State hospitals. This project—right in the center of one of the most difficult sections of New York City—offers great promise as a pattern for attempting to do something with the hard core unemployed in our central cities. There is a similar project in Philadelphia.

In Seattle, 100 employers are tied in to vocational evaluation—and this is the third year of that project which includes employers as part of the team.

A BRIDGE TO THE COMMUNITY

Equally as important as rehabilitation projects themselves and the value of the work that comes from them is the bridge that is built to the community by the use of community facilities. Almost every organization in this country that has anything to do nationally, statewide, or locally, with any phase of physical disability is tied in to the rehabilitation program in one way or another.

This means a tremendous constituency of people who are committed to serve not only with their dollars, with themselves, with the voluntary effort that goes along with it, but with a total understanding of what the problem of disability can be. And this kind of cooperative efforts, I think, has great significance for the Social and Rehabilitation Service and the short and long future of public welfare.

* * * * *

In 1965, President Johnson proposed, and Congress passed without a single dissent, a bill authorizing more than a billion dollars for vocational rehabilitation programs in the years ahead. It did this with the clear understanding that somehow the last 15 years had shown that the basic structure of trying to create community resources, facilities, spirit, and commitment to help disabled people be what they have it within them to be was a national program of great significance.

EXTENDING REHABILITATION TO SOCIALLY HANDICAPPED

But more important for our immediate consideration is the fact that public discussion and knowledge of what rehabilitation had accomplished might be extended to reach other millions, people who were not victims

of precise physical or mental disability, but who were handicapped at least as seriously by social, educational, cultural, economic, and other limitations. In essence, there was a growing consensus that problems of the perennially poor and fundamentally disadvantaged should be attacked on the same general basis as had been used with the physically and mentally handicapped.

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In 1963, as Commissioner of Vocational Rehabilitation, I testified before the Senate Committee on Employment and Manpower, and said:

"I have wondered many times if some of the concepts and methods of operation of the vocational rehabilitation program might not be profitably put to use in attacking some of the unemployment problems of the nondisabled as well as the disabled . . . there is within the unemployed group a 'hard core' of people whose problems will not yield to standard procedures of education, training, and hiring. . . . I believe many of them could be prepared for jobs and placed in employment if we had an organized national program to deal with them individually, as we now approach the problem of rehabilitating handicapped people on an individual basis."

In the past five years, these views have been projected in numerous action programs aimed at experimenting with and testing the workability of such an effort—in the poverty program, the manpower development and training program, and others.

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ACTION TO IMPROVE PUBLIC WELFARE

And where are we now, as we face the momentous changes which we hope to influence for an improved quality of life for those we serve? The creation of the Social and Rehabilitation Service is an effort on the part of the Secretary to recognize the need for a guiding principle, and he has chosen rehabilitation to influence the change in our public welfare programs.

The President recognized the need for taking a new look at the welfare system when he said yesterday as he signed the new Social Security Amendments of 1967:

"The welfare system today pleases no one. It is criticized by liberals and conservatives, by the poor and the wealthy, by social workers and politicians, by whites and by Negroes in every area of the Nation. My recommendations to the Congress this year sought to make basic changes in the system. Some of these recommendations were adopted. They include a work incentive program, incentives for earning, day care for children, child and maternal health services, and family planning services. I believe these changes will have a good effect.

"Other of my recommendations were not adopted by the Congress. In their place, the Congress substituted certain severe restrictions. I am directing Secretary Gardner to work with State governments so that compassionate safeguards are established to protect deserving mothers and needy children. The welfare system in America is outmoded and in need of a major change."

And then he announced appointment of a commission to look into all aspects of welfare and related programs.

CREATION OF SRS

Now, the first step in this major change was taken by the creation of the Social and Rehabilitation Service. A major purpose of the reorganization was to place the concept of rehabilitation at the very heart of the new agency. Another major purpose was to bring together programs that have as their objective service to certain target groups—to improve the ability to work together, to make it possible to have a better coordinated approach, to simplify relationships with States and communities, and to get service more efficiently, more effectively, and faster to the people we are in business to serve. And the major target groups that we have in the Social and Rehabilitation Service are, of course, the disabled, the aged, and families, especially children.

Another purpose the Secretary hoped to accomplish was to unsnarl the complexities of the cash payments part of welfare from its service programs. And so it was decided that the payments process would be administered as the Assistance Payments Administration and the service components would be added to the programs that are in the best position to promote the extension and enlargement of services to the target groups. Title XIX, the Medical Assistance Program, is so important and in such a developing stage that it required a separate administration—the Medical Services Administration—so that it could pursue its objectives and so that we could watch carefully this development.

The reorganization was also a recognition of public disaffection with certain aspects of the public welfare program because of the continually increasing costs of the program of Aid to Families with Dependent Children (AFDC), and the absence of any substantial effort to help people to independence by training them for work. The growing relief load in a period of prosperity, coupled with all the other problems of poverty, civil rights, and poor housing associated with the city ghettos, is hard for people to understand. They tend to blame "welfare."

NEW CONCEPTS NEEDED

The public attitude has to be changed. The key to most change is in the hands of the thousands of people who have given their lives to service in departments of public welfare throughout this country and who have been committed to the improvement of the lives of the people they served. But added to this concern must be other ingredients. There must be the ingredient of providing incentive to help people to be independent and to be removed from dependency on welfare, as well as to have an adequate level of welfare where this remains necessary. We must stress those aspects of the program that are constructive, that have as their objective work training, family planning, proper day care, and all of the things that can be used positively to develop a public welfare program which more nearly meets the needs of our people.

Combining with other programs—like those of the Office of Economic Opportunity, the Department of Labor, and the work in our cities—is our great challenge. And we will not meet it looking backward. We will not meet it by being unwilling to make exceptions. We will not meet it unless we are daring, and really revolutionary in our concepts. And I believe we *can* be, because I believe we *must* be. I believe the survival of this country as we know it and love it depends upon this act of faith.

I believe that we can take this new law, as it was signed, make the constructive approach to it that is expected of us, use the lessons that have been learned from the rehabilitation program, and bring into focus the kinds of programs that we feel are important, are essential, and are right. We must never forget that we are the main advocates of the people who are dependent upon us for educational programs, for health programs, for economic support, for the quality of life that is just as essential as the material aspects of life. And for this we have an opportunity again, I think, to reaffirm our faith in ourselves, in our capacity, in the strength of our Government, and in the leadership that we have in this Department.

I'll close by quoting a favorite verse from Carl Sandburg which expresses pretty well what we would like all of us to have in our hearts:

"I see America, not in the setting sun of a black night of despair ahead of us.

"I see America in the crimson light of a rising sun fresh from the burning, creative hand of God.

"I see great days ahead, great days possible to men and women of will and vision."

GENERAL SERVICES PUBLIC ADVISORY COUNCIL

Mr. MURPHY. Mr. President, General Services Administrator Robert L. Kunzig has named Mr. Stanley W. McKiernan, a prominent Los Angeles attorney, to the newly created General Services Public Advisory Council.

Public awareness of the impact of governmental activities upon the daily lives of all citizens is basic to the democratic process. The variety and scope of GSA activities makes it desirable to establish a special advisory committee so that the views of the public can reach the highest level of policymaking at GSA.

Mr. McKiernan is a member of the California Bar Association. He received his bachelor's degree at the University of Wisconsin, his master's at the University of Southern California, and his law degree at Southwestern College of Law.

I am sure that the wide and varied background which Mr. McKiernan brings to the Council will be a valuable asset to Administrator Kunzig.

ALCOHOL—THE IGNORED DRUG

Mr. JAVITS. Mr. President, I commend to the attention of Senators a series of three articles on alcoholism written by Colman McCarthy and published recently in the Washington Post. I ask unanimous consent that the full text of the articles, entitled "Alcohol: The Ignored Drug With the Polished Image," "Getting Off the Bottle and Staying Off," and "Alcohol's Indecent Disease," be printed in the RECORD at the conclusion of my remarks.

The Senator from Utah (Mr. Moss), and I, representing a completely bypartisan effort, have been trying since 1966 to establish alcoholism as an acknowledged illness which needs to be treated as a sociomedical problem, how the Senator from Iowa (Mr. HUGHES), as chairman of the Special Alcoholism and Narcotics Subcommittee, of which I am the ranking minority member hereafter, has given the fight on alcoholism—the fourth major "disease" in America—the energy and the leadership which the consummation of this total effort requires. Senator HUGHES has been tireless in leading the fight against alcoholism and has conducted hearings on the problem in Washington, New York, Los Angeles, and Denver, in an effort to focus attention of the public on the disease afflicting approximately 5 million Americans. Senator HUGHES may have been reluctant to call this series of articles to the attention of the Senate because of the prominence—rightfully given—of his own role in the fight against alcoholism. Therefore, I have taken the liberty of placing the series of articles in the RECORD.

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

ALCOHOL: THE IGNORED DRUG WITH THE POLISHED IMAGE

(By Colman McCarthy)

Not long ago, Iowa Senator Harold Hughes, a former alcoholic, remarked, "as long as we put the liquor salesman on the city council and put the marijuana salesman in jail, we're going to have trouble from the young."

And trouble in lots of others ways, too. One of the side effects of the present preoccupation to the evils of marijuana and other drugs is that what is perhaps the most widely destructive drug of all—alcohol—continues on, almost as unnoticed as uncontrolled. Those who see the alcohol drug as making the country more and more an alcoholic society are often laughed off or put off. Even those who try to do something in a practical way are often blocked. Recently, a lawyer acquaintance driving on a Long Island highway saw a drunk driver careening along in heavy traffic. The lawyer, a brave man, waved the drunk to the shoulder. He detained him until a trooper arrived. When the latter did come, he was astonished at the lawyer's actions. How dare he disrupt traffic. The lawyer said he was only trying to prevent a potential accident. Only after he threatened to make a citizen's arrest of the drunk and report the trooper to his sergeant did the trooper agree to detain the drunken driver.

Current statistics reveal that some 80 million Americans regularly drink: 72 per cent male, 57 per cent female; 82 per cent of the Catholic population, 56 per cent among Protestants. The Distilled Spirits Institute reports that in 1968 in Washington, 5.9 million gallons of liquor were purchased, not including beer or wine.

Nationally, six to nine million people are alcoholics. This makes alcoholism the fourth major disease in America, following cancer, heart disease and mental illness. Aside from the alcoholics themselves, some 20 million others—family and friends—suffer materially and emotionally by having to live with them.

According to an estimate by Dr. William Terhune, a former Yale Medical School professor and writer of the authoritative book, "The Safe Way to Drink," alcoholic men outnumber women five to one among the poor; in the upper class, the ratio is equal. A recent study by the Department of Transportation said that one driver out of every 50 is drunk; not merely drinking, but drunk. Last year, an estimated 25,000 traffic deaths and 200,000 injuries involved drinking drivers. In 1965, said the FBI, two million arrests—one in three—were for public drunkenness. The North American Association of Alcoholism Programs estimates the cost to industry from absenteeism and accidents due to alcoholism at $2 billion annually.

Despite this massive evidence of the drug's harm to the individual and danger to the society, little is done to control either it or its effect.

Among the social reasons for ignoring the dangers of alcohol is that many do not even classify it as drug. The marijuana of the hippies, the heroin of the junkie, the LSD of the hallucinates who leap from buildings: those are the drugs that get attention and worry the Establishment. Never mind that marijuana, for examples, does not necessarily lead to addiction, nor mental or physical deterioration—all of which are effects of alcohol. Thus, says Dr. Joel Fort, director of the Center for Treatment and Education on Alcoholism, Oakland, Calif., "smoking one marijuana cigarette can lead to many years in prison, while the alcohol user drinks with impunity despite the many dangers to himself and society."

Many social drinkers, particularly those with a sophisticated self-image, laugh off the effects of alcohol. Yet even one mild drink hampers both intelligence and efficiency. Dr. Terhune tells how some medical schools demonstrate to future doctors the effect of alcohol on the intelligence. The students are given "two written examinations on subsequent days, with similar questions. The first exam is written under the usual circumstances without alcohol. Preceding the second one, each man is given one bottle of beer to drink . . . At the end of the second examination, the students are asked these questions: first, is this exam easier, harder or about the same as the one yesterday? Second, have you done better worse, or as well as yesterday?

"Most of the students reply that the second test is easier and that their marks are better. However, the grades on the second exam are approximately 17 per cent lower."

A second social reason for ignoring the dangers of the alcohol drug is due to its well-informed and highly shined image. The alcoholic beverage industry in the United States grosses $12 billion a year, and spends nearly $200 million on advertising, a figure exceeded only by car and food ads. In a recent New Yorker magazine, 28 out of 71 full-page ads were for alcohol. Perfume was next with 6 out of 71.

The liquor ads unfailingly associate the consumption of the drug with sex, success, smartness, elegance, youth, health and beauty. Shrewdly, they often stress the high integrity of the liquor maker; occasionally, this is a hooded monk—Brother Timothy is popular—or a Kentucky mountaineer, even though most monks and mountaineers are too busy with prayer or poverty to produce or profit by liquor.

Partly as a result of the advertising, partly from a national tradition that does not limit liquor consumption to mealtime or festivities, the alcohol drug is in heavy demand. Some 800 million gallons of wine and distilled liquor and 100 million barrels of beer are legally produced annually. Forty thousand liquor stores, along with uncounted grocery and drug stores, help Americans to have a yearly alcohol intake per capita of 17 gallons. According to Dr. Philip White of the AMA, the average 70-year-old American has downed 510 gallons of gin.

Legally, sale of the alcohol drug is more and more widely sanctioned. The Prohibition repeal legislation that began in 1933 culminated three years ago when the last remaining statewide ban on liquor sales ended in Mississippi. Beyond this, the drug has been available over the counter without prescription and, despite such laws as forbidding sales to minors and known inebriates, virtually available to anyone who is half-determined to get it.

The federal government takes in $4 billion a year on liquor taxes, second only to individual and corporate income taxes. Hence, weakly devised and lamely enforced controls are allowed to stand, lest the golden egg-laying goose be killed. Legislatures, particularly on the state level, are eagle-eyed by the powerful liquor lobbies and seldom pass alcohol control legislation without industry opposition. The legislatures have had difficulty passing strong laws against drunken driving; as of January 1969, only 11 states fully complied with the National Safety Standards on alcohol.

Many of the legal restraints upon alcohol are applied to public drunks. A disproportionate number involve the alcoholic poor in slums and skid rows, with many of these being repeat offenders. In 1957, the Committee on Prisons, Probation and Control in the District of Columbia studied six chronic offenders; they had been arrested 1,409 times and had served a total of 125 years in jail.

In January 1966, a Washington lawyer, Peter Barton Hutt, appealed the case of chronic and homeless alcoholic Dewit Easter before the U.S. Court of Appeals. In a major ruling, the court said that chronic alcoholism was a defense against a drunkenness charge because the defendant "has lost the power of self-control in the use of intoxicating beverages." Instead of being slapped in jail for the usual 90 days or fined $100, alcoholics like Easter, said the court, should be given medical treatment.

In Washington, public alcoholics can expect better-than-average medical treatment, since the Easter decision only affected the District of Columbia. In most other areas of the country old laws apply. Last year, the Supreme Court ruled against a Texas alcoholic who appealed his conviction for public drunkenness. Ironically, the court's ruling was based in part on the theory that putting the man in jail was the best treatment he could get, since nothing else was available. Thus, the Supreme Court says that until health facilities are available, alcoholics can continue to be punished, not rehabilitated.

Having the ball thrown to it by the courts, the medical profession drops it in nothing flat. No medical school offers a comprehensive course in the nation's fourth major disease. Most hospitals won't be bothered with alcoholics, especially not after the drying out period. Insurance companies have been reluctant to cover the illness. As of January 1969, no armed forces veteran has ever received disability compensation due to service-connected alcoholism. The nation has some 25,000 psychiatrists, but most are wary of alcoholic patients; even if the neurosis is relieved, the alcohol dependency is seldom altered, since the latter is now an organic as well as a psychic problem.

The Nixon administration has shown its concern by refusing to ask for funds in the last budget for the operation of alcoholism units in its some 200 community mental health centers. The current budget for federal alcohol programs is about $10 million a year. This means that about 90 cents a year is spent by the federal government on each alcoholic.

It is almost a sick joke, but the lack of concern and money given to this enormous national problem is enough to drive anyone to drink. Alcoholics have other reasons, but they are happy to have this one, too.

GETTING OFF THE BOTTLE AND STAYING OFF

One of the most fearsome alcoholics in Washington is Sen. Harold E. Hughes (D-Iowa). He is a tall, large-bodied, dark, muscular man who, when he has a few shots of liquor in him, can rage and fume like a dozen Elmer Gantrys. But there is one important difference between Hughes and the Gantrys of the alcoholic world, as well as one difference between Hughes and the drunks who drive cars and kill people, or the winos who pass out in gutters or the upper class boozers who have wives and butlers to cart them upstairs after the fifth martini; the difference between Hughes and these alcoholics is that Hughes hasn't had a drink in 15 years.

"I'm not a practicing alcoholic now," he says, in a deep, low voice, but he is like any other alcoholic who doesn't drink. "Despite how long a man may be sober, if he suddenly resumed drinking, the progressive and compulsive nature of this disease would once again take over."

From the time Hughes was 16 until he was 32, the bottle was the most important thing in his life. "I remember the first drink I had," he said last week in his Senate office, "some bathtub juice called Cream of Kentucky. That was during the days following the Depression and Prohibition, and in Ida Grove, Iowa, you had to take any kind of booze you could get. The 75 cents a pint stuff was good enough for me.

"In high school, I was a wild spree drinker. A long weekend or holiday would come along and that would be it. I'd drink and drink and drink. In college, the sprees increased and I regularly lost control of myself. By the time I went into the army, I was hooked. I needed it the way you need food."

Hughes is an intelligent man, and he rightly calls alcohol a drug. Many people think alcohol is a stimulant, others call it a depressant. "But it's a drug—dirty, vicious and brutal. It's the mainstay drug of the American adult society. The kids get lectured about pot from their parents; but the kids are smart and know hypocrites when they see them—the anti-pot adults are the same ones who can't get through the day or face the night without the most dangerous drug of all, alcohol."

Since he came to the Senate a year ago, after three terms as governor of Iowa, Hughes has been going up and down the country talking about alcoholism. He is chairman of the Senate Subcommittee on Alcoholism and Narcotics; hearings have been held in Washington, Los Angeles, New York and Denver. Doctors like HEW's Roger Egeberg, actresses like recovered alcoholic Mercedes McCambridge, lawyers. Alcoholic Anonymous speakers and others have testified with facts and personal horror stories that America, with 80 million drinkers and about 10 million alcoholic addicts, is virtually an alcoholic culture.

For himself, Hughes tells audience after audience, reporter after reporter that alcoholism is not an irreversible disease, that in nearly all cases it can be treated, controlled or prevented, that it's a health problem not a moral problem.

People listen. It is impressive to have before them such a towering, soft-spoken man who is an ex-drunk who made it to the U.S. Senate. The people listen, but the politicians in power don't. The Johnson budget for fiscal 1970 requested $4 million pinmoney for community assistance grants for alcoholism programs. Hughes angrily says this is "like trying to stop a tidal wave with a single sandbag."

As for the Nixon administration, it needs the sand elsewhere; its first budget has dropped the $4 million sum and as yet it has not been appropriated. "It's just as bleak here in the District of Columbia," said Hughes. "When local officials were ordered to cut their current spending, one of the first suggested reductions was in the alcoholism program of the Health Department The targets of the economy move were a very modest program for halfway houses for recovering alcoholics and a badly needed second detoxification center.

"So nationally and locally, alcoholics get the same treatment as when we pass by and see them dead drunk in the gutter: we look the other way."

When asked what he does at Washington cocktail parties when hostesses come around with drinks, Hughes says he politely asks for fruit juice or a soft drink. "Occasionally though, I just say, 'I'm an alcoholic, so I can't drink.' But this usually comes as a shock to people; not that I'm an alcoholic, but that I come out and say so."

Actually, Hughes is a recovered alcoholic. " 'Recovered' is the accurate word, not 'reformed.' You don't speak of a 'reformed' cancer or heart patient, or a 'reformed' tubercular or diabetic. So it's just as inaccurate to speak of a 'reformed' alcoholic.

"Of course, people use reformed because alcoholism is still seen by many as something sinful. The Irish refer to it as 'the curse' or 'the weakness.' And then the moralizers say that drunkenness is condemned in the Bible. These attitudes are one reason why so pitifully little is done in this country for alcoholics. Why spend money on sinners? If the drunks would just stop their sinful ways, the problem of alcohol would go away."

In many ways, Hughes was lucky during his drinking years. He lived in a small town in Iowa where the cops didn't put drunks in jail, but took them home instead. "I was 26 and working for a trucking line," said Hughes, "when I first saw something was wrong with me. Until then, I didn't consider myself an alcoholic. This is the classic attitude of all alcoholics. They diagnose themselves, but they never call it an illness. The alcoholic is always the guy next to you on the bar stool. He's the one who needs the AA.

"I'd swear off for periods, three months, six months, once for 14 months. Then I'd say to myself, 'There, I've proven I can lay off, so now it's O.K. if I take two or three drinks now and then." This is the subtlest of rationalizations. So I'd have two or three snorts. Then one day I woke up and didn't know where I was or how I got there."

Hughes does not know how many times he quit drinking. "But each time I meant it. That's what people don't realize about an alcoholic: when he says he quits, he really does mean it. Just the way you'd mean it if you said I want to quit having cancer or quit being diabetic. The reason so many alcoholics relapse so often is because society gives them practically no support. Not only are treatment facilities rare or non-existent, but alcohol has become so much a part of our culture that the diseased man can hardly get away from what makes him sick."

When asked how he finally got off the bottle, Hughes says he doesn't know. "All I'm sure of is that I didn't have a drink today. I can't think about a lifetime of quitting. I just think of today. I'm free today."

It is said of Hughes around Washington that he is a one-issue Senator, that he can't go for very long without talking about "the problem." Perhaps the criticism is true. It is also true that Washington has trouble with politicians who have passion. They upset the pace. They won't lay off.

Hughes does not see himself as a crusader, rather as a man using politics to relieve suffering. In his speeches and conversations, he talks about other killers that take the lives of Americans needlessly: heart disease, Vietnam, lack of auto safety. Alcoholism is part of the death pattern in America. Since he was once a part of that pattern himself, Hughes feels he has a right to ask others to put down their drinks for a minute and listen to him.

ALCOHOL'S INDECENT DISEASE

When a person in the downtown area of any major American city falls to the street in a seizure brought on by a coronary attack or is the victim of an automobile accident or a fainting spell, he will likely be taken quickly to a hospital, put in a bed and be given moderate to excellent medical care until healthy or recovered. Society is conscientious in tending to its decently sick.

But if a person happens to have the indecent disease of alcoholism and falls sick to the street, one of three probable fates await him, none of which includes a hospital bed; first, he lies there until he gets himself up and can move on. During the passed-out time, he will either be beaten, robbed, ignored or snickered at by passersby. Second, if he is part of the skid row subculture that every city supports, he will either be brought to jail, to a last-rate drunk-tank or, in the case of only about four American cities, to a well-run detoxification center.

Third, if he is a middle- or upper-class citizen, he will likely be taken by friends to his home where the sick person may have jokes made about his "bender", or how "good old Bill really tied one on." Even doctors occasionally look on diseased drinkers with humor; said the physician attending the death of alcoholic poet Dylan Thomas: "He died of a massive insult to the brain."

Many see the public alcoholic as the most pathetic, the most hopelessly sick. Locally, on any night of any week, they can be seen stumbling, crawling or being escorted into the D.C. public health detoxification center at 619 N St. NW. Most of the incoming cargo were once healthy, happy and employed men, with wives and families. Now, as they sit in the waiting room with Renoir and Degas reprints on the wall, they are broken, defeated men, almost completely forgotten by society. They are not happy-drunk, the way Dean Martin cutely poses; nor glib-drunk, the way Norman Mailer gets; nor funny-drunk, like Jackie Gleason. Instead, they are puking, urinating, stinking, besotted drunk, classic tributes to what happens when Americas most popular drug is abused.

Washington is one of the few cities lucky enough to have a good, all-around detoxification center, even though, cursed by the fickle House District Budget Committee, it lives with an uncertain future. With a staff of 38 full-time professionals and sub-professionals and a 75-bed capacity, the center had admitted over 14,000 patients since opening in May 1968, although many of these are repeats. The patients have ranged from a drunken youth brought in by his ear by his mother to a sozzled, homeless alcoholic admitted 67 times.

The men are treated immediately on entry by a registered nurse, bathed and clothed. They are served high-protein meals, receive counseling and job-finding guidance. Most important, they are treated like human beings who are sick. A doctor is at the center every afternoon to provide medication and attend to any accompanying illness. Since the center, by law, is an emergency operation, the patients are allowed to leave after 24 hours. Some go back to the streets and the bottle, others to the rehabilitation center at Occoquan, Va., where a more permanent program is offered. The cost per patient per day at the D.C. detox center is $18.32, which in terms of U.S. hospital costs is unbelievable low.

Until a few years ago, a person diseased by overuse of the alcohol drug had only the Alcoholics Anonymous for hope of recovery, assuming he wanted recovery. The AA, which began in 1934 and has about 300,000 U.S. members, still has the best recovery record of any program. But taking nothing away from it, the AA's success may be because it has virtually had the field to itself. Only in recent years have community health boards, county and state departments of health and federal health officials become involved. Like alcoholics the morning after, the awakening has been slow.

More and more, stories appear about alcohol disease programs achieving remarkable success in their local area: well-known examples include the OEO project in Iowa, the Manhattan Bowery project set up by the VERA Institute of Justice, the enlightened program in Montgomery County, Md., to name a few.

Most of these programs, and the growing number like them—such as Al-Anon and Alateen for friends and relatives of problem drinkers—are for the rich and poor. Many are unique because they bring together services and staff that formerly worked on the problem separately, if not competitively.

Since these programs are new, this invariably means that politicians and planners are breathing down their necks for results; politicians know how to be scrupulous about wasting public money when they want to be. But what the politicians need here is not scrupulosity but patience, the same patience they have in awaiting "results" from cancer, heart and other research programs—which no politician would dare criticize or deny funds.

An alcoholic is a person whose drinking messes up some, or all, parts of his life; about one in 20 Americans has been diseased by the drug. No one completely knows the exact causes of the sickness, nor are the changes it effects in the body and psyche completely known. Alcoholism cannot be

cured, at least not in the sense that the sick person can return to "normal" drinking.

The pattern of alcoholism is complex. Some persons are hooked from the first drink. Others drink for years, see the disease coming and seek help, the way they would seek help for oncoming cancer or leukemia. Millions, who know the drug is harmless if not abused, drink sanely and on appropriate occasions. But when a person's body chemistry and psychic reactions become conditioned to whiskey, gin, bourbon, rye, rot-gut or whatever, that's it. He is either an alcohol addict or an alcohol dependent for whom there is no such thing as "one drink."

Over-all, authorities like Sen. Harold Hughes, Dr. Selden Bacon of Rutgers, Gus Hewlett of Washington, have been saying for years that what is needed is the development and implementation of a total national alcohol policy. Many of the answers to curing alcoholism are there: in the exciting new programs and centers which need only to be funded and multiplied by the hundreds if the country wants seriously to control its most costly disease.

How to prevent the millions today who will become alcoholics 10 or 20 years from now is another question. Prohibition is not the answer. What is needed is some combination of education, awareness, legislation, money and outrage. The American public is odd. Its fury can be whipped up about cyclamates, chicken meat in hotdogs, unsolicited credit cards, smut in the mails—none of which kills anyone. But an enormous and deadly disease like alcoholism, which annually wastes countless lives and billions of dollars, rarely raises a murmur. A voice may be raised occasionally by a senator, a film, perhaps a newspaper article, but the drinking, dying and wasting goes on. It occurs among and by businessmen who "need a snort" at the cocktail lounge, the clerk at the office parties, the housewife who nips secretly during the day, the priest in the lonely rectory, the military man trapped by the routine of army life. These, and the other alcoholics like them, don't need excessive sympathy, nor lectures, nor jail sentences, nor smiles. What they need, categorically, is medical and psychological treatment; like any other sick person with a disease he is helpless to cure himself.

NATIONAL COMMISSION ON MATERIALS POLICY—II

Mr. BOGGS. Mr. President, I continue to be gratified by the response that my proposal to establish a National Commission on Materials Policy has received among the experts in fields related to materials and the environment.

My proposal, contained in amendment 153 to S. 2005, has generated many letters offering what I consider to be a valuable analysis of the need, scope, and urgency for such a commission. Members of the Ad Hoc Committee for the Environment have been particularly helpful in this evaluation.

To bring Senators up to date on the wide support for such a study of our national material needs and utilization, I ask unanimous consent that copies of these letters as well as questions that were the basis for the letters be printed in the RECORD following my remarks.

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

NATIONAL COMMISSION ON MATERIALS POLICY

There are several questions on which your comments would prove most helpful in a consideration of legislation to create a National Commission on Materials Policy.

1. On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?

2. Should a commission, as proposed in this amendment, investigate the availability and use of materials? What limitations and restrictions, if any, should be placed on the consideration of the availability and use of materials by such a commission?

3. Do you believe that the directives in the amendment to such a commission are adequate? How might they be strengthened?

4. Do you believe that a 1½ year life and a $2,000,000 authorization is sufficient for an optimum contribution by such a commission?

5. Can you suggest other knowledgeable individuals whom the Committee might profitably contact to gain a broader analysis of this amendment?

6. Do you believe the establishment of this Commission would serve a useful purpose?

7. Have you any suggestions for improvements to the amendment?

Any additional comments or thoughts you might wish to make would be greatly appreciated.

MICHIGAN STATE UNIVERSITY,
October 17, 1969.

Hon. J. CALEB BOGGS: In reply to your letter concerning S. 2005, National Materials Policy:

(1) I am in favor of the intent of bringing better research and development to bear on the more effective use, recycling and conserving of materials and on preventing environmental degradation from inadequately handled materials.

(2) The establishment of a Commission would, if well staffed, move us ahead on this very urgent matter.

(3) The duties of the Commission are well thought out and clearly stated. I can think of only one major point that, in my opinion, ought to receive special emphasis. This is the need to put the materials policy question into the larger systems questions; e.g., many aspects of effective solid waste management could be made more congruent with excess heat problems in power generation with the scrubbing of nutrients from urban waste water and these in turn with the need for more green space—recreational facilities.

In essence, what I'm saying is that the congruity of solution options to a number of needs should be specifically sought and the research and development objectives should adopt this additional objective from the beginning.

(4) I can endorse this legislation both as an environmental scientist and as a concerned citizen. Please convey to Senator Boggs my appreciation for his efforts in this timely legislation.

Sincerely yours,

JOHN E. CANTLON,
Provost.

STATE UNIVERSITY OF NEW YORK,
Stony Brook, October 23, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SIR: Thank you very much for your letter of October 1. On reading rather quickly the report and the amendment, I would like to offer my strong support for the Commission suggested in the amendment. This is outside my direct area of expertise, but I do find myself somewhat concerned with the duties of the Commission.

While the Commission is an excellent idea, its prospective duties are so broad that there is a dangerous possibility that the report of the Commission will receive undue weight and may hamper the development of later and more detailed inquiries. That is, a determination of national and international materials requirements, priorities, and objectives, both current and future, is a tremendously tall order, particularly if it is to be done in a year and a half, and for two million dollars.

It requires the Commissioners developing an insight into present and future technology that is almost superhuman. Similar remarks can be made with reference to all seven of the proposed duties of the Commission. This is in part taken into consideration in part B in which the Committee is authorized to seek outside consultation in this development. Even so, I feel rather strongly that a one and one half year life, which is indicated for the Commission, is excessively short.

If an expert is taken on, in all probability he will not be able to simply reel off to the Commission the answer to their questions. If he is a thoughtful and serious person, he will have to devote a fairly extensive period of time to it, probably sandwiched between other duties. It is not a trivial fact that I waited two weeks to answer your letter. This was not a lack of interest on my part, but due simply to the fact that other things must get done all the time.

It is to be expected that when presented with extremely grave questions of the sort you have outlined, serious answers will take a long time.

I would suggest that the Commission be activated as soon as possible and that interim reports be presented as soon as they are ready, but that the life of the Commission be somewhat longer, if possible. Also it is not obvious whether the two million dollars is to include simple consultants fees or actual research support. If research support is contemplated in answering specific questions then I believe that the two million dollars is an inadequate sum. Certainly a reasonably generous appropriation for this purpose at this time will more than repay itself in the relatively near future in terms of savings in not only materials technology, but in the social problems that are almost certain to arise if the problems of solid waste disposal are not solved quickly and in a fairly elegant fashion.

I hope that these remarks are relevent. If you feel that I can be of any further service, please call on me.

Yours,

LAWRENCE B. SLOBODKIN,
Director, Ecology and Evolution Program.

HARVARD UNIVERSITY,
October 29, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: First let me apologize for being so tardy in replying to your letter of October 1. There was some delay in this letter reaching me because this fall I left The Brookings Institution to become Associate Dean of the John F. Kennedy School of Government at Harvard University. There has been further delay because the demands on my time in my new assignment here at Harvard have been many. I trust that it is still not too late to comment on the proposed creation of a National Commission on Materials Policy.

I think that the creation of a Commission along the lines proposed in the amendment which you have introduced together with a number of your colleagues in the Senate can serve a useful purpose, and I think the general charge to the Commission included in this amendment will point the Commission at the main items that should concern them. In this regard, I have only one suggestion for an additional charge to the proposed Commission, which might appear as another item under Section 204(a). Item (6) calls for the Commission to consider "means to effect coordination and cooperation among Federal departments and agencies. . . . " It seems to me that there is an additional requirement

for coordination and cooperation, namely between the Federal Government and its agencies on the one hand and state and local government on the other. Moreover, there are some problems and issues involving materials, and certainly some environmental quality issues, which require effective cooperation between the Government of the United States and foreign nations. It seems to me that the Commission might usefully be specifically urged to consider ways and means of effecting such cooperation and coordination.

Another question which occurs to me as I read the amendment has to do with the proposed reporting date for the Commission. The subject is so difficult, and the amount of information and data which the Commission will want to assemble and analyze is so vast, that I question whether a really useful report could be produced in a period as short as a year and a half. I would urge that you consider modifying your amendment to call for an interim report at the end of one and a half years with an additional year made available to the Commission before submitting its final report. This would probably also require some increase in the amount authorized to support the work of the Commission.

The amendment permits the President to appoint to the Commission private citizens as well as people currently in government service. I think that the proposed Commission would be more apt to perform an effective service for the American people if it were composed solely of persons drawn from the private sector. In particular, I question whether it is wise to have on the Commission people currently holding government positions which involve them in the subject matter of the Commission. Their presence might tend to inhibit the kind of recommendations the Commission might otherwise develop (e.g. short-term budgetary issues may influence what they feel free to propose). Let me emphasize that I am not questioning the qualifications and objectivity of any particular individual official currently serving the Administration. However, my own experience in government suggests to me that there are inevitably certain inhibitions placed on an official when he is asked to participate in the work of a Commission of this sort. I recognize that there is on occasion an offsetting advantage in that if one or more members of such a Commission are officials in the Executive Branch, they are often able to facilitate the Commission's gaining access to the information relevant to its tasks. Nonetheless, on balance, I would have the President confine his appointments to the Commission to distinguished people from private life.

One other very minor thought which occurs to me has to do with the name of the Commission—though I do not think that names of such bodies have any significant affect on what they actually do! Nonetheless, given the charge to the Commission, a title such as "National Commission on Materials Policy and Environmental Quality" might give the public a somewhat clearer idea of the range and emphasis which you intend for this Commission.

I hope that these few comments will be of some use, but let me emphasize that I think that none of them are of great moment, and I hope that your proposed amendment is acted on favorably by the Congress.

Sincerely yours,

WILLIAM M. CAPRON.

NEW YORK, N.Y.,
November 4, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you very much for your letter inviting my comments on the amendment to S. 2005 which you and Senators Baker, Bayh, Cooper, Eagleton, Inouye, Montoya, Muskie, Pearson, Randolph and Spong have proposed.

In 1951 and 1952 I had the honor to serve as chairman of the President's Materials Policy Commission which conducted a study similar to the one which your amendment would entrust to a National Commission on Materials Policy. Since then I have been a member and chairman of the board of directors of Resources for the Future, Inc., a nonprofit organization established in 1952 to conduct scholarly research in the field of natural resources. While in no sense an expert, I have, over the past 17 years, maintained a keen interest in the field of materials policy. This is a matter that touches virtually all aspects of our national life. The availability of materials, their use and re-use, the development of alternatives, the disposal of waste products—all these are of increasing urgency as our population grows and our society becomes more interdependent.

On the basis of my own observations as an interested layman and from what I know to be the opinions of the ablest scholars in the field, I believe there can be no doubt that the national interest would be served by the creation of a National Commission on Materials Policy as your amendment proposes.

The new Commission would have the opportunity to consider once again a proposal made 17 years ago by the President's Materials Policy Commission but never implemented and to make a recommendation with regard to it. The proposal, briefly, was that there be a single agency in the federal government designed to keep all aspects of the materials problem under continuous study, especially future requirements for specific commodities. There was no doubt in our minds seventeen years ago that the task of creating such an agency within the federal structure would be no simple matter. The sheer volume of data involved was formidable then. Today it is immense. But today we have an incomparably more sophisticated computer technology to help with the job and, perhaps more important, we have a greater degree of awareness than ever before in our history of the imperative need to know what is happening to the materials that sustain our lives.

I believe that you and your colleagues are performing a most valuable service in bringing to the attention of Congress the continuing and still unmet need for a comprehensive and sustained study of our national materials policy.

My very best regards.

Sincerely yours,

WILLIAM S. PALEY.

DOTATION CARNEGIE POUR LA PAIX INTERNATIONALE,
November 10, 1969.

Hon. J. CALEB BOGGS,
Committee on Public Works.

DEAR SENATOR BOGGS: I am writing in response to your letter of October 1, 1969 asking for my comments on the proposed amendments submitted by you and your colleagues that would establish a National Commission on Materials Policy. The delay in my response is due entirely to the fact that I am spending a sabbatical year in Geneva, and did not receive the material until fairly recently. I hope these brief comments do not arrive too late to be of some use.

I will restrict my remarks to those aspects of the question with which I am most familiar, though I can only say that the general purposes of the amendments have my wholehearted support. Quite clearly we must devote much more effort than we have to date on questions revolving around the use of the world's material resources, and a new National Commission seems to me to be an effective way to begin that process. I am not convinced that that is the only way, and in fact would prefer to see more direct institutional and programmatic innovations in the Executive Branch and the Congress. Realistically, however, a Commission may be the only way to get started.

Let me make my comments briefly in a series of points:

1. I believe the idea of a Commission initiated by the Congress, rather than the Executive, has considerable attractiveness since it offers the opportunity to enhance the information and analysis resources available to the Congress. For the future, it seems to me that this is a critical objective not only in the materials field but in many others related to science and technology. Of course, this creates the reciprocal requirement that the Congress will take the recommendations of the Commission seriously.

2. The biggest gap in the proposal, and in the report of the ad hoc Committee, I believe is in the references to the international implications of materials policy. I cannot help but be convinced that we are heading for a time in which nations will have to invent new, or much more effective, international mechanisms to deal with global problems of all kinds, such as the fair allocation of resources; regulation of the use of resources from the point of view of efficiency, pollution, etc.; monitoring of activities considered today to be purely national concerns; potential international ownerships of some resources, and so forth. These issues are mentioned in both the amendments and the report, but I would recommend much more explicit reference to insure that the makeup of the Commission and its studies adequately deal with these questions.

My concern here is that we will continue to view this largely as a national problem with some international dimensions, when in fact I think it is now, or will soon be, essentially an international problem that nations must approach in a quite new framework.

3. Lastly, I would raise as a question whether the wording of the amendments adequately reflect the fact that, as I believe, such a Commission is likely to come forth with substantial and consequential recommendations for programs (such as a global geochemical survey), and for institutional change in the U.S. Government as well as in the international community. This may only be a matter of interpretation of the charge of the proposed Commission (I find the phrase "means to effect coordination and cooperation among Federal departments and agencies . . ." to be quite weak) or of the legislative history of the amendments. But I would hope there is sufficient scope given to the Commission to enable them to make far-reaching proposals if they so desire.

Aside from these comments, I have little to offer to what I consider to be your excellent initiative. I hope it succeeds, even in these times of excessive budget stringency; it is of great importance. I hope these thoughts are of some use.

Yours sincerely,

EUGENE B. SKOLNIKOFF,
Professor of Political Science, M.I.T.

HERCULES INC.,
Wilmington, Del., November 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

MY DEAR SENATOR BOGGS: In response to your letter of October 1 (which I have not answered sooner because of foreign travel), I have studied the Solid Waste Disposal Act passed by the 89th Congress (S. 306) . . . Public Law 89–272 . . . Title II . . . October 20, 1965) together with the Muskie Amendment S. 2005 and the amendment now proposed by you and under review by the Committee on Public Works.

In so far as your amendment concerns the establishment of a National Commission on Materials Policy for the determination of recycling, reuse or disposal of waste materials,

I think that meets a very important present need. While the Solid Waste Disposal Act puts this increasingly important part of the federal environmental improvement program under the Secretary of Health, Education and Welfare, it does not seem to provide anywhere for an external advisory function. Your amendment would correct this serious deficiency.

While our cities are being threatened with inundation by their own junk, HEW seems to be dragging its heels a bit. A Commission such as you describe would make the situation more visible, and perhaps result in some positive action—as we are now seeing in the water and air pollution areas.

The duties of the Commission, as you have spelled them out, go well beyond the above purposes. In my view, these are much too broad to be accomplished effectively in the period of time—1½ years—and for the financial support provided—$2 million. It would seem to me, therefore, that the duties of the Commission could well be focused initially on the restricted purposes outlined under Section 204(a)(3); this part of the program should be implemented immediately. In this event, I think the useful tenure of such a group could be five to ten years, with an initial budget something like $1 million annually.

Sincerely,

Bob Cairns,
ROBERT W. CAIRNS,
Vice President.

UNIVERSITY OF CALIFORNIA, DAVIS,
November 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for sending me the draft of S. 2005, and the document Towards a National Materials Policy.

The amendments which you and your senate colleagues propose to S. 2005 constitute an excellent document, which correctly establishes the relation between conservation of materials, population size, recycling and environmental quality.

I very strongly urge that these amendments be passed into law at the earliest possible moment, and cite only one example to illustrate the urgency of the problem.

At the moment, two groups of voices are crying out important messages in Washington.

The first group of distinguished, and demonstrably expert voices are expressing increasing alarm at the U.S. petroleum situation. The North Shore strike will add only between 10 and 100 billion barrels to the stores under the 48 coterminous states, which stores, it is now obvious, will be Half Gone by the winter of 1975–76. Also, the estimates of future demand, that is, for use rates of 3 billion barrels a year by the fall of 1975 and exponentially higher use rates thereafter, are all gross underestimates, because no one foresaw, as recently as 1963, that use rates in jet aviation would rise 4.4 times per decade.

The second group of distinguished voices in Washington are approving and advocating an S.S.T. Fleet for the U.S. of 500 planes by the fall of 1978. This is an unmitigated disaster for the U.S. The President, in 1978, whoever he is, may be in the ludicrous position of having to come before the public and explain why an investment of 60 million dollars for each of 500 planes must be Scrapped before being used, on the grounds of depletion of energy resources. Insofar as the academic world can read the President's mind, the decision to go ahead on the S.S.T. was based purely on arguments relating to national prestige, and international balance of trade. The S.S.T. will not be particularly profitable, will not represent a significant improvement in safety, will not economize on fuel, and will have a marginal effect on portal-to-portal transit time, because of the time spent getting to and from the airports.

Clearly, there is an urgent and crying need for a national materials policy, and a Commission that will be listened to by the president.

Yours very truly,

KENNETH E. F. WATT,
Professor of Zoology.

MUSEUM OF COMPARATIVE ZOOLOGY,
THE AGASSIZ MUSEUM, HARVARD UNIVERSITY,
November 12, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR: Thank you for your inquiry about the amendment to bill S. 2005.

It would seem to me that such a National Commission on Materials Policy would indeed be most valuable. There has never been any organized planning in this area and very little careful and well integrated analysis of the relevant problems. Assigning the task to this Commission to make a full and complete investigation of the materials problem cannot help but be of immense value.

It would seem to me, and I hope this is clearly brought out in the amendment, that the "materials problem" has two major components. One is the conservation of nonrenewable resources and the other one is the disposal of solid wastes. The question of nonrenewable resources has already received a good deal of attention and is, I presume, fairly well in hand.

The situation is quite different for the question of the disposal of solid wastes. A drive along any country road makes one distressingly aware of this problem. Hundred thousands of miles of American roads are littered on both sides with empty bottles and empty beer or soft drink cans. The problem was compounded when the principle of nonreturnable bottles are introduced. The old tin cans eventually rusted away, the new aluminum cans will last several life times.

I am afraid that ultimately more will be needed than merely research. Model legislation will have to be proposed that will protect the community and our beautiful American landscape against the "bottle thrower."

These are serious and difficult problems, and it is, therefore, doubly important that a Commission soon be appointed to study the problems and make proposals for their solution.

I congratulate you on taking such an active part in this important legislation.

Sincerely yours,

ERNST MAYR,
Alexander Agassiz Professor of Zoology.

NATIONAL AUDUBON SOCIETY,
November 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I wish to thank you for requesting my views with regard to your amendment to S. 2005. I am in complete agreement with you as to the desirability of establishing a National Commission on Materials Policy. It is certainly essential that we develop a unified national approach to the problems of the development, use, and, increasingly critical, the disposal of materials. The proposed commission promises to perform this important function.

Sincerely,

CHARLES H. CALLISON,
Executive Vice President.

JOHNS-MANVILLE RESEARCH & ENGINEERING CENTER,
November 14, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for giving me the opportunity of commenting on your amendment to S. 2005.

As I understand it, your amendment would establish a commission to define and appraise clearly the many problems of materials' recovery, use and disposal, and to make available to the Administration and to Congress the expert recommendations of this commission.

Your proposal appears to enter a much broader field of study than is covered in S. 2005, to which it is an amendment.

We recognize that a solid waste disposal problem does not begin at the point of disposal; it begins with the procurement of the original raw material, and develops through every phase of processing, distribution and consumption. Your amendment provides needed recognition of this aspect of the situation, but also goes much farther by getting into all aspects of materials' policy.

This makes us wonder if the National Materials Policy proposal ought not to be made a separate proposal, rather than tied to S. 2005? Or perhaps the directives for study should be more specific in directing attention to disposal and re-cycling problems.

We hope these brief comments will be helpful.

Sincerely yours,

EDMUND M. FENNER,
Director, Environmental Control.

NOVEMBER 17, 1969.

Hon. J. CALEB BOGGS,
Washington, D.C.

DEAR SENATOR BOGGS: My most sincere apologies for the delay in responding to your request of October 1, 1969 for an evaluation of S. 2005 and the report "On a proposed Commission on National Materials Policy."

I have read the report; particularly those sections dealing with effects on environmental quality, and believe that it is quite to the point. It substantiates, I believe, the need for a central Federal body to spearhead required action. In terms of action required, it appears critical that a central point from which to coordinate a concerted effort to meet National objectives be determined.

Loosely quoting the report:

"Decisions are being made piecemeal with partial information."

"No central source of information."

"At least 19 departments and agencies sponsor applied research, 15 in long range policy planning, 20 perform materials information functions."

"No central point from which to coordinate a concerted effort."

"Authority of Government is needed to achieve concerted action."

S. 2005, by creating a National Commission on Materials Policy, initiates only the first step in the final solution of the overall problem which seems to require strong Federal control through appropriate legislation. As such, it is to be recommended, and I look forward to its enactment.

The real problem is that we just don't know enough about the entire ecological system to enable a complete response. Mr. Huddle, in his paper, points out that the area of salvage and disposal (of waste materials) is least amendable to automatic correction, and Mr. Garnsey adds that the disposal of waste materials is noneconomic, and shows the need for a complete review of the materials problem. He states, ". . . a general system embracing a continuous flow of materials must be conceptualized and analyzed." Mr. Gershinowizt adds, "One must consider the environment as a whole and that human beings and their cultural and social activities are a part of nature."

A problem of staggering dimensions is thereby postulated, and indeed, several writers refer to the need for large scale "systems analysis" supported by high speed computerized facilities. My experience in analysis of complex systems forces me to accept this conclusion, but with considerable tenderness and care!

In conclusion, Senator, I would sincerely support S. 2005 as a forward step in the right direction. I would recognize it as "'only one small step" and hope that it will lead

to further initiative on the part of the Congress.

My most sincere appreciation to you and your colleagues for your forward looking interest in the future of our United States.

Sincerely,

FRANCIS J. ENGE.

STANFORD UNIVERSITY,
November 18, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate, Committee on Public Works, Washington, D.C.

DEAR SIR: Please forgive the long delay in sending you an evaluation of the amendment to create a National Commission on Materials Policy. Such a comprehensive re-evaluation of the U.S. situation in regard to available resources and the more efficient use of them appears to be long overdue. I hope that this Commission will lead to the establishment of a permanent agency that will continue to monitor the resources situation in all the aspects covered by the amendment (and in greater detail by the excellent ad hoc committee report), particularly in relation to the environment and the recycling and reclaiming of materials.

It is to be hoped that the days of a wasteful America are numbered. We and the world can no longer afford such behavior. I expect that this Materials Policy Commission can make a great contribution by making clear just how limited the world's resources are and by providing guidelines for more prudent utilization of them. In this connection, I hope that the Commission's findings will be given wide publicity and that the U.S. government will promptly act on any measures that seem appropriate in accordance with the findings.

I appreciated very much the opportunity to look over the materials study and the proposed amendment, both of which are very well conceived. Please let me know if I can provide any further assistance.

Very sincerely,

PAUL R. EHRLICH,
Professor of Biology.

ROCKY MOUNTAIN CENTER
ON ENVIRONMENT,
November 19, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Please excuse my tardiness in replying to your inquiry as to my reaction to your amendment to the Solid Waste Disposal Act to create a National Commission on Materials Policy. I am, frankly, overwhelmed with the request for reactions to various environmental legislation.

Before responding briefly to your seven specific questions, I have this general comment. While those of us who have been engaged for a number of years in conservation work, the time when there was little or no national concern about the quality of our environment, the current interest of Congress is indeed welcome. However, I feel there is some need for coordination of the numerous environmental programs that are now being proposed, including proposals for fourteen or more environmental quality commissions, committees, joint committees, councils, etc. Is it wise to have a separate commission on every separate environmental problem or should our concern for the *total* environment be coordinated within the same agency, commission or department? I think this is true of your proposed national commission for materials policy as well as other proposed commissions on special environmental problems.

As to your seven questions, my brief response is:

1. Certainly, a number of items are receiving insufficient attention. Foremost among them I believe is the whole question of reclamation of metals and so-called "recycling." Congress is considering a bill such as yours at the same time as considering (or may have already passed) a policy on mining development which is geared to "full development and utilization" of our resources—translated meaning all out, no holds barred mineral exploration and development. This certainly is not consistent with your proposal for study of reclamation and recycling of metals. I think that we already have the technology to reclaim used metals of the mining industry would stand still for it.

2. A commission such as you propose, if established, certainly should not have any "restrictions and limitations" imposed on it in its consideration of the availability and use of materials. However, you can be assured the certain special interests will want to exempt their particular material, be it iron ore, tungsten, molybdenum, pulp and paper, or whatever. It is certainly true that our emphasis has been on availability or *supply* of materials and not on their use in any conservation sense.

3. In Section 204 of the proposed amendment, "Duties of the Commission," I am not clear as to the meaning of charging the commission to recommend "opportunities and incentives for the operation of the free enterprise system" unless this is intended to win the support of the U.S. Chamber of Commerce. Unfortunately, the goals and objectives of the business community which represents the "free enterprise system" is not always harmonious with the other objectives of your bill. I also think the types of materials that you are referring to should be spelled out with particularity although the bill would not be limited to cover only those mentioned in this list.

4. No, I think the job of such a commission would be a continuing one and increasing importance as the nation gains in population size. Again, this is another argument before putting the responsibilities of your commission under a somewhat larger umbrella concerned with a total environment which would have a continuing, ongoing, regularly funded opportunity.

5. I do not have the names of other specialists in solid waste disposal or materials policy whom I could recommend.

6. Please refer to my general comment prior to the questions.

7. I have already made some brief suggestions.

I am sorry that I was not able to reply earlier.

Yours very truly,

ROGER P. HANSEN,
Executive Director.

NOVEMBER 18, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR MR. BOGGS: I have received your letter of October first, the follow-up of October third, the one-page Natl. Comm. on Materials Policy listing 7 questions, copy of S. 2005, and the Library of Congress Report "Toward a National Materials Policy". I regret the undue delay in answering: I have been away from my desk for a considerable time (my only way of finishing work on a book).

I have now given these papers my considered attention.

I am solidly in favor of your Amendment as expressed in S. 2005. To reply to your questions by number:

1. It is not necessary to list any specific important issue. The total integrated situation needs attention. We need sources of energy, and yet we are heat-polluting our rivers. We mine lead and sulphur, and yet the air is polluted with them. We are planning to mine phosphates in estuarine areas in the Southeast, and destroy those estuarine areas, yet phosphates are a pollutant from our best sewage disposal plants. Let's get together, even if it seems to cost more "today".

2. I would be less concerned about what materials were used by the Commission, than what human materials went in to the Commission! Section 203 a. I would strongly recommend that a majority of the members of the Commission be "generalists" and ecologists as indicated not by the positions they hold, but by their publications and established interests. Such a majority should not be specialists on any one material. If otherwise, the total purpose of the Commission will be lost.

3. No further opinion at this time.

4. Okay for a starter. After that, would depend on how this program is integrated with other broad generalist ecological programs.

5. No suggestion at this time.

6. YES

7. None, other than the above. The problem is basically an ecological one—of quality man in a quality environment.

In the Library of Congress report "Toward a National Materials Policy", there were repeated references to the increasing human populations, and thus providing for them. I consider such statements irresponsible. Like a slatternly common-law couple on welfare, having a new child regularly each year. The very need for this Commission shows that too many people want too much. The time is overdue to put a clamp of the national irresponsibility of the burgeoning human population.

Sincerely,

FRANK E. EGLER,
Member, Board of Advisors, Ad Hoc Committee for the Environment.

THE UNIVERSITY OF CHICAGO,
November 25, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: The amendment which you and your colleagues have introduced to establish a National Commission on Materials Policy seems to me to guide federal action in this field in a positive direction, but to have one major handicap. The difficulty is that such actions, unless carefully coordinated with related actions in the resource and economics field, may have a divisive rather than integrating effect on national policy.

Clearly, there are important issues which are not receiving sufficient attention these days and which would benefit from some special kind of investigation. One-and-a-half years probably is too short a time when one considers the difficulties of organizing a venture of this sort.

More import, it would seem highly desirable for such activity to be linked with broader efforts to deal with the complex issues of policy towards manipulation of the environment. Would there not be great gain to relating the National Materials Policy Commission proposal with related proposals for government agencies dealing with environmental quality and natural resource consideration policy?

Sincerely,

GILBERT F. WHITE.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
December 2, 1969.

Hon. J. CALEB BOGGS
U.S. Senate.

DEAR SENATOR BOGGS: I was pleased to receive your letter of 29 October 1969 enclosing S. 2005 and the print of the Committee on Public Works entitled "Toward a National Materials Policy," April 1969.

I believe it is a most useful step to integrate materials management and waste management for, in fact, nothing is really consumed. Any intelligent management of materials must take account of the problems of waste disposal. Furthermore, the economics of salvage should be credited with the money saved on waste disposal. For example, if the intangible costs of environmental blight due

to non-degradable aluminum cans could be attached to the beverage industry and the consumer, the invention of aluminum cans would probably look like a step backwards instead of forwards. The same applies to the massive influx of no-return bottles in the marketplace, which unfortunately leads to a sharp increase in the litter of broken glass in our public ways and greater loads on our refuse systems.

I enclose one recent article of mine entitled "Man, Water, and Waste." This deals mostly with the problem of liquid wastes and sewage sludge rather than solid wastes. Solid waste management is of interest to me but is outside my basic area of expertise.

If you have further technical questions about solid wastes, may I suggest that you write to my colleague, who is expert in such matters, Professor Jack E. McKee, Keck Laboratory of Environmental Health Engineering, California Institute of Technology. Professor McKee is a very well known environmental engineer and is a member of the National Academy of Engineering.

Sincerely yours,

NORMAN H. BROOKS,
Professor of Civil Engineering.

PEAT, MARWICK, MITCHELL & CO.,
December 4, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SIR: Several of my associates and I have completed our review of your Amendment to S. 2005 and the Report prepared, at your request, by the Materials Policy Study Group. Our detailed comments relative to the seven questions included with your letter of November 10 are contained in the enclosed document. In summary, there are two basic points which we would make as a result of our evaluation:

1. We believe the Amendment is excellent. We concur completely with the need for and the stated purpose of the Amendment and further believe that a National Commission on Materials Policy is an appropriate vehicle for developing such a national policy. Thus, while the enclosed detailed evaluation suggests some possible changes to the Amendment, these are changes in emphasis on detail.

2. We believe that the report, and consequently the Amendment, gives insufficient attention to the problems of *how* a National Materials Policy might be carried out organizationally and administratively. It is our view that the *major* obstacle to the achievement of the "Ideal Posture for Materials in the year 2000" is not one of either policy definition or economic or technological feasability, but rather one of developing the organizational and administrative mechanisms necessary to *implement* the appropriate National policy and *apply* the appropriate technology. We, therefore, would recommend that Section 204 of the Amendment be expanded to explicitly include in the duties of the Commission, the requirement to examine and recommend alternative organizational and administrative means to implement the appropriate policy.

Peat, Marwick, Mitchell & Co. recognizes the vastly challenging problems to management posed by the proposed policymaking, policy-implementing effort in materials production, utilization and salvage. As this effort progresses, PMM & Co. would hope to have the opportunity to work with the Subcommittee and, eventually, the Commission in assisting to achieve the stated objectives of the proposed legislation.

Again, I deeply appreciate this opportunity to cooperate with the Subcommittee on Air and Water Pollution and sincerely look forward to other opportunities to comment on significant new legislation in the near future.

Sincerely yours,

BRUCE A. WILBURN,
Principal.

COMMENTS ON THE AMENDMENT TO S. 2005 PROPOSING THE ESTABLISHMENT OF A NATIONAL COMMISSION ON MATERIALS POLICY LEGISLATION

This document has been prepared in response to a request from Senator J. Caleb Boggs of Delaware, a member of the United States Senate Subcommittee on Air and Water Pollution. It responds to the seven questions asked by Senator Boggs in his letter of November 10, 1969, requesting review and comment on the proposed legislation.

It was prepared as a public service by staff members of Peat, Marwick, Mitchell & Co. under direction of Bruce A. Wilburn, Principal. Specific comments follow:

Question 1.—On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?

Insufficient attention is given to the very difficult question of how to formulate and implement necessary organizational and administrative arrangements to "facilitate orderly progress in materials posture" (LRS Report p. 17).

While it is clear that a large number of public and private organizations are currently part of the problem, i.e., they are involved in one or more stages of the materials production, utilization and salvage process, it is not at all clear how they might interact so as to close the cycle. While much has been written about the technological or economic feasibility of closing a number of key material cycles, little attention has been paid to the question of how, and by whom, this would be accomplished.

The complex nature of the organizational problem is made explicit in the "salient questions" defined by the LRS Report and in the testimony on S. 2005 of witnesses before the Subcommittee on Air and Water Pollution last April. However, the need to develop a suitable methodology for the development of new institutional and organizational forms is not made explicit. That is, granted that certain organizational characteristics are necessary (such as areawide jurisdiction, intergovernmental linkages and/or a combination of public and private resources and capabilities), what procedures must be developed to incorporate into decision-making processes of all affected organizations the necessary coordinations and appropriate disciplines for:

Urban landscaping and ecology;

Social engineering;

Systems management and development; and

New technology utilization?

When a procedure is developed which provides an approach to these issues, and specific institutional arrangements are suggested, a second tier of questions needs to be addressed:

What are the relevant needs of potential users, contributors and others affected by the proposed organizations?

Which needs are currently unmet by government and private activities in materials management?

What alternative functions of the proposed organizations would most nearly correspond to unmet needs?

What criteria for material management system organization may be derived from comparable existing service organizations or from more recent systems organizations which evolved in the Aerospace environment?

A very fundamental question which should be addressed by the Commission is this: How, institutionally and organizationally, should we change from an "open-loop" materials production, utilization and salvage process involving large numbers of individual organizations, with independent decision-making capability, into a "closed-loop" system? This question is basic and has not yet, in our opinion, been receiving sufficient attention.

Question 2.—Should a Commission, as proposed in this amendment, investigate the availability and use of materials? What limitations and restrictions, if any, should be placed on the consideration of the availability and use of materials by such a Commission?

As a general statement, it would seem appropriate to put few, if any, limitations and restrictions on the scope of the Commission's investigations. However, were the Commission to devote too much of its effort to the investigation of the availability and use of specific materials, it would run the risk of either duplicating effort now being accomplished by other organizations or failing to explore sufficiently more critical issues of national policy.

The NMPC's consideration of the availability and use of materials should be related to and perhaps limited by the activities of organizations such as the National Water Commission, the National Council on Marine Resources and Engineering Development, the President's Water Resources Council, the Public Lands Law Review Commission, and the President's Environmental Quality and Urban Affairs Councils.

The combined result of these studies ought to be a set of mutually consistent environmental management policies dealing with different levels of abstraction and specificity. Fractionalization of institutional responsibilities is well recognized as a major defect in both environmental and urban management. Unless the NMPC serves through its own organization and definition of its functions to alleviate this condition, a primary mission of the national policymaking effort in materials production, utilization and salvage will fall short of achievement.

Question 3.—Do you believe that the directives in the Amendment to such a Commission are adequate? How might they be strengthened?

We would offer the following suggestions:

Section 204(4) could be made more explicit on the need to engage private industry in the achievement of a nearly " 'closed system' in which materials retained value throughout the system and were recycled rather than discarded" (LRS Report p. 15). Along with social cost pricing, this would seem to be an essential element of an effective materials management system. The description of a major industry in the LRS Report, whose functions would be to collect, classify and process waste and distribute recovered waste values, in effect describes what must occur, rather than what merely might occur, in the materials salvage phase in order to realize national materials policy objectives.

Similarly, Section 204(6) could be strengthened by reference to the necessity of a metropolitan/regional approach to materials usage.

Section 204 might require the determination of recommended means of implementing systems analysis and operations research techniques in the development of alternative programs and priorities.

Section 204 could be strengthened by specifically requiring a determination of "necessary organizational and administrative arrangements to facilitate orderly progress in materials posture," as stated by the LRS Report, Part IV C.

Question 4.—Do you believe that a 1½-year life and a $2,000,000 authorization is sufficient for an optimum contribution by such a Commission?

These allotments have sufficed for other Commissions with similar functions and ought to suffice here.

Question 5.— Can you suggest other knowledgeable individuals whom the Committee might profitably contact to gain a broader analysis of this Amendment?

Professor Richard S. Rosenbloom, Harvard Business School, Soldiers Field Road, Boston, Mass.

Professor William J. Abernathy, Graduate

School of Business, Stanford University, Stanford, Calif.

Professor Stanley Jacks, Massachusetts Institute of Technology, Sloan School of Management, Room 52–541, Cambridge, Mass.

Senator John J. Moakley, Commonwealth of Massachusetts, State House, Room 312, Boston, Mass.

Mr. Henry Lyman, Publisher, Salt Fisherman's Magazine, c/o Salt Water Sportsman, Inc., 10 High Street, Boston, Mass.

Mr. Peter S. Hunt, Consultant, 832 Palmer Road, Bronxville, N.Y.

Question 6.—Do you believe the establishment of this Commission would serve a useful purpose?

Without question, yes.

Question 7.—Have you any suggestions for improvements to the Amendment?

These are generally covered in the answers to the preceding questions. Specifically, we would suggest strengthening the wording in Sections 204(a)(4) to direct the Commission to investigate social cost pricing and the economics of recycling specific, high-volume materials, such as paper, glass, steel and aluminum, through the materials process. We would also suggest that Section 204(a)(6) direct the Commission to explore alternative metropolitan/regional approaches to materials management. Further, we would recommend the addition of a Section, 204(a)(8), directing the Commission to identify alternative organizational and administrative arrangements to implement the recommendations of the Commission.

One administrative suggestion we would make is to eliminate the $100 per diem rate ceiling cited in 204(b)(3). The rate is unrealistically low and would preclude the Commission from obtaining the services of either the major consulting organizations or most highly-qualified academic consultants.

KEEP AMERICA BEAUTIFUL, INC.,
December 5, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for inviting our comments on your proposed Amendment to Senate Bill 2005. My delay in responding is attributable to a heavy travel schedule and the KAB annual meeting just recently completed.

We endorse the establishment of a National Commission on Materials Policy. Certainly the Commission can be an effective vehicle with which to increase public understanding and concern of the limitations of our natural resources. Indeed, the investigation of the availability and use of materials is long overdue.

An inventory of our natural resources by a National Commission would provide the opportunity to bring together appropriate government departments and agencies, along with the professionals from the private sector, to determine restrictions and establish a priority list of materials. Such an inventory may further indicate the need for a government/industry program to develop regional markets for expanding utilization of secondary materials.

Research and determination of methods for re-cycling and re-use of materials as laid out in S. 2005, is an extremely important area for Commission study. A regional concept of municipalities, in cooperation with industry, might be considered as a method for encouraging further research in the re-cycling area.

There are two further areas that we feel should be given more attention by the Commission. In view of the fact that municipalities are contributing in excess of 60% of the Nation's water waste and a substantial portion of the air pollution, the upgrading of municipal disposal systems would be an appropriate area for study. Providing more stability to public works efforts, enabling them to plan long-range programs, should also be considered.

Although we have no special recommendations as to the life of the Commission, we would recommend that an additional period of time be set aside to acquaint the public with the findings of the Commission's report. Consideration might be given to the development of a broad based public educational program to gain the understanding and support of any costs, limitations or material restrictions determined by the Commission and any subsequent action that may be recommended.

In response to your suggestion that we provide the names of knowledgeable individuals who might contribute a broader analysis of this Amendment, we are recommending that you solicit the view point of members serving on the Materials Disposal Research Council which is a committee of environmental technicians in the packaging field. The President and address of that organization is:

Mr. Richard L. Cheney, President, Materials Disposal Research Council, c/o Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y.

As you know, the activities of Keep America Beautiful are currently confined to litter prevention, but we hope our views, based on marginal experience within the solid waste field, will make some meaningful contribution to you and your colleagues in considering broader objectives to your proposed Amendment.

Sincerely,

ALLEN H. SEED, Jr.,
Executive Vice President.

TENNECO CHEMICALS, INC.,
December 9, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR MR. SENATOR: I appreciate the honor of being asked to comment on S. 2005, the National Materials Policy Act of 1969.

It is my view that the nation's interests in the long run will be best served by a single governmental department, rather than the current situation in which responsibility for protecting the country's environment and resources is shared by a variety of departments, committees and councils. However, such a drastic reorganization will require time and study, and considerably more insight into many environmental and resource use problems which at present are not fully understood.

Taking the questions you ask in order, I have the following comments:

1. The use of low sulfur coal for heating and power generation to meet certain state air pollution laws is a waste of a precious natural resource.

2. The commission should investigate the availability and use of materials without restriction.

3. I believe line 24, page 3 should read "(1) to *require* the cooperation . . ."

I doubt the sum of $100 per diem stated on page 4, line 13 is adequate. I believe an allowance of $300 per diem is necessary to obtain the services of consultants and experts in the present market.

4. I believe the commission's assigned task is too important not to be done on a continuing basis, although it may not be necessary to perpetuate the commission to accomplish this. I suspect $2,000,000 is too little to do the job properly.

5. Dr. A. Joel Kaplovsky, Chairman, Department of Environmental Sciences, Rutgers—The State University, New Brunswick, New Jersey.

6. Most emphatically YES.

7. None at this time.

I trust these comments are of some value.

Very truly yours,

STEPHEN C. BROWN,
Director of Environmental Science.

GENERAL SERVICES PUBLIC ADVISORY COUNCIL

Mr. MURPHY. Mr. President, General Services Administrator Robert L. Kunzig has named a resident of Washington, Mr. Ray A. Watt, to membership on the newly created General Services Public Advisory Council.

The Council was formed for the purpose of creating greater public involvement in the operations of the Federal Government.

Mr. Watt is the president of the National Corporation for Housing Partnerships, and is one of the Nation's leading homebuilders and a pioneer in construction of housing for minority races. Also, he is a trustee of the National Housing Center and a past president of the Homebuilders Association of Los Angeles, Orange and Ventura Counties.

Following attendance at the University of California at Los Angeles and employment at Douglas Aircraft during World War II, Watt formed the R. A. Watt Construction Co. in 1947. During the ensuing 22 years, his firm developed more than 30,000 homes, 6,000 apartment units, and numerous commercial and industrial projects and mobile home parks in southern California.

Administrator Kunzig is fortunate to have acquired a man of Mr. Watt's background. I am sure his wide and varied background will be a valuable asset to the Council.

REPORT ON PRISONS SERVES IMPORTANT PUBLIC SERVICE

Mr. RIBICOFF. Mr. President, Eugene J. Brown, president of the Ottaway News Service and publisher of the Danbury, Conn., News-Times, has performed an important public service in writing a series of newspaper articles about Federal prisons.

The articles are informative and productive. Other Senators will find them of interest.

I ask unanimous consent that the articles be printed in the RECORD.

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

PRISON PIONEERS WORK-RELEASE PLAN

(By Eugene J. Brown)

A prisoner of the Federal Correctional Institute stopped me as I was wandering around the prison compound on a sunny day and asked if I were a writer.

"Yes." I answered, "but . . ."

The "yes" was enough for him. "Write about this! I am suing the attorney general for $1 million!"

My new client was a sturdy middle-aged Negro.

The other inmates sitting on the bench with him edged away as if they had heard the story too many times before.

"Why the million? Why are you suing the attorney general?"

He replied: "I had a gall bladder attack in another prison. They operated and told me I'd have just a little scar," and he widened his fingers to show me about a four-inch scar. "You see what they did to me!" and with that he ripped open his shirt to show a neat scar about 15 inches long.

"Was that being honest?" he asked. "That's why I am suing the government for a million!"

I carefully examined the scar and said it might be worth a million in damages and I would indeed write about it and send him a copy.

This million dollar suit was the 18th case given to me by the inmates of Danbury, Connecticut's Federal Correctional Institute as I wandered around the compound, in dormitories and shops over the course of two weeks. My purpose: Find out how prisoners live in prison and what is being done to prepare them for eventual release.

Most of the two weeks I wandered alone. At the warden's invitation I talked with prisoners without any supervision by guards.

I had asked the warden, Frank Kenton, if I could do a story on what happens to human beings shut behind locked doors and iron bars. My story would naturally take me beyond that and into the areas of rehabilitation and work-release, the programs for which the Danbury Federal Institution is creating nation-wide interest.

The warden is an old hand at being interviewed. Network TV crews and top reporters have been in his jail to tell about the work-release program. Magazine feature writers have published numerous articles on the success of the program. It has been the focus of publicity since it started in 1966.

"Work-release" is a plan whereby prisoners at a correctional prison, who meet very rigid requirements, leave the prison during the day and work in the adjacent community in skilled jobs which pay the going rate. They return to prison at night, pay board and room, and give half their pay to their families. This work-release usually occurs in the last year or six months of their sentence. Theoretically it gives them a money stake and prepares them for the outside world. I call the plan "work release," the warden refers to it as a "community-based program."

The first morning of my visit I sat in Warden Kenton's office while he philosophized on prisoners and his crusade—"work release." After some conversation he said: "Why don't I fix you up with an I.D. (Identity) card and you can come and go into the prison freely and talk with the prisoners by yourself." I thanked him for his confidence; mentioned that one of the prisoners had said to me. "Watch out for the warden, he is a pacifying S.O.B.

He laughed. "Find out for yourself."

The administrative officers of the institute want to talk about "work release." It is dramatic, the results are evident, and other prisons are following the Danbury work-release." Right now only 50 out of 700 meet the criteria set up to enable an inmate to qualify to work on the outside. These 50 are a most carefully selected group.

But what about the lives of the other 650 men at the FCI?

About 150 of the 700 inmates at Danbury are NARA men. Many inmates told me they were NARA men with the same matter-of-fact attitude that one says he's a Yale-man or Princeton or Dartmouth-man.

NARA signifies a method of addict rehabilitation. In 1966 Congress passed the Narcotic Addicts Rehabilitation Act. This is a nation-wide attempt to cure convicts of the drug habit which contributed to their crime. The reasoning develops that if addiction is eliminated the reasons for crime tend to diminish. Every state in the union also is wrestling with the same problem. Today there are more addicts than ever before in our history. Congress hopes that the NARA program is a good beginning towards curing addicts.

Most of the NARA men at Danbury's FCI are there because they committed a crime of stealing, forgery, first-time bank holdup, drug-selling and crimes of that nature. Before final sentence is pronounced by a judge an investigation is made to determine why the criminal did what he did. The probation report often reveals that he stole to feed his drug habit. Obviously the penologists reason, unless his drug habit is cured, he will get out and steal again.

"How do we cure his drug habit?"

AN OTTAWAY NEWS SERVICE FEATURE—PART III: PRISON DESIGNED MAINLY FOR REHABILITATION

(By Eugene J. Brown)

A federal correctional institute such as the one in Danbury, Conn. is not primarily designed to punish a man for his crime. Its purpose is to get the man rehabilitated as quickly as possible. "Get him out of prison and back into ordinary life," I was told by several officers.

Many prisoners I talked with, in the compound or sitting on their bunks, would argue this point. They say the administration wants to keep them "locked up."

The correctional philosophy makes little impression on an embittered inmate, who thinks he has served his time.

Theoretically a drug addict can be recommended for parole by the prison NARA parole board. Their recommendations are then considered by the formal parole board which agrees in 90% of the cases.

I listened one afternoon as Dr. Robert Rapkin, his staff and Dr. Margaret Lindner personally interviewed six parole applicants. As each man entered the crowded office, Dr. Rapkin would ask him if he had any objections to "a reporter" listening in. None objected.

Dr. Rapkin had spent a number of years at Massachusetts State Hospital as a resident psychiatrist. He told me that the food, conveniences, medical care, etc. were better at the Danbury FCI than in most state institutions.

A number of prisoners told me later in the week that state prisons "treat you like dogs." Beatings are not unknown in state prisons.

According to prisoner stories state prisons teach nothing and give nothing. "You come out feeling like an animal," a prisoner said.

FOOL-PROOF BOTTLE

The first inmate applying for parole that afternoon talked in a pleasing Southern accent. A fluent speaker about 40, he had been very helpful in therapy groups, at Danbury and at other prisons. Instead of using such terms as "jailed" he would use "incarcerated" and very naturally too.

He said he was entitled to parole as he was a "new" man and was damn tired of seeing his life go down the drain on account of drugs. He wished to go back to his father in Kentucky and a "lady friend whose company I enjoy." He was once married but not currently.

It was explained to him that he would have to undergo urine tests every week during his entire probation period plus some surprise tests. He agreed that he could handle that all right. (Drugs show up in urine.) He laughed: "You can't fool the bottle!"

In discussing cases with parole officers later, I was advised that addicts of middle age who have spent most of their life stealing to support their habit are good prospects to break off because they can look back on a wasted life and a probable tragic future. These men often succeed in breaking the habit, even after 20 years of addiction.

The group recommended the Kentuckian for parole consideration. I too thought he was entitled to return to his "lady friend."

The second case was a young white Virginian of a good family. He was subjected to long questioning by the parole group. He had been in the FCI about a year and felt that he had learned his lesson and was ready to move out. He was careful in his answers to the questions, spoke frankly of his good points as well as those which he thought would give him future trouble. The board decided favorably.

A few days later while visiting the intensive treatment unit, there was my friend from Virginia. He had broken the rules, contrary to the promises he had made to the board.

READY FOR WORLD

Mr. McDowell the knowledgeable black man had been in prisons for 15 years except for one 18-month period. In response to questions he said drugs made him a thief. He spoke fluently:

"Now, the thrill of drugs is gone. It was a big illusion, a dream, a myth! I know that there is something better in life than drugs, and I think I am now ready to face the world."

If this speech was rehearsed, he was indeed a fine actor. It sounded both spontaneous and sincere.

Asked how he managed to stay out of prison for that 18-month period, he said he had joined the Moslem religion. The parole report showed that he was a leader of a small group of devoted Moslems at the FCI.

He repeated, "I am a dedicated Muslim. You can't give my religion lip service, you've got to live it." (The Muslim religion has a very strict code which forbids drinking, drugs or other vices.)

He sensed that the board was divided, especially as they had detailed information covering all the infractions of the past 15 years. One member asked him if his parole was not recommended at this time, what would he do? He replied that he had the patience to continue as an inmate but he did not feel that the board considered fully his religion and his determination. His parole was deferred for consideration in a few months.

Late that afternoon in the therapy session, McDowell was bitter at this lack of confidence. But when I met him again that evening in the compound, he seemed composed and was looking forward to his next parole hearing.

BARBER TRADE

One parole applicant had learned the barber trade. He had adhered to prison discipline and cared little about learning any other trade. The board voted unanimously to recommend him for parole. (I thought otherwise).

In discussion afterwards they pointed out that nothing would be accomplished by keeping him in prison any longer. He had attained his educational goals. He had a trade and had as good a chance as anyone else of staying out of prison.

Parole officers practically live with these inmates. They have a feeling if rehabilitation has "taken" or if the convict is just "hustling" them.

They do not look upon prison as a place for further punishment. By the time the inmate reaches Danbury FCI, the purpose is to get them out of prison and back into society. This may strike many citizens as a revolutionary philosophy, but it is basic to the Federal Correctional System.

AN OTTAWAY NEWS SERVICE FEATURE—PART IV: ADDICTS NOT QUALIFIED FOR WORK RELEASE

(By Eugene J. Brown)

After wandering around the dormitories, dining rooms and the walks of the Federal Correctional Institute at Danbury, Conn., for a week, the prisoners took me for granted and would often start a conversation without any prompting.

In one dormitory a middle-aged man stopped me and said he didn't mind prison so much as he had committed a "wrong," but he did mind being forced to shave off his goatee. He asked me if I had had mine long and I said "about a year."

"What are you in for," I asked.

"Well, I was working with a veterinarian and we used drugs on the animals. After a while I started to slip a few pills to my friends," he said.

At the gate I asked another inmate the usual, "Why are you here?"

"I have 10 kids and you can't support 10 kids without stealing," he replied.

I surmised that 10 seemed like a valid reason and suggested that when he got out that he at least stop at 10. (He laughed rather hollowly.)

HALF ARE ADDICTS

Probably half of 700 inmates at this federal prison are or have been drug addicts.

A drug addict does not qualify for the work-release program because the chief of police in the City of Danbury is not anxious to complicate his law duties with known drug addicts from the prison.

Most of the inmates blame the warden for this. The truth is that the prison administration thinks that an addict undergoing therapy in the prison is just as good a risk for work release as the other inmates. The final responsibility, however, rests with the police chief where the correctional institute is located.

Dr. Robert Rapkin, the chief psychiatrist, thought that the drug rehabilitation program might end up with a 25 per cent cure rate.

HEROIN PROBLEM

Heroin is the major drug of addicts, commented Dr. Rapkin. The heroin user doesn't bother with marijuana. "Why fool around with junk when you can go places with heroin," is their attitude. Addiction is not a problem of race. However the white addicts tend to come from middle class homes and are usually young.

Several addicts in private conversations asked me how could they prove they were ready for "society" unless they got a chance to prove themselves on work release?

Others said there should be a pilot program for addicts on work release to see how it would work out. My assumption is that this is being tried in isolated instances, without publicity, in certain prisons.

Some of the staff men told me they thought an addict was a good work-release risk as any infraction while on the outside would stretch their terms out interminably. Most of them were on indeterminable sentences up to 10 years.

Dr. Rapkin told me that what is being done at the FCI will be evaluated after several years of drug therapy. At present there is almost no medication, just group therapy, counseling and the reward of early release.

While sitting in the parole hearings, I was attracted to the reasoning of Robert Garcia, a senior case worker who had been sent North to help on the rehabilitation of addicts in federal prisons.

Mr. Garcia came from Laredo, Texas, and speaks fluent Spanish. He was enthusiastic about his successes and became depressed, he said, when some of his cases did not respond to the rehabilitation processes.

He agreed with Dr. Rapkin's statement that "cure rates" depended upon both the probation officers who checked with addicts after they got out of prison and the competence of the case workers in the prisons.

Dr. Rapkin had told me previously many young addicts won't quit until they have been in the dregs of hell and have lost everything. Then they are more amenable to therapy.

HAD ENOUGH

Some people just quit voluntarily—after they have had enough of losing everything.

Is there drug addiction in the prison? Undoubtedly. Surprise shakedowns, stripping the men for drugs, urine tests, etc. can only slow down the traffic. An addict will "shoot" aspirin, Darvan, or anything, if he can't get heroin.

Garcia did have one ray of sunshine. He remarked that 70 per cent of first offenders will stay off dope after therapy.

Garcia is especially valuable because most of the Puerto Ricans are much more at home in the Spanish language. He commented that the average Puerto Rican makes a model prisoner, but the hard case Puerto Rican is the "toughest of all."

AN OTTAWAY NEWS SERVICE FEATURE—PART V: EDUCATIONAL, VOCATIONAL PROGRAMS

(By Eugene J. Brown)

At the Danbury, Conn. FCI, like many other correctional institutes, the open dormitories and cell blocks surround an open compound containing baseball field and bleachers, basketball and handball courts, walks and flower gardens. With the exception of men in the intensive treatment cells, the other inmates circulate freely around the vast compound.

Some years ago, federal correction prisons, including Danbury, were often called "Country Clubs" because they differed from the public's concept that "prison is for punishment."

These correction centers have never lived that appellation down. There are numerous federal prisons where the inmate is there for punishment. The atmosphere of such a prison is grim and rugged. However, one must keep in mind that the federal correctional prisons are primarily centers for rehabilitation, that within reason they try to impress the prisoner with his chances of rehabilitation if he will take advantage of the prison's educational and vocational opportunities.

RECREATION IN WINTER

I spent several evenings in the compound watching the ball games, the bocci players or the younger men playing basketball and handball. It was ideal August weather. Recreation in the winter, however, is much more difficult, and many complain that there is nothing to do on cold days except work and be a prisoner.

Edward Mannion, who has been in charge of recreation at the prison for over 25 years, said they did miss the winter recreation gym which had been converted to industrial use.

I suggested that keeping 700 men over the long winter months with no athletics were indeed confining. Mannion said (and he is an exercise enthusiast), that he hadn't ever noticed that exercise or lack of it made a man either a better inmate or better able to adjust to the outside. Nevertheless, he is constantly on the alert to promote interest in athletics.

The dining room is light and spacious. Food is American style and about average; the vegetables are tasty and plentiful; the menu includes a green salad and dessert. For men with ethnic or Southern backgrounds, it would probably take time getting used to the menu. I thought the variety seemed good, but inmates complained that it wasn't their idea of "food."

A store is open to the men where they can buy up to $20 per month, mostly food, soft drinks, ice cream, candy and cigarets. In the evening a great many men had paper containers from which they were spooning ice cream. A sign in the store read: "Absolutely no exchanges. All sales final." Another sign: "No personal checks accepted."

The prison baseball team is usually around the top of the local leagues. All games are at home; some players would like to "go on the road." Most of the inmate spectators cheer the town team, to the dismay of the prison champions.

Many of the older prisoners just sit or walk around in the compound during the evening. Of the younger men, some lift weights, or play games or sit and talk the time away.

There are movies two or three times a week. TV is available in the dormitories after work and on Sundays.

Book racks with free paperbacks are placed throughout certain buildings. No one needs to account for the loan of a book. A group of three black men, however, complained that there was too much friction and not enough "meaningful" books. They wanted more material on black history and the biographies of great men. One man with a minimum education asked: "Why don't the warden give the library more books that explain the meaning of life?"

DORMITORIES

The dormitories are as varied as residential areas in the outside world. Several of the "dorms" have two tiers of individual cells on each side with cots on the ground floor-walk area to accommodate the overflow. The men do prefer individual cells where they can keep their photographs and other possessions.

We walked through a number of dormitories with double bunks in low-walled cubicles; others had a cubicle for each man. Inmates were busy repainting the area as there is always plenty of experienced labor available to keep the prison in top shape.

AN OTTAWAY NEWS SERVICE FEATURE—PART VI: FEW DRAFT EVADERS AT DANBURY

(By Eugene J. Brown)

During my two weeks of visiting the prison at Danbury, Conn., I would seek out the warden for short visits mostly to check on the stories, factual or rumored.

Warden Frank Kenton said that there was no truth to a current rumor that the prison has a great number of draft evaders. (Many evaders get from three to five year terms and are sent to other federal prisons, although they might spend the last year in Danbury).

He did say that during World War II Danbury had a great number of draft evasion convicts.

Danbury is no longer a haven for income tax violators. At present there are only 30 out of the 700 inmates committed for tax evasion. Those who sell counterfeit money, first offense, those who rob banks for the first time and get caught, often do their penance at Danbury. Forgers also find Danbury their place of temporary employment.

About 1,000 inmates are committed a year and 1,000 go out. Ed Mannion, recreational director, has seen 19,000 men come and go, most of whom he has had personal contact with during his years at the prison.

Only a few inmates are in Danbury prison for crimes of violence, although a few may be sent for rehabilitation during their final months.

Mixing the younger men with the older men usually results in teaching the younger ones the tricks of crime. One young fellow told me that his term in the prison was the best thing that ever happened; he was picking up the trade of a card-dealer and would head for Las Vegas the hour he got out.

Being in prison destroys a man's natural dignity; it makes men bitter and revengeful. Eight cases out of 10 return to prison. In prison one is constantly under the scrutiny of a guard who is firm and inclined to enforce the rules as written. Most of them don't trust "cons." Most guards come from small western or midwestern towns and may be incapable of understanding "the criminal mentality" of the larger cities.

One afternoon I found my way into the educational building where a few prisoners were working on a mimeograph prison newspaper. There had been a lapse of some months of an in-prison publication, now the prison had a new editor, Ronn Arquette.

He seemed to be in his early 30's, and he handled himself like an experienced newspaper editor.

He had a crew of four in the makeup department and a dozen reporters in other parts of the jail.

I asked him of his previous experience. He replied: "I've been an editor four times. Once in a Texas State Prison and three times in federal prisons."

His reputation for editorial competence is so well known that apparently no matter what crime he commits, he is automatically assigned to the editor's job.

As I was leaving the compound one evening I sat down to rest my feet beside a middle-aged man, M. Silbert from Maryland. He said he was in for misplacing $3,000. He was a first-termer and hoped to get out in six months on parole. He had sold his home so that his family could live while he was an inmate.

He said: "I made a mistake and am paying for it . . . but this is a swell place to be. They treat you decently; the food is as good as I get at home. I highly recommend this prison." We chatted a few more minutes, and, as I got up to leave he called: "Be sure to send me a copy of your story."

Three black men were cooling themselves off on a low stoop, and I sat down and stretched out my legs again.

None of them wanted to talk and seemed suspicious of me. I said that I was a reporter and, when they wouldn't believe that, I told them I was a spy for the warden. That broke their reserve .

One was on the NARA Program but didn't think therapy was any good. He was a mason by trade and exclaimed: "What the hell is the use of my learning any other trade here? I'm a damn good mason and that's my trade. Anything else is garbage!"

Another young man had had 15 months of twice a week therapy. He claimed that they got too many evasive answers in therapy, but lately they were getting more direct replies. I asked him of his educational background. Said he had had two years at Columbia University.

While walking through the administration office one day, Mannion, the recreational director, introduced me to a very pleasant chap who was ready to go to work as a plumber's apprentice the next day in a local town shop. His brother was also on the work release program as a carpenter. I asked why he was a guest at the FCI. He told me that he and his brother held up a bank. It was a first offense, and they were caught as most amateurs are. My impression was that the two brothers had had their fill of prison and crime and were excellent prospects for normal life of release.

The case workers repeated to me that first offenders have the best chance of staying out of future trouble, though approximately eight out of 10 inmates return. But then, two out of 10 are "saved."

AN OTTAWAY NEWS SERVICE FEATURE—PART VII: PRISON'S INDUSTRY KEEPS

(By Eugene J. Brown)

The inmate in a federal prison in which correction is stressed as part of the inmate's life, fills his days by working in "in-prison industry," the service departments, and on "work release."

Industry in Danbury Federal Correction Prison includes glove making, various electrical component assemblies, maintenance, and the development of skills in small motor repairs, oil burner maintenance, plumbing and heating and similar trades.

The prisoner can also go to school, a privilege available on his free time.

In prison industry such as the glove factory, an inmate can make up to about $60 a month. His board and room are free.

The sewing and cutting of gloves in the Danbury prison still has a great number of workers, though this type of work is being phased out, as there is little future for men in "gloves" on the outside.

The hum of the glove machinery made conversation difficult, but I found one table where prisoner Robert Bruer was temporarily idle. Mr. Bruer had finished his quota for the day but the rules required him to stay at his post until quitting time two hours hence.

Bruer, about 30, had worked on the Baltimore Sun and was now in the FCI for selling counterfeit money. He was quiet and rather shy, had a high school education, and wanted to go on to college for an electronics course.

He hoped some day to get on the work release program when he could meet the requirements. He said rehabilitation at the state prisons was mostly a farce and that they made hardened criminals out of the young men sent there. Bruer is separated from his wife.

Time and again an inmate would tell me that he was separated or divorced. Many wives divorced prisoner-husbands, or crime may have broken up the family previous to his sentence.

Most enthusiastic in the administration of the prison are the instructors involved in industrial training. Watching inmates with no particular previous skill master the art of repairing small motors such as used on outboards, chain saws, lawn mowers, snow blowers and boats in a matter of 19 weeks is rewarding to the teachers.

I noticed in the small motors shop several Puerto Ricans who couldn't understand English, laboriously following motor diagrams and diagnosing mechanical problems.

There is a ready market in the city for graduates of the small-motors classes on work-release or when paroled.

There is a waiting list of inmates to get into the small-motor repair school, but the course requires individual instruction. There are not enough full-time teachers.

The plumbing, heating and custodial school takes inmates without previous experience and gives them a working knowledge of the trade. The instructor showed me a number of letters from former inmates who wrote of their new jobs and expressed their genuine gratitude for what they had learned in prison. These small successes make a teacher's life meaningful in or out of prison.

I did run into a few men who had taken the small-motors course, had received their high school educational equivalency and numerous other certificates, and were still in prison. After they had gone through all the "motivation" programs, there is little to do except serve their time. That's when "punishment" really sets in.

In addition to the glove shop, the big industry is "Cable." This usually involves attaching electric fittings to cable, much of which is on contract to local industry. In this industry the men can make up to $100 a month which supplements their family income or gives them a stake when released.

Many families of prisoners are on welfare. When a judge sentences the average criminal to a prison, the taxpayer supports the family he left behind.

Many convicted men arrive at prison with only the rudiments of elementary education. Some may have had a year or two of high school. The prison educational department makes a special effort with these uneducated inmates in both academic and vocational courses with the result that most of them do earn the equivalent of a high school diploma before they are released.

A few men with special problems or special aptitude may be sent to the local high or vocational school for further education.

The three career men who run the educational department of the prison said that their biggest problem is to get the inmates motivated.

Prisoners who work all day in "industry," kitchens, etc., have to want education to go to school at night. Even the instructors suggest that working prisoners should be given two hours off four days a week to attend school to supplement the motivation.

Younger criminals unfortunately usually look upon more education as "the bunk."

The desire for more education was mostly confined to Negroes whose willingness is the result of their belief that they got into "trouble" because of lack of education.

I met men in the glove shop in the "Cable" industry who felt that the work they were doing was meaningless—if it was designed to teach them a useful trade. And correctional administrators would be inclined to agree.

Working in prison industry does serve to give the families of the prisoner supplementary income, and he can also accumulate a bank account available to him on release. Working also keeps him occupied while in prison and that too has some therapeutic value.

The occupational skills which are fast being introduced into the correctional prisons is a tremendous advance in the area of giving a man a trade which will help keep him out of future trouble.

The prisoner grouses if he sees no future in what the prison is trying to do for him. If the grousing is bitter, he tends to give up hope. In this writer's opinion, the "hopeless" convict will most likely return to crime.

Perhaps one of the brightest spots about my stay in the prison was my contacts with career men who are in prison educational and vocational systems. Knowing that they are going to have a large percentage of "failures" they still manage to avoid a professional cynicism.

Personally, after observing the performance of prison teachers, instructors and shop managers, I was amazed at their enthusiasm. I would have thrown up my hands within seven days.

AN OTTAWAY NEWS SERVICE FEATURE—PART VIII: DANBURY WARDEN OPPOSES CONJUGAL VISITS

(By Eugene J. Brown)

On several days when Warden Frank Kenton had time, he would lunch with me in the prison administrative room which served the same menu as the prisoner cafeteria. This relaxed hour usually gave me an opportunity to probe his views on the habits of prisoners and their problems.

Kenton said that one of his unpleasant duties was attempting to answer a wife on the release date of her husband. Many mothers would make a plea for "consideration" as they would often say that as long as the husband was in jail the children were the butt of ridicule from their playmates. Others just feared that the long separation would break up the family.

Kenton had no formula for the man who keeps on committing crimes—except to lock him up and isolate him from society. I gathered from some of his remarks that habitual criminals are often made that way when they are thrown into contact with older and hardened convicts. Today, even in the state prisons, there are sincere attempts being made to separate first termers from the habitual criminal.

"The warden flatly denied the rumor that the prison held a number of young men who secured a felony conviction of one year by stealing a car and crossing a state line for the purpose of avoiding the draft. The draft does not take felons. I asked the Warden and several the staff about the place of religion in the rehabilitation of criminals. The prison has full-time Catholic and Protestant chaplains A few men are granted the privilege of attending church in the city.

I could not determine from the staff if religion played any role in rehabilitation. I questioned some of the convicts and those I did talk with were not interested in formal religion, except perhaps for the Muslims.

I asked Kenton if he was in favor of conjugal visits under circumstances where a prisoner would be able to live with wife and

family on weekends or have extended weekend visits.

Kenton said that he might be puritanical but he opposed conjugal visits. "They tend to degrade the meaning of marriage."

From Kenton's attitude I surmised that he would vehemently oppose the experiment. This writer thinks it is quite unrealistic to isolate men from families for extended periods of time. It is a punishment only sanctioned in times of war.

Kenton maintained that the best way to bring the family together was to keep the inmate in prison the shortest possible time. "Return him to his family as quickly as you can," was his formula for the rehabilitated convict.

Alcoholics Anonymous has an active chapter in the FCI at Danbury. A group of 24 inmates meet each Wednesday; on Sundays outside AA groups send in leaders for the group therapy sessions. The FCI unit is sponsored by the Danbury chapter, and they do a fine job according to anonymous members.

AA graduates, when paroled, can also go to a Halfway House in Waterbury, Conn., which admits parolees only. At this house they can spend up to 90 days adjusting to the routine of working and living outside and hopefully away from chronic alcoholism.

Sick call in a prison is from 7 to 7:30 a.m. Two excellent full-time physicians and two dentists keep occupied with their 700 patients plus the 1,000 who come in and out each year.

The private hospital cells do not cost $50 per day and the dental work is free.

One doctor said that one of the benefits of prison practice is your ability to see your patient daily if needed—the patient is always around.

In two of the hospital rooms were young healthy-looking men with needle-induced hepatitis. A rather common affliction of addicts.

After inspecting the very modern medical and dental facilities, I came away with the thought that the body gets far better care than the soul.

The average citizen seldom gets locked up behind bars, and I remarked to the warden that I had no particular reaction to the experience while visiting his facilities. In fact, looking out a skyscraper window makes me far more squeamish. He replied: "You would make an ideal inmate, however visitors are often locked for fun and react uncomfortably within only a few minutes."

I asked Kenton why a few men on work-release attempt to escape with only a month to serve. He replied that some run away as the end of the term expires with the unconscious hope that they will be caught. They are afraid of facing the problem of being on their own. This "shortitis" can take the form of a nervous illness as the end of their term approaches—and even require hospitalization. The warden called it a Cinderella Syndrome: The pumpkin wants to stay a pumpkin.

The warden said he really couldn't answer the question satisfactorily as the reasons are just too complex.

The average prisoner, however, wants to get out, and the reward of a shortened sentence for good behavior is a powerful motivating force, commented Kenton.

Kenton thought I could help by spreading the word that the correctional system was a wonderful opportunity for young people who contemplate going into social service work. There is a dearth of social workers in the system. He said it offered educational opportunities . . . and a chance to do a great good.

AN OTTAWAY NEWS SERVICE FEATURE—PART IX: PRISON'S WORK-RELEASE PROGRAM REWARDING

(By Eugene J. Brown)

The work-release program based on community participation is the most exciting event to affect the Federal Prison System in recent years.

The program has worked in Danbury at the Federal Correctional Institute because Warden Frank Kenton and his officers sold the City of Danbury on the idea of becoming actively involved in the program.

The success and some of the problems of work release are outlined in this and the concluding article to follow.

One inmate on work release who worked in the city during the day and slept in the jail at night complained that if the warden thought enough of him to put him on "work release" why didn't he allow him to join his employer's evening bowling team.

Another "work release" prisoner with an 8 to 5 job in the city said that for the first time in years: "I feel like a human being."

And Warden Kenton said to me in the course of one two-hour conversation: "I stake my career on the success of the work release program."

A captain on the 4 to midnight shift in the compound commented as we were watching the dusk ball game: "I've seen a lot of things tried in my life to help a prisoner and this (work release) is the first one that is working."

What is work release?

A prisoner with a short term or in the last year of his sentence, who meets very rigid requirements, can work on the outside during the day or night for standard outside wages, he returns to jail for sleep and weekends when not working.

At present only 50 out of 700 inmates meet the difficult criteria set up. He cannot be a sexual deviate, an alcoholic, a drug adict or have been sentenced for a crime of violence. He must have in-prison training for the job and show an attitude and record that will practically guarantee his success on the job.

He must abide by a long list of rules including: Do no favors for other prisoners in jail, make no phone calls, send no letters on the outside, bring nothing into the prison or drive an automobile. In addition he submits to surprise "strip-downs" for possible contraband when he returns at night.

He pays the Government $2 a day for room and board, sends half of his earnings to his family and must have the guts to withstand the temptations of the free world.

If he fails, his parole date is set-off further; he is condemned by his fellow prisoners for "fouling up" the program and back to the prison routine he goes.

Three weeks before my visit, three work-release men got drunk and were taken off the program. The succeeding three weeks resulted in a spotless record—all rules were obeyed.

The work release people meet as a group every Wednesday to discuss the week's happenings and problems. At the meeting I attended, Mr. Paul T. Walker, the deputy Warden ran it with the attitude of a genial college coach or even as a neighborhood scoutmaster.

One prisoner complained at the open meeting that he was only permitted to take out one pack of cigarets a day. Permission was granted for 2 packs plus a cancer warning.

A member of the Muslim sect complained bitterly that for a week his sandwiches on the job from the prison kitchen were pork, forbidden in his religion. Walker said he would arrange more of a variety of sandwiches.

After the meeting one of my inmate friends (J.P.) an orderly at Danbury Hospital on the team which responded to emergency calls in the cardiac unit, said that work release saved his sanity. His parole was due in a few weeks and he planned to go back into the construction business.

One evening around eight, I asked an inmate to take me over the Danbury House, the dormitory for the work-release prisoners.

I sat down on a bed next to a reclining inmate and asked if he minded talking. We were joined by five or six others who demanded that I write about their "beefs."

One shouted off with: "If the Warden trusts us to go out and work each day, why can't we spend the weekends with our families? We wouldn't escape!"

Another: "Some of the pens in the west have little houses where our families can live outside the jail on weekends. Why can't we have that in Danbury?" (The warden told me on another day that it was an interesting idea but that he had never heard of it in the U.S.)

Several men doing journeymen work but getting apprentice pay didn't like the idea of working on the outside for less than journeymen union wages. (Most get good comparable wages.)

Some said that their educational programs which qualified them for outside work should also entitle them to special privileges.

All said that they were fearful of making a misstep which would affect their parole. The pressure bothers them.

Towards the end of our conversation a prisoner, overhearing the group, stepped in and said: "Hell man, bad as it is . . . it is still better than staying in jail all day." After a silence, they nodded their heads in agreement.

I couldn't resist saying to a white North Carolinian who had been sentenced for bootlegging, what he was going to do when he got out. In pure Southern he said: "Well suh, I'm piling up my stake and when ah git out, I'm going right back to bootlegging cuz that's muh trade."

"Yes," I said, "and in three months you'll be right back here."

"No suh," he replied, "Last time they got me cuse I talked too much. Now I've learned to keep muh mouth shut."

Work release with the proper community cooperation and the wholehearted support of the warden and his staff prepares the prisoner for the major adjustment from prison life to an every-day routine of "outside" society. Without this intermediate step, the adjustment is traumatic for many prisoners. They then fall back on crime.

AN ONS FEATURE—PART X: SOME CALL WARDEN A MOLLYCODDLER

Telephone calls from citizens to Warden Frank Kenton accusing him of mollycoddling work-release prisoners are not unusual. Some people just abhor the idea of prisoners working in the town.

However neither uncommon are notes from congressmen wherein they enclose copies from prisoners claiming discrimination because the warden won't put them out on work-release.

The prisoners and the warden of the federal correctional prison agree on one fact. The attitude of the outside community determines the success of releasing prisoners for work; the prisoners say "the help of the townspeople makes the 'thing' work."

One said: "The outside people are the redeeming feature of work-release." Being treated like a human being meant more to this prisoner than the money or the freedom.

One of the sparkplugs of the work-release system is Ed Mannion of Bethel, Conn., who is recreational director and a job-seeker for the prisoners. He has spent more than 25 years at the local FCI.

"Our personal success is judged if we can keep the man from coming back," Mannion said.

Mannion retains a paternal interest about the men after they leave the prison. They write to him about their jobs and their hopes of success. They tell him about their families, their homes and say "thanks." Mannion, as well as the others do get depressed at their "failures" and are inclined to wonder where the mistakes were made.

I told him that my personal attitude was a more casual . . . "as long as you are working with human beings, the successes are going to be less than the failures."

Warden Kenton of the FCI is easy to know. He has three boys with the usual problems of a father. He has risen in the prison system to the warden's position and has spent his whole life, adult life primarily, in the correction area of prisons.

Kenton had just been promoted to a correction prison on the West Coast which specializes in the rehabilitation of young convicts. He was due to leave in two weeks.

Kenton is the opposite of a "jailer." He acts more like a manager of men whose job is to sell ideas.

His stint in Danbury has lasted nine years. He says that perhaps it has been too long, for wardens tend to lose their enthusiasm after five years. Perhaps Kenton would have lost his enthusiasm after five years had it not been for the inception of the work release program in 1965.

The warden wanted to talk exclusively about the program for, as he says, "now we have something that works." It is a matter of great satisfaction for him to go to a convention where penologists and social workers convene and have the professionals ask him for more details about the "Danbury" plan.

I use the term "Danbury plan," only because this is a successful program. It could be labeled San Francisco or Springfield, Mo., as the program is being tried in other federal prisons; even certain state prisons are now attempting work-release procedures.

Kenton warned, "We can give the inmate the tools for normalcy but sooner or later the responsibility has to be assumed by the general public."

Kenton takes a businessman's approach to locking men up: "The profit is based upon the percentage of human beings that we can successfully return to the outside world."

"When a prisoner leaves here, our success is determined if we can keep him in normal society for two years; for three years or for more." The warden said, "It is sort of a numbers game."

"Very few of us think that keeping a man in prison has much effect on rehabilitating him. Whether the prisoners think so or not, we are working here to get the man out into normal family life. Rehabilitating him. Whether the prisoners the prison may give him the equipment to cope with society but beyond that it is the community's responsibility," continued Warden Kenton.

"What will happen to your work release system if jobs become scarce?" I asked Kenton.

The question disturbed him: "No jobs, no work-release. Big trouble," he replied.

I asked why are there only 50 men now out on work-release when the figures have run as high as 100.

"In this area," he replied, "we are not playing a numbers game, we have rigid requirements as to who can go out. If only 50 meet the requirements, that is that," he said, and then continued, "many men who could meet the requirements are eliminated by detainers which means that on release they will be picked up by other enforcement officers."

The warden and his staff, at this time, are not prepared to veer from the very rigid requirements which they think have contributed to the excellent reputation which the program has in the community. He said that 50 men out on work release who are going to succeed is far better than having twice that number out just because we want to make a "record."

Most everyone in the system maintains that the prisoner is out to "hustle or con" you, and I think most prisoners think the same of those who run the prison.

This failure of communications makes "rehabilitation" a dirty word to prisoners, but as one merely reporting the situation as it exists, it is just one phase of the vast science of criminology.

My discussions with prisoners and administrators, however, would suggest the prisoners understand far less about the purpose of "correction" than the administration hopes they do.

As I gathered my material to say goodbye to the warden, his zeal for work-release could not be contained.

"If you can convey any kind of message, thank God for the American trait of wanting to help unfortunate people. They have made our work-release really possible."

ACTION ASKED ON MUTUAL FUNDS

Mr. McINTYRE. Mr. President, in an editorial published yesterday, the Washington Post called for House action on the mutual fund bill which the Senate has already passed on two different occasions.

As a sponsor of the bill in the Senate, I have been greatly concerned by the inaction of the House, and I think this editorial reinforces the urgency of this matter and the need for immediate enactment.

So I would hope that my colleagues in the other Chamber would carefully consider what this editorial has to say, and then take some positive steps toward passage of this important legislation.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Post, Dec. 18, 1969]

REGULATING MUTUAL FUNDS

Only a few weeks ago it appeared that impediments to enactment of the Securities and Exchange Commission's mutual fund bill had been eliminated. Representatives of the commission had met with spokesmen for the industry for full discussion of the commission's proposed regulations. The SEC had agreed to compromises which it deemed to be reasonable, and the investment companies seemed to acquiesce. With this understanding, the Senate passed the bill unanimously. New objections have now been raised in the House Subcommittee on Commerce and Finance, but the problems of mutual fund investors have not gone away, and legislation in this sphere becomes more urgent every month.

When Congress passed the existing law in 1940, investment companies of this kind were new, and the need for strict regulation of their fees was not apparent. The net asset value of all mutual funds at that time was only $450 million. That sum has since been multiplied by 120, bringing the assets of mutual funds this year to more than $54 billion. Size has brought many economies in operation, yet some companies are still paying the same advisory fees (traditionally ½ of 1 per cent).

Advisory fees are said to be the largest element in the total expenses of mutual funds. One authority places mutual fund outlays for advisory fees at two thirds of total expenses. While other costs have declined 51 per cent in the last 20 years of the mutual fund boom, advisory fees have shrunk in proportion to investments by only 23.5 per cent and there is no present means of bringing them into a reasonable relationship.

Chairman Hamer H. Budge of the SEC made a strong case for enactment of that agency's corrective bill before the House subcommittee the other day. This is an area in which the competition of the market place simply does not operate. Nor is it likely that self-regulation would prove effective. The size and importance of the industry, plus the fact that the advisers are virtually in a position to fix their own fees, seem to make public regulation essential despite the complications of fixing generally applicable standards.

The Senate bill is also designed to lower mutual fund sales prices. The SEC thinks the existing "sales loads" should be cut from about 8.5 to 5 per cent. The Senate bill would allow the National Association of Securities Dealers to make rules prohibiting "excessive sales loads" subject to review and alteration by the SEC after 18 months.

Small investors would also obtain substantial relief from so-called "front-end loads" under the bill. At present up to 50 per cent of the first year's payments under a contract to buy mutual fund shares by installment may be deducted for sales commissions, even though many such contracts are suspended after a few years. The SEC wanted to abolish the "front-end load" entirely but had to be content with halfway reforms.

Finally, the bill would put some restraints on the payment of "performance fees" to registered investment companies. The SEC found many fees of this kind to be grossly unfair to investors. I have given long and conscientious study to the operations of the mutual funds, and while its proposed remedies for the abuses uncovered may be in some respects experimental, we think enactment of this bill is in the public interest.

NUCLEAR TEST BAN TREATY SAFEGUARDS

Mr. JACKSON. Since June 1963, the United States and the Soviet Union have reached agreement in four areas of arms control. We began, in mid-1963, by establishing and maintaining a communications system to minimize the chance of a catastrophic accident or miscalculation in moments of crisis. In the aftermath of the Cuban missile crisis we took measures to assure positive control over the previously uncertain channels for rapid and authoritative communication—measures that represented the first successful attempt to control nuclear armaments in concert with the Soviet Union.

A few months later the U.S. Senate voted to approve the limited nuclear test ban. Since then we have made great progress in keeping outer space a demilitarized zone, and have tried, through the institution of the nonproliferation treaty, to control the diffusion of nuclear weapons.

More recently, the effort to search out areas in which agreement to limit armaments can be reached has taken us to Geneva, where measures to control the use of the seabed for military purposes and to limit chemical and biological weapons are under consideration, and to Helsinki where the strategic arms limitation talks are underway.

In Geneva and Helsinki more serious consideration is being given to arms control now, this year, than in all the years of the nuclear era put together. The interest of the Senate in the test ban agreement did not end with its ratifica-

tion. The safeguards program established in conjunction with the agreement gave physical expression to the concern of many Senators that we take such measures as are necessary to maintain the position of this country with respect to the evolution of nuclear weapons technology. It was the intention of this program that the United States should always maintain the infrastructure necessary to make a timely response to any abrogation of the treaty, and, by so doing, to make plain to the Soviets that they cannot hope that our unreadiness will enable them to conduct a one-sided crash program leading to some military advantage.

In the current context of extensive arms control negotiations in Helsinki and Geneva, we remain mindful that the persistence of the Executive in adhering to the understanding given to the Senate on the safeguards program will constitute an important element in the approach of many Senators to further measures of arms control.

By way of review, the safeguards were adopted after members of the Joint Chiefs of Staff in testifying before the Senate Armed Services Committee and the Joint Committee on Atomic Energy recommended them as necessary if the proposed treaty were not to operate against our national security interests. The safeguards, in brief, are:

(1) The conduct of comprehensive, aggressive, and continuing underground nuclear test programs;

(2) The maintenance of modern nuclear laboratory facilities and programs;

(3) The maintenance of the facilities and resources necessary to resume promptly atmospheric testing should it be deemed essential to our national security or should the treaty be abrogated by others; and

(4) The improvement of our capability to monitor and detect violations of the treaty and to maintain our knowledge of foreign nuclear activity.

Since the adoption of the Limited Test Ban Treaty in 1963, staff members of the Joint Committee on Atomic Energy and the Preparedness Investigating Subcommittee have continually monitored the safeguard program to insure that the safeguards are implemented in accordance with the presidential commitment. Each year since 1963, I have presented a report to the Senate assessing the safeguard program. This is the sixth annual report and, as on the five previous occasions, I am able to report that, on the whole, our implementation of the treaty safeguards for the period since the last report has been very satisfactory.

However, there has been a most significant development in the plans for the future regarding implementation of Safeguard 3; i.e., the maintenance of facilities and resources necessary to resume promptly atmospheric testing should it be deemed essential to our national security or should the treaty be abrogated by others. I have been advised that the Defense Department and the Atomic Energy Commission have reached a decision to revise the national nuclear test readiness program in what has been described quite candidly as an economy measure. The DOD and AEC revision will reduce the readiness program budget for fiscal year 1971 and future years to approximately one-third of the previous program. The resulting degradation in our "readiness to test" posture will be reflected principally in increases in response time. We are informed by the Defense Department and AEC that all essential tests previously planned will still be feasible under this reduced posture and that the end date for such a test program would not need to be changed—only the beginning. Presumably, the planned program could be compressed to achieve the previously planned end date.

This proposed revision to our "readiness to test" program is a matter of some concern to me. Any degradation in the response time raises the serious political question: How long would the "test window" stay open if testing were resumed by the Soviets? Pressure to reinstate the ban would begin as soon as the Soviets completed their test series and stopped testing. If the "window" were closed before we completed our tests the results might be the achievement of an insurmountable technological advantage by a potential adversary.

The Nuclear Safeguard Subcommittee has a responsibility to the Senate and the Nation to inquire more thoroughly into the effects of this degradation. This is the first significant reduction in the nuclear safeguards program. It may well be that a revision in the test plan is justified and that a stretch out in the response time is acceptable. Certainly, if economies can be made in the program without adversely affecting the national security, I for one, would applaud the action. A careful and critical review of the continuing need for each element in the safeguard program is a healthy and commendable function of the DOD and AEC. In addition to the Administration's examination, however, I consider that it is incumbent on the Safeguards Subcommittee to inquire closely into a decision which will have a major impact on the safeguards program.

The original assurances that the safeguards would be maintained were given by President Kennedy in August of 1963. They were reaffirmed by President Johnson in April 1964, but the present Administration has not formally stated its policy in this regard.

I plan to arrange for the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, the Director of the Defense Atomic Support Agency, and the Directors of the two AEC laboratories, Livermore and Los Alamos, to appear before the Subcommittee to testify on the possible technological and political impacts of this decision and on the policy of this Administration regarding the continued implementation of Safeguard 3 as well as the other Safeguards which are our responsibility to oversee.

As has been my practice in the past, I would like to discuss now the record of the Atomic Energy Commission and the Department of Defense in implementing each of the safeguards over the past year. Considerable detail will be included in order to provide as broad a dissemination of this information as is possible without compromising our Nation's security.

SAFEGUARD 1—UNDERGROUND TEST PROGRAM

This safeguard requires the aggressive conduct of a continuing comprehensive underground nuclear test program designed to add to our knowledge and improve our weapon systems in all areas of significance to our military posture. The underground test program is providing substantially more information than was expected when the safeguards were formulated in 1963. Through the acquisition of more sophisticated technologies from the continuing underground test program and the research activities conducted by the laboratories (Los Alamos Scientific Laboratory at Los Alamos, N. Mex., the Lawrence Radiation Laboratory at Livermore, Calif., and the Sandia Laboratories) which support the test program, there has been continued development in our capability to conduct a variety of full-scale underground nuclear tests. Many of the techniques used were not envisioned as possible when the underground test programs first began. The continuing underground test program is of paramount importance in the continued growth of the U.S. capabilities in both the defensive and offensive categories.

During fiscal year 1969 the BOWLINE test series continued the underground test program at Nevada test site at about the same level as CROSS TIE, the fiscal year 1968 test series. Two tests in the fiscal year 1969 BOWLINE series were Plowshare experiments (peaceful uses) and three were DOD effects tests which were logistically and technically supported by the AEC. The remainder of the BOWLINE tests were AEC weapons development tests.

The AEC program to conduct higher yield testing on Pahute Mesa at the Nevada test site has proceeded in an expeditious manner. Since my last report two more high yield tests have been conducted there, the largest of which had a yield of about one megaton. The two supplemental test areas have now reached an operational status, one in central Nevada and one in Amchitka Island in the Aleutian Islands chain off Alaska. The site calibration test MILROW at Amchitka was conducted on October 2, 1969, with a yield in the one megaton range with no untoward effects generated. For fiscal year 1970 the planned weapons development program is directed toward the primary objectives of weaponization, weapon feasibility, advanced technology and site calibration. Because of a reduction in the amount of funding for AEC weapons development which will be available in fiscal year 1970, the level of activity will be somewhat reduced from the 1969 level.

SAFEGUARD 2—MAINTENANCE OF MODERN LABORATORIES AND PROGRAMS

The second safeguard requires the maintenance of modern laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of human scientific resources to those programs on which progress on

nuclear technology depends. The laboratory program is conducted by both the Atomic Energy Commission and the Department of Defense.

The three weapons laboratories, contractor operated for the AEC, have since the last report continued to operate as progressive research organizations in the nuclear, as well as in nonnuclear fields. The nuclear research and development programs are conducted by Los Alamos Scientific Laboratory and the Lawrence Radiation Laboratory at Livermore. The nonnuclear engineering and development activities are conducted by Sandia Laboratories. In each of the laboratories the work performed can be classified into three primary areas of interest:

(a) The fundamental research of general interest to a broad range of development needs;

(b) Advanced development of specific concepts; and

(c) The weaponization of these concepts into stockpile weapons or weapon systems.

Of primary importance to the long-range vitality of the nuclear weapons development program is the emphasis which is placed on activities devoted to developing in advance the new design concepts so important to realizing the new state-of-the-art weapons necessary for assuring the capability of meeting future defense requirements. Emphasis on preweaponization development effort must be maintained in order to insure advancement of technology to meet the potential threat of the future and readiness to meet the future weaponization requirements as they rise. The Atomic Energy Commission reports that the combination of the challenging research program in both nuclear and nonnuclear weapons technologies, the continuing, progressive, highly complex nuclear testing program, and the maintenance and improvements in required laboratory facilities have continued the laboratories' ability to retain or recruit the necessary technical and scientific staff.

A major factor in the maintenance of progressive laboratories is the constant need to up-date both facilities and equipment, both of which are vital to providing for a wide spectrum of forward looking scientific research and development programs. A measure of the magnitude of this requirement is found in the total of about $385 million which has been authorized or obligated for new or up-dated laboratory facilities and equipment at Sandia, Los Alamos, Livermore and the Nevada Test Site during the 6-year period of fiscal year 1964 through fiscal year 1966. The fiscal year 1970 budget allocates about $6 million for construction and $51 million for equipment.

In carrying out its part of the responsibility for implementation of Safeguard 2, the Defense Department has expended research in nuclear technology in Government laboratories and contractor facilities. These DOD programs help insure a continuing source of top scientific personnel.

Some of the accomplishments of the DOD in implementing the second safeguard during this reporting period are as follows:

Significant progress has been made in obtaining better calculations of radiation environments in the atmosphere and within various structures.

Calculations of radiation transport at low altitudes, including air/ground interface were completed for use in studying missile silo radiation hardness.

Vulnerability and hardening research was expanded for design, test, and evaluation of strategic reentry vehicles and related systems components.

Improvements were made in calculations of the magnitude of shock waves induced in materials by X-ray depositions and the ensuing propagation and attenuation of the shock.

A 20-ton high explosive surface burst test was used to check theoretical calculations of structural damage due to air blast induced ground shock from a nuclear explosion.

Models continue to be developed for high altitude nuclear phenomenology for anti-ballistic-missile radars and communications. A first generation computer code for radar degradation and a 6-volume communication handbook describing nuclear effects on radio propagation was published in late 1968.

Land and naval system vulnerability/hardening, medical effects of nuclear radiation and general development of laboratory simulation of nuclear effects has continued. The overall program has been active and responsive to service requirements.

In summary, our evaluation of both the AEC and DOD program for implementation of Safeguard 2 is that the laboratories continue to be vigorous, their facilities and technical and scientific talent are being maintained in a high state of competence, and their programs are supporting the second safeguard effectively.

SAFEGUARD 3—READINESS-TO-TEST PROGRAM

The third safeguard requires the maintenance of facilities and resources necessary to institute promptly nuclear tests in the prohibited environments (atmosphere, underwater and space) should they be deemed essential to our national security. The capability to conduct such a nuclear test series on short notice was first attained by the AEC and DOD on January 1, 1965. Since then, the national nuclear test readiness program has been reviewed twice at the presidential staff level. It was revised in October 1968 and the revised program was approved by the White House in March 1969.

The revised national nuclear test readiness program required some additional preparation to achieve readiness to carry out the revised program. In the meanwhile, the DOD and AEC maintained their readiness to resume testing in the prohibited environments with a significant program. As indicated in my report of last year, the revised readiness program included:

1. Full proof of the survivability of hardened reentry vehicles when they are subjected to a realistic nuclear environment while in their operational modes;

2. Evaluation of the effects of ABM radar operation from detonations at high altitude;

3. Obtaining realistic data on the electromagnetic fields created by nuclear detonations at low and high altitudes;

4. Cratering, ground shock and debris effects on hardened systems and installations;

5. Air burst and underwater shock effects related to problems of antisubmarine warfare and modern ship structures.

As budgetary constraints grew tighter and tighter during this past year, the AEC and the Department of Defense felt compelled to revise the national nuclear test readiness program once again. Details of the revision are, of course, classified and the committee has not yet had an opportunity to thoroughly examine and evaluate the full impact of the budgetary reductions.

As I indicated earlier, I have invited the Secretary of Defense, the chairman of the Joint Chiefs of Staff, the chairman of the Atomic Energy Commission to appear before the committee and testify on the possible technological and political impacts of this decision. For that reason this report, as it pertains to Safeguard 3, must be considered tentative pending the completion of the hearing, which I hope to have some time during the early part of the next session.

SAFEGUARD 4—IMPROVEMENT OF OUR CAPABILITY TO MONITOR AND DETECT VIOLATIONS

Safeguard 4 requires the improvement of our capability within feasible and practical limits to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of foreign nuclear activity, capabilities and achievements. The VELA program is a joint AEC/DOD program supervised by the DOD's Advanced Research Projects Agency. It is a research and development effort being jointly conducted to improve the U.S. capabilities for detecting, locating, and identifying nuclear detonations. The VELA program has three subprograms: VELA Uniform—detection of underground nuclear explosions, VELA Satellite—detection by satellites of nuclear explosions in space or in the atmosphere; and VELA Surface Based—detection of nuclear explosions in space by ground based equipments.

All of these subprograms are discussed and managed under Safeguard 4, but it should be noted that one of these subprograms, VELA Uniform, while it produces important information and gives us a capability to detect, locate and identify underground nuclear explosions and to research technical methods that could be used by other nations to evade detection or identification of underground nuclear explosions, does not contribute directly to the safeguards program of the Limited Test Ban Treaty. This capability might become much more significant in the event that the talks that started in Helsinki result in some agreement or that the United States and the Soviet Union should enter into treaties contemplating more comprehensive test prohibitions.

VELA UNIFORM—DETECTION OF UNDERGROUND NUCLEAR EXPLOSIONS

The seismic location capability is being improved by application of knowledge gained from a systematic study of all

factors affecting hypocenter determinations based on teleseismic data. Analysis of data available from recent studies indicates that if source bias can be effectively removed, then large events can be located within areas of only a few kilometers at high confidence. Investigation of source bias is being conducted through comprehensive evaluation of Long Shot as well as Nevada Test Site data. A working three-dimensional earth model computer program has been developed for evaluating the travel time effects of differing crustal and uppermantle structures on location accuracy. Preliminary analyses have been initiated to test new earth models which may lead to prediction of travel time anomalies (source bias) in uncalibrated regions.

The objective of the large array program is to develop and demonstrate the utility of larger rays and associated automated data processing techniques for detection and identification of small seismic events. To achieve this, three large arrays have been or are in process of being constructed and a seismic array analysis center has been established in Washington, D.C. The Montana array is complete. Construction on the large aperture Norwegian seismic array began in July 1968 and is expected to be completed by the end of this year. The Alaskan long-period array was begun in April 1969.

Another area of effort is to evaluate technical methods that might be used by other nations to evade seismic detection or identification of underground nuclear explosions. As with most of the other VELA uniform program, this effort is only incidentally associated with the safeguards to the Limited Test Ban Treaty but might take on increased importance in a more comprehensive test ban situation. The research program includes theoretical studies, laboratory research, and chemical and nuclear experiments.

VELA SATELLITE PROGRAM

The VELA Satellite subprogram, with its five successful launches in five attempts and long-lived payloads, is recognized in the field of space technology as a highly successful endeavor. All spacecraft except those from Launches I and II continue to function about as planned. Launch I spacecraft have been retired from active service in view of several factors: (1) Their more limited capability when compared to subsequent launches; (2) the cumulative effect of malfunctions which have decreased their capability; and (3) the undue burden placed on the spacecraft tracking and data handling facilities. The Launch II spacecraft, while functioning reasonably well, are not now being utilized on a routine basis because of the improved capabilities of Launches III, IV, and V.

CONCLUSION

To summarize the status of implementation of the safeguards program we can say that over the past year DOD and AEC have made satisfactory progress in protecting the national interest under the terms of the Limited Nuclear Test Ban Treaty. The underground test program continues to provide important information far beyond what was originally expected. The laboratories are vigorous and productive and, as a result, they are able to insure their vitality by retention and recruitment of high calibre technical and scientific staff. Safeguard No. 4 was adequately supported during the past year. It is only in the area of Safeguard No. 3—Readiness to Resume Testing in the Prohibited Environments—that budget constraints are being imposed which will result in degradation of the safeguards program. Whether this is the beginning of a change in emphasis or a justifiable adjustment of priorities which will still retain an acceptable level of readiness is a question into which the coming year will provide additional insights and on which the subcommittee intends to take additional testimony.

BILL OF RIGHTS DAY, HUMAN RIGHTS DAY—THE PRESIDENT AND THE BILL OF RIGHTS

Mr. KENNEDY. Mr. President, some of us have worried and wondered whether there is beginning a serious erosion of the rights and freedoms guaranteed to all Americans by our Constitution. Because reassurance from the executive branch on this score has been limited, or given only in the context of actions or statements which seem to contradict the assurances, it is especially gratifying to note that President Nixon last week expressed his—and the Nation's—continuing dedication to constitutional liberties and especially to the Bill of Rights. In proclaiming December 15 as Bill of Rights Day. The President pointed out that "the founders of our Republic had fought for individual liberty and for representative and responsible government," and that "In the first 10 amendments to the Constitution they sought to insure that the power of the Government would not abridge the rights of citizens." He stressed that "the Bill of Rights is the law of the land" and expressed the hope "that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights."

This is an important message for today, especially since it comes from the President of the United States. So that all Members of Congress, as well as all those who carry out the President's policies, may appreciate his commitment to constitutional liberties and human rights, I ask that the proclamation proclaiming Bill of Rights Day and Human Rights Day be included in the RECORD.

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

BILL OF RIGHTS DAY AND HUMAN RIGHTS DAY

(By the President of the United States of America)

A PROCLAMATION

One hundred seventy-eight years ago, the Bill of Rights was ratified and incorporated as part of the United States Constitution. The founders of our Republic had fought for individual liberty and for representative and responsible government. In the first ten amendments to the Constitution they sought to ensure that the power of the government would not abridge the rights of citizens.

More than twenty years ago, the United Nations General Assembly adopted the Universal Declaration of Human rights. The founders of the United Nations had endured a world war brought on by those who denied the rights of men to equality and justice and who abrogated the rights of nations to exist in peace.

The two documents—the Bill of Rights and the Universal Declaration of Human Rights—are close in spirit although widely separated in time. The Bill of Rights is the law of the land. The Universal Declaration is a statement of principles, of common standards of achievement for all peoples and all nations. We in the United States are engaged in unremitting efforts to give real meaning to these standards for every American, to assure to every person the full enjoyment of his basic rights.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim December 10, 1969, as Human Rights Day and December 15, 1969, as Bill of Rights Day, and call upon the people of the United States of America to observe the week of December 10–17, 1969, as Human Rights Week, to the end that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights. Let us act so as to provide an example that will point the way in the struggle to promote respect for human rights throughout the world.

In witness whereof, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

CONCERN ABOUT REMARKS OF SECRETARY OF STATE ROGERS ON MIDDLE EAST

Mr. CRANSTON. Mr. President, I am deeply concerned by Secretary of State Rogers' recent remarks on the Middle East situation. By calling for a balanced approach to this critical area of the world, he strongly implied that our past policies were unbalanced. That is not true.

The simple fact of the matter is that the United States of all the major powers has been the only one with a balanced Middle East policy. Time after time we have urged the Arabs to recognize the reality of the State of Israel, to sit down with Israel representatives to negotiate a true peace, and to allow for both sides freely to share and exchange in the wealth, resources, and progress of modern life.

The Secretary's remarks are being interpreted in diplomatic circles as being primarily directed toward moves Israel should make, especially returning territory overrun during the 1967 war. His speech was an ill-advised attempt to move Arab leaders closer toward peace. It has had precisely the opposite effect—it has hardened Arab resistance to a peaceful settlement. When the one major power with a sensible position on the Middle East crisis makes statements which seem to unhinge its heretofore firm policies, it is not at all surprising that the side being favored—the Arab side—becomes even more intransigent.

Where is the balance in this kind of a policy?

What sense does it make to urge Israel to withdraw from Arab territories—territories only occupied by Israel in self-defense—when there is absolutely no reason to believe the Arabs are prepared to accept the existence of Israel, to make peace with her, and to end Israel's concern for her own security?

As my colleagues know so well, there will never be peace in the Middle East until the parties to the conflict there are willing to become the parties to the peace. There must be a binding contractual agreement between Israel and her Arab neighbors, an agreement arrived at directly by the parties themselves—not imposed by outside powers.

I believe that in foreign policy as in domestic policy, actions speak louder than words. The actions of the Soviet Union in the Middle East speak for themselves. Almost $10 billion worth of Russian arms have been shipped into Arab countries in the last 12 years. Arab armies have been completely resupplied with modern jets, tanks, artillery, and missiles in the last 2 years. Soviet military instructors have swarmed into the area. And now, for the first time, Russian weapons are being shipped directly to various terrorist organizations. Also there has of late been an increase in intemperate attacks on United States and Israel policies in the Middle East in the Russian press.

The Soviet policy is simple: to radicalize the Arab world with arms and with rhetoric. The ostensible target is Israel; the real target is moderate Arab leaders and moderate Arab governments throughout the area. The Soviets have done nothing to demonstrate that they want peace in the Middle East. Apparently, they just want to keep the pot boiling.

Faced with this situation, the United States must react with patience and with firmness. We must counter Soviet arms shipments to the Arab world with military and economic assistance to Israel to enable her to maintain parity in arms and to sustain the continuing economic burden of continual military preparedness.

We must also continue to point out to our Arab friends that this dispute is no more in their interests than it is in the interests of Israel. Russian arms and military equipment cannot alleviate the population explosion in the United Arab Republic nor can they relieve the misery of the Palestinian refugees. Arab socialism and Arab unity will never be advanced by a holy war against Israel, nor will they be advanced by falling under the domination of Russia. America will see to it that Israel will always have the tools to defend herself. And each defeat will drive the Arab world deeper and deeper into the embrace of the Russian bear.

When the leaders of the Arab world realize that a permanent peace with Israel is in their interests and in the interests of their people, there will be a just settlement. Foreign Minister Eban has repeatedly said that all things are possible in a condition of peace.

Until a permanent peace comes we must not let our sensible long-term policies in the Middle East be nibbled away at by those who shortsightedly seek short-term tactical advantages there.

RETIREMENT OF DR. JOHN SLOAN DICKEY, PRESIDENT OF DARTMOUTH COLLEGE

Mr. McINTYRE. Mr. President, last week my alma mater, Dartmouth College, honored its president, John Sloan Dickey, who has announced his retirement.

Dr. Dickey has served as president for 25 years. During his tenure, this small men's liberal arts college in Hanover, N.H., has emerged as one of the leading academic institutions in the Nation. Dartmouth's stature today as one of the top colleges in the country is in no small part due to John Sloan Dickey's leadership, his dedication, and his imagination.

At a time when university officials throughout the land are being subjected to criticism from all sides, I offer a well deserved tribute to this fine educator.

I ask unanimous consent that an editorial entitled "The Dickey Years at Dartmouth," published in the Lebanon, N.H., Valley News, December 13, 1969, be printed in the RECORD.

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

[From the Lebanon (N.H.) Valley News, Dec. 13, 1969]

THE DICKEY YEARS AT DARTMOUTH

Whenever institutional cement has been allowed to set around curricula and administrators, campus dissent has taken explosive forms. And where internal rigidity has been combined with outside urban pressures, as at Harvard and Columbia, violence has verged on catastrophe

This may be one instance when Dartmouth's upstate location has been helpful. But geography does not confer immunity from disorder, (as the Parkhurst affair proved), and it is to John Sloan Dickey, honored today after 25 years at the helm of Dartmouth, that one must look for keeping this institution relatively loose and responsive to changing needs.

Scholastically, Dartmouth under Dickey came from behind in the Ivy League. From the first, Dickey recognized that there must be scholars as well as outstanding jocks on scholarship, and that the Big-Green-party-boy image must be replaced. So he set out, in his own words, to "compete with the best for the best".

By raising faculty compensation and instituting such benefits as faculty fellowships, Dickey directed the recruitment of a new team to replace one that was superannuated. Funds were also found to broaden opportunity for deserving but needy students.

For twenty years the campus was visited by persons of distinction from every area of endeavor who spoke of the great issues of our times for the benefit of seniors. Dartmouth's Public Affairs Center, with its emphasis on participation in public life, from Senatorial offices to those of local town managers, was an outgrowth of this 1947 Dickey innovation.

In 1954 Dickey persuaded the trustees to study what the college should accomplish in the fifteen years remaining before its bicentennial. Doctoral programs under the faculty of Arts and Sciences were re-instituted, and deliberately kept small so that Dartmouth would have, in the president's words, "an undergraduate educational operation worthy of celebration as she moved from her second to her third century".

In turn, the fourth oldest medical school in the nation was reconstituted to take greater advantage of its proximity to the regional medical facilities of the Mary Hitchcock Memorial Hospital and, most recently, to provide more physicians and better medicine through a shortened and sharpened MD degree program. Two other professional schools, Thayer and Tuck, received essential encouragement.

The most dramatic innovations, the Hopkins Center and the time-sharing concept of computer usage, underlined Dartmouth's transition from a provincial institution to one with concern for the whole man and woman, outside as well as inside the academic community. And perhaps the most "relevant" programs on and off campus are those developed under the Tucker Foundation, inspired by President Dickey, and named after William Jewett Tucker, the last of Dartmouth's minister leaders. The idea behind ABC, A Better Chance, came to the president following discussion in 1964 with preparatory school headmasters over the needs of disadvantaged youngsters in the secondary school level.

Most recently Dickey insisted that the merits of the black demands for an Afro-American program on campus be examined. "No white man," (said JSD), "no matter how hard he tries, can understand the burdens black Americans carry from 100 years of discrimination on top of 200 years of slavery".

As John Sloan Dickey prepares to retire in the countryside he loves, he leaves with the satisfaction that Dartmouth is no longer a small parochial voice in the wilderness. Thanks to his quarter century of responsive leadership, the numbers of those who love her are now legion. And as his door was always open to anyone who sought his counsel, so the doors of a grateful community will always be open to him.

SUPPORT FOR FUNDS TO IMPLEMENT COAL MINE HEALTH AND SAFETY ACT GIVEN BY CHAIRMAN CARL PERKINS OF HOUSE LABOR COMMITTEE

Mr. RANDOLPH. Mr. President, last night, during the consideration of the supplemental appropriations bill, 1970, I offered for myself and the junior Senator from Pennsylvania (Mr. SCHWEIKER) amendments to add to that measure $25 million for expenses necessary to improve health and safety in the Nation's coal mines—$10 million for the Department of Health, Education, and Welfare and $15 million for the Department of the Interior. We are grateful that the amendments were agreed to and that the Senate followed this action by agreeing also to the conference report on the new Federal Coal Mine Health and Safety Act, which now needs only affirmative action by the President of the United States to become law.

I desire at this time to officially recognize that, through inadvertence, we failed in our discussion of the need for the appropriations addition to bring to attention and place in the legislative record a communication by the distinguished chairman of the House Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky, relating to the funding essential to provide for payments incident to black lung disease, for health research and medical examinations, for coal mine safety research, and for coal mine health and safety enforcement.

Chairman PERKINS' letter to the distinguished chairman of our Appropria-

tions Committee, Mr. RUSSELL, with copies to the Senators from West Virginia, is of vital importance to the legislative history in support of the amendments agreed to. The able Representative from Kentucky was chairman of the House-Senate conference and submitted conference report No. 91–761 to accompany S. 2917, the bill to improve the health and safety conditions of persons working in the coal mining industry of the United States. Chairman PERKINS provided outstanding leadership, along with his subcommittee chairman, Representative JOHN DENT, of Pennsylvania, on the legislation in the other body, and he presided with dispatch and fairness over the remarkable achievement of the conference in agreeing to report the complex measure following a single day of meeting and working diligently and amicably in that conference.

Again, I highly commend the services performed for the Nation, and especially for the coal miners, by those leaders and their colleagues from the House. And our colleagues in this body, led by Chairman RALPH YARBOROUGH of our Committee on Labor and Public Welfare, and Chairman HARRISON WILLIAMS of New Jersey, chairman of the Subcomittee on Labor, are deserving of praise for persevering on this measure to a fruitful conclusion. In my 25 years of service in the Congress, rarely have I observed and worked at the side of a colleague who devoted as much time and expended as much effort with diligence, patience, and intelligence as did Senator WILLIAMS of New Jersey in presiding over hearings and subcommittee sessions and in Senate management of the Coal Mine Health and Safety Act of 1969. He is deserving of a special tribute, as is the ranking minority member of our Labor Subcommittee and its parent Committee on Labor and Public Welfare, the senior Senator from New York (Mr. JAVITS), who likewise devoted an inordinate amount of time and energy with acumen to the development of the landmark health and safety legislation. The untiring and intelligent performances by the members of staffs of the Labor Committee and Senate members of the committee deserve special recognition and I commend them.

Mr. President, I ask unanimous consent to have printed in the RECORD the December 18, 1969, letter from Chairman PERKINS of the House Committee on Education and Labor to Chairman RICHARD B. RUSSELL of the Senate Committee on Appropriations, concerning appropriations to implement actions under the Federal Coal Mine Health and Safety Act of 1969.

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

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
December 18, 1969.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, last night the House of Representatives passed the landmark conference report on the Federal Coal Mine Health and Safety Act of 1969.

I, and I am sure you, too, are quite anxious to see that there is no delay in implementing this important legislation to protect our Nation's miners and to provide needed benefit payments to those miners afflicted with pneumoconiosis, commonly called, "Black Lung" disease, and their widows.

I have consulted with the two Departments concerned in administering this Act, namely Interior and Health, Education, and Welfare, and I find that the following amounts are needed for the remainder of this fiscal year to get this program off the ground:

To Health, Education and Welfare:

(a) Black Lung Payments—$7 million to develop standards by April 1, 1970 and to pay initial claims filed between that date and July 1, 1970.

(b) Health Research and medical examinations—$3.5 million (a portion of this sum will be reimbursed).

To Interior:

(a) Safety Research—$8 million.

(b) Health and Safety Enforcement—$7 million.

I note that your committee approved the fiscal supplemental appropriations bill for this fiscal year for floor action today. I strongly urge you to amend this bill to include the above sums so we can get immediate action by these departments in helping the miners and their families. I assure you that, once included in the Senate, I will work actively in the House to gain acceptance.

I appreciate your kind consideration of this matter which is of critical importance to many people in Kentucky, West Virginia, Virginia, Pennsylvania, and other coal producing states.

With warmest regards.

Sincerely,

CARL D. PERKINS,
Chairman.

THE LAPEER COUNTY COURTHOUSE

Mr. HART. Mr. President, the American Bar Association has for some time featured courthouses of unusual architectural interests on the cover of its monthly journal. The November cover pictures the Lapeer County Courthouse, the oldest courthouse still in use in Michigan.

The journal has an interesting article about the history of the courthouse and the efforts of the Lapeer County Press in preserving it.

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:

MICHIGAN'S OLDEST

Mark Twain's remark that the report of his death was an exaggeration may be applied to the courthouse on our cover this month—the Lapeer County Courthouse. For through the years it has been considered a wreck, or a disgrace or just plain falling down, and it has been threatened with extinction, destruction or replacement. Yet it stands today, perhaps in better condition than it has ever been, on Nepessing Street in Lapeer, Michigan, a thriving little city in southeastern Michigan, proudly bearing the mantle of the oldest courthouse in Michigan still in use.

The courthouse, constructed in 1839, was the product of a feud that proved profitable for the residents of Lapeer. The first settler of Lapeer, A. N. Hart, got into a fuss with the second settler, J. R. White, who arrived a few days later—a fuss that a later Lapeer County history described as "more or less bitter". By 1839 Hart and White, both of whom were lawyers, each had built a courthouse and offered it to the public. Hart won what was called the "Courthouse War" when the board of supervisors bought his building for $3,000, although it had cost him $10,000 to erect it. White's courthouse became the Lapeer Academy and later the town's high school. Everyone was happy about the war.

Time and wear and tear took their toll, for by 1879 a committee of the board of supervisors sadly noted that the "courthouse is fast going to decay on account of the crumbling of the walls and poor condition of the underpinning". The committee also observed that, "The yard around the courthouse is in a dirty and filthy condition by reason of cattle being allowed to run therein." The cows were chased away and the building moved to a new foundation.

In 1887 a supervisor from Imlay City, a town that aspired to the status of Lapeer County seat, charged that the county buildings were a "shame and a disgrace" and said Imlay City was prepared to spend $50,000 for a new courthouse, if, of course, it were located in Imlay City. But this move was defeated.

By the 1960s the building had fallen into disrepair again. It had not been painted since before World War II, and the paint was peeling. It was stained from rusted pipes; it had dirty windows; the yard was weedy; the heating system was erratic. The move for rejuvenation and restoration was led by the *Lapeer County Press*, which offered money for an architectural survey of the building. This showed that the building was structurally sound, and a restoration fund was established. The *Press* sponsored what was described as the "biggest dance ever held in the county", the paper paying all the expenses and half the proceeds going to the fund. The board of supervisors allocated funds, but unfortunately the restoration was not completed.

A brand new building to house the county offices has been built behind the old courthouse, now 130 years old. But many of the citizens of Lapeer County now realize they have a jewel in their midst, and they are determined to protect and cherish it. If they have their way, the Lapeer County Courthouse will last another hundred years.

HARTFORD COMMON COUNCIL APPEALS ON BEHALF OF SOVIET JEWS

Mr. DODD. Mr. President, all people and all religions are persecuted under communism. But for some reason the Communist regimes in the Soviet Union and other countries have singled out the Jewish people for special persecution.

They are villified in the press in terms reminiscent of Nazi propaganda; but they are denied the right to defend themselves.

They are barred from many positions and made to feel unwanted in a hundred different ways; but they are denied the right to emigrate from the Soviet Union to Israel or other countries.

Their religion is dying in the most literal sense because the Soviet Union for several decades now has maintained a near total ban on the publication of Hebrew religious books and on Jewish theological seminaries.

These facts have become widely known in recent years and have resulted in many protests.

I believe that the American attitude toward Soviet treatment of her Jewish citizens was most eloquently expressed in a recent resolution adopted by the court of common council of the city of Hartford, Conn.

The resolution wound up by appealing to the Soviet Government "to restore to Soviet Jews their full rights and to grant to those who wish to leave the right to be reunited with wartorn families and to join their brethren in other countries, whether in Israel or in other countries."

Mr. President, I ask for unanimous consent to have printed in the RECORD the full text of the resolution adopted by the court of common council of the city of Hartford on December 8, 1969.

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

CITY OF HARTFORD,
Hartford, Conn., December 10, 1969.

RESOLUTION

This is to certify that at a meeting of the Court of Common Council, December 8, 1969, the following resolution, sponsored by all members of the Council of the City of Hartford, Connecticut, was passed unanimously.

Whereas, Chanukah, the Festival of Lights, is being celebrated by Jews throughout the world from December 4, 1969 through December 12, 1969; and

Whereas, This year the world-wide commemoration of the adoption of the Universal Declaration of Human Rights—a contemporary proclamation against tyranny—coincides with Chanukah, an ancient victory over oppression; and

Whereas, It is fitting that as we commemorate Human Rights Day, we give thought to the situation of more than three million Jews in the Soviet Union, the largest Jewish community in the world outside the United States, who are denied the fullest means of religious and cultural self-expression based on the rights guaranteed them by Soviet Law; now, therefore, be it

Resolved, That the Court of Common Council hereby appeals to the Government of the Soviet Union to restore to Soviet Jews their full rights and to grant to those who wish to leave the right to be reunited with war-torn families and to join their brethren in other countries, whether in Israel or in other countries.

ROBERT J. GALLIVAN,
City Clerk.

EXPENDITURE REFORM NEEDED EVEN MORE THAN TAX REFORM

Mr. GRIFFIN. Mr. President, in a recent column, entitled "John S. Knight's Notebook," Mr. Knight emphasized that expenditure reform is needed even more than tax reform.

While Senators may not agree with Mr. Knight's comments, I am sure there will be no dissent regarding his tribute in the same column to two of the Senate's most distinguished Members—Senator SPESSARD L. HOLLAND, of Florida, and Senator JOHN J. WILLIAMS, of Delaware.

Mr. President, I ask unanimous consent that these parts of Mr. Knight's column, published in the Detroit Free Press of Sunday, December 14, 1969, to which I have referred, be printed in the RECORD.

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

EXPENDITURE REFORM IS NEEDED EVEN MORE THAN TAX REFORM

It was not so many years ago that Lyndon Johnson was taking pride in his ability to hold the federal budget under $100 billion.

"I'm going to keep it lower than Kennedy's," he told me in December of 1963.

While this hope was never fully realized, it was not until 1966 that the federal administrative budget rose above the $100 billion mark. As late as fiscal 1961, the unified budget, which includes trust funds, had only been $97.8 billion.

Now comes Arthur Burns, presidential counsellor and soon to become chairman of the Federal Reserve, with a prediction that the federal budget will total more than $200 billion in the next fiscal year.

Mr. Burns reminds us that the budget has grown as much in the last nine years as it did in nearly two centuries of the republic's history. He says that while much of the increase has been attributed to the Vietnam war, "the fact is that civilian programs are the preponderant cause" of the growth in spending.

And Mr. Burns really gets to the heart of the matter when he observes that "the need for expenditure reform may be even greater than the need for tax reform."

Unhappily Congress and the American people are traveling in an opposite direction.

For years we have been brainwashed with the nonsense that since America is the richest nation in the world, we can afford everything. Yet the facts are all to the contrary.

There is a limit to the sums of money that can be raised by taxation to cover both the essential needs of government and the ill-considered forays into unprecedented prodigality.

Yet we blithely pursue the course of fiscal irresponsibility when all economic indicators signal a turn to fiscal discipline.

In 1966, the need for a tax increase was clearly indicated when federal outlays were on a sharply rising trend. But President Johnson, when advised that more money would be required to pay for the Vietnam war and his Great Society programs, thought otherwise. The result was a $25 billion deficit for the fiscal year 1968.

Highly expansive monetary and credit policies of the past three years have brought inflation and high price levels. The Nixon administration is attempting to apply corrective measures which Chairman Paul W. McCracken of the President's Council of Economic Advisers believes will eventually "cool off overheated economic conditions."

Meanwhile Congress is playing politics with a "Christmas tree" tax reform bill designed to win votes with highly inflationary boosts in personal exemptions and Social Security benefits.

When the resultant loss in revenues of approximately $9 billion is added to another $12 billion drop beginning in mid-year as the 10 percent surcharge expires, another huge deficit is in prospect unless halted by a presidential veto.

As Dr. McCracken points out, "we revel in larger incomes and a growing economy. But as incomes rise, aspirations also rise and the visible list of unmet demands for the family, the city, the state or the nation never seems to get shorter."

In other words, we live in an undisciplined society which pursues its own selfish ends without thought of sacrifice or fear of the future.

President Nixon's opposition in Congress is making a cynical play or votes in the forthcoming election year.

If he vetoes the tax bill as rewritten by the Senate-House conference committee, his opponents will charge him with ignoring human needs. If he allows it to become law, the nation suffers another setback to fiscal stability.

Mr. Nixon's choice is clear. With inflation as the nation's most plaguing problem, he must stand against the woolly-headed legislators who are inviting more of it in the future.

THE NATION'S LOSS

Speaking of the Senate, Florida's Spessard L. Holland and Delaware's John J. Williams will not seek re-election at the expiration of their present terms.

Spessard Holland is a courtly legislator of conservative persuasions who nevertheless led the successful fight for abolition of the discriminatory poll tax.

He served his state admirably as governor in the war years and brought about needed tax reforms and support for public education. Spessard Holland won the Distinguished Service Cross as a member of our fledgling Air Corps in World War I.

In Florida and Washington, the Senator is known for his integrity, his tolerance of opposing opinion and great strength of character.

Sen. John J. Williams of Delaware is sometimes called the "conscience of the Senate."

His relentless digging and probing into dubious practices and governmental waste have brought him an enviable reputation as one of our most useful public servants.

Sen. Williams finds the tax bill passed by the Senate a "cruel hoax" on the public.

Sens. Holland and Williams are a cut apart from the new breed of legislators who think more of public posturing than the substance of what they say and do.

The nation is greatly in their debt.

RETIREMENT OF JUSTICE SAMUEL LEIBOWITZ—GIL HODGES PLAYING FIRST BASE

Mr. KENNEDY. Mr. President, last Monday, Justice Samuel S. Leibowitz, one of America's great judges, formally announced his retirement. Justice Leibowitz came to the bench of the New York State Supreme Court in Brooklyn nearly 30 years ago, after a distinguished career as one of the Nation's best known defense attorneys.

An article published last Tuesday in the New York Times records the eloquent tributes paid to Justice Leibowitz at the retirement ceremony by his colleagues, and captures much of the judge's warmth and his strong and colorful personality. As one of his fellow judges put it, Justice Leibowitz was a "tough judge," but he was tough only on those who demanded toughness.

Justice Leibowitz' 76 years belie the youth, and vitality, the broad interests and solid Brooklyn background he always displayed both on and off the bench. As he said last Monday in discussing his retirement:

I feel young enough so that it seems like its summer, and Gil Hodges is playing first base in Ebbetts Field.

There are others who will record better than I the many highlights of Justice Leibowitz' long and distinguished career. But I cannot let this occasion pass without remarking briefly on what he regards as the proudest moment of his career, his role as unpaid defense attorney for the Scottsboro boys in one of the great cases in American constitutional history, and one of the principal cornerstones of the meaning of due process of law and equal protection of the laws in our Constitution.

None of us who recalls the Scottsboro case from law school, or who has come to know it subsequently in this Chamber in the course of our debates on law enforcement, civil rights, and neighborhood legal services, can fail to have deep respect for the talent and perseverance of Justice Leibowitz. In this time of continuing controversy over these issues, it

is worth recalling the history of that celebrated case, since it is one of the landmarks on the road we have traveled to equal justice for all our citizens.

A brief description of the Scottsboro case is given by Louis H. Pollak, dean of the Yale Law School, in his recent anthology, "The Constitution and the Supreme Court, a Documentary History," and much of the remarks that follow are adapted from Dean Pollak's excellent commentary. The case is also the subject of a newly published book "Scottsboro, a Tragedy of the American South" by Dan T. Carter.

As Dean Pollak states, the Scottsboro case draws its name from the town of Scottsboro, Ala. There, in 1931, nine Negro youths—two of them boys of 13 and 14—were charged with raping two white prostitutes, who were fellow passengers on a freight train. Eight of the youths were found guilty and sentenced to death. One conviction was set aside by the Alabama Supreme Court. The seven remaining convictions were reviewed by the U.S. Supreme Court, which reversed the convictions on the ground that the defendants had not been adequately represented by counsel at their mass trial. See *Powell* v. *Alabama*, 287 U.S. 45 (1932).

It was at this point that Mr. Leibowitz entered the case. He appeared as defense counsel for the defendants at their second trial, and he remained in the case throughout its tortuous subsequent history. Two of the defendants were retried, and the Supreme Court again reviewed the ensuing death sentences. The Court once again reversed, this time on the ground that Negroes had been systematically excluded from both the grand jury and the trial jury. See *Norris* v. *Alabama*, 294 U.S. 587 (1935); *Patterson* v. *Alabama*, 294 U.S. 600 (1935).

Subsequently, the State of Alabama dropped the rape charges against five of the nine youths, although one of them later pleaded guilty to stabbing a sheriff. But, in 1936 and 1937, the other four youths were retried and convicted. Three of the four received long jail sentences, and the fourth received a death sentence, which was later commuted to life imprisonment. Three of the four were later paroled. The fourth, Haywood Patterson—with whom Mr. Leibowitz is pictured in a photograph accompanying the Times article on his retirement, escaped, and died in 1952 in a Michigan prison, where he was under sentence for manslaughter.

As many experts have stated, there is good reason to believe that the defendants in the Scottsboro case were guilty only of being members of a mistreated minority, not of the offenses charged. The case reflects local American criminal justice at its worst. It is not representative of the way American criminal procedure works in the ordinary case.

At the same time, the Scottsboro case is symptomatic of what can happen when constitutional limitations break down. And one of the Supreme Court's great accomplishments in the three decades since the case caused grave national and international concern has been to move forward aggressively, in a long series of relatively unnoticed criminal cases, to promulgate new and more rigorous constitutional standards.

To many experts, the Court's initial intervention in the Scottsboro case is the starting point for the Court's new vigilance in vindicating the guarantee of "due process of law," and much of the credit for launching the Court on this path rightfully belongs to Mr. Leibowitz.

The first time the Scottsboro case reached the Supreme Court, the dominant question was whether the lawyers assigned to represent the defendants at their trial had furnished their young and unlettered clients anything more than token legal representation. The Supreme Court, in an opinion written by the deeply conservative and deeply conscientious Justice George Sutherland of Utah examined the question of whether the defendants had been represented by counsel in any meaningful sense. Finding the answer to be in the negative, Justice Sutherland then addressed himself to the question of whether, at least in some circumstances, the due process clause of the 14th amendment required the State to furnish counsel. The fact that the Federal Bill of Rights required the Federal Government to accord due process, and also specifically guaranteed the accused a lawyer in a Federal criminal trial did not deter Justice Sutherland from reading "due process" in the 14th amendment to include, at least in capital cases, the right to assistance of counsel. Thereby, the Court took a major step on the path of "incorporating" fundamental rights into the 14th amendment.

The second time the Scottsboro case reached the Supreme Court, the issue was whether Negroes had been unfairly excluded from the grand jury and the trial jury. Mr. Leibowitz argued the case in the Supreme Court, the first time he had ever appeared before that Court. In the course of his argument, Mr. Leibowitz noted that Alabama law did not on its face exclude Negroes from jury service, but insisted that there was a long and unbroken tradition of systematic exclusion throughout the State. One of the questions in the case concerned whether the names of Negroes had been forged on jury rolls offered as exhibits by the State. During his oral argument before the Justices of the Supreme Court, Mr. Leibowitz declared that the jury rolls were fraudulent, and that the fraud had been perpetrated not only on the defendants in the case but on the U.S. Supreme Court itself.

At this point, in one of the most dramatic moments in the history of the Supreme Court, Chief Justice Charles Evans Hughes interrupted Mr. Leibowitz and asked him whether he could prove the forgery. Mr. Leibowitz produced the jury rolls and offered them for the inspection of the Court. One by one, each of the Justices examined the names in questions under a magnifying glass, while Mr. Leibowitz explained the mechanics of the forgery. Later, Mr. Leibowitz learned that this was the first time in its history that the Supreme Court had allowed such an exhibit to be brought into the Court, since the Court deals almost solely with question of law, not questions of fact like the existence of forgery.

Subsequently, in vindicating the position argued by Mr. Leibowitz and reversing the defendants' convictions, Chief Justice Hughes held that the systematic exclusion of Negroes from jury service had deprived the Negro defendants of their right to the equal protection of the laws under the Constitution. "The question in the case," said the Chief Justice, "was not so much the principle, but the facts: That the question is one of fact," he said, "does not relieve us of the duty to determine whether in truth a Federal right has been denied."

Mr. President, I ask unanimous consent that the New York Times article on Justice Leibowitz, to which I referred, be printed in the RECORD. In addition, since much of the atmosphere of the Scottsboro case is set out in Justice Sutherland's opinion for the Supreme Court in Powell against Alabama, I ask unanimous consent that an excerpt from the opinion be printed in the RECORD. I also ask unanimous consent that the Court's opinion in Norris against Alabama, to which Justice Leibowitz contributed so much, be printed in the RECORD.

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

[From the New York Times, Dec. 16, 1969]

A "TOUGH JUDGE" MELLOWS ON HIS RETIREMENT

(By Paul L. Montgomery)

Justice Samuel S. Leibowitz heard his last "Oyez" yesterday at a tearful retirement ceremony in State Supreme Court in Brooklyn.

The hot-tempered 76-year-old judge, who moved to the bench 29 years ago after a mercurial career that included defending Al Capone and the Scottsboro Boys, fought for speech for one of the few times in his life when he arose to address the gathering who had come to pay him tribute.

"There are few times a man is bereft of words to express the feelings that are in his heart," Justice Leibowitz said, peering out over the courtroom.

There was absolute silence in the court, filled with 30 of his colleagues on the bench and a lunch-hour crowd of courtroom veterans.

There was a moment when he tried to go on, and couldn't. Then the man who was known as one of the toughest judges the city has seen reached under his robe for a handkerchief to dry his eyes. At last, he went on.

"I've lived a million lives in my time," he said. "How can I say good-by. It's like ringing down a curtain on a person's life.

"They say old soldiers never die, they just fade away. Well, when this old soldier dies it will be decided by the Chief Justice in Heaven, but the old soldier must decide for himself whether he fades away. As long as God Almighty gives me the strength, I don't propose to fade away. I propose to serve the cause of justice as long as I am able."

TRIBUTES ARE SPOKEN

The judge looked over at his wife of 50 years, who sat weeping in a corner of the hushed courtroom.

"They spoke of me as a tough judge," he said. "Well, Belle can tell you how nights went by when I tossed in bed until dawn trying to figure out what to do with the poor devil to be sentenced in the morning."

Four of Justice Leibowitz's colleagues in Supreme Court—Anthony J. DiGiovanna, Murray H. Pearlman, John R. Starkey and John E. Cone—spoke in tribute to him.

"This is an unprecedented occasion," said Justice DiGiovanna. "In my 21 years on the

Supreme Court and 40 years in public life I have never heard of a ceremonial meeting of the justices such as this."

Justice Starkey recalled how Justice Leibowitz used to handle 450 or 500 cases a year on the old Kings County Court.

"Sam was only tough on those who demanded toughness," he said. "We didn't have many recidivists from Sam Leibowitz."

The audience, recalling the 30- or 60-year sentences he used to mete out to muggers and stick-up artists, laughed for the only time in the ceremony.

When it was over, court attendants and guards crowded around to wish Justice Leibowitz well in his retirement. Under the law, justices may be reappointed for three two-year terms after they pass their 70th birthday. Dec. 31 marks the end of Justice Leibowitz's third extra term.

Justice Leibowitz said he would join the faculty of the Practicing Lawyers' Institute, and give lectures at law schools on trial techniques. He will also be a counsel with the Manhattan law firm of Jacob D. Fuchsberg, who served as Mario A. Procacino's campaign manager in the recent mayoral election.

Before his election as a judge, Justice Leibowitz had made a reputation as one of the country's leading trial lawyers. Of 140 clients tried for first-degree murder, only one was sent to the electric chair.

In an interview in his chambers yesterday after the ceremony, he attributed his later toughness on the bench to his early association with criminals.

"For 22 years I lived with them all—Scarface Capone, all of them," he said. "I know what you do with a dangerous snake. [If] you couldn't take the fangs out, at least you put him away where he can't bite anybody."

Justice Leibowitz said one improvement would be to permit conjugal visits in prisons, something that is allowed now only in Mississippi. "You keep a man in prison away from women, you tear his insides out, you make him a shell," he said.

The judge said that, in his long career, he was proudest of his participation in the Scottsboro Case. As the unpaid defense attorney for nine black Alabama youths accused in 1931 of raping two white prostitutes, he won new trials for them by showing before the Supreme Court that blacks were systematically excluded from Alabama juries.

"If there's anything else I can take to my grave, it's that I got the first black man on a jury in the South in the history of the United States," he said.

By mid-afternoon, Justice Leibowitz had regained the peppery form that won him the enmity of defendants, lawyers and even some of his colleagues on the bench. The judiciary committee of the Association of the Bar of the City of New York opposed his reappointment in 1963 on the ground that he showed "habitual arrogance and discourtesy to lawyers and litigants." He was reappointed anyway.

Justice Leibowitz was asked if he felt old.

"I feel young enough so that it seems like it's summer, and Gil Hodges is playing first base in Ebbetts Field," he said.

Someone asked him what he would do with his robe now that he had retired.

"Who the hell knows," he retorted. "They'll probably bury me in it."

POWELL v. ALABAMA, 287 U.S. 45 (1932)

Mr. Justice Sutherland delivered the opinion of the Court.

These cases were argued together and submitted for decision as one case.

The petitioners, hereinafter referred to as defendants, are negroes charged with the crime of rape, committed upon the persons of two white girls. The crime is said to have been committed on March 25, 1931. . . .

. . . [T]he defendants were tried in three . . . groups. . . . Each of the three trials was completed within a single day. Under the Alabama statute the punishment for rape is to be fixed by the jury, and in its descretion may be from ten years imprisonment to death. The juries found defendants guilty and imposed the death penalty upon all. . . .

In this court the judgments are assailed upon the grounds that the defendants, and each of them, were denied due process of law and the equal protection of the laws, in contravention of the Fourteenth Amendment, specifically as follows: (1) they were not given a fair, impartial and deliberate trial; (2) they were denied the right of counsel, with the accustomed incidents of consultation and opportunity of preparation for trial; and (3) they were tried before juries from which qualified members of their own race were systematically excluded. These questions were properly raised and saved in the courts below.

The only one of the assignments which we shall consider is the second, in respect of the denial of counsel; and it becomes unnecessary to discuss the facts of the case or the circumstances surrounding the prosecution except in so far as they reflect light upon that question.

The record shows that on the day when the offense is said to have been committed, these defendants, together with a number of other negroes, were upon a freight train on its way through Alabama. On the same train were seven white boys and the two white girls. A fight took place between the negroes and the white boys, in the course of which the white boys, with the exception of one named Gilley, were thrown off the train. A message was sent ahead, reporting the fight and asking that every negro be gotten off the train. The participants in the fight, and the two girls, were in an open gondola car. The two girls testified that each of them was assaulted by six different negroes in turn, and they identified the seven defendants as having been among the number. None of the white boys was called to testify, with the exception of Gilley, who was called in rebuttal.

Before the train reached Scottsboro, Alabama, a sheriff's posse seized the defendants and two other negroes. Both girls and the negroes then were taken to Scottsboro, the county seat. Word of their coming and of the alleged assault had preceded them, and they were met at Scottsboro by a large crowd. It does not sufficiently appear that the defendants were seriously threatened with, or that they were actually in danger of, mob violence; but it does appear that the attitude of the community was one of great hostility. The sheriff thought it necessary to call for the militia to assist in safeguarding the prisoners. . . . Soldiers took the defendants to Gadsden for safekeeping, brought them back to Scottsboro for arraignment, returned them to Gadsden for safekeeping while awaiting trial, escorted them to Scottsboro for trial a few days later, and guarded the court house and grounds at every stage of the proceedings. It is perfectly apparent that the proceedings, from beginning to end, took place in an atmosphere of tense, hostile and excited public sentiment. During the entire time, the defendants were closely confined or were under military guard. The record does not disclose their ages, except that one of them was nineteen; but the record clearly indicates that most, if not all, of them were youthful, and they are constantly referred to as "the boys." They were ignorant and illiterate. All of them were residents of other states, where alone members of their families or friends resided.

However guilty defendants, upon due inquiry, might prove to have been, they were, until convicted, presumed to be innocent. It was the duty of the court having their cases in charge to see that they were denied no necessary incident of a fair trial.

First: the record shows that immediately upon the return of the indictment defendants were arraigned and pleaded not guilty. Apparently they were not asked whether they had, or were able to employ, counsel, or wished to have counsel appointed; or whether they had friends or relatives who might assist in that regard if communicated with. . . .

April 6, six days after indictment, the trials began. When the first case was called, the court inquired whether the parties were ready for trial. The state's attorney replied that he was ready to proceed. No one answered for the defendants or appeared to represent or defend them. Mr. Roddy, a Tennessee lawyer not a member of the local bar, addressed the court, saying that he had not been employed, but that people who were interested had spoken to him about the case. He was asked by the court whether he intended to appear for the defendants, and answered that he would like to appear along with counsel that the court might appoint. The record then proceeds:

"The Court: If you appear for these defendants, then I will not appoint counsel; if local counsel are willing to appear and assist you under the circumstances all right, but I will not appoint them

"Mr. Roddy: Your Honor has appointed counsel, is that correct?

"The Court: I appointed all the members of the bar for the purpose of arraigning the defendants and then of course I anticipated them to continue to help them if no counsel appears.

"Mr. Roddy: Then I don't appear then as counsel but I do want to stay in and not be ruled out in this case.

"The Court: Of course I would not do that——

Mr. Roddy: I just appear here through the courtesy of Your Honor.

"The Court: Of course, I give you that right; . . ."

And then apparently addressing all the lawyers present, the court inquired:

". . . well are you all willing to assist?

"Mr. Moody: Your honor appointed us all and we have been proceeding along every line we know about it under Your Honor's appointment.

"The Court: The only thing I am trying to do is, if counsel appears for these defendants I don't want to impose on you all, but if you feel like counsel from Chattanooga—

"Mr. Moody: I see his situation of course and I have not run out of anything yet. Of course, if Your Honor proposes to appoint us, Mr. Parks, I am willing to go on with it. Most of the bar have been down and conferred with these defendants in this case; they did not know what else to do.

"The Court: The thing, I did not want to impose on the members of the bar if counsel unqualifiedly appears; if you all feel like Mr. Roddy is only interested in a limited way to assist, then I don't care to appoint—

"Mr. Parks: Your Honor, I don't feel like you ought to impose on any member of the local bar if the defendants are represented by counsel.

"The Court: That is what I was trying to ascertain, Mr. Parks.

"Mr. Parks: Of course if they have counsel, I don't see the necessity of the Court appointing anybody; if they haven't counsel, of course I think it is up to the Court to appoint counsel to represent them.

"The Court: I think you are right about it Mr. Parks and that is the reason I am trying to get an impression from Mr. Roddy.

"Mr. Roddy: I think Mr. Parks is entirely right about it, if I was paid down here and employed, it would be a different thing, but I have not prepared this case for trial and have only been called into it by people who are interested in these boys from Chattanooga. Now, they have not given me an opportunity to prepare the case and I am not familiar with the procedure in Alabama, but I merely came down here as a friend of the people who are interested and not as paid counsel, and certainly I haven't any money to pay them and nobody I am interested in had me to come down here has put up any fund of money to come down here and pay

counsel. If they should do it I would be glad to turn it over—a counsel but I am merely here at the solicitation of people who have become interested in this case without any payment of fee and without any preparation for trial and I think the boys would be better off if I step entirely out of the case according to my way of looking at it and according to my lack of preparation of it and not being familiar with the procedure in Alabama. . . ."

Mr. Roddy later observed:

THE CONSTITUTION AND THE SUPREME COURT

"If there is anything I can do to be of help to them, I will be glad to do it; I am interested to that extent.

"The Court: Well gentlemen, if Mr. Roddy only appears as assistant that way, I think it is proper that I appoint members of this bar to represent them, I expect that is right. If Mr. Roddy will appear, I wouldn't of course, I would not appoint anybody. I don't see, Mr. Roddy, how I can make a qualified appointment or a limited appointment. Of course, I don't mean to cut off your assistance in any way—Well gentlemen, I think you understand it.

"Mr. Moody: I am willing to go ahead and help Mr. Roddy in anything I can do about it, under the circumstances.

"The Court: All right, all the lawyers that will; of course I would not require a lawyer to appear if—

"Mr. Moody: I am willing to do that for him as a member of the bar; I will go ahead and help do anything I can do.

"The Court: All right."

And in this casual fashion the matter of counsel in a capital case was disposed of.

* * * * *

. . . [T]he trials immediately proceeded. the defendants, young, ignorant, illiterate, surrounded by hostile sentiment, haled back and forth under guard of soldiers, charged with an atrocious crime regarded with especial horror in the community where they were to be tried, were thus put in peril of their lives within a few moments after counsel for the first time charged with any degree of responsibility began to represent them.

It is not enough to assume that counsel thus precipitated into the case thought there was no defense, and exercised their best judgment in proceeding to trial without preparation. Neither they nor the court could say what a prompt and thoroughgoing investigation might disclose as to the facts. No attempt was made to investigate. No opportunity to do so was given. Defendants were immediately hurried to trial. . . . Under the circumstances disclosed, we hold that defendants were not accorded the right of counsel in any substantial sense. To decide otherwise, would simply be to ignore actualities. . . .

* * * * *

The fact that the right involved is of such a character that it cannot be denied without violating those "fundamental principals of liberty and justice which lie at the base of all our civil and political institutions" (Hebert v. Louisiana, 272 U.S. 312, 316), is obviously one of those compelling considerations which must prevail in determining whether it is embraced within the due process clause of the Fourteenth Amendment, although it be specifically dealt with in another part of the federal Constitution. Evidently this court, in the later cases enumerated, regarded the rights there under consideration as of this fundamental character. That some such distinction must be observed is foreshadowed in Twining v. New Jersey, 211 U.S. 78, 99, where Mr. Justice Moody, speaking for the court, said that ". . . it is possible that some of the personal rights safeguarded by the first eight Amendments against National action may also be safeguarded against state action, because a denial of them would be a denial of due process of law. Chicago, Burlington & Quincy R. Co. v. Chicago, 166 U.S. 226. If this is so, it is not because those rights are enumerated in the first eight Amendments, but because they are of such a nature that they are included in the conception of due process of law." While the question has never been categorically determined by this court, a consideration of the nature of the right and a review of the expressions of this and other courts, makes it clear that the right to the aid of counsel is of this fundamental character.

It never has been doubted by this court, or any other so far as we know, that notice and hearing are preliminary steps essential to the passing of an enforceable judgment, and that they, together with a legally competent tribunal having jurisdiction of the case, constitute basic elements of the constitutional requirement of due process of law. The words of Webster, so often quoted, that by "the law of the land" is intended "a law which hears before it condemns," have been repeated in varying forms of expression in a multitude of decisions. . . .

What, then, does a hearing include? Historically and in practice, in our own country at least, it has always included the right to the aid of counsel when desired and provided by the party asserting the right. *The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.* If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing and, therefore, of due process in the constitutional sense.

In the light of the facts outlined in the forepart of this opinion—the ignorance and illiteracy of the defendants, their youth, the circumstances of public hostility, the imprisonment and the close surveillance of the defendants by the military forces, the fact that their friends and families were all in other states and communication with them necessarily difficult, and above all that they stood in deadly peril of their lives—we think the failure of the trial court to give them reasonable time and opportunity to secure counsel was a clear denial of due process.

But passing that, and assuming their inability, even if opportunity had been given, to employ counsel, as the trial court evidently did assume, we are of opinion that, under the circumstances just stated, the necessity of counsel was so vital and imperative that the failure of the tiral court to make an effective appointment of counsel was likewise a denial of due process within the meaning of the Fourteenth Amendment. Whether this would be so in other criminal prosecutions, or under other circumstances, we need not determine. . . .

NORRIS V. ALABAMA

CERTIORARI TO THE SUPREME COURT OF ALABAMA

No. 534. Argued February 15, 18, 1935.—Decided April 1, 1935.

HEAD NOTE

1. Exclusion of all negroes from a grand jury by which a negro is indicted, or from the petit jury by which he is tried for the offense, resulting from systematic and arbitrary exclusion of negroes from the jury lists solely because of their race or color, is a denial of the equal protection of the laws guaranteed to him by the Fourteenth Amendment. P. 589.
2. Whenever a conclusion of law of a state court as to a federal right is so intermingled with findings of fact that the latter control the former, it is incumbent upon this Court to analyze the facts in order that the enforcement of the federal right may be assured. P. 590.
3. Evidence reviewed and found to establish systematic exclusion of negroes from jury service in two Alabama counties, solely because of their race and color. Pp. 590, 596. 229 Ala. 226; 156 So. 229 Ala. 556, reversed.

CERTIORARI, 293 U.S. 552, to review a judgment affirming a conviction of rape.

Mr. Samuel S. Leibowitz for petitioner.

Mr. Thomas E. Knight, Jr., Attorney General of Alabama, with whom *Mr. Thomas Seay Lawson*, Assistant Attorney General, was on the brief, for respondent.

OPINION OF THE COURT

Mr. CHIEF JUSTICE HUGHES delivered the opinion of the Court.

Petitioner, Clarence Norris, is one of nine negro boys who were indicted in March, 1931, in Jackson County, Alabama, for the crime of rape. On being brought to trial in that county, eight were convicted. The Supreme Court of Alabama reversed the conviction of one of these and affirmed that of seven, including Norris. This Court reversed the judgments of conviction upon the ground that the defendants had been denied due process of law in that the trial court had failed in the light of the circumstances disclosed, and of the inability of the defendants at that time to obtain counsel, to make an effective appointment of counsel to aid them in preparing and presenting their defense. *Powell* v. *Alabama*, 287 U.S. 45.

After the remand, a motion for change of venue was granted and the cases were transferred to Morgan County. Norris was brought to trial in November, 1933. At the outset, a motion was made on his behalf to quash the indictment upon the ground of the exclusion of negroes from juries in Jackson County where the indictment was found. A motion was also made to quash the trial *venire* in Morgan County upon the ground of the exclusion of negroes from juries in that county. In relation to each county, the charge was of long continued, systematic and arbitrary exclusion of qualified negro citizens from service on juries, solely because of their race and color, in violation of the Constitution of the United States. The State joined issue on this charge and after hearing the evidence, which we shall presently review, the trial judge denied both motions, and exception was taken. The trial then proceeded and resulted in the conviction of Norris who was sentenced to death. On appeal, the Supreme Court of the State considered and decided the federal question which Norris had raised, and affirmed the judgment. 229 Ala. 226; 156 So. 556. We granted a writ of certiorari. 293 U.S. 552.

First. There is no controversy as to the constitutional principle involved. That principle, long since declared, was not challenged, but was expressly recognized, by the Supreme Court of the State. Summing up precisely the

effect of earlier decisions, this Court thus stated the principle in *Carter* v. *Texas*, 177 U.S. 442, 447, in relation to exclusion from service on grand juries: "Whenever by any action of a State, whether through its legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States. *Strauder* v. *West Virginia*, 100 U.S. 303; *Neal* v. *Delaware*, 103 U.S. 370, 397; *Gibson* v. *Mississippi*, 162 U.S. 565." This statement was repeated in the same terms in *Rogers* v. *Alabama*, 192 U.S. 226, 231, and again in *Martin* v. *Texas*, 200 U.S. 316, 319. The principle is equally applicable to a similar exclusion of negroes from service on petit juries. *Strauder* v. *West Virginia*, *supra*; *Martin* v. *Texas*, *supra*. And although the state statute defining the qualifications of jurors may be fair on its face, the constitutional provision affords protection against action of the State through its administrative officers in effecting the prohibited discrimination. *Neal* v. *Delaware*, *supra*; *Carter* v. *Texas*, *supra*. Compare *Virginia* v. *Rives*, 100 U.S. 313, 322, 323; *In re Wood*, 140 U.S. 278, 285; *Thomas* v. *Texas*, 212 U.S. 278, 282, 283.

The question is of the application of this established principle to the facts disclosed by the record. That the question is one of fact does not relieve us of the duty to determine whether in truth a federal right has been denied. When a federal right has been specially set up and claimed in a state court, it is our province to inquire not merely whether it was denied in express terms but also whether it was denied in substance and effect. If this requires an examination of evidence, that examination must be made. Otherwise, review by this Court would fail of its purpose in safeguarding constitutional rights. Thus, whenever a conclusion of law of a state court as to a federal right and findings of fact are so intermingled that the latter control the former, it is incumbent upon us to analyze the facts in order that the appropriate enforcement of the federal right may be assured. *Creswill* v. *Knights of Pythias*, 225 U.S. 246, 261; *Northern Pacific Ry. Co.* v. *North Dakota*, 236 U.S. 585, 593; *Ward* v. *Love County*, 253 U.S. 17, 22; *Davis* v. *Wechsler*, 263 U.S. 22, 24; *Fiske* v. *Kansas*, 274, U.S. 380, 385, 386; *Ancient Egyptian Order* v. *Michaux*, 279 U.S. 737, 745.

Second. The evidence on the motion to quash the indictment. In 1930, the total population of Jackson County, where the indictment was found, was 36,881, of whom 2688 were negroes. The male population over twenty-one years of age numbered 8801, and of these 666 were negroes.

The qualifications of jurors were thus prescribed by the state statute (Alabama Code, 1923, § 8603): "The jury commission shall place on the jury roll and in the jury box the names of all male citizens of the county who are generally reputed to be honest and intelligent men, and are esteemed in the community for their integrity, good character and sound judgment, but no person must be selected who is under twenty-one or over sixty-five years of age, or, who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness is unfit to discharge the duties of a juror, or who cannot read English, or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box." See Gen. Acts, Alabama, 1931, No. 47, p. 59.

Defendant adduced evidence to support the charge of unconstitutional discrimination in the actual administration of the statute in Jackson County. The testimony, as the state court said, tended to show that "in a long number of years no negro had been called for jury service in that county." It appeared that no negro had served on any grand or petit jury in that county within the memory of witnesses who had lived there all their lives. Testimony to that effect was given by men whose ages ran from fifty to seventy-six years. Their testimony was uncontradicted. It was supported by the testimony of officials. The clerk of the jury commission and the clerk of the circuit court had never known of a negro serving on a grand jury in Jackson County. The court reporter, who had not missed a session in that county in twenty-four years, and two jury commissioners testified to the same effect. One of the latter, who was a member of the commission which made up the jury roll for the grand jury which found the indictment, testified that he had "never known of a single instance where any negro sat on any grand or petit jury in the entire history of that county."

That testimony in itself made out a *prima facie* case of the denial of the equal protection which the Constitution guarantees. See *Neal* v. *Delaware*, *supra*. The case thus made was supplemented by direct testimony that specified negroes, thirty or more in number, were qualified for jury service. Among these were negroes who were members of school boards, or trustees, of colored schools, and property owners and householders. It also appeared that negroes from that county had been called for jury service in the federal court. Several of those who were thus described as qualified were witnesses. While there was testimony which cast doubt upon the qualifications of some of the negroes who had been named, and there was also general testimony by the editor of a local newspaper who gave his opinion as to the lack of "sound judgment" of the "good negroes" in Jackson County, we think that the definite testimony as to the actual qualifications of individual negroes, which was not met by any testimony equally direct, showed that there were negroes in Jackson County qualified for jury service.

The question arose whether names of negroes were in fact on the jury roll. The books containing the jury roll for Jackson County for the year 1930–31 were produced. They were produced from the custody of a member of the jury commission which, in 1931, had succeeded the commission which had made up the jury roll from which the grand jury in question had been drawn. On the pages of this roll appeared the names of six negroes. They were entered, respectively, at the end of the precinct lists which were alphabetically arranged. The genuineness of these entries was disputed. It appeared that after the jury roll in question had been made up, and after the new jury commission had taken office, one of the new commissioners directed the new clerk to draw lines after the names which had been placed on the roll by the preceding commission. These lines, on the pages under consideration, were red lines, and the clerk of the old commission testified that they were not put in by him. The entries made by the new clerk, for the new jury roll, were below these lines.

The names of the six negroes were in each instance written immediately above the red lines. An expert of long experience testified that these names were superimposed upon the red lines, that is, that they were written after the lines had been drawn. The expert was not cross-examined and no testimony was introduced to contradict him.[1] In denying the motion to quash, the trial judge expressed the view that he would not "be authorized to presume that somebody had committed a crime" or to presume that the jury board "had been unfaithful to their duties and allowed the books to be tampered with." His conclusion was that names of negroes were on the jury roll.

We think that the evidence did not justify that conclusion. The Supreme Court of the State did not sustain it. That court observed that the charge that the names of Negroes were fraudulently placed on the roll did not involve any member of the jury board, and that the charge "was, by implication at least, laid at the door of the clerk of the board." The court, reaching its decision irrespective of that question, treated that phase of the matter as "wholly immaterial" and hence passed it by "without any expression of opinion thereon."

The state court rested its decision upon the ground that even if it were assumed that there was no name of a negro on the jury roll, it was not established that race or color caused the omission. The court pointed out that the statute fixed a high standard of qualifications for jurors (*Green* v. *State*, 73 Ala. 26; *State* v. *Curtis*, 210 Ala. 1; 97 So. 291) and that the jury commission was vested with a wide discretion. The court adverted to the fact that more white citizens possessing age qualifications had been omitted from the jury roll than the entire negro population of the county, and regarded the testimony as being to the effect that "the matter of race, color, politics, religion or fraternal affiliations" had not been discussed by the commission and had not entered into their consideration, and that no one had been excluded because of race or color.

The testimony showed the practice of the jury commission. One of the commissioners who made up the jury roll in question, and the clerk of that commission, testified as to the manner of its preparation. The other two commissioners of that period did not testify. It was shown that the clerk, under the direction of the commissioners, made up a preliminary list which was based on the registration list of voters, the polling list and the tax list, and apparently also upon the telephone directory. The clerk testified that he made up a list of all male citizens between the ages of twenty-one and sixty-five years without regard to their status or qualifications. The commissioner testified that the designation "col." was placed after the names of those who were colored. In preparing the final jury roll, the preliminary list was checked off as to qualified jurors with the aid of men whom the commissioners called in for that purpose from the different precincts. And the commissioner testified that in the selections for the jury roll no one was "automatically or systematically" excluded, or excluded on account of race or color; that he "did not inquire as to color, that was not discussed."

But, in appraising the action of the commissioners, these statements cannot be divorced from other testimony. As we have seen, there was testimony, not overborne or discredited, that there were in fact negroes in the county qualified for jury service. That testimony was direct and specific. After eliminating those persons as to whom there was some evidence of lack of qualifications, a considerable number of others remained. The fact that the testimony as to these persons, fully identified, was not challenged by evidence appropriately direct, cannot be brushed aside. There is no ground for an assumption that the names of these negroes were not on the preliminary list. The inference to be drawn from the testimony is that they were on that preliminary list, and were designated on that list as the names of negroes, and that they were not placed on the jury roll. There was thus presented a test of the practice of the commissioners. Something more than mere general asseverations was required. Why were

[1] The books containing the jury roll in question were produced on the argument at this bar and were examined by the Court.

these names excluded from the jury roll? Was it because of the lack of statutory qualifications? Were the qualifications of negroes actually and property considered?

The testimony of the commissioner on this crucial question puts the case in a strong light. That testimony leads to the conclusion that these or other negroes were not excluded on account of age, or lack of esteem in the community for integrity and judgment, or because of disease or want of any other qualification. The commissioner's answer to specific inquiry upon this point was that negroes were "never discussed." We give in the margin quotations from his testimony.[2]

We are of the opinion that the evidence required a different result from that reached in the state court. We think that the evidence that for a generation or longer no negro had been called for service on any jury in Jackson County, that there were negroes qualified for jury service, that according to the practice of the jury commission their names would normally appear on the preliminary list of male citizens of the requisite age but that no names of negroes were placed on the jury roll, and the testimony with respect to the lack of appropriate consideration of the qualifications of negroes, established the discrimination which the Constitution forbids. The motion to quash the indictment upon that ground should have been granted.

Third. The evidence on the motion to quash the trial venire. The population of Morgan County, where the trial was had, was larger than that of Jackson County, and the proportion of negroes was much greater. The total population of Morgan County in 1930 was 46,176, and of this number 8,311 were negroes.

Within the memory of witnesses, long resident there, no negro had ever served on a jury in that county or had been called for such service. Some of these witnesses were over fifty years of age and had always lived in Morgan County. Their testimony was not contradicted. A clerk of the circuit court, who had resided in the county for thirty years, and who had been in office for over four years, testified that during his official term approximately 2500 persons had been called for jury service and that not one of them was a negro; that he did not recall "ever seeing any single person of the colored race serve on any jury in Morgan County."

There was abundant evidence that there were a large number of negroes in the county who were qualified for jury service. Men of intelligence, some of whom were college graduates, testified to long lists (said to contain nearly 200 names) of such qualified negroes, including many business men, owners of real property and householders. When defendant's counsel proposed to call many additional witnesses in order to adduce further proof of qualifications of negroes for jury service, the trial judge limited the testimony, holding that the evidence was cumulative.

We find no warrant for a conclusion that the names of any of the negroes as to whom this testimony was given, or of any other negroes, were placed on the jury rolls. No such names were identified. The evidence that for many years no negro had been called for jury service itself tended to show the absence of the names of negroes from the jury rolls, and the State made no effort to prove their presence. The trial judge limited the defendant's proof "to the present year, the present jury roll." The sheriff of the county, called as a witness for defendants, scanned the jury roll and after "looking over every single name on that jury roll, from A to Z," was unable to point out "any single negro on it."

For this long-continued, unvarying, and wholesale exclusion of negroes from jury service we find no justification consistent with the constitutional mandate. We have carefully examined the testimony of the jury commissioners upon which the state court based its decision. One of these commissioners testified in person and the other two submitted brief affidavits. By the state act (Gen. Acts, Ala., 1931, No. 47, p. 55), in force at the time the jury roll in question was made up, the clerk of the jury board was required to obtain the names of all male citizens of the country over twenty-one and under sixty-five years of age, and their occupation, place of residence and place of business. (*Id.*, p. 58, § 11.) The qualifications of those who were to be placed on the jury roll were the same as those prescribed by the earlier statute which we have already quoted. (*Id.*, p. 59, § 14.) The member of the jury board, who testified orally, said that a list was made up which included the names of all male citizens of suitable age; that black residents were not excluded from this general list; that in compiling the jury roll he did not consider race or color; that no one was excluded for that reason; and that he had placed on the jury roll the names of persons possessing the qualifications under the statute. The affidavits of the other members of the board contained general statements to the same effect.

We think that this evidence failed to rebut the strong *prima facie* case which defendant had made. That showing as to the long-continued exclusion of negroes from jury service, and as to the many negroes qualified for that service, could not be met by mere generalities. If, in the presence of such testimony as defendant adduced, the mere general assertions by officials of their performance of duty were to be accepted as an adequate justification for the complete exclusion of negroes from jury service, the constitutional provision—adopted with special reference to their protection—would be but a vain and illusory requirement. The general attitude of the jury commissioner is shown by the following extract from his testimony: "I do not know of any negro in Morgan County over twenty-one and under sixty-five who is generally reputed to be honest and intelligent and who is esteemed in the community for his integrity, good character and sound judgment, who is not an habitual drunkard, who isn't afflicted with a permanent disease or physical weakness which would render him unfit to discharge the duties of a juror, and who can read English, and who has never been convicted of a crime involving moral turpitude." In the light of the testimony given by defendant's witnesses, we find it impossible to accept such a sweeping characterization of the lack of qualifications of negroes in Morgan County. It is so sweeping, and so contrary to the evidence as to the many qualified negroes, that it destroys the intended effect of the commissioner's testimony.

In *Neal* v. *Delaware, supra,* decided over fifty years ago, this Court observed that it was a "violent presumption," in which the state court had there indulged, that the uniform exclusion of negroes from juries, during a period of many years, was solely because, in the judgment of the officers, charged with the selection of grand and petit jurors, fairly exercised, "the black race in Delaware were utterly disqualified by want of intelligence, experience, or moral integrity, to sit on juries." Such a presumption at the present time would be no less violent with respect to the exclusion of the negroes of Morgan County. And, upon the proof contained in the record now before us, a conclusion that their continuous and total exclusion from juries was because there were none possessing the requisite qualifications, cannot be sustained.

We are concerned only with the federal question which we have discussed, and in view of the denial of the federal right suitably asserted, the judgment must be reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed.

MR. JUSTICE MCREYNOLDS did not hear the argument and took no part in the consideration and decision of this case.

[2] "Q. Did you ever exclude from the jury rolls any negroes because you found first, he was a man under twenty-one years old or over sixty-five, and he was excluded by reason of his age; secondly because he was a person who wasn't esteemed in the community for being a decent and honorable citizen, for good sound common sense and judgment, did you ever see or hear of them not going to take that negro because he wasn't esteemed in the community for good sense and judgment? A. No, sir.

"Q. Did you ever have occasion to say, I can't take that negro because he is a fellow that has a disease which may affect or does affect, his mentality, did you ever say that to yourself, with reference to any particular negro? A. No, sir, negroes was never discussed.

"Q. Did you ever say to yourself as a jury commissioner in compiling those lists, I am not going to take that negro because he has been convicted before of a crime involving moral turpitude, have you ever excluded a negro on that ground, did you ever find any negro that came within that category, under your personal knowledge in Jackson County? A. I couldn't recall any, no, sir, I don't know.

"Q. Have you ever known of any negro in Jackson County who was excluded by reason of the fact that he could not read English, and that negro at the same time wasn't a free holder or householder, did you ever say I can't take that negro because he is prohibited under the rules from serving by reason of that provision? A. No, sir.

"Q. Or anybody in your presence? A. It never was discussed.

"Q. You had been a jury commissioner how long? A. I was on it under Bibb Graves administration, 1928, 1929, 1930.

"Q. Three years? A. Yes, sir.

"Q. And you never had occasion to exclude any negro in Jackson County by reason of the disqualifying provisions I have just called to your attention? A. Not to my personal knowledge, no, sir.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 3:45 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 2 o'clock and 9 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:33 p.m., when called to order by the Presiding Officer (Mr. HART in the chair).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDITIONAL MORTGAGE CREDIT—CONFERENCE REPORT

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

ference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2577) to provide additional mortgage credit, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 18, 1969, pp. 38989–38991, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. PROXMIRE. Mr. President, the bill which came out of conference is a very controversial bill and a very important anti-inflation bill. It could be one of the most important anti-inflation bills of the year. It tries to provide a better opportunity for small businessmen and for housing, which have been so badly hurt by the high interest rates, while at the same time it provides a voluntary credit system and, in addition, a standby mandatory credit system that would be available to the President to counteract high interest rates and try to hold down credit costs so they will not become more inflationary than they are at the present time.

In my opinion, the conference committee has combined the best provisions of both the Senate and House bills in order to give the President and the administration the maximum authority for slowing down inflation and increasing the supply of mortgage credit.

The need for this legislation has been fully documented in the hearings held before the Senate and House Banking Committees and in the reports of those committees. Housing starts are down 30 percent from the start of the year and in the opinion of industry observers, we are in the worst housing shortage since the end of World War II. Interest rates have skyrocketed to well over 8 percent and are approaching 9 percent in some sections of the country.

The bill reported by the conference committee includes the Senate provision which increases the Treasury borrowing authority of the Home Loan Bank Board from $1 billion to $4 billion. This provision was not contained in the House bill and I am pleased that the conferees accepted the Senate version. In my view it is the most meaningful provision of the bill.

If implemented, it can reduce mortgage interest rates by as much as 1 percentage point because of lower cost Treasury borrowing.

Not many people realize it, but the Federal Home Loan Bank Board has supplied nearly half the mortgage credit extended by savings and loan associations in 1969. Since savings and loan associations provide the bulk of credit for single family mortgages, their position in the home financing field is crucial.

Unfortunately, as the total volume of credit is squeezed the Home Loan Bank Board must pay higher and higher rates to obtain the funds for mortgage lending. The latest Home Loan Bank issue cost the agency a record 8.70 percent. This cost must be passed on to the home buyer with the result that hundreds of thousands of middle-income families are being priced out of the housing market.

As a matter of fact, I remember being told earlier this year by builders in Milwaukee that anybody with an income of less than $10,000 a year could forget about buying a home. That means 70 percent of American families are unable to buy a home. They cannot buy homes; they can buy trailers and live in them or live with their relatives, but at a time when new family formations are making new records, these people are unable to buy homes.

Lower cost Treasury borrowing can reduce borrowing costs by 1 percentage point or more and thus reduce the average home buyer's monthly payments by $15.00 per month.

The second most important provision in the bill gives the President the authority to implement selective credit controls. Under the Senate version, these controls would be administered on a voluntary basis. That is, the President or his designee could establish committees of private lenders who would work out voluntary guidelines for channeling credit to the most essential uses such as housing, small business, agriculture, and State and local governments.

That version was tried during the Korean war, and it was found to be very effective. As a matter of fact, the administrators of the measure made a report, shortly afterward, which highly commended the experience and indicated that it was very helpful in holding down prices, as well as holding down interest rates.

Under the House version, the President was given authority to implement mandatory controls on consumer and business credit. These controls could limit the amounts which lenders could lend or borrowers could borrow as well as the terms by which such credit could be extended including the maximum rate of interest, the minimum down payment, the maximum maturity and the frequency of repayment. In addition, the Federal Reserve Board which would administer the controls could require borrowers or creditors to be licensed or registered and in so doing could prescribe the aggregate amounts of credit which could be extended or acquired by such creditors or borrowers for specified purposes.

Mr. President, we all know we live in a credit economy. Very few people buy things for cash. This proposal means giving the President an instrument which is broad and selective enough to use if he needs to slow down inflationary forces, virtually to the degree he wishes to do it. It is giving the President a most important and powerful instrument.

The timing is especially propitious because we are passing it before the administration thinks it is necessary, but, on the basis of many predictions, inflation could become so serious next year that the administration would need it, and it could then use it and not have to wait for long debates in the Senate and the House.

Under both the Senate and House versions, the implementation of selective credit controls would be at the option of the President and only if he deemed such controls necessary to fight inflation.

The conferees wisely decided to accept both the Senate and House provisions and thus provide the President with the widest range of options in combatting inflation.

The conferees gave him both voluntary credit controls and mandatory credit controls. He can use either one to any degree to which he wants to use it.

Under certain circumstances, voluntary credit controls might be most appropriate. Under other circumstances, mandatory credit controls might be more effective. It is also possible that the President might want to extend voluntary credit controls to one sector of the economy while at the same time extending mandatory credit controls to another sector. All of these options would be open to him under the conference bill.

Since monetary and fiscal policies have not succeeded in slowing inflation we ought to give the President the widest possible authority for bringing price increases under control.

A third important provision deals with the financing of the small business investment company program. Because of action by the Bureau of the Budget, SBA loans to SBIC's were cut off earlier this year. In order to provide a source of funds, the Senate passed legislation, S. 2540, to permit SBA to guarantee loans to SBIC's made by private lenders.

The House amended S. 2577 by adding a provision directing the SBA to make an additional $70 million available to SBIC's from its business loan and investment fund. It is expected that there will be $115 million available in this fund by the end of the fiscal year, hence the use of the $70 million for the SBIC program will still leave $45 million.

The Senate conferees agreed to the House amendment and expect the provision to be promptly implemented by the SBA. A precedent for using the business loan and investment revolving fund for SBIC loans without additional appropriation authority already exists in view of recent action by the SBA to use this fund for making $15 million available to Minority Enterprise SBIC's.

Mr. President, in addition to the three major items I have listed, the conferees agreed on a number of lesser issues.

First, the extension of flexible deposit rate control authority was extended to March 22, 1971, as provided by the House bill rather than September 22, 1970, as contained in the Senate bill.

Second, the Senate conferees agreed to the House provision which reduced the amount of insurance payments savings and loan associations must make to the FSLIC by eliminating creditor obligations from the base from which premiums are computed.

Third, the Senate conferees accepted the House provision giving the Federal Reserve Board the authority to establish reserve requirements against commercial paper borrowing of bank affiliates. Both bills also authorize deposit rate control

authority with respect to such borrowing.

Fourth, the Senate conferees agreed to a modified House provision increasing the amount of deposit insurance for banks and savings and loan associations from $15,000 to $20,000. I think to many people this will be very important. Savings are now insured for up to $15,000 in any bank or savings and loan association. This provision increases the maximum amount from $15,000 to $20,000 for banks and savings and loan associations.

No change was made to the sections of both bills which extend limited deposit rate control authority to uninsured financial institutions and which increase the Federal Reserve Board's authority to levy higher reserve requirements on Eurodollar borrowing.

So, Mr. President, all of the provisions of this bill have been designed to lower interest rates, fight inflation, help housing, small business, and employment, and make mortgage credit more available. I wholeheartedly recommend the adoption of the conference report to achieve these objectives.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Several Senators addressed the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 3:45 p.m., today.

The motion was agreed to; and (at 2 o'clock and 48 minutes p.m.) the Senate took a recess until 3:45 p.m., the same day.

The Senate reconvened at 3:45 p.m., when called to order by the Presiding Officer (Mr. COOK in the chair).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. Mr. President, on November 13 this body considered S. 2577, a bill which provided Federal regulation over State institutions, $4 billion in Treasury borrowing to the Federal Home Loan Bank System, and authority to establish voluntary credit controls similar to those used during the Korean war. In addition to these three major items which I opposed strongly at that time, the bill had several other provisions which had received almost complete support by the committee. One of these items is the extension of regulation Q authority, providing that Federal regulatory authorities can regulate rates of interest and dividends paid by banks and savings and loan associations. That authority needs to be extended now because it expires on Sunday, the 21st of this month.

Mr. President, it is unfortunate that the need to extend that authority has been used as a hostage to bring about a legislative proposal containing authority for controls on our economy which has never been equaled in the history of this country. Not even during the worst periods of World War II was such authority granted. Mr. President, if such authority were necessary and if the administration had asked for such authority and if the committees responsible for such legislation on both the House and Senate sides had spent time considering the provisions contained in this proposal which has now come before the Senate, I would certainly not feel as strongly as I do. I would like to say, however, Mr. President, that this has not been the case. The Senate considered its bill several months ago. There was no provision for this broad authority in the Senate bill. I have followed carefully the proceedings which brought about the House version of S. 2577. A bill was introduced; members of the committee were asked to vote on the bill without having any knowledge of what it contained or a chance to have carefully considered its provisions. No hearings were held on its provisions, and it was enacted by the House on Wednesday, the 17th, just 2 days ago. Unfortunately, the pressures of the present situation forced a conference at 1 o'clock yesterday afternoon to reconcile the differences between that bill which passed late the day before and the Senate version, which passed some time ago. There was not an opportunity for Members of the Senate to be fully acquainted with what the House had done, since we did not know what their action would be until the night before. Now, without any interim during which Members of the Senate could consider what the conferees agreed to, we take this up on the Senate floor.

Mr. President, I believe I would be safe in saying that there are very few Members of this body who have any idea what is contained in this bill. Unfortunately the Senator from Texas (Mr. TOWER) was out of town because of a misunderstanding that a conference would not be held yesterday and I was unable to attend the conference because of responsibilities I had at another conference on tax legislation which I felt I could not interrupt in order to attend the second conference. This put the whole burden of responsibility on the Senator from Massachusetts (Mr. BROOKE). I am informed that he did a good job. But I was appalled when I discovered that the conference committee had approved authority for the Federal Reserve Board to "prohibit or limit any extensions of credit under any circumstances the Board deems appropriate." I was also surprised to learn that the conference committee had agreed to the establishment of a Federal usury statute limiting the amount of interest that may be paid on any extension of credit. In addition, authority is granted for the Federal Reserve Board to bring about an action whenever it appears that any person is about to engage in any act which would violate this authority—not after the authority has been violated, but when perhaps someone decides subjectively that a man is about to violate it. Let me repeat, Mr. President, never in the history of this Nation has such broad authority been given to any President or any agency of the Government to control private credit transactions in the United States.

I was interested to note that title III of the report which is before us reads that the Small Business Administration shall promptly increase the level of its financing functions by $70 million. It seems to me that we should recognize in the Congress that it is not our prerogative to determine and to require certain amounts of money to be spent while at the same time we have set ceilings above which the administration cannot go.

Mr. President, I do not want to take a great deal of time on this issue. I realize the situation we face in the Senate. We are driving to get through our work before the holiday begins. And we are under the added pressure that legislation which is important will expire on Sunday if we do not act. I feel, however, that this is legislating at its worst, that it is irresponsible for us to accept such broad authority and to make such mandates without proper consideration by the committees and without the two bodies of Congress really having had time to study and understand the extent to which this bill could change the credit pattern in the United States.

I cannot support the conference report.

Fortunately, this authority is permissive and not mandatory. I hope that those to whom it is being transferred will have the wisdom—I am sure they do—to ignore the authority. What I fear is that the fact that this measure has been passed will be used by some as though it were a mandate and to harass and attempt to put pressure on the authorities given this power, in order to try to put themselves in a position later to make charges of failure if in fact the situation does not clear up quickly.

President Nixon did not ask for this grant of authority and members of his party, I think, by and large, strongly oppose it.

Another thing that worries me very much is that we may now be setting a precedent and that, having given discretionary authority, we can be urged later to transfer this to mandatory authority on the ground that the people to whom it was given have failed to use it and they must be mandated and forced to use it.

I realize that under the circumstances it is going to be impossible to defeat the acceptance of the conference report, and that is, therefore, not my purpose. But I could not with clear conscience let it be accepted without calling the attention of the Senate to what I consider some very real dangers.

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

Mr. BENNETT. I yield.

Mr. GRIFFIN. I commend the distinguished Senator for his statement and associate myself with it.

I call attention to the fact that the Senator from Utah comes to the floor to make this statement after many long hours in the conference on the tax bill.

The Senator may have said this when I was not in the Chamber. I am somewhat concerned about the way this conference report agreement was handled. It is very important, far-reaching legislation. I know that the Senator from Utah was tied up with the tax bill. There was some misunderstanding as to whether or not there was to be a conference, and the Senator from Texas could not attend. The House did not even have hearings, as I understand it, on the mandatory provisions that were added in that body.

Mr. BENNETT. That is my understanding.

Mr. GRIFFIN. I believe that just the procedure provides very substantial grounds for objection to this conference report, in addition to the merits.

Mr. BENNETT. I feel that way, but I would like to say to my friend, the Republican whip, that I have had the cooperation of the Democratic leadership today. They wanted to bring it up around noon. I was in the other conference. I asked them if they would delay it until approximately 3 o'clock. I do not know why 3 o'clock should be sacred, except that is the time we quit this morning in the other conference. They did delay it until 2:30 and then I understand that you and the Senator from Colorado (Mr. DOMINICK) made it possible to hold off action on the report so that I could be here.

So that from that point of view, I have had an opportunity to express myself before action is taken. But the whole thing disturbs me.

Mr. GRIFFIN. I will say, too, that so far as the floor leadership of the majority party is concerned, they cooperated with the leadership on this side of the aisle in making sure that it did not go through until the Senator from Utah did have an opportunity to be on the floor.

But it seems to me disturbing that this far-reaching measure has not had that kind of consideration which I think many people would like to see.

Mr. PROXMIRE. Mr. President, this bill is the home buyers' bill of the year. This industry urgently needs help. This bill provides it.

We have heard much talk about the need to fight inflation. This bill is the most significant action Congress can take this year to combat inflation and help the depressed homebuilding industry.

The bill gives the President authority to slow inflation and bring down interest rates through selective credit controls;

The bill provides up to $4 billion in borrowing authority to be used for mortgage lending;

The bill closes several loopholes which big banks and large corporations have used to escape from tight money;

The bill provides $70 million of funds already appropriated for loans to small business investment companies;

The bill extends until March 22, 1971, the authority to prevent inflationary rate wars between financial institutions.

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of section 3 (a) Public Law 91–129, the Speaker appoints as members of the Commission on Government Procurement the following Members on the part of the House: Mr. HOLIFIELD and Mr. HORTON; and the following member from outside of the Federal Government: Joseph W. Barr, of Maryland.

The message also requested the Senate to return to the House of Representatives the message informing the Senate that the House had agreed to the amendments of the Senate to the bill (H.R. 9634) entitled "An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources."

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9334) to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes.

The message also announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes; that the House insisted on its disagreements to the amendments of the Senate numbered 2, 14, and 15 to the bill.

The message further announced that the House had agreed to the concurrent resolution (H. Con. Res. 473) authorizing the Clerk of the House to make a correction in the enrollment of the bill (H.R. 14751).

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 740) to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, and it was signed by the Acting President pro tempore.

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

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

FOREIGN ASSISTANCE ACT OF 1969—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 18, 1969, pp. 39833–39840, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. FULBRIGHT. Mr. President, I shall be very brief in explaining the conference agreement. The Senate authorized a total foreign aid program of $1,970,650,000. The House authorized $2,193,900,000—making a difference of $223,250,000. The conference agreement is for $1,972,525,000—or $1,875,000 above the amount approved by the Senate. Although I do not take any pride in this bill—because it means a temporary continuation of a program which is a failure—I think the Senate conferees reached an agreement on amounts which is better than the Senate could reasonably expect.

The bill authorizes appropriations for both fiscal years 1970 and 1971. The Senate conferees recognized the difficulties involved in trying to draw up a complete new aid program between the time the President's recommendations to Congress are due on March 31, and the likely early adjournment next year, due to election campaigns. The 2-year authority will free the Committee on Foreign Relations to spend more time on study of new, long-range policy in the coming year than would have been possible if it were necessary to go through the renewal ritual again next year.

The only significant substantive addition to the bill approved by the Senate is the authorization of an Inter-American Social Development Institute. The Institute would be a public corporation, whose board of directors would be subject to confirmation by the Senate. The purpose of the Institute would be to stimulate the use of people-to-people channels for aid in social and economic development of Latin America. It is, admittedly, an experiment, a new approach to distribution of aid and, for that reason, it was limited to use of $50 million in economic aid funds, as the administration decides, for fiscal years 1970 and 1971. The committee will follow the progress of the Institute and give careful study to its record of operations in connection with its development of a new aid program in 1971.

Mr. President, when I presented the foreign aid bill to the Senate I said, that I took no pleasure in doing so, and that the bill was being presented with reluctance rather than enthusiasm. The same holds true for this conference report. But, as a compromise between the Senate and House bills, the agreements is, I believe, satisfactory and reasonable.

Mr. FULBRIGHT. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

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

Mr. AIKEN. Mr. President, I favor approval of the conference report.

Mr. FULBRIGHT. Mr. President, I renew my motion for adoption of the conference report.

The motion was agreed to.

Mr. COOK. Mr. President, I should like the record to show that I voted in the negative on the conference report.

Mr. MANSFIELD. Mr. President, I should like the record to show that I voted in the negative on the conference report.

Mr. HATFIELD. Mr. President, I should like the record to show that I voted in the negative on the conference report.

"AGNEW'S CRITERIA"

Mr. FULBRIGHT. Mr. President, my attention has been attracted to an editorial published in the Baltimore Sun of December 17, 1969, entitled "Agnew's Criteria."

I think it is a significant editorial from the leading newspaper of Baltimore and it comments upon the action that the Vice President has taken to implement the threats he made in his first speech in attacking the news media.

Those were words. Now it seems that the Vice President has proceeded to apply the principle to exclude representatives of newspapers who do not agree with his policies.

So we now have the gradual unfolding of the policy of the Vice President, that only those who agree with his approach to public policy will be allowed to report his trips.

I might say, however, that his trips around the world are not made at his expense but are public trips and thus it is assumed his traveling expenses are paid by the Government.

Therefore, I do not believe that he should properly be allowed to exclude representatives of great newspapers from access to the news because news is the breath of life to a newspaper.

I believe that this is a questionable precedent. If it is to be applied not only to newspapers but later to television, we will certainly end up with a managed press.

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

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

[From the Baltimore Sun, Dec. 17, 1969]

AGNEW'S CRITERIA

In a speech in Des Moines in mid-November, Vice President Agnew discussed the question of the handling of news and news commentary by the television networks, and then told his listeners:

"In tomorrow's edition of the Des Moines *Register* you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's networks?"

Strictly as to newspapers, Mr. Agnew did seem at that time to understand the clear distinction any respectable newspaper makes between news on the one hand and editorial comment on the other.

Yet now, as is detailed in our news columns today, *The Sun* is denied news coverage of the Vice President's coming Asian trip in part because, according to his press secretary, Mr. Agnew dislikes editorial comment he has received on our editorial pages. This is one instance, it seems to us, in which the facts themselves provide sufficient comment.

PEACE IN VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article written by James Reston, entitled "Something Happened on the Way to Peace."

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

SOMETHING HAPPENED ON THE WAY TO PEACE

(By James Reston)

WASHINGTON.—Despite all President Nixon's efforts to clarify his Vietnam policy in the last few weeks, two fundamental questions remain.

First, does he intend to withdraw "all of our forces" from Vietnam, or all United States "combat forces?" He says one thing one time and the other another time, and the difference between the two is estimated in official quarters at between 100,000 and 200,000 men.

Second, does his peace plan depend on his assumption that the South Vietnamese can successfully defend their country either with or without the logistical support of noncombat United States troops, and if they cannot, do we keep our troops there indefinitely?

In his Vietnam speech on November 3, Nixon said: "The American people cannot and should not be asked to support a policy which involves the overriding questions of war and peace unless they know the truth about that policy." He added in this same speech that he not only wanted peace, but had put into effect "a plan which will bring the war to an end regardless of what happens on the negotiating front."

For over a quarter of a century, Hanoi has been fighting and negotiating to get rid of all foreign troops—first against the Japanese, then the French, and now the Americans. No doubt its aim in doing so was to establish its control over all of Vietnam.

During the last few years, the United States has built at Cam Ranh Bay, on the coast of South Vietnam, an air and naval base which is the best in Asia, all the more important with the decline of Singapore and the eventual transfer by treaty of Hong Kong to China.

Accordingly, it has been a fundamental question throughout the Paris negotiations, whether the United States really meant to scale down its war effort or whether it meant to get out, leaving Cam Ranh Bay and many other modern military bases as a potential prize in the future struggles between the Vietnamese themselves.

On May 14 of this year, President Nixon stressed that the United States wanted, "no military bases" in Vietnam, "no military ties" and would accept "any government in South Vietnam that results from the free choice of the South Vietnamese people themselves."

In short, he was willing to risk then the chance that Cam Ranh Bay and all the United States military supplies in the hands of the South Vietnamese would fall to a Communist government, though he has always rejected the enemy claim that there could be "no free choice of the South Vietnamese people themselves" under the present government in Saigon.

In recent weeks, however, the Nixon administration's emphasis has seemed to change. The commitments to withdrawal have become less precise. In his November 3 speech, Nixon talked both about withdrawing "all" American forces and at another place "all combat forces." In his news conference this week, he said merely:

"We have a plan for the reduction of American forces in Vietnam, for removing all combat forces from Vietnam, regardless of what happens in negotiations."

The questions here are fairly obvious. A plan to withdraw "all forces" is one thing. but a plan to withdraw all "combat forces" could leave a couple of hundred thousand Americans in Vietnam to maintain and fly the planes and helicopter gun ships and continue to train and supply and help direct the Vietnamese.

A strong argument is made at the Pentagon for doing just that, but we do not know whether this is "the plan" and obviously it makes a difference in the enemy's calculations about whether to go on fighting or to negotiate.

The President's assumption that the South Vietnamese can successfully take over the fighting as we withdraw our combat units raises an equally interesting question. For if his policy is to stick with the South Vietnamese until they demonstrate that they are secure, all they have to do is prolong their inefficiency in order to guarantee that we will stay in the battle indefinitely.

In recent weeks, the President has run a successful and even brilliant campaign on the politics of Vietnam on the home front, but he is still stuck on the war front and the peace front.

In fact, he has done so well against his critics recently, that he may have seen persuaded the original political and strategic

objectives in Vietnam are still within his grasp. If so, he would not be the first to try it. Presidents Johnson and Kennedy passed that way themselves.

PRESIDENT NIXON'S WARNING THAT HE WILL IMPOUND FUNDS ON DOMESTIC PROGRAMS

Mr. FULBRIGHT. Mr. President, I have been intrigued by the threats, or rather the assurances, by the administration that it will not only veto congressional acts which involve spending of which it does not approve, but also according to the article entitled "Nixon May Freeze Funds" written by Dan Thomasson, that it will freeze funds which are duly appropriated for the use of the people of this country.

The reason why this has attracted my attention is that it prompts me to recall how determined the administration was when we had up such items as the ABM earlier in the year, which involved vast expenditures of public funds. In those cases, there was never mention made of the inflationary nature of those expenditures which, in most cases, will be far greater than the sums mentioned in the article. Those sums are, in many cases, quite small.

One of them is $4 billion compared to the ABM which, for example, on its first estimate would cost about $7 billion. Then upon revision, it was $10 billion. I think the latest figure now is about $15 billion. So that, by the time it gets into production no doubt it will be $30 billion to $40 billion.

Thus, it seems to me an odd inconsistency that on the one hand certain programs are inflationary while on the other hand other programs, in the weapons field particularly, are not.

Perhaps, before very long, the administration can explain to the people this inconsistency.

I ask unanimous consent to have printed in the RECORD the article to which I have referred.

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

NIXON MAY FREEZE FUNDS

(By Dan Thomasson)

President Nixon has warned he will impound funds in most government domestic programs during the next six months to protect the nation's already inflationary economy from further damage by excessive congressional spending and revenue reductions.

House and Senate Republican leaders said today they had expected Mr. Nixon would follow this course of not spending all Congress appropriates rather than veto congressional spending measures which would exceed his self-imposed spending limitation of $192.9 billion for this fiscal year.

The President made his intentions clear yesterday in a public letter to Congress obviously aimed at influencing conference committee action on the tax-reform bill and on several remaining appropriations measures.

Mr. Nixon said that actions already passed by at least one House of Congress could add about $4 billion to Federal spending this year and added that congressional inaction on several revenue raising requests had cost another $1 billion.

"This combination of action and inaction would load an additional $5 billion onto an already overheated economy," he said.

The President also noted that the Senate version of the tax bill would take away another $1.6 billion in revenues this fiscal year thru an increase in the personal income tax exemption and retention of part of the investment tax credit for business.

In the fact of this, Mr. Nixon said:

"If the Administration is to achieve its goal of slowing down the rise in prices, it will have to reserve funds on many popular spending programs."

"The other course—of appealing to sundry interests—would run directly counter to the public interest," he said.

Mr. Nixon appealed to leaders of both houses of Congress to join him in holding down spending "no matter what the cost of political popularity."

The President's letter came as the Senate was passing a Health, Education and Welfare Department appropriations bill providing $1 billion more than the President had requested—split about 50–50 between health research programs and Federal aid to education.

There had been reports Mr. Nixon, in a gesture to dramatize the seriousness of the fiscal situation, might take the unusual step of vetoing some appropriations bills with budget overruns.

But House GOP Leader Gerald R. Ford, Mich., said today that he believes the President wants to avoid any unnecessary confrontation with the Democratic-controlled Congress at this point and, therefore, will fall back on his authority not to spend some of the funds appropriated.

In his letter to Congress, Mr. Nixon pointed out that with the expiration of the income tax surcharge next July 1, revenues for fiscal 1971 must be figured from a base $8.5 billion lower than formerly expected.

He also said other increases in uncontrollable Federal payments, like the interest on the national debt, will raise next fiscal year's budget expenditures "probably above $200 billion."

RETURN TO THE HOUSE OF H.R. 9634

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the request of the House, H.R. 9634, to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, be returned to that body.

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

BUDGETS AND EXPENDITURES

Mr. WILLIAMS of Delaware. Mr. President, earlier today there was discussion about how much Congress had appropriated and how much it had allegedly saved in reducing the budget requests, and so forth.

In order to set the record straight, I thought I had better compile a tabulation. We have not reduced appropriations during this Congress.

Mr. GRIFFIN. Mr. President, the senior Senator from Delaware is making a very important statement. It should be listened to, and I hope that the Chair will call the Senate to order.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. WILLIAMS of Delaware. I am going to have the various tabulations printed in the RECORD, and they show on the major appropriation bills this year that the bills as reported by the Appropriations Committee to the Senate—this does not include supplemental bills which may have been enacted last year or this year, they are assumed to cancel out—but appropriation bills as they came to the Senate, including Defense, and so forth—have been increased by a total of $6,231,901,000 above last year's appropriations.

Then, offsetting that, on three appropriations, including Defense, we reduced the total by $3,173,712,000. When we subtract that we find that the Senate this year in its appropriations appropriated $3,058,189,000 more than was appropriated for the same agencies last year. This does not include the amount added to the appropriation bills by rollcall votes or voice votes in the Senate.

This year, for example, on the HEW appropriation alone the Senate added $511 million to the committee bill. That is not included.

The breakdown shows, going back to Agriculture first, that this year for fiscal 1970 the bill as it was reported to the Senate would appropriate $7,636,797,650. That compares with $5,536,050,300 in fiscal 1969, or last year, or an increase of $2,100,747,350.

I ask unanimous consent that the committee tabulation for both of these years as appearing in the committee report be printed in the RECORD.

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

REPORT

[To accompany H.R. 11612]

The Committee on Appropriations, to which was referred the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House—Total new (obligational) authority	$6,806,655,000
Amount of increase by Senate committee—New (obligational) authority	830,142,650
Amount of bill as reported to Senate—New (obligational) authority	7,636,797,650

REPORT

[To accompany H.R. 16913]

The Committee on Appropriations, to which was referred the bill (H.R. 16913) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House—Total new (obligational) authority	[1] $5,523,635,500
Amount of increase by Senate committee—New (obligational) authority	12,414,800
Amount of bill as reported to Senate—New (obligational) authority [2]	[1] 5,536,050,300

[1] Includes contract authorization of $220,000,000 and authorization to spend from debt receipts totaling $424,000,000, but excludes sums to liquidate contract authority; amended by Senate to include $195,5000,000 for con-

tract authorization, and $449,000,000 authorization to spend from debt receipts.

[2] Does not reflect reductions made pursuant to Public Law 90-218 and excludes proposed supplementals for 1968.

Mr. WILLIAMS of Delaware. The second is the Interior Department. This year, fiscal 1970, on the Interior Department the bill, as reported by the Senate, called for $1,544,819,900. This compared to last year's appropriation for this agency of $1,402,915,000, an increase of $141,844,100.

I ask unanimous consent that excerpts from reports Nos. 416 and 1255 on these two bills of this year and last year be printed in the RECORD.

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

REPORT

[To accompany H.R. 12781]

The Committee on Appropriations, to which was referred the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended:

Amount of budget estimates, 1970	$1,569,454,500
Bill as passed by the House	1,540,184,700
Increases over House bill recommended by committee	4,635,200
Total of bill as reported	1,544,819,900

REPORT

[To accompany H.R. 17354]

The Committee on Appropriations, to which was referred the bill (H.R. 17354) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended:

Amount of budget estimates, 1969 [1]	$1,577,112,300
Bill as passed by the House	1,411,680,300
Decreases under House bill recommended by committee	−8,704,500
Total of bills as reported	1,402,975,800

[1] Includes $22,000,000 for National Foundation on the Arts and the Humanities not considered by the House of Representatives.

Mr. WILLIAMS of Delaware. Mr. President, next let us consider the legislative branch. This year's appropriation bill, as reported by the Senate, authorized $344,060,817 as compared with $298,151,396 last year. This was an increase of $45,909,000 to run the legislative branch this year.

I ask unanimous consent that excerpts from the committee reports for both of these years be printed in the RECORD.

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

REPORT

[To accompany H.R. 13763]

The Committee on Appropriations, to which was referred the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House	$284,524,057
Amount of increase by Senate committee	59,536,760
Amount of bill as reported to Senate	[1] 344,060,817

[1] Includes $59,631,260 in Senate items not considered by House.

REPORT

[To accompany H.R. 18038]

The Committee on Appropriations, to which was referred the bill (H.R. 18038) making appropriations for the legislative branch for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House	$247,497,349
Amount of increase by Senate committee	[1] 50,654,047
Amount of bill as reported to Senate	298,151,396

[1] Includes $50,423,447 not considered by House.

Mr. WILLIAMS of Delaware. Mr. President, the next appropriation I mention is for State, Justice, and Commerce. This year's appropriation bill for these agencies was $2,369,949,700 as reported to the Senate. Last year it was $1,874,444,000 for these same agencies, or an increase this year of $495,505,700 on the appropriation for these agencies.

I ask unanimous consent that the committee tabulations for these 2 years be printed in the RECORD.

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

REPORT

[To accompany H.R. 12964]

The Committee on Appropriations, to which was referred the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amounts in new budget (obligational) authority

Amount of bill as passed House	$2,335,634,200
Amount of increase by the Senate	34,315,500
Amount of bill as reported to Senate	2,369,949,700

REPORT

[To accompany H.R. 17522]

The Committee on Appropriations, to which was referred the bill (H.R. 17522) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amounts in new budget (obligational) authority

Amount of bill as passed House	[1] $1,794,981,500
Amount of increase by the Senate	79,462,500
Amount of bill as reported to Senate	[1] 1,874,444,000

[1] Excludes $207,275,000 appropriations to liquidate contract authority ($206,000,000 for operating differential subsidies: $1,275,000 for State marine schools.)

Mr. WILLIAMS of Delaware. The next appropriation, Mr. President, is for the independent offices. There is a reduction in the appropriation for this department this year. Appropriations as reported to the Senate were $14,981,949,000. Last year these same agencies received $15,546,552,000, which shows a reduction for those agencies of $564.603 million. However, the record should show that while this indicates a reduction it was more than offset by supplemental appropriations later.

I ask unanimous consent that excerpts from both of those reports be printed in the RECORD at this point.

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

REPORT

[To accompany H.R. 12307]

The Committee on Appropriations, to which was referred the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development, for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made.

The report reflects the new budget concept and presents the effects of the committee's recommendations in terms of new budget (obligational) authority, which includes appropriations, authorizations to spend public debt receipts, and contract authorizations, less appropriations to liquidate contract authorizations.

Amounts in new budget (obligational) authority

Amount of bill as passed House	$14,909,089,000
Amount of increase by Senate	72,860,000
Amount of bill as reported to Senate	14,981,949,000

REPORT

[To accompany H.R. 17023]

The Committee on Appropriations, to which was referred the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development, for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made.

The report reflects the new budget concept and presents the effects of the committee's recommendations in terms of new budget (obligational) authority, which includes appropriations, authorizations to spend public debt receipts, and contract authorizations, less appropriations to liquidate contract authorizations.

Amounts in new budget (obligational) authority

Amount of bill as passed House	[1] $13,670,636,000
Amount of increase by Senate	1,875,916,000
Amount of bill as reported to Senate	[1] 15,546,552,000

[1] Exclude sums to liquidate contract authority ($122,000,000). Includes advance funding for urban renewal programs ($1,250,000,000).

Mr. WILLIAMS of Delaware. Next, I refer to the Public Works and pollution control appropriation. The bill as reported by the Senate this year provided for $4,993,428,500, as compared with $4,727,462,500 last year. That is an increase of $265,966,000. That was a substantial increase this year for those agencies.

I ask unanimous consent that excerpts from the committee reports on both of those bills, this year's and last year's, be printed in the RECORD at this point.

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

REPORT

[To accompany H.R. 14159]

The Committee on Appropriations, to which was referred the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed by House	$4,505,446,500
Amount of increase by Senate (net)	487,982,000
Amount of bill as reported to Senate	4,993,428,500

REPORT

[To accompany H.R. 17903]

The Committee on Appropriations, to which was referred the bill (H.R. 17903) making appropriations for water and power resources development, including the Corps of Engineers, the Panama Canal, the Bureau of Reclamation, the Federal Water Pollution Control Administration, and power agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House	$4,499,223,000
Amount of increase by Senate (net)	228,239,500
Amount of bill as reported to Senate	4,727,462,500

Mr. WILLIAMS of Delaware. Next, I refer to the appropriation for the Departments of Labor and HEW. This year the bill as reported by the Senate called for expenditures of $20,819,691,700. Last year these agencies received $18,488,800,000. This was an increase of $2,330,891,700. That was the big increase for those agencies. As I said before, even this increase does not include the $511 million extra which was added to this bill by amendments in the Senate this year.

I ask unanimous consent that excerpts from both of those reports be printed at this point in the RECORD.

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

REPORT

[To accompany H.R. 13111]

The Committee on Appropriations, to which was referred the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill passed by House	$17,573,602,700
Amount added by Senate (net)	3,246,089,000
Total of bill as reported to Senate	20,819,691,700

REPORT

[To accompany H.R. 18037]

The Committee on Appropriations, to which was referred the bill (H.R. 18037) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill passed by House	$17,232,871,000
Amount added by Senate (net)	1,255,929,000
Total of bill as reported to Senate	18,488,800,000

Mr. WILLIAMS of Delaware. Next, I refer to the Department of Transportation appropriation. For fiscal 1970 the bill as reported to the Senate called for $2,140,052,630. Last year this agency operated on $1,788,341,000. This was an increase of $351,711,630.

I ask unanimous consent that excerpts from both of these reports be printed at this point in the RECORD.

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

REPORT

[To accompany H.R. 14794]

The Committee on Appropriations, to which was referred the bill (H.R. 14794), making appropriations for the Department of Transportation for the fiscal year ending June 30, 1970, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill as passed House	[1] $2,095,019,630
Amount of increase by Senate (net)	45,033,000
Amount of bill as reported to Senate	[2] 2,140,052,630

[1] Includes $220,000,000 for 1971.
[2] Includes $200,000,000 for 1971.

REPORT

[To accompany H.R. 18188]

The Committee on Appropriations, to which was referred the bill (H.R. 18188), making appropriations for the Department of Transportation for the fiscal year ending June 30, 1969, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill as passed House	$1,353,391,000
Amount of increase by Senate	434,950,000
Amount of bill as reported to Senate	1,788,341,000

Mr. WILLIAMS of Delaware. The military construction appropriation bill as reported to the Senate this year called for an appropriation of $1,690,064,000, which is a reduction from last year's appropriation. Last year it was $1,744,936,000, which shows a reduction of $54,872,000.

I ask unanimous consent that excerpts from both of those reports be printed at this point in the RECORD.

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

REPORT

[To accompany H.R. 14751]

The Committee on Appropriations to which was referred the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments, and presents herewith information relative to the changes made:

Amount of bill passed by House	$1,537,177,000
Amount of increase by Senate from the House	152,887,000
Total of bill as reported to Senate	1,690,064,000

REPORT

[To accompany H.R. 18785]

The Committee on Appropriations, to which was referred the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments, and presents herewith information relative to the changes made:

Amount of bill passed by House	$1,765,019,000
Amount of decrease by Senate from the House	20,083,000
Total of bill as reported to Senate	1,744,936,000

Mr. WILLIAMS of Delaware. Mr. President, last year the Department of Defense appropriation bill, as reported to the Senate, called for new expenditures in the amount of $71,886,893,000. This year the Defense Department was given $69,332,656,000, or a reduction in the Department of Defense appropriations this year of $2,554,237,000.

I ask unanimous consent that excerpts from the committee reports on both those bills be printed at this point in the RECORD.

There being no objection, the excerpts are ordered to be printed in the RECORD, as follows:

REPORT

[To accompany H.R. 15090]

The Committee on Appropriations, to which was referred the bill H.R. 15090 making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House (new obligational authority)	$69,960,048,000
Amount of decrease by Senate committee	−627,392,000
Total of bill as reported to Senate	69,332,656,000

REPORT

[To accompany H.R. 18707]

The Committee on Appropriations, to which was referred the bill H.R. 18707 making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made:

Amount of bill as passed House (new obligational authority)	$72,239,700,000
Amount of decrease by Senate committee	−352,807,000
Total of bill as reported to Senate	71,886,893,000

Mr. WILLIAMS of Delaware. The Treasury and Post Office Departments appropriations last year called for total expenditures of $8,158,877,000. This year the appropriation was $8,787,208,000, or an increase of $628,331,000 for that agency.

I ask unanimous consent that excerpts from those reports be printed at this point in the RECORD.

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

REPORT

[To accompany H.R. 11582]

The Committee on Appropriations, to which was referred the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill as passed House	$8,779,345,000
Amount of increase by Senate	+7,863,000
Amount of bill as reported to Senate	8,787,208,000
Less net postal revenues (as estimated in 1970 budget)	−6,507,013,000
Amount of new budget (obligational) authority as reported to Senate	2,280,195,000

REPORT

[To accompany H.R. 16489]

The Committee on Appropriations, to which was referred the bill (H.R. 16489) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1969, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made:

Amount of bill as passed House	$8,155,624,000
Amount of increase by Senate	+3,253,000
Amount of bill as reported to Senate	8,158,877,000
Less net postal revenues (as estimated in 1969 budget)	−6,377,824,000
Amount of new budget (obligational) authority as reported to Senate	1,781,053,000

Mr. WILLIAMS of Delaware. Mr. President, with respect to all these agencies—and I am talking about the bills as they were reported to the Senate—the Senate this year has been far more liberal than last year in increasing appropriations, and this does not include the supplemental appropriation of this year, which of course, will add to the total.

This report shows that there has been a total increase of $6,231,904,000 offset by a reduction of $3,173,712,000, which, as I stated earlier, represents an increase of over $3 billion in appropriations this year over last year for the same agencies. This does not include the increases for HEW and other agencies.

In addition, there are not included in this total the several other expenditure items which were approved by the Senate within the past 2 weeks on at least a 2-to-1 rollcall vote, which would require expenditures over and beyond those reported in the appropriation bills of an additional $10 billion if they become law. They are in conference committees at this time. I cite a few of them.

I am not referring to the increases in social security payments of 15 percent or 10 percent, whether they are to be effective January 1 or April 1, as is proposed by the administration. I am not including that in this calculation.

Let us consider a few of the amendments adopted on the floor during the debate on the tax bill. One amendment proposed an increase in social security benefits to a minimum of $100 a month. This would have cost $2 billion per year. Reducing the age of retirement to 60 would cost $600 million. The Ribicoff amendment providing tax credits for college tuition would cost $1.7 billion, and the Hartke amendment will cost $720 million, that is if they are accepted by the conference committee and become law. I assume Senators who voted for them did so in good faith. That would call for extra expenditures of $5 billion. Those expenditures were not included in the other totals, and those amounts would be expended immediately.

This has been an extravagant Congress—let that point be understood. That should be made clear for the RECORD. I do not want the impression to go out in the country that this Senate has done a tremendous job of cutting expenditures, because if we continue to cut expenditures as we have been doing we are going to put this country into bankruptcy. At the rate that this Congress proposes to spend money it will bankrupt the Federal Treasury.

When we discuss appropriations we should keep in mind those which call for prompt spending and those that call for projected spending. It is true that the so-called $5 billion in these reductions in appropriations are, to a large extent reductions from requests, as pointed out in the colloquy with the Senator from Wisconsin, and are not reductions in expenditures as compared with last year. In fact, we find these agencies always ask for more than they expect to get. They are always reduced, but even after their requests are reduced the final answer has been an increase of billions. It is like the wife who goes to look at a hat and finds a $75 hat marked down to $40. She buys it and goes home and tells her husband that she has saved $35, when she has actually paid $20 more than she ordinarily would have paid.

Congress has appropriated this year $3 billion to $4 billion more than it appropriated last year for comparable agencies, and that cannot be described as a reduction in any language. The Senate has authorized increases in expenditures which if they become law will amount to extra expenditures of over $7 billion. Sure we reduced Defense appropriations by a couple of billion dollars below last year's level, but we also cut it last year by $2.5 billion. In both instances, however, we are cutting back expenditures projected for the future. I support that. The only way we are going to cut expenditures this year and next year is by cutting appropriations today and stopping the authorization of these expenditures, but let us not kid the taxpayers that this means an immediate reduction.

Many of these programs trigger mandatory expenditures, and to that extent they are fanning the fires of inflation. That is what the President was speaking about last night when he referred to the HEW expenditures. Many of these programs are triggered into action immediately upon becoming law. They are programs, in which the Government would have no choice but to spend the money. The President does not have the authority to impound the funds of some of these programs comparable to what he can do with respect to many other agencies. For example, suppose Congress decides it wants to approve x million dollars for a nuclear carrier. That may represent an appropriation of hundreds of millions of dollars, but it is not going to be spent for many years to come. They are projected expenditures, and theoretically the President can impound those funds and not spend them at all. He does have discretionary authority to impound at least some of these funds, and to that extent it is his responsibility as well as our responsibility.

But the President has promised to hold the total expenditures for this fiscal year down to $192.9 billion. This Congress, by an overwhelming vote, instructed him to hold it to $191.9 billion, but it cannot be held to that figure unless we in Congress cooperate. If Congress insists, for example, on overriding his veto and approves these larger programs that require expenditures above what is in the budget he must either make an offsetting reduction in some other department, which may hurt more, or exceed the ceiling.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. First, Mr. President, the Senator from Delaware has devoted most of this discussion to a contrast between this year's appropriations and last year's appropriations.

Mr. WILLIAMS of Delaware. That is correct.

Mr. PROXMIRE. He does not dispute what he said this morning, which is that Congress has reduced appropriations be-

low the President's budget requests by about $5 billion.

Mr. WILLIAMS of Delaware. That is right, but that is not at all unusual. Last year we reduced President Johnson's budget by $7 billion. We always reduce it below the budget request, but that does not alter the fact that in the end the appropriations were still increased above the expenditures of last year.

Mr. PROXMIRE. But, Mr. President, there have been very few Congresses that have reduced it this far below the request. This Congress has done a better job than Congresses have usually done in reducing the expenditures recommended by the President.

In the second place, the statistics given by the Senator from Delaware show that there was a net increase in appropriations over last year of less than $3 billion. This is true. The appropriations that he considered amount to approximately $1 billion. This means an increase of only about 2 percent, while we have had inflation, since last year, of 5 percent. That means that in terms of resources actually at work appropriated by Congress, we are actually reducing the resources, not increasing them.

I agree with the Senator from Delaware that we ought to do all we possibly can to hold down expenditures. When you consider that there are wage increases involved here, and very serious price increases involved, the fact is that this Congress has done a job of holding down expenditures that I think should not be distorted because of the fact that there have been some increases involved also.

Mr. WILLIAMS of Delaware. I am not trying to distort the picture.

Mr. PROXMIRE. I know the Senator is not. He is very fair and responsible.

Mr. WILLIAMS of Delaware. As I say, we have reduced the President's budget requests this year, but last year Congress reduced the President's figures by about $7 or $8 billion. The agencies always ask for more than they expect to be appropriated.

The Senator points out that there have been salary increases. That is true, and those are not figured into this calculation. They will have to be offset with supplemental appropriations, which will increase the expenditures over and beyond this figure I am using here today.

Those are the items over which we have no control. And I remind the Senator that I have just pointed out that the $3 billion in extra appropriations which were in the first tabulation do not include the more than $10-billion in additional expenditures voted here on the floor of the Senate during the past 2 weeks when we had the tax reform bill before us. Many of these multibillion-dollar expenditures were passed with but two dissenting votes on the other side of the aisle, so I assume they were all for it. There were only two dissenting votes recorded against the $10 billion in added expenditures attached to the so-called tax reform bill.

Mr. PROXMIRE. As to the salary increase, in the one appropriation bill that I handled and worked on, the District of Columbia appropriation bill, one of the big reasons why we had to appropriate the amount we did—and, incidentally, we were about 25 percent below the President's budget request—was that there was a salary increase for 1970 over 1969. There will be another increase coming on, but there already is an increase written into that appropriation bill, and I am sure that is probably true as to each and every appropriation bill we have passed.

Mr. WILLIAMS of Delaware. No. The increases are not all provided for in the appropriation bills. Many of them developed later and will need extra appropriations.

Mr. PROXMIRE. Not all of them, that is true.

Mr. WILLIAMS of Delaware. In addition, this does not include the additional $5 billion in expenditures that will be triggered as a result of the votes in Congress during the last 2 weeks on four items alone. If those who voted for them meant what they said, if they honestly voted for those measures, such as the $2 billion for the $100 minimum for social security, or the $1.7 billion for a tax credit for college tuition, or the $600 million to reduce the retirement age to 60, or the $700 million cost of the Hartke amendment which provided for a $20,000 exemption, across the board, on the investment tax credit, then the increased expenditures are over $5 billion.

Now, if those measures were only approved by Senators with tongue in cheek, Senators who had no thought that the conferees would agree to them, and there are to be no appropriations made one could subtract that $5 billion and just call it all political poppycock.

Mr. PROXMIRE. Of course, we cannot separate the one from the other. They have the same effect on the budget.

Mr. WILLIAMS of Delaware. I am putting them on the basis of how they are going to affect the total expenditures. When we are talking about combating inflation we have to talk about the total expenditures being approved. Surely we can assume these additional $5 billion in expenditures were voted for in good faith—and I do not question the good faith of those who voted for them—then there is an additional $5 billion going into the spending stream, and that must be included in the Senator's report.

If Senators are perfectly satisfied just to show their constituents back home that they voted for the benefits but they have no intention of those provisions becoming law. I agree it will have no effect on inflation, but we will know when we get the conference report whether this was but merely a political maneuver.

I do not want the statement to go unchallenged that this Congress, particularly the Senate, has such an excellent record for economy, because I must say we are going to end up in the poorhouse at the rate we are saving money. This has been one of the most extravagant Congresses on record.

We had a deficit 2 years ago of $25 billion. We had a deficit last year, and we will have a deficit again this year. We are running behind right now at a rate of over $700 million a month. We are borrowing that much to finance this Government. I do not think we can finance the expanding requirements of this Government unless we continue to borrow, which will further fan the fires of inflation.

Everyone professes to be concerned about the high interest rates, but the reason that there are high interest rates is that there is a shortage of money to borrow. If you do not believe it ask the young couple who are trying to finance a mortgage for their home. They cannot find the money at reasonable rates. They have to pay an exorbitant rate, and that is because the Government is continuously going to the money market and siphoning off all the available investment capital. Savings that would normally be available for investment are used to finance the cost of expanding Government.

To finance the deficit just a couple of years ago we took $25 billion out of the economy in 1 year. We are operating now at a deficit rate of $700 million a month.

Our national debt today is around $372 billion. It was $350 billion just 17 months ago. We simply cannot continue to go down the road of borrowing money to finance all of the many programs that are now in effect.

The same is true of tax reduction. We talk about reducing taxes. Certainly we would all like to reduce taxes, but if we expect to reduce taxes merely by borrowing money, paying 8 percent for the money in order to finance the tax reduction, we will only be kidding ourselves. We will not be getting anywhere. The only real way to reduce taxes is to cut back first on the cost of operating the Government.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. FULBRIGHT. The Senator said a moment ago, in his discussion with the Senator from Wisconsin (Mr. PROXMIRE), that there was a reduction last year, fiscal year 1969, of $7 billion below the budget estimate, and this year, $5 billion. To which budget is this reduction related?

Mr. WILLIAMS of Delaware. Both the Nixon budget and the Johnson budget.

Mr. FULBRIGHT. The Johnson budget for fiscal 1969 provided a reduction of $7 billion?

Mr. WILLIAMS of Delaware. No, but the Congress reduced the Johnson budget.

Mr. FULBRIGHT. How much has the Johnson budget for 1970 been reduced from the Nixon budget for 1970?

Mr. WILLIAMS of Delaware. I think the Johnson proposed budget for 1970 was about $3 billion or $4 billion higher than the Nixon budget. I do not have the exact figures before me. Perhaps the Senator from Wisconsin could tell us.

Mr. PROXMIRE. It was $3 billion or $4 billion higher in this case alone.

Mr. FULBRIGHT. Let us take the Johnson budget in both instances, the one for 1969, the other for 1970. There has been a larger decrease this year from last year in relation to the Johnson budget, has there not?

Mr. WILLIAMS of Delaware. If we compare what was appropriated with what President Johnson asked we can say that we have saved a lot of money. The mere fact that Johnson or Nixon

or any other President asked for a specific amount does not mean that they need the full amount.

Mr. FULBRIGHT. The Senator from Delaware is the one who made the comparison. I was only taking the Johnson budget to begin with. I confess that it is like a sleight-of-hand trick. It is not unusual for Presidents to request large amounts and then show how economical they have been at the end of the year, after their requests have been reduced.

Mr. WILLIAMS of Delaware. They might need but $80 million; yet they ask for $100 million, get $90 million, and then say that they saved $10 million. The country will go broke on that kind of savings.

Mr. FULBRIGHT. I asked how the Senator from Delaware compared the Johnson budget with the Nixon budget, after the Nixon budget came with a reduced request.

Mr. WILLIAMS of Delaware. I wish the Senator from Arkansas had paid attention, I was comparing appropriations this year with appropriations last year, and the Senator from Wisconsin referred to appropriations requested in the Johnson budget.

Mr. FULBRIGHT. I was making the same point the Senator was making with regard to the reduction below the budget estimate. It seems to me that the big difference is the difference between the present administration's requests and what Congress has provided with respect to priorities for which to spend the money. Earlier this year Congress made a determined effort to cut both immediate and future expenditures on a gadget called the ABM. The Senator will recall that we spent some time on that item. The administration went all-out to prevent this body from reducing expenditures in this field, did it not?

Mr WILLIAMS of Delaware. That is correct. I think about $300 million was involved at the time.

Mr. FULBRIGHT. It was estimated to be anywhere from $10 billion to $20 billion over a period of years, but $300 million immediately. Actually, in this year's budget, $300 million-plus is provided, not all to be expended immediately, but a substantial amount.

Then we come to the SST. That is another matter in which the Senator from Wisconsin has been interested. There was a debate about the matter and we fought this.

The administration used all of its power to pass this kind of an appropriation. Congress comes along now in some instances and wishes to change the priority. And the administration is deeply opposed to it.

I think this is much more significant than the overall amount. There is a difference of opinion as to what is important in our expenditures.

Mr. WILLIAMS of Delaware. There is no question about it.

Mr. FULBRIGHT. None of us want to spend money for the sake of spending. I do not want to leave the impression that Congress is profligate in spending money.

On the one hand, the administration gets its way in the field of weapons and in the field of war. I would have assumed that the war would have been wound down by now. But it has not. On the other hand, Congress is getting impatient to respond to the demands of the people in this country.

That leads to a divergence which is very serious.

I agree with the Senator that if we continue to do this, we will go bankrupt. This is a very sad commentary to make, but basically there is a difference in views on what is important to the country.

Neither side wants us to go broke. However, each side believes that the particular expenditures in which they are interested are much more important to the country than those of the other.

Mr. WILLIAMS of Delaware. I appreciate that. I am not debating the merits or the demerits of individual programs at the moment.

I would expect that if each Senator issued a list of priorities we would get 100 variations on priorities. However, the Senate does finally let the majority opinion establish priorities.

I am not debating the merits or demerits or the priorities. I am taking the view that at this point we are spending far beyond our income, and we certainly have to take that into consideration.

I agreed with the Senator from Wisconsin earlier today that the fact that Congress did cut the budget request and made reductions in Defense and other items is good, and as the long-range effect there will be substantial reductions in expenditures.

The Senator is correct. We cannot always evaluate the long-range cost of today's appropriations.

In the Public Works program one item involved between $60 million and $70 million. The money was for the initial costs on a series of new public works projects. The Senator from Wisconsin and I joined in an effort to delete that section. If we had been successful we would have stopped projects that when completed would have cost over $1.5 billion.

We cannot always relate today's cost to the long-range cost.

As an example, I have here the most recent daily Treasury reports. The date is December 11. It shows that in the first 5 months of this fiscal year our expenditures, or withdrawals, totaled $104,244,000,000 as compared to $94,493,000,000 in a comparable 5½ months in the last fiscal year. That is an increase of around $10 billion in spending.

To offset that, our income or deposits from all categories of the Government were $84.8 billion this year as compared with $78.8 billion last year. Our income from all departments—excise taxes, employment taxes, income taxes, and other income—has increased in this 5½ month period by around $6 billion, but our spending has increased by around $9.5 billion to $10 billion.

That means that we are about $3.5 billion further behind this fiscal year than we were last fiscal year.

I am speaking on a cash basis. That is what we are dealing with when we speak of inflation.

It is true that to the extent we hold down future appropriations the ultimate effect will be expenditure reductions in years to come. However, we need some immediate reductions, right now.

I call attention to the fact that it is costing us now over $1 billion a month just to pay the interest on the national debt. At some point, somewhere, we have to stop adding to these appropriations and adding to the necessity for the Government to borrow money in order to finance their costs.

I think another problem has been—and I made this statement many times when President Johnson was in office—the practice of what I called a phony bookkeeping system under which we include, as if it were normal income, the assets accruing in the various trust funds and use that increase in order to report to the American taxpayers a balanced budget or a surplus. It is misleading to the American taxpayer, and I criticized it on many occasions as a deceitful practice.

I regret to say that the present administration has adopted the same accounting system. I think it is just as wrong and misleading today to include trust funds as though they were normal revenue as it was when it was done under the preceding administration.

By no stretch of the imagination can the Government spend one dime of this trust fund money to defray the cost of building a battleship or paying the salaries of the Government employees or to defray the cost of any single Government program. It cannot do it under the law.

These are trust funds, and the Government is the trustee. I think it is misleading to the American people to include those accumulated accounts as though they were normal revenue for the purpose of presenting a good financial report to the American taxpayers as to what it costs to operate the Government.

I criticized this phony practice very strongly under the preceding administration, and I do not think any more of it today.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. Mr. President, I understood the Senator to say that the initial appropriations made by this Congress exceeded those of the previous Congress. I am not speaking about the supplemental appropriations, but am comparing the appropriations of this year with a year earlier.

Mr. WILLIAMS of Delaware. The Senator is correct. They exceed last year's by about $3 billion. After we make the allowance for the reduction in defense and the other reductions the net total is an increase of around $3 billion. It is more than $3 billion when we consider what was added on the floor of the Senate, and that does not include the $10 billion revenue loss that would arise from the series of Senate amendments attached to the so-called tax reform bill.

Mr. HANSEN. Mr. President, does the Senator agree that President Nixon in the presentation of the budget to Congress planned sufficient revenue so as not to add to the imbalance in our budget?

Mr. WILLIAMS of Delaware. Yes, but

we cannot answer that until we find out exactly what happens to the so-called tax reform bill which is now pending in the conference. I can only say that the bill as it was passed by the Senate would have played havoc with expenditures in the next calendar or fiscal year. The total cost of the Senate amendments was approximately $10.5 billion more than was in the budget. When fully effective they would increase the expenditures on an annual basis of about $10.5 billion. In approving those large tax reductions and increased expenditures the Senate was acting most irresponsibly.

Mr. HANSEN. If we are talking about inflation and about the success or the lack of success that probably characterizes our present position, is it not fair to look at not only those expenditures which have been authorized by Congress but to examine as well the sources of revenue upon which the Federal Government must depend in order to meet those expenses?

Mr. WILLIAMS of Delaware. That is correct.

I think that two of the mistakes this Congress has made in connection with combating inflation was the delayed action in either extending or not extending the surcharge, delay in answering the question of whether we would or would not repeal the investment tax credit and, if so, the effective date and what the exemptions would be, so that business would know what we were doing. There is no excuse for this delayed action.

I think this uncertainty creates further disturbances and problems in American business, and it is most unfortunate.

By the same token, I think that the delay by Congress last year in acting on President Johnson's request for the surcharge—I think his request was in January—interfered with his efforts to combat inflation at that time. I think it took us until July to get it passed. If we had done it promptly I believe it would have been much better, even though we made it retroactive and the final answer came out the same mathematically. An equally contributing factor to the present inflation was President Johnson's refusal to cooperate in reducing government expenditures.

Another mistake that was made with respect to inflation was that after we did finally pass the surcharge last year the Federal Reserve Board loosened credit and pumped a considerable amount of money into the economy in the last 6 months of last year, over and beyond that which was normal. I think the Federal Reserve Board agree they made a mistake.

Mr. HANSEN. I agree with the Senator that, certainly, we have to examine closely, as he has done—and I compliment him for it—the expenditures that have been made.

I criticize, with him, the unified budget that has been embraced by this administration. I criticized President Johnson a year ago when he proposed to present a budget to Congress which I thought was deceptive and misleading because it did not tell the public what the facts were, and I think the same charges are equally applicable today. The trouble with the unified budget is that it introduces elements into the total Federal fiscal picture which are misleading.

I invite the Senator's response to this question: While we do not yet know what the conference committee report will show on the tax bill, insofar as the actions of Congress go, what is the opinion of the senior Senator from Delaware as to the recommendations coming from the Senate with respect to reductions in income?

In order that I might be better understood, let me try to illustrate what I am asking the Senator.

When we increase the personal exemption from $600 to $800, will this have an impact upon the income from the income tax that would ordinarily come to the Federal Government?

Mr. WILLIAMS of Delaware. As it was passed by the Senate, the impact in the next 2 years would have been approximately $6.1 billion reduction in revenue. There was some offsetting tax reform in that bill, but we should set the record straight on that. While they figured that there was a net $6.4 billion increase in revenue under the tax reform bill, so to speak, as it left the Senate this amount was arrived at in this manner: The extension of the excise taxes on automobiles and telephones for the next 12 months, which everybody concedes is going to be done, was $4.2 billion of that. The repeal of the investment tax credit last April would be $2.5 billion of additional revenue in this fiscal year, and it would ultimately go to $3.3 billion. That is not exactly tax reform. The additional revenue from the tax reform bill as it was reported by the committee would be $1.4 billion. To offset that, the committee bill would reduce taxes next year for the low-income taxpayers by $1.7 billion, thus leaving a gain of about $6.4 billion.

That tax reform revenue includes the change in depletion allowance, the change in the recapture clause of the depreciation, and so forth. But the Senate whittled that $1.4 billion tax reform revenue away by $500 million, and as the bill was passed by the Senate it only provided $900 million additional revenue from tax reform.

I do not think you can take that figure and then say that you are going to use that revenue to finance a $4-billion to $5-billion tax reduction.

I do not question the arguments that can be made for tax reduction—if only you did not have to finance it with borrowed money. For example, if you finance the $6-billion tax reduction with borrowed money it will cost the Government $480 million a year for the interest to provide that tax reduction. I do not think that makes sense, and I do not think the American people think so. Such irresponsible action only further fans the fires of inflation.

Every time the cost of living is increased 1 percent in this country it costs the consumers of America $5 billion in increased cost of living. We are pricing many a young man out of the market when he wants to buy a home and start his family. He cannot get a mortgage, and he cannot afford to pay the interest.

We have to give some consideration to the impact that inflation is having on these people, as well as the fact that this inflation has pauperized many of the retired people in this country.

Mr. HANSEN. Is it not a fact that since the last social security increase was authorized—which, as I recall, was less than 2 years ago—the cost of living has risen 9¼ percent?

Mr. WILLIAMS of Delaware. That is correct, and if we do not check inflation, regardless of what increase is made in social security, it will be taken away from them in a few months. In order to help these people we in Congress, as well as the administration, must take the steps to reduce the cost of government. I am not placing all the blame in Congress, but we have to check this inflationary spiral. Many a man in this country retired 10 years ago on what the Senator and I would have advised him was adequate to take care of him and his wife the rest of their lives, the income from a pension or from his life insurance or savings, but as a result of the increased cost of living, or the reduced purchasing power of the dollar, which is the definition of inflation, that man today is having a job to meet the living costs of his family. Many of them have to resort to public welfare in order to survive. I think it is a crime that as a result of inflation our Government has destroyed the security of many a hard-working American who retired on what he thought was an adequate amount. We in Congress and the administration—this administration or the preceding administrations, whichever it may be—are responsible for this inflationary spiral. I think we have the responsibility to bring it under control, and it cannot be brought under control by a continuation of the spendthrift tactics of this present Congress.

This Congress, especially the Senate did not act fiscally responsible when it turned what started out as a tax reform measure into a politically motivated Santa Claus package, promising benefits to a lot of people that they never intended to become law. In order to bring inflation under control it is going to mean all of us are going to have to say no to a lot of programs that have a lot of merit—programs that we would like to support in normal times but which we recognize we cannot afford today.

I hope that in this Congress, working together on both sides of the aisle, we can bring these expenditures under control. What I am stating here is not in contradiction of the remarks of the Senator from Wisconsin (Mr. PROXMIRE) earlier today. He was speaking about reductions in projected expenditures. I support him, and I have supported him on many proposals. What I have outlined today is how we have increased the cost of government far above what it cost only a year ago. This has been the most expensive Congress in American history.

I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am about to call up the conference report on military construction. I wish to inform the Senate that following this it is my intention to call up the conference report on OEO.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report. (For conference report, see House proceedings of December 18, 1969, p. 39886, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. MANSFIELD. Mr. President, the committee agreed on an overall figure of $1,647,074,000 for the military construction bill for fiscal year 1970. This is an amount of $42,990,000 under the figure allowed by the Senate and $109,897,000 over the amount approved by the House, and $356,844,000 under the budget estimate of $2,003,918,000. The conferees agreed on the following amounts for the military services and the Department of Defense:

Army, $287,228,000.
Navy, $300,028,000.
Air Force, $284,327,000.
Defense agencies, $33,915,000.
Army National Guard, $15,000,000.
Air National Guard, $13,200,000.
Army Reserve, $10,000,000.
Naval Reserve, $9,600,000.
Air Force Reserve, $5,300,000.
Family housing, $688,476,000.

Mr. President, I wish to emphasize that the military construction bill this year is indeed an austere bill. The percentage of reduction for the military services from the budget estimate amounts to approximately 23 percent. However, I wish to point out that this bill provides for all of the essential operational facilities needed by the military services. I can state categorically that there are no moneys in this bill which would afford plush accommodations for the military services.

I do not intend to make a long and involved statement of the conference committee's actions. The conference report and the statement of the managers on the part of the House explain in a succinct manner the complete action of the committee.

I shall be glad to answer any questions which individual Senators may have regarding construction projects in their State.

I ask unanimous consent at the conclusion of my remarks on this bill that a tabulation comprising the summary of the conference action on the military construction appropriation bill for fiscal year 1970 be included in the RECORD.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, before I close, I wish to thank the members of the Military Construction Subcommittee who assisted in the preparation of this bill. The penetrating questions asked at the hearings, as well as their measured judgment in the consideration of the bill, were of inestimable help. I wish to thank particularly the ranking minority member of the subcommittee, the junior Senator from Delaware (Mr. BOGGS), the senior Senator from Nevada (Mr. BIBLE), and the ranking minority member of the full committee, the senior Senator from North Dakota (Mr. YOUNG). Their faithful attendance at the hearings, sound judgment, and complete cooperation are deeply appreciated. The thanks of the committee also goes to our able counsel, V. M. (Mike) Rexroad, for his outstanding services, his keen understanding, and his deep devotion to his work.

I would also like to thank the able staff member of the Armed Services Committee, Mr. Gordon Nease, and Mr. Edmund Hartung, the minority counsel, for their fine help and advice.

EXHIBIT 1—SUMMARY OF CONGRESSIONAL ACTION ON THE MILITARY CONSTRUCTION APPROPRIATION BILL, 1970 (H.R. 14751)

Item	New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference action	Conference action compared with— Budget estimate	House	Senate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Appropriations:								
Military construction, Army	$548,126,000	$395,600,000	$240,446,000	$297,597,000	$287,228,000	−$108,372,000	+$46,782,000	−$10,369,000
Military construction, Navy	291,513,000	397,200,000	271,605,000	305,377,000	300,028,000	−97,172,000	+28,423,000	−5,349,000
Military construction, Air Force	222,141,000	389,100,000	253,505,000	302,349,000	284,327,000	−104,773,000	+30,822,000	−18,022,000
Military construction, defense agencies	83,396,000	74,500,000	28,720,000	43,165,000	33,915,000	−40,585,000	+5,195,000	−9,250,000
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)			
Military construction, Army National Guard	2,700,000	15,000,000	15,000,000	15,000,000	15,000,000			
Military construction, Air National Guard	8,300,000	13,200,000	13,200,000	13,200,000	13,200,000			
Military construction, Army Reserve	3,000,000	10,000,000	10,000,000	10,000,000	10,000,000			
Military construction, Naval Reserve	5,000,000	9,600,000	9,600,000	9,600,000	9,600,000			
Military construction, Air Force Reserve	4,300,000	5,300,000	5,300,000	5,300,000	5,300,000			
Family housing, defense	583,700,000	694,418,000	689,801,000	688,476,000	688,476,000	−5,942,000	−1,325,000	
Homewoner assistance fund, defense	6,200,000							
Total appropriation amounts	1,758,376,000	2,003,918,000	1,537,177,000	1,690,064,000	1,647,074,000	−356,844,000	+109,897,000	−42,990,000
Portion applied to debt reduction	−82,898,000	−86,618,000	−86,618,000	−86,618,000	−86,618,000			
Grand total, new budget (obligational) authority	1,675,478,000	1,917,300,000	1,450,559,000	1,603,446,000	1,560,456,000	−356,844,000	+109,897,000	−42,990,000

Mr. MANSFIELD. Mr. President, I move the adoption of the conference report.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I as one who has just made reference to the excesses in our appropriations for this fiscal year I would like to point out that this is one of the three appropriation bills that were approved at a lower figure than last year. The tabulation which I had printed in the RECORD earlier showed a $54,872,000 reduction for this agency as compared with last year's. I wish we had a similar report for the other appropriations but unfortunately we do not.

Mr. MANSFIELD. I am delighted to have the recognition accorded to this committee. It is well merited.

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

Mr. MANSFIELD. I yield.

Mr. BOGGS. Mr. President, I wish to add my support to the report of the conference, which has just been made by the Senator from Montana (Mr. MANSFIELD). I feel satisfied the needs of the services have been met and at the same time every possible economy has been made.

Mr. MANSFIELD. Mr. President, I move that the conference report be agreed to.

The report was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION TO MAKE CORRECTIONS IN THE ENROLLMENT OF MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, I ask that the Presiding Officer lay before the Senate a message received today from the House of Representatives in connection with the military construction appropriation bill which has just been

passed, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair lays before the Senate Concurrent Resolution 473, received today from the House of Representatives, which will be stated.

The legislative clerk read as follows:

H. CON. RES. 473

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 14751) making appropriations for military construction for the Department or Defense for the fiscal year ending June 30, 1970, and for other purposes, is hereby authorized and directed to make the following correction in the text of the House engrossed bill:

On page two of the House engrossed bill, strike out "Public Law 91-____" and insert "Public Law 91-121."

Mr. MANSFIELD. Mr. President, this measure does not in any way conflict with the total amount; it is merely the correction of an error and a technical oversight.

I ask for the adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 473) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT UNTIL TOMORROW, SATURDAY, DECEMBER 20, 1969, AT 12 O'CLOCK NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. NELSON. Mr. President, I file the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes. I ask unanimous consent that the conference report be printed in the RECORD.

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

CONFERENCE REPORT (H. REPT. 91-778)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Economic Opportunity Amendments of 1969".

TITLE I—EXTENSION OF THE ECONOMIC OPPORTUNITY ACT OF 1964 AND RELATED PROVISIONS

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 101. (a) Section 161 of the Economic Opportunity Act of 1964 (redesignated section 171 by section 201 of this Act) is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,195,500,000 for the fiscal year ending June 30, 1970, and $2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than $328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964 and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that of such remaining amounts so appropriated for each fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and career development programs);

(4) $811,300,000 shall be for the purpose of carrying out title II, of which $398,000,000 shall be for the Project Headstart program described in section 222(a)(1), $90,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(5) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(6) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(7) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and

(8) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amount specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $34,700,000 for the fiscal year ending June 30, 1971, to be used for the Special Work and Career Development programs described in part E of title I;

(3) $180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(4) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3);

(5) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(6) $112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family Planning program described in section 222(a)(6);

(8) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a)(7);

(9) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(10) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 103. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income shall be required to make payment, or have payment made in its behalf, in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

AMENDMENTS WITH RESPECT TO LEGAL SERVICES PROGRAM

SEC. 104. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence, unless and until the Secretary of Defense assumes the cost of such services and has reached agreement

with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

EMERGENCY FOOD AND MEDICAL SERVICES

SEC. 105. Section 222(a)(5) of the Economic Opportunity act of 1964 is amended to read as follows:

(5) A program to be known as 'Emergency Food and Medical Services' designed to provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this paragraph. The Director is authorized to carry out the functions under this paragraph through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such medical supplies and services, nutritional foodstuffs, and related services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families."

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 106. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 107. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor.".

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 108. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

APPLICABILITY TO TRUST TERRITORY

SEC. 108. Section 320(a) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AMENDMENT TO PROVIDE INCREASED FELXIBILITY IN USE OF FUNDS

SEC. 110. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) inserting after the phrase "10 per centum" the first time it appears in such section, the following: "for fiscal years ending prior to July 1, 1970, and not to exceed 15 per centum for fiscal years ending thereafter;" and

(2) striking out "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum" and inserting in lieu thereof the following: "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by—

"(1) more than 100 per centum in the case of any program or activity for which the amounts otherwise available are $10,000,000 or less; or

"(2) more than 35 per centum in the case of any program or activity for which the amounts otherwise available exceed $10,000,000".

ADEQUATE LEADTIME

SEC. 111. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 112. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 113. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel,

including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

PROVISION WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 114. The authority of section 620(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 115. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director of the Office of Economic Opportunity determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director of the Office of Economic Opportunity shall consult on a quarterly basis.

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended by redesignating part E as part F, by renumbering section 161 (as amended by this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act."

And the House agree to the same.

GAYLORD NELSON,
RALPH W. YARBOROUGH,
CLAIBORNE PELL,
EDWARD KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
J. JAVITS,
WINSTON PROUTY,
Managers on the Part of the Senate.

CARL D. PERKINS,
ROMAN PUCINSKI,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
JAMES SCHEUER,
LLOYD MEEDS,
WILLIAM CLAY,
LOUIS STOKES,
OGDEN R. REID,
Managers on the Part of the House.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the staff of the Committee on Labor and Public Welfare be given the privilege of the floor during the debate on the OEO bill.

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

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.

FEDERAL RAILROAD SAFETY ACT OF 1969 AND HAZARDOUS MATERIALS TRANSPORTATION CONTROL ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 614.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 1933) providing for Federal railroad safety.

The PRESIDING OFFICER. Is there objection to the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments strike out all after the enacting clause and insert:

PURPOSE

SECTION 1. Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE I—RAILROAD SAFETY

§ 101. SHORT TITLE

This title may be cited as the "Federal Railroad Safety Act of 1969".

§ 102. RAIL SAFETY REGULATIONS

(a) The Secretary of Transportation shall (1) prescribe appropriate rules, regulations, and standards for all areas of railroad safety and (2) conduct, as necessary, research, development, testing, evaluation, and training. However, nothing in this Act shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, or standards prescribed by the Secretary under this Act.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, or orders issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety standard under this Act, and an opportuntiy shall be provided for oral presentations.

(c) The Secretary may waive in whole or in part compliance with any rule, regulation, or standard established under this Act, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, and standards based upon existing safety data and standards, not later than September 1, 1970. Eighteen months after enactment of this Act the Secretary shall issue new and revised railroad safety rules, regulations, and standards under this Act.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

§ 103. EMERGENCY POWERS

If through testing, inspection, investigation, or research carried out pursuant to this Act, the Secretary determines that any facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

§ 104. GRADE CROSSINGS

(a) The Secretary shall submit to the President for submission to the Congress, within one year from the date of enactment of this Act, a comprehensive study of the problem of eliminating and protecting railroad grade crossings with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this Act and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem.

§ 105. STATE REGULATION

The Congress hereby declares that laws, rules, regulations, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, or standard relating to railroad safety when necessary to eliminate or reduce a local safety hazard, and when not incompatible with any Federal law, rule, regulation, or standard, and when not creating an undue burden on interstate commerce.

§ 106. STATE PARTICIPATION

(a) No provision of this Act shall apply to railroad facilities, equipment, rolling stock, and operations within a State when the safety practices applicable to same are regulated by a State agency which submits to the Secretary an annual certification that such State agency: (1) has regulatory jurisdiction over the safety practices of such railroad facilities, equipment, rolling stock, and operation; (2) has adopted each Federal safety rule, regulation, and standard applicable to such railroad facilities, equipment, rolling stock, and operation established under this Act as of the date of the certification; (3) is enforcing each such rule, regulation, and standard, as interpreted by the Secretary, and the law of the State makes provision for the enforcement of same by such State agency or courts of the State by way of injunctive and adequate monetary sanctions substantially the same as are provided under this Act; except that the rules, regulations, and standards of the Secretary prescribed under section 102(a) of this Act involving rolling stock and employee qualifications shall also remain in full force and effect as Federal law within the State and the Secretary shall retain the exclusive authority to assess and compromise penalties and request injunctive relief for the violation of such rules, regulations, and standards involving rolling stock and employee qualifications and to recommend prosecution thereof as provided by sections 109 and 110 of this Act; and except that, sections 103, 105, 108 and subsection (f) of this section of this Act shall apply in every State.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing: the name and address of each common carrier by railroad subject to the safety jurisdiction of the State agency; all accidents or incidents reported during the preceding twelve months by each such carrier involving personal injury requiring hospitalization, fatality, or property damage exceeding $750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding such accidents or incidents; the record maintenance, reporting, and inspection practices by the State agency to enforce compliance with such safety standards, including a detail of the number of inspections made of rail facilities, equipment, and operation by the State agency during the preceding twelve months and such other information as the Secretary may require. The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily enforcing compliance with such safety rules, regulations, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification or take such other action as he deems appropriate to achieve adequate enforcement, including the assertion of Federal jurisdiction. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily enforcing compliance with Federal safety rules, regulations, and standards.

(c) With respect to any railroad facilities, equipment, rolling stock, and operation for which the Secretary does not receive such an annual certification, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the inspection service necessary to obtain compliance with Federal safety rules, regulations, and standards applicable to such railroad facilities, equipment, rolling stock, and operation.

(d) Upon application, the Secretary shall pay out of funds appropriated pursuant to this Act or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such a certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secre-

tary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this section.

(e) The Secretary is authorized to conduct such monitoring of State enforcement practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this Act.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, or standard for railroads established pursuant to this Act after the date of such certification. The provisions of this Act shall apply to any such new or amended Federal safety rule, regulation, or standard until the State agency has adopted such rule, regulation, or standard and has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section.

§ 107. EXISTING STATUTES

(a) The Act of March 2, 1893, as amended (27 Stat. 531, 532; 45 U.S.C. 1–7, inclusive) except as related to power or train brakes, the Act of March 2, 1903, as amended (32 Stat. 943; 45 U.S.C. 8 and 10) except as related to power or train brakes, the Act of April 14, 1910, as amended (36 Stat. 298, 299; 45 U.S.C. 11–16, inclusive), the Act of May 30, 1908, as amended (35 Stat. 476; 45 U.S.C. 17–21, inclusive), the Act of March 4, 1915, as amended (38 Stat. 1192; 45 U.S.C. 30), the joint resolution of June 30, 1906, as amended (34 Stat. 838; 45 U.S.C. 35), the Act of May 27, 1908, as amended (35 Stat. 325; 45 U.S.C. 36), the Act of March 4, 1909, as amended (35 Stat. 965; 45 U.S.C. 37), the Act of May 6, 1910, as amended (36 Stat. 350; 45 U.S.C. 38–43, inclusive), and section 441 of the Act of February 28, 1920 (41 Stat. 498; 49 U.S.C. 26, as amended), are repealed. The substantive requirements of the Acts repealed herein, and all orders, rules, regulations, standards, requirements, and permits prescribed or issued pursuant thereto and in effect on the date of enactment of this Act, are continued in effect as regulations of the Secretary under this Act until amended, repealed, or modified by the Secretary in accordance with the provisions of section 102(b) of this Act.

(b) No suit, action, or other proceeding and no cause of action under the statutes repealed in subsection (a) of this section shall abate by reason of enactment of this Act.

§ 108. GENERAL POWERS

(a) In carrying out his functions under this Act, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of facilities or equipment, or persons, as he deems necessary to carry out the provisions of this Act.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) above, but may delegate such authority to any office or official of the Board or to any office or official of the Department, with the approval of the Secretary, as it may determine appropriate.

(c) To carry out the Secretary's and the Board's responsibilities under this Act, officers, employees, or agents of the Secretary or the Board, as the case may be, upon display of proper credentials, are authorized to enter upon, inspect, and examine rail facilities and equipment and pertinent records at reasonable times and in a reasonable manner.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary, pursuant to this Act shall have the same force and effect as a statute for purposes of the application of the Act of April 22, 1908, as amended (35 Stat. 66) (45 U.S.C. 53, 54).

§ 109. PENALTIES

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this Act or established or continued in effect pursuant to section 107(a) of the Act.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard a civil penalty for violation thereof in such amount not less than $250 nor more than $1,000 as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard prescribed by the Secretary under this Act shall upon conviction thereof be fined the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised for any amount by the Secretary prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this Act, subpenas for witnesses who are required to attend a United States district court may run into any other district.

§ 110. INJUNCTIVE RELIEF

(a) The United States district court shall, at the request of the Secretary of Transportation and upon petition by the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act or to enforce rules, regulations, orders, or standards established hereunder.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

§ 111. ANNUAL REPORT

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on March 1 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report shall include but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year;

(2) a list of Federal railroad safety standards in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 102(c) of this Act during such year;

(4) an evaluation of the degree of observance of applicable railroad safety standards;

(5) a summary of outstanding problems confronting the administration of this Act in order of priority;

(6) an analysis and evaluation of research and related activities, including the policy implications thereof, completed and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under the Act;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies (including municipalities) under section 106(a) which were in effect during the preceding calendar year, and

(B) certifications filed under section 106(a) which were rejected by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with Senate agencies (including municipalities) under section 106(c) which were in effect during the preceding calendar year, and

(B) agreements entered into under section 106(c) which were terminated by the Secretary during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

TITLE II—HAZARDOUS MATERIALS CONTROL

§ 201. SHORT TITLE

This title may be cited as the "Hazardous Materials Transportation Control Act of 1969".

§ 202. AUTHORIZATION

(a) The Secretary shall, within six months from the date of enactment of this Act:

(1) Establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped.

(2) Establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials.

(3) Conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this Act shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before March 15 of each year a comprehensive report on the transportation of hazardous materials for the preceding calendar year. Such report shall include, but not be restricted to (1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials; (2) a list of relevant Federal standards in effect or established in such year; (3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code; (4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and (5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

TITLE III—MISCELLANEOUS PROVISIONS

§ 301. APPROPRIATION AUTHORIZATION

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

§ 302. SEPARABILITY

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be effected thereby.

Mr. PROUTY. Mr. President, as the ranking minority member on the Surface Transportation Subcommittee, I have shared with my distinguished colleagues the realization that an effective railroad safety act was needed. When I joined as a cosponsor of S. 3061, the administration's "Railroad Safety and Research Act of 1969," I pointed out the compelling reasons for prompt action. At that time I pointed out that there are around 30,000 railroad accidents a year. These accidents, Mr. President, cost the industry—and ultimately the American public—$266 million in 1967 alone.

Examining the legislation concerned with railroad safety, all of us were appalled. In the first place, most legislation now on the books concerning railroad safety is from 50 to 75 years old. Its vintage stands as a stark reminder that laws often fail to keep pace with technology in our changing society.

Moreover, Mr. President in examining the existing laws, it was quite apparent that for several generations a piece-meal approach has been followed which left vast areas affecting railroad safety unregulated.

Last Spring, Mr. President, the distinguished senior Senator from Indiana (Mr. HARTKE) conducted hearings concerning the need for legislation at the Federal level for the purpose of insuring railroad safety. Prior to those hearings, Mr. President, Secretary Volpe of the Department of Transportation had created a task force to study the problem and come up with an effective and a fair solution. That task force, Mr. President, was truly a remarkable task force. First, it was made up of representatives of railroad management, representatives of railroad labor, and representatives from the States. Reginald M. Whitman, the Federal Railroad Administrator, was chairman of the task force.

I recall, Mr. President, when the Commerce Committee first held hearings on railroad safety in the latter part of May, Mr. Whitman testified before our committee. Concerning the work of the task force, he stated at that time:

We have set a target date of June 30, for our report to the Secretary. I may sound too optimistic but until I know otherwise, I expect labor, management and the States to take full advantage of the unique opportunity and challenge of participating in the development of Federal policy.

Primarily because of Mr. Whitman's dedication, persistence, and skill the task force made its report exactly on time. Mr. Whitman spelled out the recommendations of the task force to the Surface Transportation Subcommittee at hearings held in Indianapolis, Ind., in the middle of July. Unfortunately, I was unable to attend those hearings but the distinguished Senator from Indiana (Mr. HARTKE) who chaired those hearings, summed up my feelings concerning the task force when he told Mr. Whitman:

I want to offer my congratulations for the fine work that you have done and I hope you will convey to the Task Force my sincere appreciation for the fact that they have moved as rapidly as they have in this field.

In addition, the task force, under the direction of Reginald Whitman, issued a report which not only was put together and finalized within 60 days, submitted when promised, and was comprehensive, but it was also unanimously supported by the broad spectrum of interests represented on the task force. The specific recommendations of the task force were:

First. That the Secretary of Transportation, through the Federal Railroad Administration, have authority to promulgate reasonable and necessary rules and regulations establishing safety standards in all areas of railroad safety, through such notice, hearing, and review procedures as will protect the rights of all interested parties.

Second. In order to strengthen the administration of Federal rail safety regulations, there should be established a National Railroad Safety Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Department in the field of railroad safety. The committee would be chaired by the Federal Railroad Administrator with the remaining members appointed by the Secretary to represent equally the State regulatory commissions, railroad management, and labor. The Secretary would submit to the committee proposed safety standards and amendments and afford it a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal prior to adoption. The committee may propose safety standards to the Secretary for his consideration.

Third. Existing State rail safety statutes and regulations remain in force until and unless preempted by Federal regulation. Administration of the program should be through a Federal-State partnership, including State certification similar to the certification principles set forth in the Federal Natural Gas Pipeline Safety Act of 1968.

Fourth. The Advisory Committee be directed to study the present delegation of authority to the Association of American Railroads' Bureau of Explosives in certain areas of the Transportation of Explosives and Other Dangerous Articles Act.

Fifth. A research program be initiated by Government and industry into railroad safety technology, which should be funded immediately for an initial 3-year period, over and above existing research programs.

Sixth. Formal employee training programs be expanded by railroad management, with the cooperation of labor and Government, for the purpose of insuring compliance with safe operating practices and reducing the impact of human error in the accident experience.

Seventh. An expanded, concerted program of grade crossing safety be undertaken utilizing established Federal and State agencies and advisory groups to set uniform procedures and standards. Early attention must be given to the development of improved crossing protection at lower cost plus greater emphasis placed on driver education and traffic enforcement. In addition to more extensive use of existing Federal funds now allocable to present highway safety programs, there must be new sources of funding to finance expanded grade crossing program.

Eighth. The Federal Railroad Administration should revise, in consultation with railroad management, labor, and State regulatory commissions, its rules for reporting of accidents. The aim should be to make the data more current, more uniform and to identify causes more accurately.

I think Mr. Whitman best summed up the significance of this excellent Task Force Report when he made the following comment during the Indiana hearings:

Of great significance is the fact that the recommendations represent the unanimous views of management, labor and the states. We have here a landmark development in labor-management cooperation. The report sets the stage for a new era of cooperation in building a safer railroad system. We hope to build from this base of mutual interest and commitment to rail safety, a meaningful program that will get the job done.

Mr. President, I think we owe a debt of gratitude for the work done by the Railroad Safety Task Force because in reality that group set in motion close cooperation between the many economic and political interests affected by any railroad safety legislation.

Mr. President, I believe that S. 1933, as reported by the committee, is a good bill. It attacks the problem of railroad safety with a comprehensive overall approach.

As a result of an amendment which I had adopted in committee, the bill is divided into three titles.

Title I of the bill embodies the Federal Railroad Safety Act of 1969. Title II of the bill contains the Hazardous Materials Transportation Control Act of 1969. Title III contains miscellaneous provisions.

Under the Federal Railroad Safety Act of 1969, which would be enacted by the passage of the bill, the Secretary of Transportation is given broad powers to prescribe appropriate rules, regulations, and standards for all areas of railroad safety.

In addition, Mr. President, the Secretary is granted the authority to conduct research, development, testing, and evaluation in all areas of railroad safety.

Mr. President, I think both of these powers are extremely important. As I have previously mentioned, the piecemeal approach to railroad safety now in existence is far from satisfactory. Under the act, the Secretary of Transportation can direct a coordinated effort toward the goal of reducing railroad accidents, thereby making railroads safe both for employees who work on them and for the general public.

Perhaps even more important, Mr. President, is the power given to the Secretary authorizing research into how we can make our railroads truly safe.

I am reminded, Mr. President, of a

recent accident in Laurel, Miss. After thorough investigation of that accident, the National Transportation Safety Board came to the conclusion that a broken wheel from one of the cars caused the accident. Perhaps, Mr. President, more research in the specific area concerning the types and design of wheels used on boxcars could have averted that accident.

I could go on and enumerate the hundreds of variables that contribute to train accidents and in each and every case one always comes to the conclusion that additional research is needed in order to know for certain the best way to build and run a railroad safely.

Mr. President, as a member of the Senate Labor and Public Welfare Committee I am keenly aware of the importance of successful collective bargaining. For that reason I supported a proviso in section 102 of the bill which would clearly point out that collective bargaining could be used as a vehicle for establishing safety standards that are not inconsistent with safety regulations issued by the Secretary. As originally written, the proviso permitting collective bargaining was so broad that it could have undermined the basic goals of this act—namely, management and labor through collective bargaining could have had agreed upon standards that were less stringent than those established under this act.

Mr. President, I was pleased that the majority of the committee agreed with me and adopted my amendment which encourages collective bargaining for more stringent standards which are not inconsistent with those established by the Secretary of Transportation but at the same time would insure the fact that collective bargaining will not be used as a vehicle for undermining safety standards.

In section 103 of the bill, Mr. President, the Secretary is given emergency powers so as to stop any trains which might create a safety hazard to the public.

In section 104, Mr. President, we face up to perhaps the greatest problem affecting railroad safety, that is the number of accidents that occur at grade crossings. Historically we all know that because railroad tracks were in existence long before the automobile literally hundreds of thousands of grade crossings present a great threat to both automobile and railroad safety. Under this section of the act the Secretary is authorized to conduct a comprehensive study of ways and means to correct the grade crossing problem. In addition to the immediate things that can be done to lower the accident rate at grade crossings is a congressional mandate for the Secretary of Transportation to look into ways of financing whatever needs to be done.

Mr. President, sections 105 and 106 establish a close working relationship between the Federal Government and State Governments. I was particularly pleased that through my efforts the States and the Federal Government were able to work in partnership which was satisfactory to both parties. Only through close cooperation between Federal and State Governments can we hope to have an effective program.

In section 107 several laws which have become obsolete through the passage of time are repealed. For example, the Ash Pan Act of 1893 is repealed. That act required that the wood-burning locomotives stop at various intervals in order to empty their ash pans.

Unfortunately Mr. President, certain problems remain inasmuch as some of these old laws continue to be on the books. For example, acts such as the locomotive Inspection Act and the so-called power brake law were proposed to be repealed by the administration bill. I also favored their repeal.

My reasons were simple. Under this act a State that meets the criteria set forth for State certification takes over the responsibilities for carrying out the railroad safety enforcement within their State. Because certain laws were not repealed, a State such as Pennsylvania—which I am sure will be certified to carry out railroad safety law—will not be able to do the total job. As a consequence of not repealing certain laws, the Federal Railroad Administrator will also be forced to send people into the State to carry out the Locomotive Inspection Act and other laws which were not repealed. This duplication of effort may turn out to be wasteful and ineffective. Nevertheless, I feel that those laws which were repealed go a long way toward helping us create an up-to-date, modern railroad safety law.

Section 108 of the bill, Mr. President, gives the Secretary certain general powers so that he can effectively obtain the necessary facts for setting railroad safety standards. The right of the National Transportation Safety Board to conduct accident investigations is also maintained.

Finally, this section makes certain that none of the rules, regulations, nor other provisions promulgated by the Secretary in any way, shape, or form effect the Federal Employee Liability Act.

Section 109 provides civil penalties for any carriers which do not obey regulations under this act.

Section 110 grants the Attorney General the power to seek injunctions in order to restrain the violators of this act.

Finally, section 111 provides that there be an annual report so that we in Congress can make certain that this statute is continuously kept up to date

Mr. President, I think that title II of the bill may also turn out to be a most important piece of legislation. It establishes the Hazardous Materials Transportation Control Act of 1969. Mr. President, I think the shipments of poisonous gas last spring reminded all of us that tremendous quantities of hazardous materials are shipped in interstate commerce.

During the hearings, we all learned of some bad accidents in the States of Indiana, Mississippi, and elsewhere, where local firemen and policemen did not really know the contents of burning boxcars and tank cars.

The Hazardous Materials Transportation Control Act of 1969 will set into motion the apparatus necessary for establishing a Federal control whereby local officials can find out important information pertaining to the types of chemicals to be used to extinguish other chemicals and how to protect the public in those situations where serious accidents do occur.

Mr. President, the Hazardous Materials Control Act applies to all common carriers. In the future, I believe that the Federal Government, by collecting and disbursing information at its disposal, will be able to provide an important and valuable service to State and local officials in times of emergencies.

Mr. President, I am proud to be a member of this committee which has reported such an important piece of legislation. The distinguished senior Senator from New Hampshire (Mr. COTTON) was most helpful in adding his assistance to the enactment of this legislation.

On the other side of the aisle, the distinguished senior Senator from Indiana (Mr. HARTKE) is to be congratulated for his diligence in conducting very comprehensive hearings.

Finally, Mr. President, I ask unanimous consent that two memorandums be inserted in the RECORD immediately following my remarks. One is from the Comptroller General of the United States; the other is prepared by the staff of the Department of Transportation. Both of these memorandums clearly demonstrate that the repeal of certain antiquated laws by section 108 of this act in no way, shape, or form affects any rights or privileges under the Federal Employees Liability Act.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., December 19, 1969.

Hon. WINSTON PROUTY,
U.S. Senate.

DEAR SENATOR PROUTY: Reference is made to your letter of December 11, 1969, in which you requested our opinion as to the effect the repeal section of Committee Print No. 1 of S. 1933, 91st Congress (which, if enacted into law would be cited as the "Federal Railroad Safety Act of 1969"), might have upon the Federal Employers' Liability Act.

Apparently, you are particularly concerned with the effect that the part of section 8(a) of S. 1933, which, among other things would repeal the "Act of March 2, 1893, as amended (27 Stat. 531, 532; 45 U.S.C. 1–7 inclusive), except as related to power or train brakes," might have upon the act commonly known as the Federal Employers' Liability Act, as amended, which is codified in 45 U.S.C. 51–60.

Nothing in section 8(a) of S. 1933 purports to specifically repeal the provisions of 45 U.S.C. 51–60. Also nothing in the introductory remarks made by Senator Hartke on April 22, 1969, in connection with his introduction of S. 1933 shows any intention that those provisions be repealed.

Section 8 of the act of March 2, 1893 (45 U.S.C. 7), provides that an employee of any common carrier engaged in interstate commerce by railroad who may be injured by any locomotive, car, or train in use contrary to the provisions of that act shall not be deemed thereby to have assumed the risk thereby occasioned although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train has been brought to his knowledge. This provision would be included in the provisions repealed by section 8(a) of S. 1933.

There would remain in effect the provisions of 45 U.S.C. 54 which provide:

"In any action brought against any common carrier under or by virtue of any of the provisions of this chapter to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death resulted in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; and no employee shall be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

As originally enacted the provisions of 45 U.S.C. 54 were held to relate to violations of such statutes as the act of March 2, 1893, 27 Stat. 531, and other acts known as the Safety Appliance Acts found in sections 1–16 of 45 United States Code and to other acts subjecting common carriers in interstate commerce to particular obligations for the safety of their employees, but that where such violations are not involved, the defense of assumption of risk is available under this section of the Federal Employers' Liability Act. See *Great Northern Railway Co., et. al.* v. *Leonidas*, 305 U.S. 1, 59 Sup. Ct. 51, 83 L. Ed. 3, and cases therein cited. The section was amended after that decision. However, the amendment would not affect the holding.

The safety rules, regulations, and standards which the Secretary of Transportation is to prescribe under S. 1933 might be comparable to and take the place of those statutes enacted for the safety of employees, which S. 1933 would repeal. It is conceivable, however, that the courts could construe 45 U.S.C. 54 as being applicable only to *statutes* enacted for the safety of employees and not applicable to rules, regulations and standards prescribed pursuant to S. 1933 if enacted into law and having the same objective. The intention of the Congress in this respect should be clarified. We suggest this could be accomplished by inclusion in the bill, possibly as section 8(c), of a provision substantially as follows·

"An employee of any common carrier engaged in interstate commerce by railroad who may be injured by any locomotive, car, or train in use contrary to a rule, regulation, or standard prescribed pursuant to this Act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the use of such locomotive, car, or train contrary to such rule, regulation, or standard has come to his attention or been brought to his knowledge."

Aside from the above we do not see any possible adverse effect that the provisions of S. 1933 which would repeal the act of March 2, 1893, might have on the rights of employees under the Federal Employers' Liability Act.

Sincerely yours,

B. Y. KELLER,
Assistant Comptroller General of the United States.

MEMORANDUM OF LAW

The question has been raised on whether replacement of existing rail safety statutes by administrative regulations pursuant to the proposed Federal Railroad Safety Act of 1969 (S. 1933) could diminish the rights of rail employees in civil suits to recover damages for injuries or deaths arising out of violations by interstate rail carriers of those existing rail safety statutes and regulations. The answer is no.

The Federal Employers' Liability Act (45 U.S.C. 51–60) (hereinafter FELA) is the exclusive and inclusive remedy for injuries to or the death of a rail employee employed in interstate commerce. *New York Central R.R. Co.* v. *Winfield*, 244 U.S. 147 (1917). This is true even if the employee fails to bring himself within the statute and alternative remedies would otherwise be available. *Id.* 153–54. States are prohibited from presuming a waiver of the federal rights or forcing an election between the federal and an alternative state right. *Erie* v. *Winfield*, 244 U.S. 170 (1917). While the rigidity of these rules was somewhat modified in the case of unconscionable conduct by the carrier in *South Buffalo Railway Co.* v. *Ahern*, 344 U.S. 367 (1953), this case has not been followed and the *New York Central* and *Erie* cases should be considered controlling.

The Federal Employers' Liability Act is a negligence statute. 45 U.S.C. 51. Whether a complaint states a claim of negligence and a particular injury is within the statute is determined by federal law, as is the standard of recovery after the evidence has been presented. *Urie* v. *Thompson*, 337 U.S. 163 (1949). Respecting the negligence issue the Court stated in *Urie* at 174:

"What constitutes negligence for the statute's purposes is a federal question, not varying in accordance with the differing conceptions of negligence applicable under state and local law for other purposes. Federal decisional law formulating and applying the concept governs."

This rule has not been modified in subsequent cases and remains the controlling law on the subject. The fact that the FELA uses a negligence concept should not be construed as preventing the imposition of a stricter standard in accordance with well known principles of negligence law.

The rail safety statutes contained in 45 U.S.C. 1–34, 45 U.S.C. 61–66, and 49 U.S.C. 26 require compliance by interstate rail carriers with certain safety appliances, equipment standards, and hours of service limitations. Decisional law imposes an *absolute* standard of compliance with these standards on such rail carriers. Such carriers are not excused from compliance by any showing of care, however assiduous. *O'Donnell* v. *Elgin, Joliet & Eastern R. R. Co.*, 338 U.S. 384 (1949). In analyzing the negligence problem, the Court stated at 390:

"But this Court early swept all issues of negligence out of cases under the Safety Appliance Act. For reasons set forth at length in our books, the Court held that a failure of equipment to perform as required by the Safety Appliance Act is in itself an actionable wrong, in no way dependent upon negligence and for the proximate results of which there is liability—a liability that cannot be escaped by proof of care or diligence." (Citations omitted.)

Thus, whenever an interstate carrier is in violation of these statutes and an injury arises from such defect, the carrier is liable irrespective of negligence. *Id.* 390–391, 394; *Urie, supra* at 195; *Lilly v. Grand Trunk Western Railroad*, 317 U.S. 481, 485 (1942). Any violation of a rail safety regulation is considered a violation of the statute for purposes of a carrier's liability. *Atcheson, Topeka & Santa Fe Ry.* v. *Scarlett*, 300 U.S. 471, 475 (1937); *Urie, supra at* 195; *Lilly, supra* at 488. These rules have not been modified in subsequent cases.

Certain of the existing rail safety statutes would be repealed by the proposed Federal Railroad Safety Act of 1969. However, the substantive provisions of these statutes would thereafter be preserved as regulations of the Secretary until modified or otherwise changed under the proposed Act. We understand that subsection (e) of section (2) of S. 1933, as reported, contemplates a comprehensive regulatory scheme within a definite time period. Therefore, any such modifications or changes will be made as part of a general comprehensive regulatory program.

Many FELA cases rely on the general substantive language of the statutes rather than on specific statutory or regulatory requirements. For example, in *Lilly* v. *Grand Trunk Western Railroad Co., supra*, the petitioner fell from the top of the locomotive tender, allegedly after slipping on some ice. An ICC regulation provided in part that "top of tender behind fuel space shall be kept clean, and means provided to carry off waste water." The Court concluded at 488 that:

"The failure of petitioner's counsel to call Rule 153 to the attention of the trial court should no more deprive petitioner of its benefits than the failure to plead specifically the Federal Employers' Liability Act foreclosed the application of that Act on appeal to test correctness of the trial judge's refusal to charge in *Grand Trunk Western Railway Co.* v. *Lindsay*, 233 U.S. 42, *especially when, as here, the rule only fortifies a result which we think the jury could probably have reached even in the absence of such a rule.*" (Italic ours.)

In *O'Donnell* v. *EJ&E Railway Co.*, supra, the employee met an unwitnessed death while working as a switchman in the defendant's yards. As a result of a broken coupler two cars separated from a moving cut of cars and collided with other standing cars. The latter cars were driven into cars whose couplers the decedent stated he was going to adjust shortly before the collision occurred.

At the trial, the plaintiff asked that the jury be instructed that breaking of the coupler in and of itself was negligence per se. The trial court refused to so instruct. On appeal the Court of Appeals with one dissent sustained this refusal so to charge saying:

" 'We do not believe the Act required defendant to furnish couplers that would not break. We think the true rule is that where a coupler does break, the jury may, if they think it reasonable under all the circumstances, infer that the coupler was defective and was furnished and used in violation of the Act. The cases go no further than to hold that from the breaking of a coupler the jury may infer negligence.' " *Id.* 486, quoting 171 F. 2d at 976.

Reversing the Court of Appeals the Supreme Court stated at 387 that "[A] close and literal reading of the Safety Appliance Act, 45 U.S.C. 52, suggests that two functions only are required of couplers: that they couple automatically by impact, and that they uncouple without requiring men to go between the ends of the cars." (Citations omitted.) However in further analyzing the negligence problem, the court stated beginning at page 388:

"It is hard to think of a coupler defect in which greater danger inheres to workmen, travelers and all to whom the railroad owes a duty, than one which sets cars running uncontrolled upon its tracks. We find it difficult to read the Safety Appliance Act to require that cars be equipped with appliances which couple automatically by impact and which may be released without going between the ends of cars, but which need not remain coupled in the meantime. The Act so construed would guard against dangers incident to effecting an engagement or disengagement while ignoring the even greater hazards which can result from a failure of a coupling to perform its main function, which is to stay coupled until released.

"We hold that the Safety Appliance Act requires couplers, which after a secure coupling is effected, would remain coupled until set free by some purposeful act of control."

Thus, in both of these FELA cases the court found a general safety purpose beyond the literal requirements of either the statute involved in the *O'Donnell* case or the regulation involved in the *Lilly* case and allowed recovery on such a general safety purpose.

Therefore, with respect to the statutes being repealed in light of the Supreme Court's holdings in *O'Donnell, Scarlett, Urie,* and *Lilly*, it is evident that the proposed conversion pursuant to the proposed statute of these specific statutory requirements to specific regulatory requirements would not diminish in any way the absolute standard of liability imposed for injuries arising from violation of such requirements.

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.

The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The title was amended, so as to read: "A bill to provide for Federal railroad safety, hazardous materials control and for other purposes."

Mr. HARTKE. Mr. President, the passage of comprehensive railroad safety legislation by the Senate represents a most important step in the Federal Government's attempt to improve safety in all modes of transportation.

The purpose declared in this bill is to promote safety in all areas of railroad operation, to reduce railroad related accidents, and to reduce death and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

The Senate Committee on Commerce in reporting favorably the comprehensive railroad safety legislation embodied in S. 1933 has determined that the soaring accident rate on the Nation's railroads coupled with the great potential for disaster when an accident occurs requires early and effective governmental attention. The committee has also made the judgment that the Federal Government in its effort to provide for greater safety on the Nation's railroads should enlist the assistance of those States which have the capability and which are willing to join in the effort. The committee, by its action also recognized that the railroad industry is the only mode of transportation in the United States which presently is not subject to comprehensive Federal safety regulation.

Five full days of hearings were held in 1969 by the Subcommittee on Surface Transportation. During those hearings approximately 50 witnesses representing almost every conceivable viewpoint relevant to safety on the railroads testified before the subcommittee. Included among the witnesses were representatives of the National Transportation Safety Board, the Federal Railroad Administration, the Office of Hazardous Materials—in the Department of Transportation—railroad labor, railroad management, the Department of Interior, the Department of Defense, mayors, fire chiefs, chiefs of police, State police, health officials, military firefighters, individual railroad employees, concerned citizens, representatives of rail passengers, the Secretary of Transportation, the National Association of Regulatory Utility Commissioners, the Chairman of the Product Safety Commission, and private consumer counsels. The basic thrust of the testimony in a voluminous hearing record is that the unsafe conditions which persist on some railroads are very serious, particularly in view of the fact that with the introduction of higher speed, longer and heavier trains, the increased carriage of deadly and dangerous materials, the possibility of a major catastrophe is ever present.

Train accidents have been steadily increasing and so have the dangers flowing from them. The number of such accidents rose from 4,149 in 1961 to 8,028 in 1968, an increase of 93.5 percent since 1961. The number of deaths from all kinds of railroad accidents rose from 2,127 in 1961 to 2,359 in 1968. While the number of deaths from railroad accidents exceeds substantially the number of annual deaths in aviation accidents, these statistics do not provide an accurate picture of the potential for disaster attending the operation of the Nation's railroads. Railroads today are transporting extremely flammable explosives high ly reactive and poisonous substances throughout the Nation's metropolitan areas and countrysides. It has been reported to the committee that there are 25 new dangerous commodities considered for marketing purposes every day. Often as the committee learned so well during its hearings, the hazardous materials carried are so exotic and represent such an unknown factor that control of fire and contamination resulting from an accident is too often beyond the capability of local authorities. Special fire fighting equipment and procedures may be necessary for each of several kinds of materials that are being transported on a single train. Biological and chemical warfare materials including deadly nerve gases have been shipped in the past and may be shipped in the future by the Defense Department on the Nation's railroads. Increased accidents, greater speeds and more hazardous shipments provide an extremely lethal combination so that with increased frequency, train wrecks threaten whole communities with flame explosions, and contamination by poisonous chemicals.

The legislation approved today will, I am convinced, contribute greatly to improving safety on the railroads. Fashioning this measure was not a simple matter, however, and I take this opportunity to commend Senator WINSTON PROUTY the very able Senator from Vermont. Senator PROUTY has always been a strong advocate of greater safety on the railroads and early recognized the problems. He is the ranking minority member on the Subcommittee on Surface Transportation and as such has been very successful in attaining his goals. Without Senator PROUTY's great contribution to the effort of drafting a good safety bill it would have been impossible for the Subcommittee on Surface Transportation and the full Committee on Commerce to overcome the extremely abundant obstacles to committee approval of a comprehensive rail safety measure. Senator PROUTY brought many of the opposing parties together in his office and personally worked to thrash out agreement upon some of the most bitterly contested issues.

Let me say also that the distinguished chairman of the Senate Commerce Committee, Senator MAGNUSON, demonstrated once again his outstanding leadership abilities in gaining approval of this bill by the full Commerce Committee. Senator MAGNUSON has fought long and hard to improve safety in all modes of transportation. The passage of this bill is another milestone in his distinguished career.

Mr. MAGNUSON. Mr. President, I am gratified that the Senate has at long last approved a comprehensive rail safety bill. Unsafe conditions on some railroads have long been of concern to many Members of the Senate. We have now done something about that concern. I know from personal experience the formidable obstacles that have been placed in the way of congressional approval of rail safety legislation over the years. The chairman of the Subcommittee on Surface Transportation, Senator VANCE HARTKE, made a monumental effort to obtain approval of this vital legislation. He deserves the gratitude of the entire Nation for what is truly an outstanding achievement. Approval of this bill has truly been a bipartisan effort, however. The ranking minority member of the subcommittee, Senator PROUTY as well as other Members from both sides of the aisle have worked long and hard on this legislation.

EXTENSION OF PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 613.

The PRESIDING OFFICER. The bill will be stated.

The BILL CLERK. A bill (S. 2660) to extend and otherwise amend certain expiring provisions of the Public Health Service Act for Migrant Health Services.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with amendments on page 2, line 2, after "1972", insert "and"; in line 3, after "30", strike out "1973, $35,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975" and insert "1973"; and, after line 5, insert a new section, as follows:

SEC. 2. Section 310 of the Public Health Service Act is further amended by adding immediately after the final sentence thereof the following new sentence: "For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs."

So as to make the bill read:

S. 2660

A bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Public Health Service Act is amended by striking out "$9,000,000 each for the fiscal year ending June 30, 1968, and the next fiscal year, and $15,000,000 for the fiscal year ending June 30, 1970", and inserting in lieu thereof "$15,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973".

SEC. 2. Section 310 of the Public Health Sevice Act is further amended by adding immediately after the final sentence thereof the following new sentence: "For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs."

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. YARBOROUGH. Mr. President, I ask for third reading of S. 2660.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 14733 and that the Senate proceed to the immediate consideration of H.R. 14733.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. YARBOROUGH. Mr. President, I am indeed gratified to support the passage of this bill to extend and improve health services for domestic migratory farmworkers, which I introduced earlier this year.

The need for increased funds for migrant health services is graphically illustrated by comparing statistics that reveal the per capita expenditures of $12 for health care for migrants, compared with the per capita expenditures of well over $200 for health care for the Nation as a whole. Migrants have been shown to have an incidence of tuberculosis 17 times greater, and infestations with worms 18 times greater, than is seen among patients in private physicians' offices.

Notwithstanding this great need, Federal funds for the years 1967 through 1969 for migrant health services totaled less than $25 million for all 3 years. My bill, S. 2660, authorizes Federal funding for the years 1971 through 1973, which total $75 million or more than triple the funds that were appropriated for 1967 through 1969. The need is great—we must try to meet it.

The bill also strengthens congressional support for the involvement of migrants in the development and implementation of health care programs for their benefit. The Secretary must be satisfied by the project applicant that persons broadly representative of all elements of the population to be served will be given an opportunity to participate in the development and implementation of programs to improve migrant health services. Thus, the migrants themselves must be involved in the health projects.

The Committee on Labor and Public Welfare agreed unanimously that the migrant health program should be "a permanently and separately identifiable program." The action taken by the Public Health Service to destroy the separate identity and operation of the migrant health program must be reversed. The staff should be reinstituted as a core unit.

We are on the road to overcoming generations of neglect. We should continue on this road. S. 2660 provides an opportunity. As chairman of the Committee on Labor and Public Welfare, I urge its immediate passage.

Mr. President, I move that all after the enacting clause be stricken and that the text of S. 2660 as amended be inserted in lieu of the text of H.R. 14733.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of H.R. 14733.

The amendment was ordered to be engrossed and the bill (H.R. 14733) to be read a third time.

The bill was read the third time, and passed.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that S. 2660 be indefinitely postponed.

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

The title was amended so as to read: "To extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services."

SENATOR ELLENDER ADDRESSES THE NATIONAL AERIAL APPLICATORS ASSOCIATION CONFERENCE

Mr. ELLENDER. Mr. President, I ask unanimous consent that an address I delivered before the National Aerial Applicators Association Conference in New Orleans on December 9, 1969, be printed at this point in the RECORD.

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

ADDRESS DELIVERED BY SENATOR ALLEN J. ELLENDER BEFORE THE NATIONAL AERIAL APPLICATORS ASSOCIATION CONFERENCE, NEW ORLEANS, LA., DECEMBER 8, 1969

I am glad to be with you and to add my voice to those welcoming you to the Queen City of the South, New Orleans. Although December is not the best time of the year to visit this city, it is still a good place in which to have a good time.

I realize it is not always easy to address professional groups, such as the one now facing me. It is always taken for granted that experts know more about their own business than a humble Senator, who must always keep his ear to the ground and measure the reaction that follows any position he may take when the public is involved.

Your Executive Director has informed me that today your members must not only be top-fight pilots, but also—and I quote—"knowledgeable in chemistry, physics, agronomy, farming and engineering, meteorology, and cost-accounting." In regard to the last qualification named—I would like to say—"cost-accounting", of all things! If any of you are good at cost-accounting and happen to lose your job, I wish you would come and work for the government, particularly in the Department of Defense. What we badly need there are people able to count the cost of the programs which are advocated. This applies not only to the dollar cost to the taxpayers, but to the social cost—the cost which must be borne by our society as a whole, including the taxpayer, the consumer, the farmer, the city dweller—in fact, the entire environment which supports the American public.

I am pleased to note the theme of this Conference—"SAFETY IN '70." I think it is very appropriate, as it reflects the dangerous times in which we live. We are all concerned with safety. There is danger lurking in the streets of our large cities, particularly our capital city of Washington. South Vietnam wants to be safe from North Vietnam, North Vietnam from China. China must dream of protection from Russia. Russia desires safety from the United States and the United States wants to be safe from Russia. I repeat—what an appropriate theme you have selected.

Seriously speaking, security is one of the foremost psychological needs of mankind. It always has been, and I presume that it always will be. What is important, however, is that some danger is real and some danger is only imagined. It is to this point that I want to address myself today. Sometimes the imagined dangers can be more serious than the real ones, for men are moved as much by myth as they are by logical reasoning.

There are several problems facing this Conference today, and facing the chemical industry as a whole. You know your business better than I; you are experts in your field, and I will not presume to tell you how to run your affairs. I will speak to you, therefore, as a long-term Chairman of the Senate Committee on Agriculture and Forestry, and as one who has some knowledge and experience with the forces of public opinion, and how these forces can act to shape changing public policy.

This nation is becoming increasingly concerned with the growing problem of pollution, along with the means to control the use of those substances which may cause the pollution of our water and atmosphere. There are many reasons for this heightened public awareness. Unfortunately, however, such an increase in public awareness usually breeds emotionalism, and some people are then inclined to lose their sense of reason. Politics becomes involved, and whenever that hap-

pens, even many men and women in public life seem to lose their sense of reason. They listen to the cry of pressure groups and often-times do not use their own God-given common sense.

This awareness, I must observe is being reinforced by a growing scientific, governmental, and public concern about the problem of pollution in general. This is a concern which is coming to be shared by private industry, and by groups such as your Association. I take much encouragement from this attitude, for these are the forces which are the movers and doers of our society.

It may not be entirely true, as some still think, that what is good for General Motors is good for the nation, but as soon as General Motors realizes that; gasoline fumes represent a clear and present danger to our society, the problem will be attacked and probably licked. The government can lead the way, as it must do on occasion, but in the final analysis real progress depends upon the wholehearted cooperation of those who produce, develop, and find use of our national wealth and resources.

We can consider other factors in this increasing public awareness as well. There is the discovery of DDT in the far and uninhabited reaches of the world, for instance, or the discovery of oily waste material in the Sargasso Sea, a thousand miles from any shoreline or shipping lane, to cite another example. Still, it seems to me that there are two primary sources for the increased public concern with pollution that we have seen developing in the last few years.

First, and perhaps most important, is the development of machines able to measure tolerances down to levels previously unheard of. Thus, at one stroke, we found substances present in food, water and air that we did not know were there. What the presence of small quantities of poisonous materials means to human life is a subject of scientific controversy. The man on the street, however, has no difficulty in jumping to a conclusion.

The second factor involved in our heightened awareness and the change in attitude toward pollution in general is the advent of television. Television is capable of graphically displaying a polluted river and showing the effects of pollution to all the people in the country. People in some parts of the country may never have seen a large river in their lives, or heard of a fish-kill. But after seeing on their television screens the thousands of dead fish piled up on a river bank, they are quick to sit down and write their Congressmen to have something done about the situation immediately.

A good example took place only a few months ago in my own Parish of Terrebonne. Thousands of fish were found floating along the south shore of Lost Island, which parallels our coastal waters.

Pictures of the dead fish were taken and printed in some of our local newspapers. Water pollution for certain was the cause according to some who were not acquainted with the facts. Some alleged that the oil or gas industry was the culprit or maybe it was the pesticide used to kill sugar cane borers or maybe DDT that was used to kill weeds, caused the fish kill. After a survey was made by some of our local people it was found that a large fishing boat loaded down with menhaden, a fish from which oil is extracted, floundered on a sand bar and in order to put the boat afloat, it was necessary to dump its cargo of fish. No pollution was found, but it was too late to give the true picture and in the minds of some, the cause of the fish kill was pollution.

This is largely the problem facing your Association today. A fish-kill occurs somewhere on the Mississippi after a farmer upstream has dusted a few acres of cotton. In the public mind, DDT is automatically the villain. A detailed study by the Fish and Wildlife Service and the United States Department of Agriculture may later determine that DDT had nothing to do with this particular fish-kill. The real cause may have been industrial over-flow, or a drop in the oxygen supply, or too much sewage from an upstream city, but it is usually too late to undo the damage done to the farmer by an over-zealous public.

Public opinion is a vital and effective force in this country. In some areas it is more effective than in others. This is true in different areas of public policy. I have noticed, for instance, that the greatest outcry against the use of pesticides is in those regions where their use is almost unknown, or is of little economic importance to the agricultural producer. Yet in those general areas of policy-making which have to do with pollution control, public opinion is exerting a powerful force. By and large, this is long overdue, and I welcome the development.

But one of the difficulties is that very often those who are most concerned with a national problem are those who know relatively little about it. Because of this, the danger the public feels at present takes on many qualities of a myth. Whether the danger actually exists is sometimes beside the point. The fact is that people think it does. They feel insecure, unsafe, and they want something done about it. Emotion takes the place of reason, as I pointed out before, especially when those concerned with a public problem have no economic stake in its solution, or feel they have none.

It is the responsibility of reasonable men to keep things in perspective. It is our duty to balance what can be done today with what ought to be done tomorrow, when everything in the world is near perfect.

Those authorities whose business it is to know the facts, those who manage the testing stations scattered through Louisiana, Mississippi, and the entire Southeast, feel that DDT applied in a safe manner, according to regulations, represents little danger to the environment. It does not build up to dangerous levels in the soil, and its potential can be controlled.

Far greater danger to the pollution of our lakes and streams comes from industrial production and from the use of DDT and similar control chemicals in our vast urban areas. It is this that may be responsible for the high levels of toxic substances found in the fish of the Great Lakes and other areas. We face a far greater change from industrial and municipal sources than we do from the limited chemical applications made on Southern cotton fields.

Make no mistake about it—I am not saying that the dangers from the widespread use of persistent agricultural chemicals is non-existent. What I am saying is that in my judgment the worst teeth of this dragon can be pulled by training, and by the use of wise methods of application. Furthermore, it is a danger which we must face if cotton production in the South, as we know it, is to continue in the future.

A very recent study by the United States Department of Agriculture indicates that if the use of the most common chemicals were restricted on a selective basis, increased production costs in the Southeast would have amounted to an average of $3.12 per treated acre. This would have totaled $15.4 million in 1966 and would have represented 1.2% on the farm value of cotton lint and cotton seed in that year. The biggest increase would have been in the Delta Region, and would have amounted to $6.8 million or an average of $4 per treated acre.

Those who have studied this problem in the U.S. Department of Agriculture are in agreement that the use of persistent pesticides will be necessary until other substances are developed by our chemical industry. The industry itself is hard at work on this problem because of its economic implications. The government is also at work. I am informed that two-thirds of the pesticide research conducted by the Department of Agriculture is aimed at the development of non-persistent, less dangerous chemical compounds. Today, as you well know, what we have to work with is generally less effective and greatly more expensive. Some of them are even more dangerous to human and animal life than DDT and similar compounds.

We come now to what might be done—no, what *must* be done to protect the legitimate interests of your Association, and the interest of American agriculture. If the use of pesticides is immediately and seriously curtailed in agricultural applications, the price of our products will climb even faster than it is at present under inflationary pressures. If we are forced to compensate for increased insect damage by increasing the acreage devoted to our staple crops—cotton, corn, wheat, and the like—we will find that insects and crop diseases have an infinite capacity to reproduce. We will find that a danger largely misunderstood by the public can come to have real and serious consequences. Not only will your Association and the American farmer be hurt, but all our citizens will suffer. We are all consumers, and we all make regular visits to the grocery store.

As I said earlier, I am speaking to you today as one knowledgeable in agriculture, and also as one with some experience in the making of public policy. As such, I yield to no man in my concern with the dangers facing our environment from the effects of pollution. Less than a month ago, I persuaded the Senate to increase by almost five times the amount of money budgeted for this fiscal year in water pollution control work. The House of Representatives would agree to only $800 million, or four times the amount requested by the Nixon Administration. There is a problem, without question, but we must deal with the facts and not with the myth. This latest action by the Congress, which I sponsored, is one way to get at the problems which are real.

The widespread use of persistent pesticides will remain under attack because public opinion is demanding changes in present policy, and because, in my estimation, fact is mixed with fancy, and reason is mixed with emotion. This does not make the attacks any easier for the farmer to face, for as I mentioned earlier, it is not only real danger which frightens people, but what they see as dangerous.

It seems to me that your task, the task of those segments of American agriculture vitally affected, and the task of the chemical industry, is to approach this problem over two avenues. First, you may implement the theme of this Conference—"Safety in '70"—which I would expand to mean safety in all the '70's. A great deal of work has already been done in adding to the safeguards of those who fly the planes and handle the materials, and this has been of benefit to all of you. The use of better control techniques must be developed so that the smallest possible quantities of pesticides can be used, and those applied only to those areas in need. You, yourselves, know these problems, and I am glad to see that you are moving to meet them. You must continue to do so.

Your activities are already regulated by the Department of Agriculture, the Federal Aviation Administration, and the State Agricultural authorities. Now the Departments of Health, Education and Welfare, and Interior, are trying to barge into the act. This pressure will continue; make no mistake about it. What you must do is work to make the areas of concern cause for the smallest possible concern.

As a second part of this first avenue of approach, all efforts to develop non-persistent insecticides for agricultural use must be supported.

As I mentioned, the government and the

industry are already doing much in this direction, but more can and must be accomplished. With the tide of public opinion running as it is, I do not think that much time is left. I have supported the research effort by the Department of Agriculture, and also by the Department of Health, Education and Welfare, and I promise to work for increased efforts in this direction.

The second avenue which should be explored by all parties dealing with this problem, and this includes those with an over-riding concern with the environment, is to work to get dangerous pesticides banned for nonessential uses. This is perhaps the best way we have of separating fact from myth. There is no good reason for use of heavy doses of of DDT on the shade trees along the streets of our cities, for example, and I could cite many other examples of what I would call abuses of the use of pesticides. Other substances can be used with greater safety, and if the expense of application is higher, this becomes a part of the social cost that we all must pay for a decent place in which to live.

We have returned to this question of social cost, which I referred to in the beginning of my remarks. It is a phrase which we are going to hear more and more in the decade of the 1970's. If Vietnam can be settled and we can enter an essentially peaceful era, the attention of the nation is going to be focused on its domestic problems. For too long, in my estimation, too much of our attention has been directed abroad. In our transportation system, our cities, our entire national environment, in the way in which we live today, problems have been allowed to get a start and grow up more or less behind our backs, to catch us unawares.

Changes in public policy are going to be made bit by bit, but the results are going to be seen across-the-board in the years ahead. These changes will be expensive—for government, for private industry, and for the consumer. I rate myself as a conservative in economic matters, for I try to maintain a healthy respect for prudence and good business when it comes to using other peoples money, to say nothing of my own. Yet there is little that I and the Congress can do to halt the trends which are in the making. I doubt that anything could be effective in this regard, short of a hair-curling depression, which none of us wish to see. The most that can be done by rational men is to control the direction of the changes that are taking place—to try and channel the trends for the betterment of all our people. For my part, I would rather see the tax money spent here at home than in questionable foreign adventures that drain the nation's wealth. I would much prefer that we make every effort to settle our differences with Russia than to continue an arms race that may lead to the destruction of mankind.

During the 1970's the expenses of improving our society will be too much for either the taxpayer or our industrial producers to bear alone. The cost will have to be borne by the consumers of all our goods, and by those who benefit from clean water and fresh air. If the public decides that electric lines should be put underground, electric rates will go up. If we decide finally that filthy, dangerous and polluted rivers are unacceptable to our people, the costs to those who use that water will increase. This is a fact that those who advocate expensive programs sometimes fail to point out. In an industrial society of 250 million people, it will be almost impossible for any individual to live very cheaply.

Those who deal with agriculture have already felt the pressures of this social cost in a multitude of ways, from the farmer in his fields, to the housewife in the supermarket. If uninformed concern with the pesticide problem is allowed to concentrate on myth, without due regard for the facts, this cost could increase immensely, overnight. Those groups advocating more stringent environmental controls are genuine in their alarms. But we must be certain that their concern is balanced with the efforts of our farmers and producers in the attempt to protect and expand our food supply.

I am convinced that a balance can be worked out which will benefit and cause undue harm to no one. For the time being, however, it is best that this problem be dealt with by those most knowledgeable in regard to the facts. For that reason, it seems to me inadvisable to allow controls of pesticide application when used for agricultural purposes to pass into hands other than those concerned with American agriculture.

There are those at the highest levels of government who apparently desire to see this control diffused to the Department of Health, Education, and Welfare, and perhaps to the Department of the Interior. I frankly see nothing to be gained by this, and I see many dangers which might flow from it. In short, our present laws should be enforced as written by the Congress, and by those agencies to whom authority was given by the Congress.

When more progress is made along those two avenues I have pointed out to you, when other non-persistent, effective substances have been developed, perhaps we can look at the problem differently. At the present, however, I do not favor proposals to diminish the authority of the Department of Agriculture over an activity so vital to our agricultural well being. You may rest assured that as Chairman of the Senate Committee on Agriculture and Forestry I will resist such a move. There is not much time to be lost, however, and I urge all of you to do everything possible to develop a constructive approach to these problems that will be with us in the years ahead.

In conclusion I would like to call to your attention a classic case in which I participated, a few years ago before I was elected to the United States Senate. This case illustrates the need for scientific studies before reaching conclusions as to the damages that may come from alleged pollution.

Several years after oil and gas were discovered in our Louisiana coastal waters, oyster fishermen complained that their oysters were dying. The fishermen and their lawyers commented that the culprits must be the many oil companies that produced oil and gas near and in the waters where oysters were grown. Damages were claimed from the oil companies which denied that the production of oil and gas killed oysters.

Damage suits involving several hundred thousand dollars were filed and I was asked to represent some of the oil companies. At first I refused to take the cases and I asked for time to look into the matter. For over six months I studied the situation and I suggested to the oil companies that they hire some scientists to do some research in our coastal waters in order to find out the reason for the death of so many oysters. In my studies I found that oysters were dying away from the oil and gas fields, and that oysters survived in the oil fields and I concluded that oil and gas explorations could not cause the death of so many oysters.

The lawyers for the plaintiffs insisted that their cases be fixed for the trial and we, the lawyers for the defendants, asked for time in order to obtain evidence indicating the real cause of the death of oysters. In the meantime our scientists were busy and could come to no definite conclusions except that their opinions were that neither the oil nor gas killed the oysters.

One case finally came to trial and after several weeks of taking testimony the trial judge concluded that the plaintiffs had not made out their cases. An appeal was taken to our Supreme Court in Louisiana and after arguments were heard the high court reversed the judgment of the lower court and the oil company involved was ordered to pay damages.

At that time we had no recourse. Many more suits were filed involving millions of dollars. Our scientists keep on working in their research efforts. Believe it or not about six months after the oil companies were forced to pay damages our scientists found the cause of the death of the oysters. It was neither oil nor gas that did the damages but a bug or parasite that attacked the adductor muscle of the oysters, making it impossible for the oyster to open and close its shell. As a result the oysters died. Soon after the discovery was made all the remaining suits were withdrawn or dismissed.

I repeat, this is a classic example of what good results can be obtained through research. Many operators, like yourselves, may be convicted in the eyes of the public before the truth is surfaced.

I hope that you in cooperation with the Department of Agriculture will continue in your research to find pesticides that will kill the bugs but not pollute the land and water.

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.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

Thereupon (at 6 o'clock and 5 minutes p.m.) the Senate took a recess.

The Senate reassembled at 6:20 p.m., when called to order by the Presiding Officer (Mr. MCINTYRE in the chair).

PROCLAMATION OF JANUARY AS "NATIONAL BLOOD DONOR MONTH"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 154.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 154) to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month", which were, in line 5, strike out "annually".

In line 6, strike out "of each year" and insert "1970".

And amend the title so as to read: "Joint resolution to authorize and request the President to proclaim the month of January 1970 as 'National Blood Donor Month'."

Mr. KENNEDY. Mr. President, I move that the Senate agree to the House amendments with an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

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

"SEC. —. Notwithstanding any other provision of law, the citizenship or nationality of Erneido A. Oliva shall not prohibit the Secretary of the Senate from paying compensation, for a period not to exceed 6 months,

to the said Erneido A. Oliva while serving as an employee of the Senate."

Mr. GRIFFIN. May I ask the Senator from Massachusetts if this was cleared with the ranking Republican members?

Mr. KENNEDY. Yes.

Mr. GRIFFIN. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

VACATING OF ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. KENNEDY. Mr. President, I move that the previous order adjourning the Senate until tomorrow at noon be vacated.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, can the distinguished acting majority leader tell me whether this contemplates that the OEO will be the pending business tomorrow at 11 a.m. instead of 12?

Mr. KENNEDY. It does.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14794) making appropriation for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Dec. 18, 1969, p. 39888, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. STENNIS. Mr. President, let me state that the conference report was signed by all the conferees.

I have a brief statement to make explaining the results of the conference.

All differences have been resolved with the exception of an amendment involving language which would authorize the Secretary to make transfers relating to staff functions, and the amount of liquidating cash for Federal-Aid Highways—trust fund. These last two matters have been left in disagreement and are not included in the conference report which I am describing.

I am happy to report that the House conferees have accepted the Senate amendment providing $50 million for an additional amount in 1970 for Grants-in-Aid for Airports. There was no money requested for airports this year because we were expected to pass a users tax; the civil supersonic aircraft funding has been resolved at $85 million—$95,958,000 in the House version and $80 million in the Senate version; the advanced funding for the Urban Mass Transportation Fund for 1971 has been resolved at $214 million—$220 million in the House version; $200 million in the Senate version.

I am advised that in separate actions following the approval of the report, the House has further insisted upon its disagreements to amendments numbered 2, 14, and 15—described in paragraph 2 of this statement. It is my intention, following the adoption of the report and the official advice from the House with respect to these disagreements, to move that the Senate recede from its amendments numbered 2, 14, and 15.

The total arrived at following these actions on the bill is $6,670,149,000, which is $652,157,000 over 1969 appropriations, $102,456,000 under the 1970 estimates, $55,719,000 over the House version, and $108,792,000 under the Senate version of the bill.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. STENNIS. Now, Mr. President, I ask that the Chair lay down the message with reference to the other items.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The LEGISLATIVE CLERK. Resolved, that the Senate recede from its amendments numbered 2, 14, and 15.

Mr. STENNIS. Mr. President, those are the items that the House conferees took back in disagreement, and the House sustained them.

Amendment No. 2 was the language whereby we gave authority to Secretary of Transportation Volpe to make certain transfers of personnel from various administrations under the Department of Transportation. The House insisted that that authority not be granted. It had been granted for 2 years to the preceding Secretary. Our committee thought, and the Senate approved, that he should be given that authority for more than the mere 5 months he had it.

But that has been resolved now, and I am going to move that the Senate recede from that amendment.

The others, 14 and 15, are companion amendments relating to $100 million that the House reduced in the Highway Trust Fund appropriation. The funds are paid out of the Trust Fund but have to be appropriated each year. That money has already in effect been promised to the States, and they have already made contracts against it.

We thought, and the Senate agreed, that we should provide all of it now, but the House disagreed. It will be handled some time later in that exact amount. So it is a matter that does not have to be done right now.

I, therefore, move that the Senate recede from its amendments just described, amendments 2, 14, and 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD a summary on this bill, reflecting the amounts appropriated in fiscal year 1969, the budget estimates for fiscal year 1970, the amounts agreed to in the House and Senate versions of the bill, and the conference action.

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

SUMMARY OF THE BILL, H.R. 14794

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Version of bill: House	Version of bill: Senate	Conference action
TITLE I					
DEPARTMENT OF TRANSPORTATION					
OFFICE OF THE SECRETARY					
Salaries and expenses	$10,150,000	$12,900,000	$11,500,000	$11,750,000	$11,600,000
Transportation planning, research, and development	6,000,000	20,000,000	8,000,000	14,000,000	11,000,000
Consolidation of departmental headquarters			4,520,000	4,520,000	4,520,000
Total, Office of the Secretary	16,150,000	32,900,000	24,020,000	30,270,000	27,120,000
COAST GUARD					
Operating expenses	371,500,000	389,015,000	386,000,000	386,000,000	386,000,000
Deduct amount applied to debt reduction	—126,000	—131,370	—131,370	—131,370	—131,370
Acquisition, construction, and improvements	90,000,000	77,300,000	57,300,000	75,700,000	66,500,000
Retired pay	53,000,000	57,750,000	57,750,000	57,750,000	57,750,000
Reserve training	25,900,000	26,600,000	25,900,000	26,600,000	25,900,000
Research, development, test, and evaluation	4,000,000	14,900,000	14,500,000	14,500,000	14,500,000
Total, Coast Guard	544,274,000	565,433,630	541,318,630	560,418,630	550,518,630

SUMMARY OF THE BILL, H.R. 14794—Continued

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Version of bill: House	Version of bill: Senate	Conference action
TITLE I—Con.					
DEPARTMENT OF TRANSPORTATION—Con.					
FEDERAL AVIATION ADMINISTRATION					
Operations	$705,354,000	$767,000,000	$767,000,000	$767,000,000	$767,000,000
Facilities and equipment	120,000,000	134,000,000	224,000,000	224,000,000	224,000,000
Research and development	27,000,000	47,500,000	41,000,000	41,000,000	41,000,000
Operation and maintenance, National Capital Airports	9,120,000	9,800,000	9,500,000	9,800,000	9,650,000
Construction, National Capital Airports	700,000	3,200,000	1,900,000	1,900,000	1,900,000
Grants-in-aid for airports, 1970	30,000,000				
Grants-in-aid for airports, additional 1970				50,000,000	50,000,000
Civil supersonic aircraft development		95,958,000	95,958,000	80,000,000	85,000,000
Rescission of unobligated funds	[−30,000,000]				
Total, Federal Aviation Administration	892,174,000	1,057,458,000	1,139,368,000	1,173,700,000	1,178,550,000
FEDERAL HIGHWAY ADMINISTRATION					
Limitation on general expenses	[66,431,000]	(1)			
Office of the Administrator salaries and expenses:					
Appropriation		[1] 1,830,000]	1,650,000[	1,687,000[	1,650,000
Trust fund limitation		[1] [13,057,000]	[12,467,000]	[12,627,000]	[12,627,000]
Bureau of Public Roads: Limitation on general expenses		[1] [69,143,000]	[59,012,000]	[59,230,000]	[59,121,000]
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	[4,155,370,000]	[4,530,000,000]	[4,419,279,000]	[4,519,657,000]	[4,419,279,000]
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)		[50,000,000]	[40,000,000]	[40,000,000]	[40,000,000]
Highway beautification:					
Appropriation	1,064,000	1,250,000	1,100,000	1,100,000	1,100,000
Appropriation to liquidate contract authoriaation		[10,000,000]	[5,000,000]	[5,000,000]	[5,000,000]
Limitation on obligations		[24,802,000]	[16,100,000]	[16,100,000]	[16,100,000]
Traffic and highway safety:					
Appropriation	26,500,000	[1] 34,146,000	27,550,000	37,550,000	29,550,000
By transfer	[1,200,000]	[2,100,000]	[2,000,000]	[2,100,000]	[2,050,000]
State and community highway safety (appropriation to liquidate contract authorization)	[50,000,000]	[50,000,000]	[30,000,000]	[30,000,000]	[30,000,000]
Limitation on obligations	[65,000,000]	[75,000,000]	[65,000,000]	[75,000,000]	[70,000,000]
Motor carrier safety	2,080,000	[1] 2,364,000	2,300,000	2,300,000	2,300,000
Forest highways (appropriation to liquidate contract authorization)	[29,000,000]	[30,000,000]	[18,000,000]	[30,000,000]	[25,000,000]
Limitation on obligations	[29,000,000]	[29,000,000]	[12,000,000]	[29,000,000]	[18,000,000]
Public lands highways (appropriation to liquidate contract authorization)	[7,600,000]	[12,000,000]	[7,000,000]	[7,000,000]	[7,000,000]
Limitation on obligations	[12,500,000]	[13,000,000]	[3,000,000]	[13,000,000]	[8,000,000]
Chamizal Memorial Highway		4,000,000	4,000,000	4,000,000	4,000,000
Inter-American Highway	2,000,000				
Total, Federal Highway Administration	31,644,000	43,590,000	36,600,000	46,637,000	38,600,000
FEDERAL RAILROAD ADMINISTRATION					
Office of the Administrator, salaries and expenses	900,000	1,300,000	1,000,000	1,050,000	1,050,000
Bureau of Railroad Safety	3,790,000	4,450,000	4,050,000	4,050,000	4,050,000
High-speed ground transportation research and development	13,000,000	14,000,000	10,000,000	12,000,000	11,000,000
Railroad research	300,000	500,000	300,000	300,000	300,000
Payment to Alaska Railroad revolving fund	580,000				
Total, Federal Railroad Administration	18,570,000	20,250,000	15,350,000	17,400,000	16,400,000
URBAN MASS TRANSPORTATION ADMINISTRATION					
Salaries and expenses	[2] [853,000]	2,000,000	1,500,000	1,500,000	1,500,000
Urban mass transportation fund:					
Fiscal year 1970	175,000,000				
Fiscal year 1971		250,000,000	220,000,000	200,000,000	214,000,000
Total, Urban Mass Transportation Administration	175,000,000	252,000,000	221,500,000	201,500,000	215,500,000
ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION					
Limitation on administrative expenses	[550,000]	[630,000]	[600,000]	[600,000]	[600,000]
Total, title I, Department of Transportation	1,677,812,000	1,971,631,630	1,978,146,630	2,029,925,630	2,026,688,630
TITLE II					
RELATED AGENCIES					
National Transportation Safety Board:					
Salaries and expenses	4,798,000	5,100,000	5,000,000	5,100,000	5,050,000
Civil Aeronautics Board:					
Salaries and expenses	9,850,000	10,400,000	10,200,000	10,200,000	10,200,000
Payments to air carriers	45,000,000	34,661,000	33,500,000	33,500,000	33,500,000
Total, Civil Aeronautics Board	54,850,000	45,061,000	43,700,000	43,700,000	43,700,000
Interstate Commerce Commission:					
Salaries and expenses	24,664,000	25,508,000	25,000,000	25,254,000	25,127,000
Washington Metropolitan Area Transit Authority:					
Federal contribution	43,772,000	43,173,000	43,173,000	43,173,000	43,173,000
Total, title II, related agencies	128,084,000	118,842,000	116,873,000	117,227,000	117,050,000
Total, titles I and II, new budget (obligational) authority	1,805,896,000	2,090,473,630	2,095,019,630	2,147,152,630	2,143,738,630
Consisting of appropriations:					
Fiscal 1969	[1,600,896,000]				
Fiscal 1970	[205,000,000]	[1,840,473,630]	[1,875,019,630]	[1,947,152,630]	[1,929,738,630]
Fiscal 1971		[250,000,000]	[220,000,000]	[200,000,000]	[214,000,000]
Memorandums:					
Appropriations to liquidate contract authorizations	[4,241,970,000]	[4,682,000,000]	[4,519,279,000]	[4,631,657,000	[4,526,279,000]
Appropriations for debt reduction	[126,000]	[131,370]	[131,370]	[131,370]	[131,370]
Rescission of unobligated funds	[−30,000,000]				
Grand total	[6,017,992,000]	[6,772,605,000]	[6,614,430,000]	[6,778,941,000]	[6,670,149,000]

[1] Adjusted to conform with House and Senate Committee allowances.

[2] By transfer.

Mr. STENNIS. Mr. President, I want to express my appreciation to the members of the committee. The Senator from New Jersey (Mr. CASE), the ranking minority member on the subcommittee, is not here just now. The Senator from Colorado (Mr. ALLOTT) is a valuable member of the subcommittee, as is the distinguished Senator from Maine (Mrs. SMITH). They were also conferees.

I want to express my appreciation to all members of the subcommittee. I think that the bill as it emerged in final form will be sound and good for the Nation.

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

Mr. STENNIS. I yield.

Mr. ALLOTT. Mr. President, I would like to yield first to the distinguished Senator from Maine (Mrs. SMITH) if she wishes to speak.

Mrs. SMITH of Maine. Mr. President, I would like to say that we all owe the distinguished Senator from Mississippi a debt of gratitude for the dedicated way in which he has carried through on this bill—a very difficult bill. I at least want to thank him.

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

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I want to underscore and emphasize the remarks made by the distinguished Senator from Maine, because I participated in this matter. I am sorry that official business keeps the distinguished Senator from New Jersey, who is the ranking minority member of the committee, off the floor, because he has worked so hard and so devotedly on the bill.

Of course, none of us is completely happy with the bill, as we hardly ever are, but we had to yield on those points in order to get a bill. All in all, we have done a good job. I think the whole Transportation Department will be stronger. Those of us who are vitally interested in the transportation area know it means much to our country, and particularly to the large city areas, where it is important to resolve transportation problems.

I am sure the distinguished Senator said this while I stepped out of the Chamber, but I would like to say it because it needs to be said. I think we ought to pay particular tribute to the efficient members of the staff, John Witeck, for the majority, and Bob Clark, the minority member, who devoted much time and effort to enable us, first of all, to bring a bill out of the subcommittee which the full committee would adopt, and then to carry the bill on the floor, and then to assist us in asserting the Senate's position in conference. Without them, we could not have done it. Their assistance has been invaluable.

Again I pay tribute to the distinguished chairman. It is wonderful to work with him. The time he has devoted to this bill has paid off, in my opinion, for the good of the United States.

Mr. STENNIS. Mr. President, I thank the Senator. I am most grateful for the fine work he has done this year and in preceding years and on the authorizing committee. I know he has made many outstanding contributions. I join him in his tribute to our staff members. They always go the second mile and are very efficient.

ADJOURNMENT UNTIL TOMORROW, SATURDAY, DECEMBER 20, 1969, AT 11 A.M.

Mr. KENNEDY. Mr President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Saturday, December 20, 1969, at 11 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate December 19, 1969:

AMBASSADOR

Henry J. Tasca, of Pennsylvania, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

HOUSE OF REPRESENTATIVES—*Friday, December 19, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The people that walk in darkness have seen a great light: they that dwell in the land of the shadow of death, upon them hath the light shined.—Isaiah 9: 2.

O God, to whom glory is sung in the highest, while on earth peace is proclaimed to men of good will, grant that good will unto us, unto the citizens of our land, and unto the nations of the world that peace may live in our hearts and in the hearts of all people.

Guide, strengthen, and give wisdom to our President, our Speaker, Members of Congress, and all who labor with them that there may be justice and good will at home and freedom and peace between the nations of the world.

Make us humble in faith, genuine in love, concerned about the needy that the Christmas spirit may live in our lives and find expression in daily living throughout the new year.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15209. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15209) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of West Virginia, Mr. PASTORE, Mr. HOLLAND, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. YOUNG of North Dakota, Mrs. SMITH, Mr. HRUSKA, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15090) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2917) entitled "An act to improve the health and safety conditions of persons working in the coal mining industry of the United States."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following titles:

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to amendments of the Senate to a bill of the Senate of the following title:

H.R. 9233. An act to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MCGEE and Mr. FONG members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 70–3.

APPROPRIATION FOR INDIAN HEALTH SERVICES ADOPTED BY SENATE

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, yes-